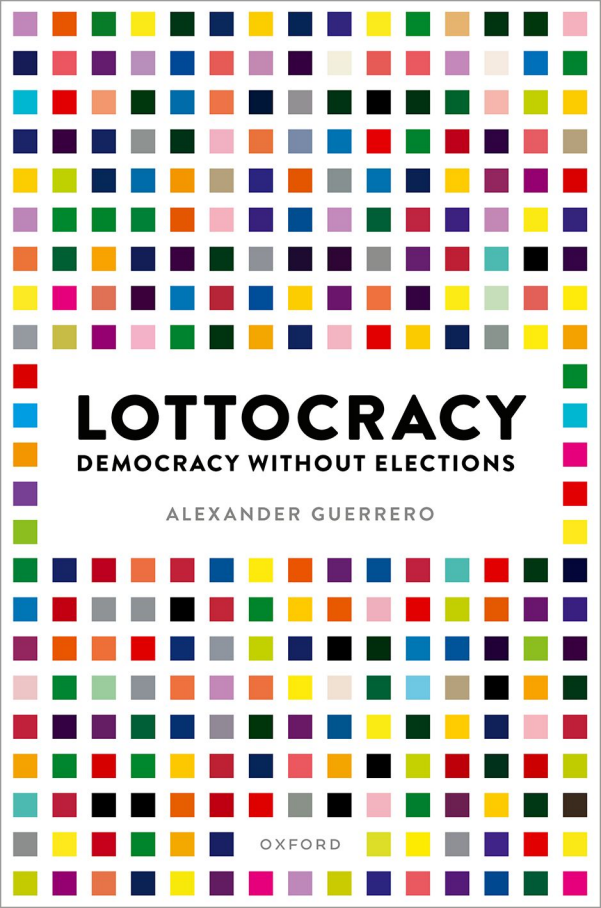




LOTTOCRACY

DEMOCRACY WITHOUT ELECTIONS

ALEXANDER GUERRERO

OXFORD

Lottocracy

Lottocracy

Democracy Without Elections

ALEXANDER GUERRERO

OXFORD
UNIVERSITY PRESS

OXFORD
UNIVERSITY PRESS

Great Clarendon Street, Oxford, OX2 6DP,
United Kingdom

Oxford University Press is a department of the University of Oxford.
It furthers the University's objective of excellence in research, scholarship,
and education by publishing worldwide. Oxford is a registered trade mark of
Oxford University Press in the UK and in certain other countries

© Alexander Guerrero 2024

The moral rights of the author have been asserted

All rights reserved. No part of this publication may be reproduced, stored in
a retrieval system, or transmitted, in any form or by any means, without the
prior permission in writing of Oxford University Press, or as expressly permitted
by law, by licence or under terms agreed with the appropriate reprographics
rights organization. Enquiries concerning reproduction outside the scope of the
above should be sent to the Rights Department, Oxford University Press, at the
address above

You must not circulate this work in any other form
and you must impose this same condition on any acquirer

Published in the United States of America by Oxford University Press
198 Madison Avenue, New York, NY 10016, United States of America

British Library Cataloguing in Publication Data
Data available

Library of Congress Control Number: 2024936458

ISBN 978-0-19-885636-8 (hbk.)

ISBN 978-0-19-893898-9 (pbk.)

DOI: 10.1093/oso/9780198856368.001.0001

Printed and bound by
CPI Group (UK) Ltd, Croydon, CR0 4YY

Links to third party websites are provided by Oxford in good faith and
for information only. Oxford disclaims any responsibility for the materials
contained in any third party website referenced in this work.

*To Rosie, Annie, and Liz—the sources of my joy in the
present and my hope for the future.*

Contents

<i>Acknowledgments</i>	xi
Introduction	1

PART I. PROBLEMS WITH ELECTORAL DEMOCRACY

1. How to Evaluate Political Institutions	27
1.1. When We Evaluate Political Institutions, What Are We Evaluating?	28
1.2. Political Functionalism	31
1.3. Political Contextualism and Non-Universalism	38
1.4. Other Moral Considerations: Equality, Political Liberty, Rights, Responsiveness	41
1.5. Political Sensibility and Universalism about Necessary Institutional Capacities	42
1.6. The Social Conditions, Apples to Apples	43
2. Ignorance and the Voter Influence Dilemma	48
2.1. Elections and Voter Ignorance	51
2.2. Elections and Ignorance: The End of Accountability and the Pervasiveness of Capture	59
3. Bad Press	67
3.1. The Environment, the Pseudo-Environment, and Epistemic Toolkits	69
3.2. Search Function and the Entertainment Filter: What We Seek out and Why	73
3.3. Availability: The News We Make Is the News We Buy	77
3.4. The Excellent Free Press Problem	82
4. Vicious Partisanship	87
4.1. Elections, Duverger's Law, and Social Identity Theory	88
4.2. Sorting, Saturating, and Polarizing	89
4.3. Epistemic Viciousness: Distrust, Epistemic Bubbles, and Echo Chambers	91
4.4. Agential Viciousness: Segregation, Vilification, and the Death of Community	94
4.5. Going Our Separate Ways or Coming Together	95
5. Short-Term Bias	99

6. Unrepresentative Representatives	104
6.1. Unrepresentative Representatives, Agential Trouble	105
6.2. Unrepresentative Representatives, Epistemic Trouble	108
7. Modest Responses and Their Limitations	112
7.1. Citizen Ignorance and the Epistemic Supply and Demand Mismatch	114
7.1.1. Limiting and Selecting	115
7.1.2. General Improvement of Citizen-Based Input	117
7.1.3. Reducing the Epistemic Burden	119
7.2. Capture and Influence	121
7.2.1. Campaign Finance and Electoral Speech Reform	122
7.2.2. Lobbying and Revolving Door Reform	123
7.2.3. Reducing Background Socioeconomic Inequality	125
7.3. Electoral Systems and Vicious Partisanship	127

PART II. LOTTOCRACY—A NEW KIND OF DEMOCRACY

8. Introduction to the Use of Random Selection in Politics	131
8.1. Informational Supplement to Electoral Institutions	133
8.2. Additional Branch of Government, Chamber of Bicameral Legislature, or Hybrid Institution	137
9. The Lottocratic Alternative	148
9.1. The Basic Features of Lottocratic Institutions	149
9.1.1. Single-Issue Legislative Division	151
9.1.2. Lottery-Selection of SILL Members	153
9.1.3. Learning Phase, Experts, and Deliberation and Discussion	160
9.1.4. Agenda-Setting	161
9.1.5. Community Consultation and Engagement	164
9.1.6. Drafting, Voting, and Direct Enactment	166
9.2. Further Details	168
9.2.1. Scope and Scale	168
9.2.2. SILL Representatives, Incentives, and Motives	169
9.2.3. Structural Assemblies and Legislative Structure	177
9.2.4. The Broader Political System: Executive Assemblies, Courts, Administrative Agencies	177
10. Experts	186
10.1. Experts	187
10.1.1. Who Is an Expert?	187
10.1.2. Varieties of Expertise, Interests, and Experts	189
10.2. Expert Selection and Concerns about Capture	196
10.2.1. Disclosures of Interest and Possible Sources of Bias	198
10.2.2. Track Records	199

10.2.3. Experts Assessing Experts: Credentials, Exams, Licenses, Peer Review, Rankings, Awards	201
10.2.4. Incentive Alignment Strategies	204
10.2.5. Expert Selection and the Database of Experts	205
10.2.6. Experts, Advocates, and Stakeholders	209
11. Deliberation and Discussion	212
11.1. The Potential Value of Discussion and Deliberation	215
11.2. Improved Learning and Retention	216
11.3. Sharing Evidence, Experience, and Epistemic Skill	217
11.4. Moral Discussion and Correct Moral Judgments	222
11.5. Contact Theory, Trust, and Destabilizing Ingroup/Outgroup	228
11.6. Worries about Deliberation	231
12. Single-Issue Legislatures	236
12.1. Introduction to Single-Issue Legislatures	236
12.2. Forms of Single-Issue Legislative Structures: Electoral and Lottocratic	238
12.3. Advantages of Single-Issue Legislative Structures	242
12.4. Concerns about Single-Issue Legislative Structures	245
12.4.1. Issue Division and Topical Jurisdiction	247
12.4.2. Diachronic and Synchronic Policy Coherence	251
12.4.3. Budgeting and Appropriations	254
13. Overcoming Ignorance, Improving Epistemic Performance	258
13.1. Addressing the Empowered Ignorance Problem: Learning, Deliberation, Consultation, and Competence Creation Regarding a Single Issue	261
13.2. The Epistemic Value of Microcosm Representation	264
13.3. Competence	275
13.4. Political Expertise	279
14. Lessening Distortion, Improving Agential Performance	285
14.1. Capture	287
14.2. Short-Term Bias, Emotional Manipulation, and the Absence of Distorting Electoral Incentives	299
14.2.1. Short-Term Bias	299
14.2.2. Emotional Manipulation and Distortion	300
14.2.3. Distortion or Responsiveness?	304
14.3. Reduced Ingroup/Outgroup Dynamics and Destabilized Political Identities	306
14.4. Representative Representatives and Representative Agents	308
15. Lottocracy, Democracy, Legitimacy, and Political Morality	311
15.1. Legitimacy, Democracy, and Political Morality	311
15.2. Political Equality	315
15.3. Participation and Self-Government	324

15.4. Accountability and Responsiveness	333
15.5. Deference and the Popular Will	344
15.6. Individual Rights	352
15.7. Democracy, Legitimacy, and Lottocracy	354
16. Lottocracy and Political Minorities	361
16.1. The Individualized Requirement	363
16.2. Contractualism and Individualized Justification	364
16.3. Political Minorities and Individualized Moral Justification	379
16.4. Political Minorities and Electoral Democratic Responses	382
16.5. Political Minorities and Lottocracy	390
16.6. Legitimacy, Political Morality, and Lottocracy	395
17. Getting There from Here	397
17.1. The Ethics and Epistemology of Radical Political Change	398
17.1.1. Uncertainty	399
17.1.2. Consent	400
17.1.3. Sensitivity	402
17.1.4. Respect	403
17.2. Best Practices for the Revolution	404
17.3. The Path to Lottocracy	411
17.4. Wild Hope	418
<i>References</i>	423
<i>Index</i>	435

Acknowledgments

It is only a small exaggeration to say that I have been thinking about and writing this book, in more or less direct fashion, for most of my adult life. In one of my very first and most memorable college courses, Professor Joseph Nyomarkay made vivid the details of Hitler's democratic rise to power and the way in which mass elections were vulnerable to charisma, misinformation, and complex psychological dynamics that affect belief, desire, and attention. As an undergraduate involved in prison education, I was deeply frustrated by the way in which elected political officials couldn't stand up for highly beneficial prison education programs, because of the pathological politics around crime and punishment. As the child of a Cuban refugee, I have been thinking much of my life about the way in which democratic ideals and aspirations can be distorted and contorted, and how much distance there can be between elections and freedom, between elections and equal power.

This book is the product of many influences and experiences, over a long period of time, but the particular blame for bringing sortition, random selection, and citizens' assemblies to my attention lies with John Ferejohn and Jeremy Waldron. It was in their democratic theory seminar at NYU in Fall 2007 that I was first exposed to this wild ancient idea, primarily in the form of Professor Ferejohn's own work on the British Columbia Citizens' Assembly. It was imagination-expanding and fascinating, and provided an inkling of a whole new path forward for democracy. I take full responsibility for taking things too far, but point to them if you want to know how I got started.

Many of my other former teachers at NYU in both Philosophy and Law spent time talking with me about these ideas both while I was a student and since, including Barry Friedman, Sam Issacharoff, Liam Murphy, Peter Unger, Japa Pallikkathayil, and particularly Sam Scheffler and Tom Nagel. I owe them a tremendous amount, both regarding this project, and all my academic projects. Melissa Lane and Philip Pettit at Princeton were also very influential and supportive in the early years of my work on this topic.

I have been very fortunate to have had many wonderful colleagues first at the University of Pennsylvania and then in my current position at Rutgers University—New Brunswick. I would particularly like to thank Zeke Emanuel, Susan Sauvé Meyer, Michael Weisberg, Larry Temkin, Dean Zimmerman, and Karen Bennett for serving as chairs of the departments of which I was a member, regularly making it easier for me to push forward with this project in both big and small ways.

A significant amount of progress was made on the book while I was a member scholar at the Institute for Advanced Study in Princeton in 2014–15. Thanks to the IAS and Danielle Allen for her engagement and support of the project, as well as to Adam Elga, Paul Gowder, Nan Keohane, Gideon Rosen, Sophia Rosenfeld, and Nolan McCarty (for raising still-lingering worries about log-rolling, among many other concerns), among others, for their enjoyable and challenging discussions.

I have benefitted greatly from substantive engagement with (and comments from) many people over the years, with particularly significant thanks to Sam Arnold, Eric Beerbohm, Liz Camp, David Estlund, Samuel Freeman, Alvin Goldman, Michael Hannon, John Harris, Doug Husak, Niko Kolodny, Shelley Krause, Jennifer Lackey, Annabelle Lever, Dmitri Landa, Howard McGary, Jan-Werner Müller, Ryan Pevnick, Nancy Rosenblum, Robert Talisse, KC Tan, Daniel Wodak, and two anonymous reviewers for Oxford University Press. And thanks to audiences at the many institutions I've been fortunate to present parts of this project at over the years, including the University of Michigan, University of Bergen, Western Washington University, University of Louisville, Drexel University, Stanford University, King's College, University of Maryland—Baltimore County, Colorado State University, McGill University, University of Pennsylvania, Harvard University, Western Michigan University, Union College, Georgetown University, University of London, University of Arizona, the Wolf Humanities Center, Brown University, Princeton University, Texas Christian University, and several American Philosophical Association and American Political Science Association division meetings.

Two people merit special acknowledgment and gratitude. David Boonin helped organize a Zoom discussion group with colleagues and students at UC-Boulder on the book manuscript in the early stages of the pandemic, which was a tremendous source of intellectual stimulation and motivation. Thanks to the regular participants in that discussion group, particularly Zev Berger, Anthony Kelley, John Harris, Graham Oddie, Rebecca Mullen, and David Boonin, among others I might be forgetting.

Cristina Lafont, one of lottocracy's most trenchant critics, had the wonderful idea to apply for the Lebowitz Prize, awarded to a pair of philosophers arguing on somewhat different sides of an issue. In our case, we proposed to argue for and against lottocracy and the use of random selection as a response to what ails democracy. We were very fortunate to have been awarded the prize—thanks to the American Philosophical Association and Phi Beta Kappa for the honor and support—and I have since been additionally fortunate to have an opportunity to engage with Cristina at length about this project. Talking with her has greatly improved my own view, and although our disagreements persist, they have been and remain a source of great intellectual excitement and challenge. I very much look forward to her future work (and book, with Nadia Urbanati) raising objections to lottocratic institutions.

Throughout writing the book I have been inspired, encouraged, and challenged by the work of brilliant fellow travelers on this random selection path, including Arash Abizadeh, Terry Bouricius, Lyn Carson, Oliver Dowlen, James Fishkin, John Gastil, Brett Hennig, H       Landemore, Ethan Leib, Claudio L            , Erik Olin Wright, David Schecter, Yves Sintomer, Peter Stone, and David Van Reybrouck, as well as the regular participants at the Equality by Lot blog. I am also indebted to work from earlier visionaries, John Burnheim, Ned Crosby, and CLR James. A special thanks to H       for the several occasions on which we have been able to engage on these topics for a variety of panels and public audiences.

I have been fortunate to work with and teach many wonderful students over the years, a few of whom have even been somewhat convinced by arguments forlottocratic institutions. Special thanks to Jordan Bridges, Rose Fonth, and Kayla Jackson for their work, and to Justin Bernstein, Toby Bollig, Patrick Brooks, Daniel Fryer, Adam Gibbons, Sung Jun Han, Tyler John, Ting-an Lin, Lauren Lyons, and Akito Yamaguchi for raising hard questions and considering distinct arguments and uses forlottocratic institutions.

Although the book has taken me a long time to write, and there have been various interruptions—children, global pandemics—I have consistently been fortunate to be ensconced in well-functioning, supportive institutions. A big part of that, when it comes down to it, are the people who make those institutions run. In my case, I would particularly like to thank Debbie Bula, Sandy Natson (thanks for all the jokes), and Mercedes Diaz.

Thanks to my editor at Oxford University Press, Peter Momtchiloff, for his patient and thoughtful overseeing of this project. I and many others will miss you in your role at the press. (And thank you to Henry Clarke, for helping to see this book through to the finish line.)

Believing in the potential of something likelottocracy requires a certain optimism about people—that we are generally good, kind, and willing to work together and for each other, at least on our better days, even across lines of difference and disagreement. I would like to thank my parents, Douglas and Linda Guerrero, for loving me and for raising me to feel that way about the world, even if that wasn't their explicit aim. Thanks to my siblings, Brandon, Clint, and Melissa Guerrero, for supplying some of that love, too, as well as some of that difference and disagreement.

To my wife, Elizabeth Harman, and my daughters, Annalucia and Rosalinda Harman, I want to say: thank you for filling my life with love and joy, and for making every day fascinating, funny, and beautiful. Each day writing this book about lotteries, I know I already am the luckiest. I love each of you beyond words.

Introduction

“No one pretends that democracy is perfect or all-wise. Indeed, it has been said that democracy is the worst form of government except all those other forms that have been tried from time to time.” Winston Churchill¹

“[T]he appointment of magistrates by lot is thought to be democratic, and the election of them oligarchic” ... Aristotle²

This book has two main aims. The first is to present a case against what is the heart of almost every modern political system: the use of elections to select political representatives. I argue that, like other forms of technology, political systems have failure conditions: conditions under which they can no longer function to accomplish their central purposes. Think of a car submerged in water, or a heart without blood. I argue that commonly present conditions of the modern world constitute failure conditions for electoral representative government. This requires first getting clearer on the core or proper purposes of political institutions. I try to do this in a way that courts as little controversy as possible. The more central ambition is to draw attention to those conditions that impede the proper functioning of electoral representative democracy, and the way in which they do so; to make the case that the problems go, so to speak, to the heart—so that more modest reforms are unlikely to make enough of a difference. The heart of modern democracy is the election. I argue that it is no longer able to support and enable a thriving, healthy polity.

The second aim of the book is to move past what we might call the Churchillian shrug, and to do so by introducing a new kind of political system with a very different heart: a system that uses random selection, rather than elections, to select political representatives. This shift, from elections to lotteries, requires more than just small reconfigurations in the larger institutional body in which this new heart is embedded. This part of the book includes an effort to imagine and design the necessary new surrounding institutions. The resulting political form I call *lottocracy*, and I argue that it is properly understood as a new form of democracy. This shift requires reconsideration of some of the central issues of political morality: equality, autonomy, self-government, legitimacy, democracy, and more. The hope

¹ Churchill (1947).

² Aristotle (1905: book 4, ch. 9).

is to offer a radically new but also realistic kind of political system, and to make a robust, broad defense of that system along all the dimensions that are relevant for the moral assessment of political institutions.

* * *

Although they can appear to us as part of the natural background features of our modern world, political institutions exist only because they have been created by human beings—mortal, biased, imperfect, cognitively limited human beings. Political institutions and legal systems are the products of human minds. The United States government was—in broad outlines—designed by a group of men sitting in a room in Philadelphia in the summer of 1787. These men were not a collection of geniuses or political experts. They were mostly ordinary men, distinguished only by their wealth, political connections, or military service. Fourteen of the thirty-nine men who signed the Constitution that laid the foundation for the United States government were 35 or younger, with four of them still in their twenties. A few of them looked to legal and political philosophers—Plato, Cicero, Locke, Hume, Rousseau, Montesquieu—to help craft the architecture of the United States. But there is no reason to see their creation as anything natural, supernatural, or beyond improvement.

Like many human creations, political institutions are tools, created to help people do things. (They are, in this way, unlike other human creations—poems, sculptures, movies, songs—whose primary purpose is to inspire, entertain, challenge, or move us.) The founders of the United States government were, like all designers of technology, thinking about what they wanted to achieve with their creation, what they wanted it to help them do. They had their own values, things they cared about, things they wanted the government to embody and to achieve. Like other forms of technology, political institutions can be put to good or bad ends. They can be used during dark times to impose order through coercive force and to aid those with power in the repression and subjugation and exploitation of those without it. During better times, they can be used to help us live among others on peaceful and productive and cooperative terms, to plan for the future, to protect and encourage valuable ways of life, to harness the knowledge and information that a community possesses and put it to good use, to promote justice and fairness and flourishing and autonomous living. The world being what it is, actual states have been involved in a mix of good and bad.

A simple, sweeping history of large-scale political institutions would depict them as steadily—though not unerringly—moving from bad to better, from more autocratic to less autocratic, from elite monarchical domination to imperfectly egalitarian democracy. In the middle of the eighteenth century, there were no electoral democratic states.³ In the early twenty-first century, half of the

³ The “electoral” in “electoral democratic states” is important. The Haudenosaunee Confederacy, formed via the *Kayanerenkó:wa* (The Great Law of Peace) sometime before 1600, perhaps as early as

world's (much larger) population now lives under robustly electoral democratic government, with 76 of 167 states of considerable size operating with elections and robust democratic commitments and another 40 operating with significant democratic components.⁴ For all the horrors along the way, this is a story of human progress, of people living better, freer lives, with fewer people living under the dominion of others. And this progress has itself made possible much else in the way of technological, artistic, intellectual, and scientific achievement and advance.

Modern electoral democratic governments do many things well, even if imperfectly: establishing and overseeing civil and criminal court systems; protecting basic rights and liberties concerning speech, religion, association, and travel; creating public libraries and providing basic public education; ensuring food safety; providing for traffic safety and road maintenance; regulating and enforcing building and zoning codes; providing public health crisis response; regulating air travel and security; providing antitrust and market competition; supporting hospitals and health care more generally; providing energy and telecommunications support and regulation; offering police and fire protection; supporting basic and applied scientific and medical research; regulating international diplomacy and trade; and much else.

It is true that for each item listed, there are dozens of legitimate, serious complaints that could be made about the way in which particular governments have handled that responsibility. I will make some of those complaints myself. It is also true that modern states collect an extraordinary amount of money through taxes, so it should be no surprise that they have some accomplishments to their name. Still, it would be a serious mistake to think that electoral representative democracy is a disaster. Indeed, it may be that Churchill was not even wrong: electoral democracy may be the best form of government that has been tried, at least at the large nation-state scale.

In this book, I make two central claims, corresponding with the two parts of the book. The first is that, under modern political conditions, core features of systems of electoral representative democracy prevent these systems from doing well by the most central moral criteria by which we should evaluate political systems. Electoral representative systems do some things well, but their capacity is limited, and it is limited by features that are endemic to the form of government, not peripheral or incidental to it. This becomes most powerfully apparent under certain conditions, which I refer to as “failure” conditions, which characterize the current situation in many modern political communities.

1142 or before, and encompassing a region roughly the size of New York state at its peak, has been a continuous democratic government for hundreds of years prior to the founding of the United States, although not a straightforwardly *electoral* democratic government. For details, see Williams (2018).

⁴ Economist Intelligence Unit (2016).

The second claim, defended in the second part of the book, is that we can and should move past the Churchillian shrug. The most interesting and useful criticisms of legal and political institutions are comparative criticisms—where the institution is being criticized as worse along some dimension than some possible alternative institution. In this second part, I argue that we need not and should not see electoral representative democracy as some pinnacle, end-state of innovation in the realm of political institutions. I introduce and defend a broad family of alternatives to electoral representative systems of government—namely, *lottocratic* systems of government—which put lottery selection of political representatives, rather than elections, at the center of the political system. The rest of the book sets out what I see as the potential strengths and weaknesses of lottocratic institutions, as well as considering how lottocratic institutions fare by the lights of familiar moral criteria for evaluating political institutions: welfare, equality, autonomy, and justice.

I should say something about the spirit in which this book is offered. I am quite confident that electoral representative democracy has serious, central problems. I am also confident that these problems are—at least in some places, such as the United States—causing entrenchment of a kind of oligarchy, increases in inequality of wealth and income, inability to regulate the most powerful entities in our world, continued injustice and stratification along racial and ethnic and national lines, deepening and intensifying social division, and other serious consequences. This confidence is bolstered by significant and sophisticated empirical evidence. Furthermore, I fear that these problems are not solvable by refinement and improvement of the electoral mechanism—reform of campaign finance, lobbying, gerrymandering, voter suppression, and other ways in which elections are made less free and competitive and fair than they might be. That is all just to say: I am relatively sure of what I argue for in Part I.

The spirit in which I offer Part II is different. I offer it more like this: here is an idea; let us together think about whether it is a good idea, or the beginning of a good idea, or whether we might shape it into a good idea. Throughout, I try to avoid making things easy for me or for the defender of lottocracy. Particularly, I try to avoid a kind of utopian wishful thinking, in which the forces behind the problems explained at length in Part I of the book miraculously vanish, leaving lottocracy to shine in the sun. There is difficulty in doing this, however, since although I try to consider the ways in which these forces might reappear, the powers of imagination are limited, and there is no world-historical example of lottocratic government at the scale imagined here. This is the sense in which I see this project as the beginning of a collaborative endeavor. If people are convinced by the diagnosis I offer in Part I, or if they are already convinced that the fundamentals of our political system are broken, then we must—all of us—work to reimagine political institutions, to consider what might work better, to consider whether lottocracy might be an attractive direction, and, if so, how we might get

there from here. This is our responsibility, but I also see this as one of the oldest roles for philosophers. Who else has the role of questioning foundational assumptions about the world around us?

It is worth sounding a note of caution. There is pessimism and even fatalism in the Churchillian shrug, but there is also a sensible wariness: many of the dramatic political experiments of the twentieth century, some of them inspired directly by the ideas of philosophers and intellectuals, proved to be moral and humanistic disasters. Some of these gave terrible life to the adage: what works in theory may not work in practice. Others were not even appealing in theory.

Still, this Burkean conservatism can be pressed too far. We must continually pay attention to the way in which the status quo might work relatively well for some of us while not working at all for others. The lesson should not be: change nothing. Instead, the lesson should be: let us focus and discuss the morally permissible means of political experimentation and political change, given significant uncertainty, something that I discuss at the end of the book.

It is also worth keeping in mind that democratic systems of government have undergone a great many changes since they came on the scene. Around the world, there has been a steady increase in expanded political participation and enfranchisement, in constitutionalism and protection of individual rights, and in the use of proportional representation. We have seen multi-member districts and non-geographic districting become more popular, along with publicly financed campaigns in some places, and the rise of the administrative state. Many of these changes have offered substantial improvements. I argue that it may now be time to reform the heart of the system: the election. But we should not think this is the first or the last time that our political institutions will need to be reformed. This is not giving up on the core commitments of democracy. This is what it is to try to live up to them, as we learn and as the world changes.

* * *

This is not a book offering and defending a grand theory of political morality, articulating a view about how best to understand justice, legitimacy, equality, and freedom, and how these concepts relate to each other. But I do argue that electoral representative democracy is currently failing us and that lottocracy would, or at least might, be an improvement. To make this argument, I begin in Chapter 1 by setting out a functionalist conception of political institutions, according to which political and legal institutions are tools that can help us address a wide range of problems that arise when creatures like us live in proximity to each other.

There are three significant components to this picture. First, the problems political institutions can help us address are problems of moral significance: how to live together in peace and safety, how to work together fairly and productively, how to protect and delineate individual rights, how to promote individual and communal welfare, how to support the development and protection of

individual autonomy, how to achieve distributive and other forms of justice, and how to promote and sustain conditions of social equality. I argue that these can all be appropriate dimensions along which to evaluate political institutions, and I argue that which of these purposes are most significant will depend on details of the sociopolitical context. I argue against a view on which there is a constant, universal ordering of these different purposes against which all political institutions ought to be evaluated. Societies differ in which practical problems of moral significance arise, how significant they are in that social context, and exactly how the problems arise. These differences give rise to differences in which institutions will be effective as tools to address those problems. Crucially, whether a particular institutional form will do well to address the problems of moral significance of a particular society is a contingent, contextual matter—there are no institutional silver bullets, guaranteed to work in every instance. So, I defend a broadly pluralist and contextualist view about the appropriate functional aims or objectives of political institutions. They are tools that can be used to help us solve “moral-political” problems that arise in our political community. And we should evaluate them based on how well they help us to solve the actual moral-political problems that we face in our political community.

Second, although the specific moral-political problems that arise in a society, as well as what institutional forms might help solve those problems, might both be society and context relative, there are some general claims we can make about what institutional capacities will be required to function well, regardless of the details of the problems encountered. We can think of these as necessary conditions for institutional problem-solving ability. I call this kind of ability *political sensibility*. To do well by political sensibility, to consistently solve problems of any kind, requires ability or capacity of at least two distinct kinds: (1) appreciating (or understanding or knowing) the world as it is, and (2) responding to the world in light of this appreciation. The first of these concerns epistemic, diagnostic capacities of institutions. The second concerns agential capacities (responsiveness, morality, steadfastness) of institutions. Epistemic capacities include the ability and propensity of the institutions to gather and generate relevant evidence (evidence relevant to the decisions that need to be made); to engage with and draw from diverse sources of knowledge, including extant technical, esoteric, and expert knowledge; to accurately and appropriately assess, weigh, and evaluate evidence; and to organize and disseminate evidence and knowledge so that it is readily available and appropriately salient for decision-making purposes. Agential capacities include the ability and propensity of the institutions to make decisions in light of the evidence they possess; to make decisions in light of—and that are supported by—the best available evidence more generally; to make decisions that are coherent, rational, and morally appropriate in light of the evidence and the interests and values at stake; to act quickly and decisively when necessary; to change direction or respond to changed circumstances when necessary; to

consider both short-term and long-term consequences of a decision; and so on. For both, what matters is both the ability to do these things, and the propensity to do them consistently across a range of contexts, in response to changing conditions.

The third significant component of the functionalist picture is that it is a morally *constrained* functionalism. Although the purpose or function of political institutions is to help us solve the various moral-political problems we encounter, there are moral considerations that affect and limit how those solutions can be pursued. These moral considerations are—like the problems we face—born of our particular natures; they arise and exist because of the kinds of creatures we are. The details of these moral considerations are not the subject of the book, although I discuss considerations stemming from four main sources: the moral interest in being treated as political equals, the moral claim to influential political participation, the moral interest in responsive political systems, and the individual pre-political rights of body and mind (rights of life, bodily integrity, physical liberty, speech, thought, and association). I will suggest that a system is *democratic* to the extent that it does well in terms of respecting these four moral considerations. Importantly, however, acknowledging that there are moral considerations that affect how ends can be pursued, and even that these stem from certain universal moral concerns, values, and rights, does not move us to any kind of universalism about institutional form. That is because whether a particular institutional form actually is needed to address those concerns, respect those values, and observe those rights is itself a contingent, context-specific matter. The moral considerations might be universal, while the way in which a political institutional arrangement might observe or respect those considerations and rights might be highly context specific, depending on details of the particular society.

Thus, when I suggest that electoral representative democracy is failing us, and that lottocracy is, or might be, an improvement, what I am arguing is that, first, under certain specific sociopolitical contexts, including ours, electoral representative democracy is faring poorly at actually addressing the moral-political problems that exist in those contexts, and, second, that a lottocratic system would, or at least might, do better at addressing the moral-political problems that exist in those same contexts. Furthermore, I argue (1) that there are no plausible considerations of political morality that electoral representative democracy respects that lottocratic systems do not respect and (2) that there are no plausible considerations of political morality that lottocratic systems cannot do well by. This is not a general, universal case that lottocratic institutions will always be better than electoral representative ones, nor that lottocratic systems should be put in place everywhere—context matters.

Chapter 2 through 6 provide a sustained, detailed presentation and diagnosis of the epistemic and agential failings of electoral representative democracy under modern political conditions like those found in the United States. These chapters

draw on a wealth of work from disciplines outside of philosophy, including political science, psychology, communications and media studies, economics, and law. As mentioned above, I argue that the concerns here have both an epistemic and an agential dimension to them, and that they go to the foundations of electoral representative democracy. I don't think there is an easy fix; I also don't think there is any fix at all, assuming the background conditions stay mostly as they are—as we should expect them to.

* * *

Chapter 2 begins by noting an utterly familiar fact about the modern world: most country-level political systems operate over very large political jurisdictions, with most countries having populations of upwards of 5 million people, and thirty of them having populations of more than 50 million people. The sheer scale of these political communities increases the complexity of the political problems they face, the complexity of the institutions and laws and policies that are required to address those problems, and the division of labor—epistemic and otherwise—that comes with living in a political community of that size. Furthermore, in electoral, democratic political communities of that size, most individuals make at most only an incredibly small difference to the electoral outcomes, and they know this. The size also makes it so that the overwhelming majority of citizens do not know each other personally. These background facts of scale and size create an additional almost entirely intractable background fact in these political communities: the fact of broad citizen ignorance about facts relevant to politics and to solving moral-political problems that arise in those communities. That fact, in turn, gives rise to a dilemma for electoral representative democracy. Either (a) the elected representatives are responsive to the (largely ignorant) views of the citizens or (b) they are not. If (a), then we should expect poor performance along both epistemic and agential dimensions, as representatives follow us, the ignorant, as we wander in darkness. I consider two theories—information shortcut theory and retrospective voting theory—that offer a sunnier picture of our situation, but I argue that neither is plausible given the extant empirical evidence. If (b), then the mechanism of electoral accountability has effectively broken down, and we will see extensive capture of elected officials by the wealthy and otherwise powerful, along with attendant distortions in both the epistemic and agential capacities of electoral representative democratic institutions. The available evidence seems to suggest this is our situation.

This argument will be broadly familiar to many, particularly those who have encountered the numerous recent works complaining about democracy. There are also several familiar responses, including things like media reform, campaign finance reform, lobbying reform, education reform, and the introduction of term limits. There are also suggestions to introduce epistocratic, technocratic, and meritocratic elements into the electoral representative democratic structure,

turning over more decisions to experts, administrative agencies, and those who pass various tests and possess special qualifications. We should be skeptical that these responses will be effective in rehabilitating the epistemic and agential capacities of electoral representative democracy. In most cases they will be inadequate, in others they will introduce different, but similarly troubling problems. To see why, we first must see the full breadth and depth of the problems electoral representative democracies face.

* * *

Doing politics well, making good political decisions, requires more than just common knowledge such as might be possessed by anyone in the society just from going about the course of their day. It requires a wide variety of specific and even esoteric knowledge, or as we might call it, a lot of specific and esoteric “information.” One must know facts about the world that relate to politics. One must know political facts of various kinds about how various legal and political institutions work and about their history and past actions. One must know about the moral-political problems that exist or are on the horizon, as well as about various proposals to address those problems. And one must know what members of the political community think about those problems and purported solutions, including which they see as most important, most threatening, and so on. But individual citizens will not typically have either the time, investigative ability, or incentives to acquire all the relevant knowledge. This motivates the use of elected representatives, who will have political decision-making as their full-time job, as well as funding and support to engage in the relevant investigation. The theory is that elected representatives will have incentives to acquire and act on the relevant knowledge, as they face electoral consequences if they do not.

However, as discussed in Chapter 2, there’s a weak link in the theory. Selecting political officials and monitoring and holding them accountable requires that voters know enough to provide an effective political influence through elections: disciplining elected officials who are not working to address the extant moral-political problems, alerting candidates as to what the issues that matter most to them are, and having a well-enough informed view about the world so that their judgment about what issues and problems matter corresponds tolerably well to the problems that actually exist. This requires knowing about what elected representatives are doing, knowing about the extant moral-political problems, knowing whether what is being done is working to address those moral-political problems, and knowing enough to be able to spot and alert others to new problems on the horizon, or the need to reprioritize problems, and so on. There are reasons—perhaps supplied by information shortcut and retrospective voting theory—to think that citizens don’t need to know everything that representatives need to know for the system to work well. But they do need to know something substantial, and they don’t currently know what they need to know, or so I have suggested.

A natural response at this point: let's figure out how to get people better informed! Chapter 3 argues that this response, although a natural one, and an old one—dating back more than a hundred years, to philosophers like John Dewey, Walter Lippmann, and Marie Collins Swabey—runs into deep problems. Importantly, although the internet, social media, obscure algorithms of attention, bots, deepfakes, and other relatively recent developments do raise new questions and challenges, these arrive on top of an already deeply epistemically problematic mass information ecosystem. The big, core problems are not new, or so I argue. Chapter 3 focuses on news media (or improved, reformed news media) as a possible response to the problem of voter ignorance—an attempt to repair the weak link in electoral representative democracy that is the problem of complexity and ignorance.

It might be natural to focus—as Dewey does—on education, rather than news media, or in addition to news media. But although improving mass public education (and statistical and scientific literacy) might be necessary to address the ignorance problem, it is not a sufficient means of doing so. Mass public education is not sufficient because the information needed to serve the necessary electoral accountability function is too small scale, micro level, of the moment—concerning particular people, their actions, and present problems—for it to be supplied by general mass public education. Education might be necessary so that people know what to look for and how to look, how to interpret and process and synthesize what they find, and how to present and discuss all of this with others. But we need something more of the moment for electoral representative democracy to work in practice as it is supposed to in theory. We need the news.

But there's a problem about the news. We don't have to watch it or read it. We don't have much incentive to do so, given our role in electoral representative democracies. We aren't paid to do so. We don't have to pass any tests. But people do watch and read and listen. Why? Some might believe they have a moral obligation to stay informed. But the basic reason for many is the same as the reason that most of us watch or read or listen to anything: it's interesting, or enraging, amusing, entertaining, exciting. It makes us feel connected or like a part of something bigger than ourselves. We have a side, a team, and we watch our heroes and their villainous opponents every night. That, by itself, might not be bad. But it shapes our search function—what news we seek out and how we seek it out—and that, through the market, affects what news exists. The news media are supported by the for-profit market and so their form and content are driven by entertainment incentives, not informational or educational ones.

In a world of ever higher levels of media choice—cable news, internet, and social media sources, in particular—these entertainment incentives have led us into echo chambers, highly partisan pathways, and the dissipation of common epistemic sources. This, in turn, has resulted in reinforced prejudices and biases, false views about the moral-political problems we face, heightened attention on

issues that divide us and enrage us, and a generally impoverished level of political information and discussion. Higher quality news and relatively non-partisan local news have struggled to survive, and many cities and counties now exist in news deserts. Solutions are few, given that the natural alternative to the market—the government—is a problematic option, because news media that are government-supported are unlikely to be adequately independent or critical of government over time. Even if they are appropriately critical, they are unlikely to attract enough eyeballs given the existence of more entertaining alternatives. The picture of the world that we get through these lenses is distorted, highly partisan, rarely challenged, and makes it very difficult to pay attention to the moral-political problems that actually exist, let alone to devise solutions to them. And it makes it nearly impossible to imagine working together, all of us, toward implementing those solutions.

When we add regular elections on top of this, particularly given the use of single-member districts and voting rules that ensure two dominant political parties, we get a deeply divided, us versus them dynamic in ordinary political life. Chapter 4 documents the pathologies that result from our political teams regularly squaring off—over and over again, every two years in a small way and every four years in a big way—with this mass information environment as our epistemic background. Distrust in citizens who are on the other side, segregation by party affiliation in all realms of life, vilification of those who disagree with us politically—all are now commonplace. So, we are ignorant, but we also increasingly hate each other. Elections create and exacerbate these conditions, as we don't know enough to pay attention to the issues, but it is easy to have opinions about individuals, particularly once we know what team's uniform they wear. And elections tap into familiar ingroup/outgroup psychological dynamics—dynamics whose strength increases as we become convinced that more and more is at stake in each election (as we become convinced by the news we consume that the other side is even more threatening than before). We aren't just ignorant. We have also divided our political communities in deep ways that affect who we listen to, who we trust, how we try to find out about the world, what we believe, who we care about, and what we value. That makes it very hard for any kind of political institution to work effectively to address the moral-political problems that afflict our communities. For-profit, entertainment-focused news media and regular elections together drive this pretty hate machine. It serves to distract us. It makes it hard to work together.

* * *

An important background fact about the modern world is that many of the most urgent problems we face are ones that we face together, at least in the sense that individual action will be insufficient or is unlikely to occur without some effort at group or collective coordination through political and legal institutions, whether

at the national or international level. Some of these moral-political problems include addressing climate change and the environmental threats it poses; addressing conditions of chronic poverty; helping to ensure that all receive basic goods such as education, food, shelter, water, and health care; providing for the long-term health of our economic and technological systems; promoting and sustaining peaceful relations amongst the people and the nations of the world; and developing effective responses to threats posed from disease, terrorism, and crime that are intensified by global interconnectedness.

These problems are highly complex, technical, and information intensive in a way that makes it difficult for members of the political community to have informed beliefs and preferences about those problems, given their limited time and knowledge. And it is hard for members of the political community to know whether an elected representative has actually acted or tried to act to address these problems—particularly in the short term, such as the time between election cycles. For problems with a long time horizon, such as climate change, these last two features are intensified dramatically.

Chapter 5 argues that, in addition to general problems of ignorance and division, electoral representative democracy also is plagued by the perverse short-term incentives that elections provide. Elections lead elected officials to focus on the near term—on those problems that they can get immediate credit for addressing, or which they will be blamed for not addressing before the next election. Given that the significance of political problems is not simply a function of their near-term proximity, this fact about elections has significant consequences for the moral-political problem-solving capacity of electoral representative government. It affects which problems get attention and are the focus of political action. But it also leads to significant epistemic distortion in what voters and elected representatives come to believe about the problems that we face.

On the disinformation front, for example, note that, for problems with long time horizons, it is comparatively easy to deny the existence of the problem, or to question its reality or etiology in other ways, even when the best evidence suggests otherwise. The best evidence may often be technical and complex, and—as bearing on a somewhat distant projection—far from certain in its implications. Furthermore, even if the whole population believes that the problem is a serious one, it will be possible to convince people that one is doing something to address the problem, or that other non-political action will be sufficient to address the problem. If there are costs to actually addressing the problem, costs that will be salient to all, then elected officials will have electoral incentives to compete by avoiding incurring these costs, even if this will make everyone worse off in the long run. One very effective way to compete on this front is through disinformation and epistemic pollution: spreading false information, undermining reliance on actual experts, propping up pseudo-experts and junk science, manufacturing controversy

where none should exist, and so on. And, of course, all of this is easier when there is a background context of broad ignorance and intense political division.

* * *

Chapter 6 shifts focus from the broader electoral context to the particular individuals who are likely to be elected. Elections lead to the selection of the socioeconomic elite as our political leaders. In 2015, for example, fifty-three of the 535 members of Congress had a net worth of over \$7 million; 130 of the 535 members of Congress had a net worth of over \$2 million; 80 percent were male; 84 percent were white, and more than half were lawyers or businesspeople. It might be that many of the elected representatives are simply captured, doing the bidding of wealthy interests in the hope of getting plum gigs on corporate boards and in law firms when they step down from political office, or to live a cushioned and lobbyist-enhanced life while in office. But perhaps not, or perhaps that is only part of the story. In that case, who are they, what do they believe, what will they do? Chapter 6 argues that the routine selection of these “unrepresentative representatives” has significant epistemic and moral implications. And these become more pronounced in a context in which ignorance, distraction, and division have made it so elected officials can do what they like while largely insulated from electoral consequences.

The moral implications are likely familiar from thinking about interest politics of various forms. If those elected are a non-representative subset of the population in terms of race, gender, socioeconomic status, education, occupational experience, immigration status, disability status, and much else, this will almost certainly result in distortions in terms of the attention, priorities, and actions of elected officials—particularly if they are operating in shadows, with no spotlight of accountability on them. They are unlikely to focus on the full range of moral-political problems that affect the political community.

The epistemic implications, which will have follow-on implications for what the elected officials actually do, might be less familiar. Consider, first, both the investigative interests and priorities of these unrepresentative representatives and the limitations of their epistemic position when they enter office. Members of the elite will have little personal interest in or experience with many of the urgent problems faced by the non-elite. They will not know about these issues, they will be less inclined to learn more, and they may not know where to begin to learn about them. They may also be overconfident in thinking that they do understand these issues, even when they do not. Turning to the work of Sandra Harding, Nancy Hartsock, Jose Medina, Patricia Hill Collins, Charles Mills, and others, I draw on what has been called standpoint theory to note that what one knows and understands may be partly a function of one’s social position. Note that the knowledge possessed needn’t be exhaustive social scientific knowledge regarding the full structural causes of oppression and inequality. And the better

epistemic position of the relatively oppressed and marginalized might be merely comparative. Charles Mills, for example, discusses how whiteness in America can be associated with systematic misperception, due to cultivated “white ignorance” about all manner of things, including historical facts about race and discrimination and injustice and oppression. Harding, Hartsock, and others also make similar points with respect to understanding of gender, society, and gender-based oppression.

Diversity in terms of experience—including occupational experience, religious experience, cultural experience, experience occupying different social positions, educational experience—is important for epistemic reasons. This basic point seems undeniable. There is something epistemically limited about a legislature composed of people who, disproportionately when compared to the population as a whole, have no firsthand knowledge of being an engineer, police officer, primary caretaker of children, nurse, construction worker, social worker, scientist, non-native English speaker, disabled person, working-class person, openly gay person, welfare recipient, woman, African-American, Hispanic-American, Muslim-American, first-generation immigrant, and so on. This is simply a point about the knowledge one is likely to have come by based on one’s life experiences, the evidence that one is likely to have encountered.

By using elections that disproportionately select for a white, male, wealthy, lawyer, businessperson elite, we are losing out on much of the available knowledge about the world, and we are choosing people with their own sense of what is most urgent and important to address. The fact that elections select unrepresentative representatives has both agential and epistemic consequences, and these, in turn, affect the ability of political institutions to identify and effectively respond to the actual moral-political problems the political community faces.

* * *

These concerns interrelate in complicated ways. There is increasingly sophisticated empirical work documenting these problems, and as mentioned earlier, a growing dissatisfaction with how modern electoral representative democracy is functioning.

People differ considerably in how they view our modern political predicament. Some think it is just a matter of their party getting back in power. Others seem to feel that the problems have deeper roots. I’m in the second camp. But it is helpful to consider what we might call more modest responses to the problems of electoral representative democracy. In Chapter 7, I consider some of these, including broad education, media reform, campaign finance reform, lobbying and political speech restrictions, term limits, use of proportional representation systems, decentralization and reduced scale of government, and efforts to reduce background economic and social inequality. Many of these reforms would likely result in improvements in the epistemic and agential capacities of our political

institutions, but I argue that none of them, nor even all of them together, are able to address the core problems to yield a political system that will excel at identifying and successfully responding to the moral-political problems that exist in our communities. I argue that basic design flaws remain at the heart of electoral representative democracy, at least as deployed under modern political conditions.

* * *

Kind of a dark, downer-of-a-book so far. Part II attempts to move out of this despair, past the Churchillian shrug, and into something new, systematic, hopeful, and potentially worth considering as an alternative to electoral representative democracy. The centerpiece of this alternative is the shift from using elections to select political representatives to using random selection. It is a big shift, certainly, but it also requires other significant changes—or so I will argue.

Chapter 8 offers an introduction to the use of random selection in politics, identifying different historical and current examples as well as a variety of extant proposals. There is significant historical precedent for using random selection to select political officials and political representatives. This has historically been referred to as *sortition*, but also by the terms *demarchy*, *klerostocracy*, or, my preferred term, *lottocracy*. In Ancient Athens, the birthplace of democracy, lottery-selection was used to choose political actors in three of its four major governmental institutions. Selection of political officials in late medieval and early renaissance Italy incorporated selection by lot. Additionally, although a different use of random selection, the randomly selected citizen jury is familiar from centuries of use in both civil and criminal trials all around the world. More recently, more than one hundred Citizens' Assemblies (in which citizens were chosen at random to serve on deliberative bodies focused on particular political issues) have been used throughout the world, prominently in Australia, Belgium, Canada, France, Germany, Iceland, Ireland, Mongolia, the Netherlands, South Korea, Spain, and the United Kingdom.

These examples help to defang the objection that this all remains too unrealistic, a mere philosopher's thought experiment. And it's not just that we might look back to the example of Ancient Athens—the original democracy, but also a much smaller city-state than the modern nation-state. Since I started work on this topic in the mid-2000s, the number of actual examples of political communities using random selection of citizens in a variety of ways has increased tremendously. Rather than a philosopher's thought experiment, this strikes me as a significant case of political philosophers being less imaginative than the people actually participating in politics and building new political institutions. Several theorists in political science—including, perhaps most prominently, James Fishkin, John Gastil, Lyn Carson, and Hélène Landemore—have been tracking, theorizing, evaluating, and reflecting upon these developments, and, in some cases, working very directly to create and support new institutional initiatives.

This chapter details and discusses two central proposals for the use of randomly selected citizens, both of which I ultimately reject as inadequate to addressing the full set of concerns raised in Part I. The first uses randomly selected citizens (a citizens' assembly, citizens' jury, or deliberative poll) as an informational supplement to electoral institutions—to provide input either to elected representatives or to the broader electorate. These have already been used widely around the world. The second is to have a lottery-selected body serve either as one chamber in a bicameral or tricameral legislature, or as an additional branch of government alongside an elected legislature, executive, and judiciary. Proposals have been made to replace, variously, the US House of Representatives, US Senate, House of Lords, House of Commons, and Canadian Senate with a randomly chosen body of citizens. In all these cases, the proposals are to have a “mixed” bicameral legislature, with one chamber elected and the other randomly selected. Those who advocate for these mixed legislatures suggest that they will result in the best features of elections and the best features of lottery selection. I argue that rather than the best of both worlds, we are likely to see the worst of each, and that continuing to have elections play a central role will carry forward many of the most significant problems detailed in Part I.

Chapter 9 introduces *lottocracy*, so-called because of the way in which it puts lottery-selected citizens at the heart of the political system, replacing the use of elections. Because no system like it has ever been implemented, there are large questions about how it would actually operate in practice and how much confidence we can have in our judgments about them in advance of their implementation. I say more about that concern in the closing chapter of the book. The hope is this institutional form—in particular, the complete replacement of elected representatives with randomly selected citizens and the shift to single-issue legislative bodies—will address the serious central worries stemming from ignorance and electoral pathologies, while actually working in an effective way to address the moral-political problems faced by twenty-first-century political communities. Consistent with the functionalist, contextualist view defended in Chapter 1, we should remember that whether this will actually be the case, and how exactly we should structure any particular lottocratic government, will depend on many contingent features of the political society in which we are considering implementing lottocratic institutions.

The key distinctive features of the lottocratic system are these:

- (1) Single Issue: rather than a single generalist legislature (whether unicameral or bicameral), in a lottocratic system there would be some substantial number of standing, single-issue legislative bodies, with each legislative institution focusing just on one policy area or sub-area (e.g. agriculture, immigration, health care, trade, education, energy, etc.).

- (2) Lottery Selection: the members of each single-issue legislature are chosen by lottery from the relevant political jurisdiction.
- (3) Learning Phase: the members of the single-issue legislatures hear from a variety of experts, advocates, and stakeholders on the relevant topic at the beginning of and at various stages throughout each decision-making session.
- (4) Community Consultation: the members of the single-issue legislature spend some structured time talking to, interacting with, and hearing from members of the public, including activists and stakeholders affected by proposed action.
- (5) Direct Enactment: the members of the single-issue legislature either have the capacity to directly enact policy or, in some cases, to do so jointly with other single-issue legislatures.
- (6) Structural Assemblies: there will be a number of assemblies, consisting of randomly chosen citizens, who will have responsibility for monitoring and maintaining the basic organization and support of the network of single-issue legislatures, including setting rules of procedure and deliberation, resolving jurisdictional issues, considering topical merger proposals, allocating funds based on budget proposals, and regulating the process by which people come to speak in the learning phase.
- (7) Executive Assemblies: rather than an elected or parliamentary-appointed executive, there will be a number of assemblies, consisting of randomly chosen citizens and their appointed administrative officials, who will comprise a structured network that has responsibility for regulating and overseeing the federal judiciary, regulating and overseeing a number of administrative agencies, responding to emergencies and crises, regulating and overseeing the foreign service and negotiation of foreign agreements, and initiating the process to deploy the armed forces.

For shorthand, I refer to the single-issue, lottery-selected legislatures as “SILLs.” There are many ways in which one might implement a political system that had institutions with these features. In the book, I discuss a version with the following basic structure.

The legislative branch consists of twenty different SILLs, divided by issue area (agriculture and food safety, education, energy, health, transportation, environmental protection, communication, regulation of markets, trade, immigration, science and technology, workplace safety, etc.). This SILL network replaces the US Congress in functional role of creating most law and policy, but with the possibility of delegation and supplemental regulation and enforcement through legislatively created administrative agencies that are overseen by a combination of courts and SILLs themselves.

Each SILL consists of 450 people, chosen at random, to serve three-year terms, with 150 new people starting each year and 150 people finishing their term each year. All adult citizens in the political jurisdiction would be eligible to be selected. For most SILLs, a truly random lottery would be conducted. In a few select instances, efforts would be made to ensure a demographically representative selection, using stratified sampling along various dimensions if necessary.

People would not be legally required to serve if selected, but the financial incentives would be considerable (perhaps a floor of \$150,000 per year, with anyone above the floor being paid 1.25 times their normal yearly income), and efforts would be made to accommodate family and work schedules (including providing relocation expenses and legal protections so that individuals or their families are not penalized professionally for serving). This salary would be contingent upon a SILL member not having prohibited contact with potentially interested people or entities while serving on the SILL, and not receiving money or other forms of influence or benefit before or after SILL service (as well as agreeing to be monitored for continued compliance). There would be some mechanism of removing people for bad behavior—failing to attend meetings, speaking out of turn, showing up intoxicated or otherwise incapable of participating fully—but this mechanism should be structured so as to protect those who simply are unlikable or who have divergent views. SILL members would be instructed to do what they think is best with regard to the particular policy question, after having heard from experts, stakeholders, members of the community, and other SILL members. They would not be required to see themselves as “representatives” of any particular community or group.

Each SILL would meet for one or two legislative sessions each calendar year, and the structure for each session would be something like this: learning phase for future agenda setting, future agenda setting, learning phase with expert presentations for policy discussion, community consultation, deliberation/discussion, drafting, community consultation, revising, and voting. The SILL would begin by setting several items for the agenda for the subsequent legislative session, to enable the timely solicitation of experts and notification of advocates and stakeholders.

That is the basic model. Chapter 9 discusses many of the details and choice points at greater length—particularly with respect to the pool being drawn from, the number being drawn, and the precise method and goals of the lottery selection. Chapter 9 also provides an overview of both the Structural Assemblies and the Executive Assemblies, and discusses the relationship between the SILLs, Structural Assemblies, Executive Assemblies, and other political structures such as the judiciary and administrative agencies.

* * *

In addition to the use of randomly selected citizens, there are several other significant elements to the lottocratic system. One of the striking things about

the lottocratic system, and about the use of randomly chosen citizens in citizens' assemblies and other institutional forms, is the suggestion that ordinary citizens could come to make reasonably good decisions about issues that they know very little about prior to being randomly selected. For the case that I make for lottocracy, centered on the improved epistemic and agential capacities of lottocratic institutions, this is perhaps particularly striking. There are three main parts to this story.

The first is the learning phase, during which SILL members hear from experts, advocates, and stakeholders. Chapter 10 discusses experts and the idea of expertise. I argue that we should countenance an expansive conception of expertise and that we should be open to including both disinterested and (as I call them) "interested" experts. This will encompass some people that we might also call "advocates" or "stakeholders." And then much of this chapter focuses on the issue of expert selection and worries about expert capture. Which experts should we trust? Which should be selected to speak? How can non-experts come to reliably trust and select experts? I argue that there are institutional design solutions to some of these problems, including using incentive alignment strategies, and pre-registered officially monitored databases of experts—complete with records of expert certification and epistemic integrity—that are then used to randomly select experts to speak. The chapter concludes by considering whether there is a distinctive kind of expertise that is well-called political expertise, and whether elections or random selection are more likely to select for it.

The second main route to improving the epistemic situation of randomly chosen citizens is through the deliberation, discussion, and structured community consultation that might take place during the SILL legislative sessions. Chapter 11 focuses on these components of the lottocratic system. Importantly, unlike some in the "deliberative democracy" tradition who are committed to deliberation for non-instrumental reasons, or at least non-epistemic reasons, my commitment to deliberation is instrumental and largely epistemic. Deliberation should take place among the members of the SILL just in case it is useful for the purposes of either epistemic or agential improvement. There is a significant body of empirical literature studying deliberation in legal and political settings, and the verdict is mixed about its epistemic value. There are worries that bias and social hierarchy affect who speaks and who listens; that hearing other views leads to increased polarization; that anchoring dynamics, information cascades, and reputational cascades result in various forms of epistemically troubling groupthink; and that moderators might wield significant and troubling levels of control through their decisions regarding how to structure discussion. That said, there are also substantial potential benefits that accompany well-structured deliberative settings, including improved learning and retention, evidence sharing, building of trust and

reliance on testimony, destabilization of ingroup/outgroup dynamics, and epistemically valuable perspective taking. I argue that there is enough empirical evidence about how to design deliberative settings so that we get more of the good than the bad, but that it is important to monitor the ongoing effects of deliberation and to examine the precise rules and procedures that are used.

The third component of the competence story is the use of single-issue legislatures rather than generalist legislatures, and the accompanying reduction in the epistemic burden on individuals. These benefits are straightforward, but there are also potential concerns about the use of single-issue legislatures. I take these up in Chapter 12, also considering the question: would it be possible to combine elections with single-issue legislative bodies? I argue that it might be, with the right kinds of alterations in the electoral system, but that it would almost certainly be worse than using lottery selection.

* * *

With the basic system in view, and some of the more significant components of the system having been presented and defended, Chapters 13 and 14 make the case that lottocratic systems would be comparative improvements over electoral representative democracy along both epistemic and agential capacity dimensions.

Chapter 13 focuses on the ways in which lottocracy would help address concerns about ignorance. Some of these include the learning phase and the transparent and regulated use of expertise, the single-issue focus and the relatively manageable epistemic burden, and the use of deliberation and discussion to obtain relevant evidence and testimony. I also highlight the value of being able to largely bypass concerns about the bad press and warped epistemic environment. The main suggestion here is that most people won't have come to form very detailed views about any of the issues that are the focus of the SILLs on which they serve prior to their being selected. Even if they have encountered some misinformation or captured perspective on the issue, it is comparatively likely that there will be adequate opportunity to question or dislodge this view.

In addition to what they might learn post selection, an additional anti-ignorance benefit to the system comes simply from the people who will be in the room in the first place. Employing random selection ensures something much closer to descriptive representativeness and broad diversity of expertise, experiences, and evidential history. The kinds of viewpoints and perspectives that will be shared, and the conversations that will be had in both formal and informal interactions, are likely to improve the quality of discussion, deliberation, and the eventual decisions that are made. Additionally, with a likely less divided political community, those on different sides of an issue are more likely to listen to each other (and to experts, and advocates, and the broader community) with open ears.

Chapter 14 identifies the ways in which lottocracy might help reduce various kinds of agential distortion—distortion that makes it so that the institutions do not

address the actual moral-political problems that exist in a particular political community. Perhaps the most obvious is through the reduction of capture as a result of the method of selection. With elections, there are many places at which powerful interests can affect the selection of representatives: in determining who has the requisite qualifications to be a viable candidate, affecting how they are covered in the media, providing resources to support their campaign, promising benefits and favorable treatment if they are responsive to lobbyists, and so on. With random selection, those points of influence are eliminated. With single-issue legislatures, there is less of an opportunity for captured policymaking to take place in the shadows while the electorate is distracted by issues that divide them. And with regular rotation through political office, there will no longer be the possibility of capturing a congressperson and then having them in your corner for decades on end. There might be concerns about new sites for capture to occur; I discuss those at length in this chapter as well.

Aside from anti-capture considerations, there are also considerable advantages that come from lessening short-term bias by removing electoral pressures, reducing emotional manipulation and political division by eliminating the ingroup/outgroup dynamics that come along with elections, and making it so that the representatives will be genuinely representative of the understanding and priorities of the broader political community.

* * *

To this point in the book, the argument for lottocracy over electoral representative democracy has focused on the improved sensibility and the expected improvement in addressing the moral-political problems that a political community faces, at least under sociopolitical conditions that are present in many modern political communities. These arguments can be framed as outcome-focused, oriented around the instrumental, functionalist benefits of lottocratic systems over electoral representative political systems. But, although these arguments are essential, engaging the most central moral motivations and justifications for having political systems in the first place, they do not exhaust the relevant considerations in the realm of political morality. There are moral considerations that affect how solutions to moral-political problems can permissibly be pursued. In politics, as elsewhere, even good ends cannot justify any means whatsoever.

Chapter 15 takes up the questions of how lottocratic systems fare with respect to several moral considerations that are arguably core dimensions of political morality: equality; participation, liberty, and self-government; accountability and responsiveness; and respect for pre-political individual rights. As mentioned above, I suggest that these ideals of political morality connect to four distinct moral interests that each of us have: the moral interest in being treated as equals in the political realm, the moral claim to metaphysically influential political participation, the moral interest in responsive political systems, and the respect of our

individual pre-political rights of body and mind (rights of life, bodily integrity, physical liberty, speech, thought, and association). These considerations matter morally, even apart from the sensibility or quality of outcomes brought about by a political system. In this chapter, I present and elaborate these ideals, and I argue that lottocratic systems do no worse by these moral measures than electoral representative systems. Indeed, I suggest that in many circumstances they will do better than those systems. I also argue that our understanding of whether a political system is *democratic* should be tied to how well a system does in relation to these four components. Accordingly, I argue that if electoral representative systems count as democratic systems, then so should lottocratic systems. Indeed, lottocratic systems will often be more democratic than electoral representative systems.

Chapter 16 takes up a closely related question: on plausible conceptions of political legitimacy, will lottocratic systems of government count as legitimate? Answering this question requires saying something more about political legitimacy. I defend a view on which political legitimacy is a scalar notion (it comes in degrees), and I argue that it has two significant dimensions: (1) the extent to which a system is democratic (as defined by the parameters set out in Chapter 15), and (2) the extent to which there is an individualized moral justification of the political system and its political actions with respect to each of the people who live under the political system. This second idea is discussed at length, particularly in relationship to the consent-based or contractarian tradition in political philosophy. I argue that electoral representative democracy faces a substantial challenge in this regard, due to the possibility of political minorities that constitute effectively dominated, powerless groups in the context of majoritarian electoral democracy. I argue that lottocratic systems will often do considerably better with respect to this second dimension of political legitimacy, particularly with respect to those members of the political community who are also members of political minority groups. Given the argument of the previous chapter and given the conception of political legitimacy that I defend, this implies that lottocratic systems will typically do no worse than electoral representative systems with respect to political legitimacy, and they will often do better, even substantially better.

* * *

When I first started working on the idea of using random selection to select political representatives, I was often asked whether I was really serious about the idea. In my experience, people usually started by finding the idea interesting, a fun thought experiment, a way to test out our thinking about equality, political power, self-government. But some were evidently comforted when I said that I didn't know what I thought about it as something that we might actually implement. OK, OK, so he's not totally crazy, I could see them think.

As I've worked on the topic for longer, I have become more convinced of the depth and intractability of the problems with electoral representative democracy,

and I have also become more optimistic that a version of lottocracy could be implemented, successfully and attractively, in an actual political community. Both this pessimism about electoral representative democracy and this optimism about lottocracy stem from real world events. I've mentioned some already; I won't rehearse all of them here. I have also found that, even if people are not on board with my perspective when I first start talking, many of them have come around by the time I stop talking. One never knows, of course; perhaps I have just worn them down. (You, too, reader, hold a long book in your hands.) But I think it is common now to feel that our system is not up to the challenges it faces in the twenty-first century. From Occupy Wall Street to Black Lives Matter to the response to COVID-19 and climate change—there is a sense that the system isn't working. It isn't responding effectively to the moral-political problems that we face. And as Fanon reminds us, "The function of a social structure is to set up institutions to serve people's needs. A society that drives its members to desperate solutions is a non-viable society, a society to be replaced."⁵

I conclude the book in Chapter 17 by asking the questions: how might, and how should, we get there from here? The practical part of the message: incrementalism, small-scale experimentalism, social scientific evidence gathering along the way, and the creation of general trust and comfort and familiarity with lottocratic institutions. But the more significant message is a moral one: in most contexts in which a lottocratic government might actually work, it should be possible to get broad popular acceptance of the transition from electoral representative government to lottocratic government. Start small, transition carefully, thoughtfully, peacefully—eventually, perhaps, globally. I don't expect to see that happen in my lifetime. But one never knows...

⁵ Fanon (1967: 53).

PART I

PROBLEMS WITH ELECTORAL
DEMOCRACY

1

How to Evaluate Political Institutions

Political institutions are artifacts—human creations. In this chapter, I consider the question: how should we evaluate them? What makes them good, or bad, or better, or worse? What grounds these claims? Do they hold universally? If it is true thatlottocratic systems are or might be better than electoral representative systems, is it true in every case, for every political community?

For other kinds of technology, we might answer these questions by first agreeing upon the purposes or functions of that technology. What is a car or computer *for*? What are they supposed to do? A different way we might ask this: what problems are they supposed to solve? The answer here might be disjunctive (X or Y or Z) or pluralistic (X, Y, *and* Z), perhaps with some complicated view about the relative importance of the various purposes. Or perhaps we will reject the idea that there is any objective ranking—perhaps it depends entirely on the preferences and interests of those who might use the car, jar, or computer. We might also come to think, of some technology, that its only or predominant purposes are morally objectionable purposes for anyone to have or pursue. It might be a good nuclear bomb, or a good torture machine, but it is still bad that it exists in the world, we shouldn't try to further the creation of more of them. Very few have thought that all political institutions are like this, although a radical anarchist might have this view.

Political institutions are different than some other kinds of technology in at least this way: the problems they are to help us address are problems that have moral significance and they include problems that we have a moral obligation to solve. Although these may be problems that we have a moral obligation to solve, that does not imply that we can only solve them using political or legal institutions. Nor does it imply that using political or legal institutions is the best way to solve these problems. That may be, but it would require argument to establish that conclusion. I will defend what I call *political contextualism*—the claim that moral assessments of political institutions and political systems can only be made relative to specific background sociocultural contexts. Given this, I am skeptical that there could be an argument that, for all possible societies, the only way of solving these problems of moral significance is through political and legal institutions. A more modest claim is just that we should evaluate political institutions based on how well they help us address the problems of moral significance that *we* face—whoever we are.

This chapter sets out a *functionalist* conception of political and legal institutions, according to which political and legal institutions are tools that can help us

address a wide range of problems that arise when creatures like us live in proximity to each other.¹ These institutions can help us achieve a wide range of aims and objectives that have significant moral value: living together in peace and safety, helping us work together fairly and productively, protecting and delineating individual rights, promoting individual and communal welfare more generally, supporting the development and protection of individual autonomy, achieving distributive and “action-matching” justice (so that, in some contexts, people get what they deserve), and promoting and sustaining conditions of social equality. These can all be appropriate dimensions along which to evaluate political institutions, and which of these purposes are most significant will depend on details of the sociopolitical context. We should be skeptical of the view on which there is a constant, universal ordering or ranking of these different purposes against which all political institutions ought to be evaluated.

In addition to these morally significant objectives that political and legal institutions might be used to bring about, there are also moral considerations, born of our properties as the moral agents and moral entities that we are, that affect how these objectives can permissibly be pursued. I discuss these briefly in this chapter, but at greater length in Chapters 15 and 16, once the lottocratic system is in view. But these must also be considered in the evaluation of political systems and institutions.

1.1. When We Evaluate Political Institutions, What Are We Evaluating?

An *institution* is the name we give to a certain kind of complicated artifact that involves people and groups of people, but also buildings and offices, rules and purposes, rights and powers. We can refer to a *system* of institutions in cases in which there are complicated, regular, regulated interconnections among multiple institutions.

What makes a set of institutions a *political* system? One central answer has been that a political system is a system of institutions that is connected to *coercive* power and *coercive* force. It is coercive in that if one runs afoul of the rules or orders or laws of the political system, one might be physically forced into compliance. Despite this being a central answer, and although coercion is often the first thing mentioned with respect to political systems, that a system is coercive is not a necessary or sufficient condition for a system to be political.

Coercion is not necessary: there might be political systems that operate without coercion or even the threat of coercion. Imagine, for example, a small political

¹ This chapter draws on Guerrero (2017b).

community like a small town, village, or rural county. There are regular community meetings to decide what ought to be done. A mayor and legislative council are elected. They make decisions, even laws, collect taxes, provide services. But this community is kind and collaborative, and people become so good at working to understand each other—to treat each other respectfully and with reciprocity—that, over time, the coercive part of politics simply falls away. And this could be true, even if there is significant disagreement within the community about what they ought to do—at least if there were agreed upon ways of moving forward in the face of disagreement. People obey the law, without giving any thought to coercive possibilities. Eventually, the coercive part is eliminated entirely. This might seem an unlikely possibility, depending on one's views about human nature. Perhaps it wouldn't be stable over decades and generations, as new members come and go. Perhaps it would eventually be vulnerable to outside threats and those who would wish to do the political community harm. But it does seem at least a possibility. Consider the happier kinds of groups or communities you have been a part of. The empirical work of Tom Tyler suggests that people obey the law because they perceive it to emanate from legitimate authority, not because they are concerned with punishment.² If the broader political community got along in this way, wouldn't coercion be unnecessary? And while it worked this way, if it worked this way, it would be a political system, but it would lack the standard coercive element.

And coercion is not a sufficient condition for a system to be a political system. There might be coercive institutions that are not political, because they lack other structures, ambitions, and commitments. Think of an organized group that uses coercion to intimidate and control communities, but which makes no pretense toward helping people with any of their problems. Or think of a business operation that threatens its employees with financial repercussions and even violence if people do not do as instructed. Such an operation might be exhaustive, monopolistic, and coercive, and still not be well-called a “political” system. This is just a point about our ordinary use of words. The relationship between *being political* and *being coercive* is less intimate than that.

Still, coercion or the use of the threat of coercion is often foregrounded by political philosophers as a central property of political institutions and political systems. There are two main reasons for this. First, the coercive dimension of political institutions is morally striking, and seems to require special explanation and justification. Second, there is an interest in offering an analysis of political systems such that electoral democracies, autocratic dictatorships, aristocratic oligarchies, and dynastic monarchies all count as political systems. And it can

² See Tyler (2006). Tyler argues, backed by significant empirical work, that people obey law because they believe in respecting legitimate authority, and that instilling fear of punishment can even be counterproductive.

seem that there is not much in common across all these kinds of systems other than that, at the end of the day, they all sometimes lock people up (or beat them, or enslave them, or kill them), perhaps while also claiming the right or authority to do so.

But tying political systems so closely and constitutively to coercion is a mistake, likely to introduce distortion in our thinking about political institutions. It is to make central an aspect of political systems that, although significant, is only indirectly related to the purpose of political institutions—like writing a book about the history of flight that focuses on the landing gear.

There are distinctive moral questions that arise for those political systems that do rely centrally or substantially on the use of coercion. But let us begin by considering the more central aspects of political systems that should orient our discussion of the purposes or functions of political institutions.

Along with often being coercive or operating backed by the threat of coercion, political systems tend to have several other important common characteristics, both in terms of the aims or purposes of political systems (the “why”), and in terms of the mechanics of how political systems function (the “how”). These are not necessary and sufficient conditions of a system being a political system, but neither is acting backed by coercion. And they are common enough to constitute a core part of the ordinary concept of a political system.

Here are two broad—although not universal or constitutive—purposes of political systems. These are common aims or functions of political systems that help to explain why political systems came into existence and why they continue to exist over time.

- Beneficial collaboration and cooperation: to improve the lives of people in the political jurisdiction along a number of dimensions—promoting well-being, individual autonomy, social equality, and justice—and to do this in particular by helping people to work cooperatively and collaboratively with each other, to distribute resources in beneficial and fair ways, to establish safety nets and social minimums, to harness information and socially dispersed knowledge to make beneficial decisions, and so on.
- Rights and protections: to enforce, protect, and help respect certain moral rights of individuals and communities, including rights against physical harm, intimidation, and intentional injury; and rights to think, speak, worship, and associate as one prefers.

Whether political institutions in a particular time or place do or are needed to accomplish either of these purposes is a contingent matter. Human societies being what they are and typically have been, these are common roles for political institutions, addressing common morally significant problems that arise when human beings live close to each other, but they will differ in the details. But not all

communities may face the same concerns, and it may be that political institutions are not needed to address the problem, even if a community is facing the problem. But more on this contextualist picture later.

Perhaps even easier to notice are the common mechanisms—the “how”—of political systems. These are the means by which they operate and act in the world, the kinds of features that are easily observable and part of any plausible historical or social description of the world.

- Physically defined jurisdiction: Political systems typically have physically, territorially defined jurisdictions, structuring and influencing interactions amongst groups of relatively closely physically located people. As we become more able to interact with each other (and help and harm each other) without sharing proximate physical space with each other, political systems may be less bound by and focused on physical territory and jurisdictions, but that would be a significant change.
- Roles, offices, structure: Political systems have clearly defined and (mostly) publicly known rules of organization, structure, authority, and empowerment.
- Rules, laws, orders: Political systems act at least in part by creating laws and rules, issuing orders, and (in most cases) attaching penalties or punishments to non-compliance. These laws and rules serve many functions, including helping to coordinate behavior, protect rights, structure plans and future action, and assign and delimit responsibilities.
- Indefinite duration, with rules for existence over time: Political systems are structured to exist indefinitely. In most cases, there are explicit or at least implicit rules for how they will continue through time, and, in particular, how political officials and political leaders will come to acquire and relinquish power.
- Monopoly on permissible violence: Political systems typically claim a monopoly on the permissible creation of laws that are backed by use of physical force, including forcible physical restraint, and on the permissible use of intentionally inflicted violence against individuals.

As noted above, on this view, political systems are artifacts: a kind of technology or artificial entity created and maintained by people to achieve various purposes. They are distinct from other kinds of artifacts both in the purposes for which we use them and in the manner in which they achieve those purposes.

1.2. Political Functionalism

There are at least three different levels of functional assessment of artifactual entities (including objects, but also institutions and social practices): actual

function(s), intended function(s), and morally significant function(s). We can call these the *de facto*, *de jure*, and *morally significant* functions or purposes.

The *de facto* or actual function(s) are those things that the artifactual entity actually accomplishes (brings about, causes) in the world. The *de jure* or intended function(s) are those things that the artifactual entity was created or invented to accomplish (bring about, cause). The *morally significant* function(s) are those things that the artifact does or causes that are morally significant, and which might morally justify the creation and continued existence of the artifactual entity (if it requires or has such a justification). These last will be a subset of the *de facto* functions.

These can all align, in cases in which the artifactual entity is functioning well, functioning as designed, and in which functioning in those ways is also morally significant. But they can also come apart. For example, perhaps the *de facto* purpose of political system X is to ensure that the wealthy elite maintain their socioeconomic power and are maximally well-off, but the *de jure* purpose (as inscribed in the constitution of system X) is to promote the liberty and well-being of the majority of the citizens of X.

In thinking about political morality, we will be focusing on those functions of political institutions that are morally significant. There may be a special demand in this regard, if the background coercive nature of political institutions means that they require a special kind of moral justification—often referred to under the heading of “political legitimacy”—for their existence and continued operation to be morally permissible.

Whatever our view about the demands of political legitimacy, there are important questions about the morally significant functions of political institutions and political systems. We will need to get clear on what these might be to engage in moral evaluation of political systems, or to decide which of two candidate systems would be morally better in a particular context.

Begin by considering the following claim:

POLITICAL FUNCTIONALISM: Political and legal institutions are only instrumentally or functionally valuable—they are tools that can be used to address various problems of moral significance that arise when certain kinds of creatures live in relative proximity to each other (e.g., problems of scarcity, ignorance, disagreement, conflict, irrationality, prejudice, and so on).

POLITICAL FUNCTIONALISM draws attention to the artifactual nature of political and legal institutions, as well as to the distinctive purposes of those institutions. It might be rejected either by someone who saw political and legal institutions as having some non-instrumental, possibly intrinsic value, or by someone who agreed that these institutions are of only instrumental value but who disagreed

that this value was connected to the ability of these institutions to address this set of problems of moral significance.

As to the first possibility, it is hard to see how political institutions could have intrinsic or what some have called “final” value—the value that something has as an end or in its own right or for its own sake.³ Although it is hard to say exactly what does have intrinsic value, common things on this list include things like life, happiness, truth, understanding, beauty, love, friendship, and so on.⁴ Political institutions are plausibly valuable insofar as they help bring about these kinds of things for individuals, and also for other things they can help bring about: individual autonomy, living peacefully and productively with other people, living in conditions of respect and equality and social harmony, and so on. But political institutions are not valuable apart from the things of value that they might help bring about. Even if we countenance a broader array of things as having final value—works of art, ecosystems, non-human animals—it is hard to see political institutions as having value of this kind.

There are some who have defended the view that participating in political life is valuable for reasons other than those concerning the ends that are achieved through political institutions. Alexis de Tocqueville, for example, suggests that:

It is incontestable that the people often manage public affairs very badly, but their concern therewith is bound to extend their mental horizon and shake them out of the rut of ordinary routine... Democracy does not provide a people with the most skillful of governments, but it does that which the most skillful government often cannot do: it spreads throughout the body social a restless activity, super-abundant force, and energy never found elsewhere, which, however little favoured by circumstance, can do wonders.⁵

On this view, the case for democratic institutions is not that they make better decisions, or that they are required by considerations of equality or liberty. It is instead that they have effects on the citizenry, energizing them, educating them, getting them to be more involved in various ways, and that these effects are themselves valuable (whether finally or instrumentally, Tocqueville doesn't say). In a similar vein, Hannah Arendt says of American town assemblies that citizens participated “neither exclusively because of duty nor, and even less, to serve their own interests but most of all because they enjoyed the discussions, the deliberations, and the making of decisions.”⁶

These are empirical, psychological claims about groups of people, concerning their motivations for participating in politics and what happens to them when they participate in political life. Tocqueville suggests they are energized and activated;

³ Korsgaard (1983: 169–95).

⁴ Frankena (1973: 87–8).

⁵ Tocqueville (1835/1969: 243–4).

⁶ Arendt (1973: 119).

Arendt suggests that they get some enjoyment out of political life. Whatever the merits of these claims, it is worth noting that even these accounts set out an instrumental role for political institutions: they become a site of activation, education, and/or entertainment, and it is that which is of value.⁷

It is easier to imagine someone agreeing that political institutions are of only instrumental value, when they are valuable at all, but who thinks that their value might come from things other than their value as tools to address this set of problems of moral significance. One source of disagreement might be the precise problems that are included in this set. And one source of *this* disagreement might be the assumption that the instrumental value of political institutions would have to be the same in every case, regardless of social or historical context. In what follows, I argue that this assumption is incorrect.

Begin by recalling:

POLITICAL FUNCTIONALISM: Political and legal institutions are only instrumentally or functionally valuable—they are tools that can be used to address various practical problems of moral significance that arise when certain kinds of creatures live in relative proximity to each other (e.g., problems of scarcity, ignorance, disagreement, conflict, irrationality, prejudice, and so on).

Not all practical problems are morally significant, and not all practical problems arise due to creatures like us living in proximity to each other. There might be debates about the boundaries here, but this is the general terrain of the political. This functionalism about institutions sets out requirements for our theorizing. We start with something familiar to political philosophers of all kinds, the pursuit of a distinctive kind of moral understanding of the political. To address the practical problems of moral significance that might arise or obtain, it is helpful to possess and understand central concepts of political morality and to understand what gives rise to these problems. Reflection and scrutiny of the concepts of political morality is needed to help us see, understand, and theorize about the practical problems of moral significance. Different kinds of questions arise with respect to

⁷ Jon Elster (2003) maintains that these are “non-instrumental” views, but argues that these kinds of benefits for political life and political engagement are “essentially by-products,” in that they would not exist if there were not other ends of political activity—ends that are more familiar from standard instrumental accounts of the value of political institutions and political action. The idea is that the participants in political institutions and political life get these other benefits—benefits that have nothing to do with the actual ends brought about by the political institutions through the making of law and policy—only if there are other, instrumentally significant, aspects to engaging in politics. There have to be real stakes to get people to participate in politics in ways that have these educating, activating, entertaining, benefits. This seems too fast, however. All that is required for the existence of these benefits—activating the citizenry, enjoyment in political engagement, education from interaction with others about politics—is that the participants *believe* that there is some further point to the political activity. The political institutions and political engagement could be very much causally inert, just for show, as long as that fact was effectively occluded from the citizen participants.

these concepts of political morality—concepts like justice, autonomy, equality, welfare, and so on.

The practical problems of moral significance covered by these concepts arise due to a combination of at least two factors: (1) what the relevant creatures are like, metaphysically (what interests, abilities, and moral standing they possess), and (2) what morally significant trouble they get into when they live amongst each other and/or attempt to impose legal or political order on their communities. The practical problems of moral significance that we can encounter are varied, complex, and interrelated. Here are a few common ones:

- How to create social conditions so that all members of the society are treated fairly and with dignity and respect;
- How to ensure that no members of the society stand in relations of domination or oppression to each other;
- How to help clarify and potentially enforce agreements that might be arrived at among members of the society;
- How to support cooperation and coordination of individual and collective plans;
- How to live among each other in a way that allows each of us to flourish and be free to choose our own life path, without interfering with this freedom of others;
- How to respond when one member of the society harms another intentionally; how to respond when the harm is caused unintentionally;
- How to make sure that our environment (water, air, sources of nutrition, etc.) remains in a condition that can support what we need to survive and even flourish;
- How to help ensure that everyone in the community develops the ability to meet their material needs, create personally fulfilling plans, and pursue them.

These concerns arise for us and for creatures relevantly like human beings. It would be a mistake to theorize about these concepts only while imagining creatures with very different interests (born, perhaps, of very different physiologies), physical and cognitive abilities, and moral standing. Angels don't have our problems. Nor do ants. One source of practical problems of moral significance is the fact that human beings are not all the same—there is significant heterogeneity and variation within the human community, and within any actual political community, in terms of the interests and abilities of the human beings who are a part of that community. Understanding this is part of understanding what we might call the human political condition. This condition is not static and timeless; it differs at different moments of human existence.

Improved moral understanding can serve as the beginning of the functionalist analysis, but it doesn't take us very far. This understanding is focused on the

problems that exist, and the moral interests at stake, but we need to know about the tools available to respond to those problems, and we need to know how those tools are likely to work (or not). To develop, articulate, implement, and evaluate possible solutions to the practical problems of moral significance that might arise or obtain, it is necessary to have significant and robust understanding of the concepts and empirical phenomena relating to politics, law, society, and individual agency. Descriptive, empirical knowledge and understanding of the legal, political, economic, psychological, and social world must play a central role in political philosophy. We should all learn and engage with relevant social science and other adjacent empirical fields, in order to improve our understanding of the problems, possible responses to them, and the likely effects of those possible responses.

But even with an understanding of political morality and possession of *general* empirical knowledge, this is not yet enough to engage in the evaluation of particular institutions. This is because to engage in the moral evaluation of a particular political system, one must (i) know about the practical problems of moral significance that do (or are stipulated to, or are likely to) arise and obtain for the society that will operate under and be governed by the political system; and (ii) know whether the political system will (or is likely to) effectively address the practical problems of moral significance that arise (or are likely to arise) for that specific society. This is where knowledge of real contexts, of the details of societies and the people in those societies, becomes important to the moral evaluation of particular political arrangements. Focusing on how well a system will do operating within different societies may well yield different verdicts about a proposed kind of political system. And the general concepts of politics, law, society, and agency, and the descriptive social sciences including political science, economics, psychology, law, sociology—become relevant for thinking about (ii), and for designing different and improved political systems.

One must know what problems arise in a particular society (what “bads” must be conceded), what solutions to those problems are available, and under what conditions, if any, those solutions will be successful. This knowledge enables one to determine which proposals can appropriately be dismissed as “utopian” with respect to addressing this particular society’s problems. Focusing on POLITICAL FUNCTIONALISM and the above three claims allows us to see the way in which “ideal” and “non-ideal” parameters should be set in a theoretical inquiry in political philosophy.⁸ If one needs a political institution for a society in order to address a problem due to some limitation of the creatures living in that society,

⁸ I am defending here something of an ecumenical view in the ideal/non-ideal theory debate. For extended discussion of those debates, see: Estlund (2011); Mills (2005); Robeyns (2008); Simmons (2010); Stemplowska (2008); Valentini (2012).

then in doing one's normative theorizing regarding which institutions would be best for that society, one must not assume away the relevant limitation.

That said, it is important to think about what our abilities actually are, and not to move too quickly from the claim that X would be atypical or unusual or difficult for creatures in this society or this context to the claim that X would be impossible for creatures in this society or context. This is an important lesson of David Estlund's admonishments regarding how we should understand the "can" in "ought implies can" in the domain of political philosophy.⁹ The relevant notion of "can" is definitely not "is likely to" or "can easily."

But while embracing POLITICAL FUNCTIONALISM and focusing on offering normative evaluations of particular institutions, we must pay attention to whether and under what circumstances institutions will actually address the problems that arise. One system or institution might be better than another because it does better by moral demands of equality, autonomy, and so on, under the actual current conditions of expected compliance and moral behavior of members of that society.

Evaluative claims about specific institutions should be understood as *relative* claims, indexed to a specific community or society. One cannot make evaluative claims about types of legal or political institutional arrangements without specifying something about the relevant society, or—if we interpret the omission of the variable to allow for any specification of the variable—all such claims are false. Note that this relativity is due to the differences in the practical problems encountered by particular communities, not due to some more general relativism about political morality.

With the introduction of the "society" variable, complications arise along at least two dimensions: (1) how a society is defined; and (2) how we respond to the fact that no society is static—in terms of either its members or the characteristics of those members—over time. Indeed, political systems themselves affect what a particular society is like. This second complication is particularly important, given that one system might be better than another given current facts about the society, but implementing the former system will lead to various kinds of social deterioration over time, so that it actually does worse by norms of justice, equality, autonomy, and so on, if the assessment is made over a long enough run of time. This suggests the importance of adding a dimension of temporal evaluation as well. Additionally, complexity abounds when one considers how to define a particular political system, and in thinking about how to evaluate the contribution that some one part of a particular political system makes toward addressing (or not) the practical problems of moral significance that arise for a particular society.

⁹ See Estlund (2011).

1.3. Political Contextualism and Non-Universalism

The discussion so far has been abstract, setting out a political functionalist conception of the value of political institutions, and the way in which various “non-ideal” or “contingent” factors enter into our theorizing about political institutions on such a conception.

The basic picture is this. Political and legal institutions are only instrumentally valuable—they are tools that can be used to address various practical problems of moral significance that arise when certain kinds of creatures live in relative proximity to each other. Societies differ in which practical problems of moral significance arise, and exactly how and why the problems arise. These differences give rise to differences in which institutions will be effective as tools to address those problems. Crucially, whether a particular institutional form will do well to address the problems of moral significance of a particular society is a contingent, contextual matter—there are no institutional silver bullets, guaranteed to work in every instance.

Consider, for example, some of the following problems of moral significance, mentioned earlier:

- How to ensure that no members of the society stand in relations of domination or oppression to each other;
- How to support cooperation and coordination of individual and collective plans;
- How to live among each other in a way that allows each of us to flourish and be free to choose our own life path, without interfering with this freedom of others;
- What should be done when one member of the society harms another intentionally or unintentionally.

Let us refer to these (and other) problems of moral significance that might be addressed by a political system as *moral-political* problems. The functionalist picture leads to a contextualist view:

POLITICAL CONTEXTUALISM: For any political system (comprised of a set of particular, interrelated, institutional elements), one cannot conclude that that political system will be effective in addressing a particular moral-political problem without taking into account certain facts about the current society for which that political system is or might be the operative political system, and without taking into account how that society and that political system will or might interact over time.

Some of the facts about any particular society that may be relevant: the racial, cultural, linguistic, socioeconomic, and religious diversity of the members of the

society, and the extent to which these differences have resulted in “cross-cutting” or “segmental” cleavages within the society;¹⁰ the extent to which these differences are “persistent markers of political identity as well as bases for political mobilization”;¹¹ the size of the society in terms of both geography and population; the overall wealth, natural resources, and technological standing of the society; the current socioeconomic divisions and educational levels of the members of the society; and so on. All of these will affect what moral-political problems arise, what institutional responses will be effective in addressing those problems, and whether political institutions are necessary to address those problems.

As a shorthand, we have created labels for many common categories of moral-political problems: problems of equality (social, political, relational), liberty (autonomy, freedom, non-domination), fairness, welfare (utility, well-being), justice (procedural, substantive, criminal, redistributive), and so on. A further implication of POLITICAL FUNCTIONALISM and POLITICAL CONTEXTUALISM is:

POLITICAL NON-UNIVERSALISM: There are no true, universal, a priori claims of the form: “all instances of type of political system X, will be effective in addressing moral-political problems of type Y” or “every political system that effectively addresses moral-political problem of type Y must be of type X.”

POLITICAL NON-UNIVERSALISM implies that there is no ideal political system *in general*, only good or better systems for particular societies, depending on the particulars of their moral-political problems. This view is opposed to a universalist model of political philosophy, which takes moral considerations to require similar institutional structures and protections for every society. Ronald Dworkin, for example, has suggested that, for a political system to be legitimate, “[t]here must be embedded constitutional rules stipulating that a majority cannot abolish future elections, for example, or disenfranchise a minority.”¹² Many have defended the view that various democratic elements, particularly elections, are universally required.¹³

The opposition to universalism offered here is not because the underlying values and moral concerns that generate these problems are in some sense “relative” or “non-universal.” The claims are relative to facts about the moral-political problems that arise in a society, and the demographic, historical, and other empirical details of the society over which a political system will govern. One can still entertain the idea that there are fully objective, evaluator-independent normative truths about specific political systems and features of political systems.

¹⁰ The term “segmental cleavage” is best known from Lijphart (1977).

¹¹ Choudhry (2007: 573). ¹² Dworkin (1995).

¹³ Others have made related claims that various democratic components are required by the relative normative concern of justice. Rawls (1999a: 194).

It is just that those truths are truths about conditional propositions. Rather than this kind of proposition: *that systems of this kind (with these specific constitutional and institutional elements) are effective or essential to address moral-political problem Y*, they will have this form: *that if we are in this kind of society, then systems of this kind are effective or essential to address moral-political problem Y*. Claims about political institutions are contextually relative in this way even though we might start with assumptions about the objectivity and universality of the moral rights, values, and interests of creatures relevantly like us.

Taken together, these functionalist, contextualist, non-universalist claims have significant implications for political philosophy. First, they help to explain both the problematic nature of the inference from (1) a particular institutional element is good or essential for addressing moral-political problem Y for our society to (2) that particular institutional element is good or essential for addressing moral-political problem Y for *any* society. And this also makes evident why it is potentially dangerous to encourage a simplistic kind of institutional borrowing. This point has been made with respect to the transportation of constitutional and institutional elements from non-divided to “divided societies” such as Northern Ireland, Bosnia-Herzegovina, Kosovo, Iraq, Afghanistan, India, and Sri Lanka.¹⁴ Others have discussed how the strong independent executive model typified by the United States system might actually be dangerous in developing societies or societies with a history of centralized, authoritarian rule,¹⁵ or how mass democratic institutions may lead to violence if certain surrounding institutions are not present.¹⁶

Second, these claims highlight that empirical investigation is required to engage in normative assessment of political systems and institutions. Some work in political philosophy can be done in assessing what the bases and grounds are for normative evaluation in the political context, but the work of recommending particular political systems must be done only with an understanding of how the systems are likely to function in a particular society.

Additionally, the claims make evident why focus on and valorization of certain aspects of what appear to be morally attractive or good systems—say, focusing on the bill of rights and judicial review in the case of the United States—may lead to misunderstandings regarding what actually makes the system work well. The question to ask is not: do you have this particular element? But: what in your system, if anything, ensures that this moral-political problem will be addressed? The slogan—fitting with the political functionalist approach—is *function over form*. Assessing function requires more than mere superficial acquaintance with the abstract system.

¹⁴ Choudhry (2007: 573).

¹⁵ See Ackerman (2000: 633).

¹⁶ See Mansfield and Snyder (2005).

Finally, these claims suggest that it is a mistake to try to engage in a context-independent, universal moral/normative ranking of political systems or institutional forms. One theme of this book is that there has been a mistaken ranking of electoral representative democracy, perhaps connected with a constitutionalized bill of individual rights, as the ideal or pinnacle of political institutional form. The suggestion is often that this is the best there is, we are done with development and advancement on this front. As I will argue, this is a serious mistake. It is a mistake because the sociopolitical context we now are in is one in which electoral representative democracy struggles to help us solve our most urgent moral-political problems.

1.4. Other Moral Considerations: Equality, Political Liberty, Rights, Responsiveness

Although I endorse political functionalism, I have not said much about the different moral-political problems that political institutions can help us address, how they relate to each other, whether some are more important than others, and so on. I say more about this in the second part of the book, in considering the case for lottocracy.

Importantly, the functionalist picture that I endorse is a morally constrained functionalism. Although the appropriate, morally significant purpose of political institutions is to help us solve various moral-political problems we encounter, there are moral considerations that affect how those solutions can be pursued. These considerations are—like the problems we face—born of our particular moral standing, they arise and exist because of the kinds of creatures we are. In Chapter 15, I discuss four main moral considerations: the moral interest in being treated as equals in the political realm, the moral claim to causally influential political participation as part of an interest in self-government and political liberty, the moral interest in responsive political systems, and the respect of our individual pre-political rights of body and mind (rights of life, bodily integrity, physical liberty, speech, thought, and association). My view is that these are universal moral considerations, with objective moral foundations that sit apart from any particular social or political practices. But I do not argue for that view, and little of what I say in the book turns on these rights being universal and objective.

Acknowledging that there are moral considerations that affect how good problem-solving ends can be pursued, and even that these stem from certain universal moral concerns, values, and rights, does not move us closer to non-contextualism or universalism about institutional form. That is because whether a particular institutional form is needed to address those concerns, respect those values, and observe those rights is itself a contingent, context-specific matter. The rights, and the moral limits they give rise to, might be

universal, while the way in which a political institutional arrangement might observe or respect those rights and moral considerations might be highly context specific, depending on details of the particular society.

1.5. Political Sensibility and Universalism about Necessary Institutional Capacities

Although the particular moral-political problems that arise in a society, as well as what institutional forms might help solve those problems, might both be context sensitive, there are some general claims we can make about what institutional capacities will be required to function well, regardless of the details of the problems encountered. We can think of these as necessary conditions for institutional functional problem-solving ability. I will call this institutional problem-solving ability *political sensibility*. To do well by political sensibility requires ability or capacity of at least two distinct kinds: (1) appreciating (or understanding or knowing) the world as it is, and (2) responding to the world in light of this appreciation. The first of these concerns epistemic, diagnostic capacities of institutions. The second concerns agential capacities of institutions.¹⁷

Epistemic capacities include the ability and propensity of the institutions to gather and generate relevant evidence; to engage with and draw from diverse sources of knowledge, including extant technical, esoteric, and expert knowledge; to accurately and appropriately assess, weigh, and evaluate evidence; and to organize and disseminate evidence and knowledge so that it is available and appropriately salient for decision-making purposes.

Agential capacities include the ability and propensity of the institutions to make decisions in light of the evidence they possess; to make decisions in light of—and that are supported by—the best available evidence more generally; to make decisions that are coherent, rational, and morally appropriate in light of the evidence and the interests and values at stake; to act quickly and decisively when necessary; to change direction or respond to changed circumstances when necessary; to consider both short-term and long-term consequences of a decision; and so on.

For both, what matters is both the ability to do these things and the propensity to do them consistently across a range of contexts, in response to changing conditions.

¹⁷ There are hard questions about the metaphysics of institutional capacities, whether epistemic or agential—in particular, the extent to which they simply supervene on or are reducible to the particular capacities of individuals (individuals who have been given various roles and powers within institutional arrangements), as opposed to being something over and above the combination or composite of those individual capacities. I tend toward reductionist, individualist sympathies, but the idea of political sensibility can be embraced and articulated on either account.

Accordingly, the functional, problem-solving ability of a political system or political institution can be imperiled in at least two different ways: epistemic error or agential error (or, of course, a combination of those two). The next several chapters raise several concerns about the functional, problem-solving capacity of electoral representative democratic institutions under sociopolitical conditions like those present in most modern, post-industrial, large-scale democracies. Importantly, it need not be that electoral representative government *always* fares poorly along these dimensions—the precise conditions matter.

1.6. The Social Conditions, Apples to Apples

I argue that lottocratic institutions would be better than electoral representative institutions at addressing the moral-political problems faced by, for example, those of us living in the United States. I argue that the modern conditions in which we live constitute failure conditions for electoral representative democracy—which means, essentially, that they imperil the problem-solving ability of those institutions. It is important in making the case that lottocratic institutions would do better that I do not alter the conditions under consideration.

The commitment to political functionalism and political contextualism makes apparent the importance of “apples to apples” comparisons in doing political philosophy. If comparing system A to system B, one must hold fixed the contextual variables—comparing how A would fare in context C1 with how B might fare in that same context; not with how B might fare in some different context C2. This, in turn, requires political philosophers to be clear on what features of the context they take to be relevant, and to make those commitments explicit.

There are complexities here, as the institutions that exist will, over time, affect what the contextual conditions are. Still, some of these conditions are durable and stable, and we should at least begin with an apples-to-apples comparison.

Obviously, the relevant conditions cannot include absolutely every feature of the current sociopolitical situation, down to the spatiotemporal location of every atom. Some judgment must be exercised in discerning what conditions matter. Let me draw attention to those conditions which, although perhaps largely unnoticed background features of modern political communities, are significant sociopolitical features of modern political communities, and are also at least partial causes of those failures of electoral representative government in the modern world.

These conditions are not necessary features of the world, nor are they constitutive features of human existence or human social organization. So, these are not things like the facts that we are not omniscient, that we feel pain, that we do not reproduce asexually, that we are mortal, that we cannot predict the future, that we have different sizes and strengths and capabilities, that we tend to enjoy some social interaction, that we are only imperfectly rational, and so on.

Instead, these are features or aspects of the specific sociopolitical communities that we often find ourselves in today. These are all conditions that we could imagine not holding now, not holding in the past or in particular places, or at least not holding at some point in the relatively near future. But they are significant features of many of our modern political worlds, and they give rise to many of the most central moral-political problems that we might want political institutions to help us solve.

Let us begin with the *size and scale* of modern political systems. Most modern country-level political systems operate over very large political jurisdictions in terms of both geographic size and population. Most countries have populations of upwards of 5 million people, and thirty of them have populations of more than 50 million people. The size makes it so that the overwhelming majority of citizens do not know each other personally. It also creates familiar problems in terms of mass communication, control of media and technological infrastructure, and economic and environmental regulation.

Governing territories of this size and including this many people creates the need for *multiple levels and layers of government*. Most political systems have a central federal government as well as (still quite large) sub-units—states, provinces, counties, cantons, townships, municipalities—that have their own political organization and political actors. Constitutions and complex bodies of law set out which units of government are responsible for what, who has lawmaking and law-enforcing jurisdiction, which courts hear which disputes, and so forth.

This size and scale results in *political problems that are highly complex*. We might understand “complexity” here in more or less sophisticated ways, but at a minimum it means that there are many moving parts. There are people, institutions, and other actors, with distinct kinds of beliefs, motivations, and preferences, engaging in conduct that has many different possible, hard to disentangle effects. The etiology or causal explanation or correct diagnosis of the political problems is complicated and non-transparent. The institutions, laws, and policies that might be proposed to address the problems themselves will be complicated (with many moving parts and interrelated components), and it will be difficult to discern whether the proposed solution will actually work—or even whether it is working or has worked after having been implemented.

This complexity means that political systems will be *significantly dependent on expert input*. Complexity results in the need for division of labor—epistemic and otherwise—which will result in the development of subsets of people who are experts, technocrats, policy wonks. Even modestly decent problem-solving presents technical problems that will require expert input. There might be many different ways of bringing expert input into policymaking and problem-solving decisions, but it is difficult to imagine a modern political system that did not employ experts at some significant point within the system.

The size, scale, complexity, and technical nature of political problems confronted in modern politics means that *ordinary knowledge or common sense*—what most people in the political community know, just from going about their ordinary lives, absent any special education or training or information campaign—*will be insufficient* for policymaking and understanding and addressing most political problems. Relatedly, it will be opaque to most people what ought to be done, politically.

A different kind of background condition, not present to the same extent everywhere, but significantly present in most modern political communities, is a *significant level of inequality* in terms of wealth, income, and socioeconomic power. How exactly to operationalize and define inequality is a contentious and complicated matter. But consider the simple measure of what percentage of total income the top 10 percent of earners take home. In a completely egalitarian landscape, they would take home 10 percent. In fact, throughout the world, the top 10 percent of earners take home a much larger share: 37 percent in Europe, 41 percent in China, 46 percent in Russia, 47 percent in the US and Canada, 54 percent in sub-Saharan Africa, 55 percent in Brazil and India, and 61 percent in the Middle East.¹⁸ The details and background causes of inequality differ across political communities, but this is a common condition in most places. In some places, such as the US, in addition to a wealthy class, there is also an ultrawealthy class that introduces yet more and more dramatic inequality. For example, as of 2018, three people—Warren Buffett, Bill Gates, and Jeff Bezos—together hold combined fortunes worth more than the total wealth of the poorest half of Americans.¹⁹ Income and wealth inequality often generate further inequalities in education, housing, health care, employment opportunities, media influence and control, and social capital and social influence, particularly as the effects compound over time and across generations.

This kind of inequality creates one kind of social segmentation, along lines of socioeconomic class. In many places, a further condition of the political context is that there are *significant divisions along lines of race, ethnicity, linguistic background, national origin, political ideology, religion, and/or geography*. Political communities differ in how homogeneous they are along these and other dimensions, as well as the extent to which social divisions enter into political life, the historical causes of these divisions, and the extent to which these divisions connect up to facts about inequality. In the United States, for example, the median non-Hispanic White family has forty-one times more wealth than the median Black family and twenty-two times more wealth than the median Hispanic family.²⁰ Given the worldwide shared history of colonialism and the common problem in many political communities of historical racial injustice, many political

¹⁸ World Inequality Lab (2018: figure 2.1.1).

¹⁹ See Inequality.org (2021).

²⁰ Inequality.org (2021).

communities have not just social division but a particular kind of social division as a background condition, giving rise to a common or at least similar set of moral-political problems.

There are doubtless other significant background conditions common to many or most modern political communities. I have drawn attention to these because I see them as particularly significant, particularly durable facts of modern political life, and important to hold fixed in any comparison between different candidate political institutional forms. There are various strategies that might attempt to address or modify these conditions directly, and some of those might be successful. I will consider some of them later. But my suspicion is that most attempts to address them directly through extant political institutions will fail, and those modifications to current political institutions that might address the problems (such as going to much more microscale political jurisdictions) would introduce other, even more significant problems. Some of these conditions should be the target of moral-political problem-solving, certainly, but for the purposes of the argument of this book, I don't want to assume that these solutions have already been implemented and proven successful.

Given these background conditions and given boring facts about the kinds of creatures we are, the needs we have, and the kind of trouble we run into when we live in close proximity to each other, we can expect certain common moral-political problems to arise. Among the central moral-political problems that emerge for political institutions to potentially address are the following:

- Preventing Domination and Harm: checking the most powerful and well-resourced members of society so that they do not have dominion over the less powerful, undercut their autonomy, harm them, violate their rights, and so on.
- Minority Rights and Justice: protecting the rights of those whose interests or identities make them relatively vulnerable minorities within the broader political community, including redressing historical injustice perpetrated along racial lines.
- Working Together Under Conditions of Disagreement and Distrust: helping individuals and communities work together to solve various coordination and collective action problems, even when there is widespread and deep disagreement about what ought to be done, and distrust of those on the other side of these political disagreements.
- Information Management and Use: harnessing expertise effectively to make epistemically responsible policy and to respond productively to information asymmetries with respect to consumer products, health, safety, scientific and medical expertise, and so on.
- Respecting and Promoting Equality: promoting conditions of social equality and equality of opportunity, stemming from considerations of respect for the moral equality of all.

- Respecting and Promoting Autonomy: promoting conditions of individual and group autonomy, so that people are able to form their own personal conceptions of the good and valuable and make and enact life plans that align with those conceptions.
- Promoting Basic Welfare: providing for the worst off and make sure that all morally significant creatures have what they need to survive and flourish.
- Preventing Environmental Degradation: helping to create rules and regulations that will help preserve the land, air, and water to help human beings and other forms of life flourish in the short and long term.

This list is by no means exhaustive, and some of these plausibly emerge under almost any modern sociopolitical conditions. In the chapters that follow, I raise several concerns about the ability of electoral representative democratic systems to do well under conditions like the ones we find ourselves in. Given these conditions, we should expect electoral representative systems to do poorly at identifying, diagnosing, and responding to the moral-political problems that arise in the political communities in which they operate.

2

Ignorance and the Voter Influence Dilemma

Doing well at addressing the moral-political problems that arise in some community requires political institutions that exhibit substantial epistemic and agential capacities. The political institutional system must have mechanisms in place by which it can come to have an accurate appreciation for the way the world is, the actual problems that are present, what is causing those problems, and what might help address them. Additionally, having formed this accurate appreciation of the world, those actors within the institutions must be properly motivated to act in ways that together serve to actually address those problems, rather than to ignore or exacerbate them. The suggestion in this and the next several chapters is that electoral representative democratic institutions are doing poorly by both these epistemic and agential lights, and that leads them to do poorly at addressing the moral-political problems that arise. This isn't a necessary fact about electoral representative institutions; it is instead a result of the conditions in which those institutions are currently attempting to operate.

As noted above, most modern political systems operate over very large political jurisdictions in terms of both geographic size and population. The sheer scale of the political communities increases the complexity of the political problems they face, the complexity of the institutions and laws and policies that are required to address those problems, and the likely division of labor—epistemic and otherwise—that attends living in a political community of that size. Furthermore, in electoral, democratic political communities of that size, most individuals make at most only an incredibly small difference to the electoral outcomes, and they know this. The size also makes it so that the overwhelming majority of citizens do not know each other personally. This size and scale has significant epistemic implications, making it much harder for ordinary citizens to know much about the moral-political problems they face, solutions to those problems, or even the extent to which representatives might be working effectively on those problems.

An additional significant fact, also with epistemic import, is the significant present and past inequality and racist and sexist division and hierarchy (and other forms of hierarchy) within many modern political communities. In addition to the obvious moral concerns with inequality and hierarchy, there are also epistemic implications of inequality and hierarchy. The epistemic implications

of this inequality and hierarchy have not always been foregrounded in democratic theory. Some of these are familiar (and often framed in these terms by those with relative social advantage): concerns that some members of the political community—those of a certain class, sex, or race, in particular—might not have had equal access to educational opportunities, and that this might affect their ability to participate in politics and the quality of that political participation. Those access and inclusion concerns are real, but they do not exhaust the epistemic implications of hierarchy and inequality.

There is an extended tradition in what is now called standpoint epistemology that draws attention to the way in which social position, social power, and the differential evidential history that results from differential social location can affect what one comes to know and understand. Patricia Hill Collins, Sandra Harding, Nancy Hartsock, Jose Medina, Charles Mills,¹ and others have argued that what one does and is able to notice and explain may be partly a function of one's social position. For example, those who are oppressed often must learn in much greater detail about their oppressors than the reverse. One explanation for this is that what is required for people to survive in precarious social positions might be significantly different. As James Baldwin writes, "I have spent most of my life, after all, watching white people and outwitting them, so that I might survive."² Gloria Anzaldúa sounds a similar theme in referring to what she calls "la facultad"—the capacity to notice things others might not, and to see deeper structure below surface phenomena.³ A related explanation is that the evidence and testimony one encounters, and the work that one does (is inclined to do, is required to do) to learn about various topics, might also be sensitive to one's social position. The knowledge obtained might not be social scientific knowledge regarding full complex structural causes of oppression and social inequality. It might be more microscale and situational, concerning how people do or are likely to behave under various circumstances, what subtle and perhaps largely unnoticed obstacles might exist to limit a policy's effectiveness, what moral-political problems are actually most pressing for a particular oppressed community, and so on. There is nothing magical here; this epistemic differential is simply the result of people occupying different locations in the social structure, having access to different evidence and testimony and information relevant to moral-political problems.

In some cases, the better epistemic position of the oppressed and socially marginalized might be merely comparative. Charles Mills, for example, draws on the example of the protagonist in Ralph Ellison's *Invisible Man* to illustrate how whiteness in America can be associated with systematic misperception, due to cultivated "white ignorance" about all manner of things, including historical facts about race and discrimination and injustice and oppression. As Ellison's

¹ See, e.g., Collins (1990); Harding (1993/2004); Hartsock (1983); Medina (2013); Mills (2007).

² Baldwin (1993). ³ Anzaldúa (1987: 60–1).

protagonist comments, this misperception is not due to any physical problems, but rather to “the construction of their inner eyes, those eyes with which they look through their physical eyes upon reality.” Harding, Hartsock, and others also make similar points with respect to understanding gender, society, and gender-based oppression. And there are similar stories to tell about class, social position, and the differential evidential history provided to those who have had to work several jobs as single parents, to take on highly dangerous and insecure forms of work, to navigate the world as a person with a disability, to attempt to obtain government benefits by working through byzantine bureaucratic structures, and so on. In some cases, epistemic advantage might be conferred partly by not having been exposed to racist, sexist, and classist propaganda and intentional efforts at misinformation and distorted socialization, or by having been inclined and better positioned to resist believing the propaganda and misinformation. Think of the content of textbooks produced by the dominant racial group during a period of racial oppression. And think of the ongoing struggles, in places like the United States, over how and what to teach about history and the role history has played in the contemporary construction of moral, social, and political problems.

These two background facts—concerning the size and scale of modern political communities, and the historical and present division and hierarchy that are present in many of those political communities—have significant implications for what we should expect by way of the epistemic and agential problem-solving capacities of those political systems that operate via electoral representative democracy (or via direct democracy). These background facts create an additional almost entirely intractable background fact in these political communities: the fact of broad (even if not complete) citizen ignorance about facts relevant to politics, to the nature of extant moral-political problems, and to solving moral-political problems that arise in those communities. Most citizens will be ignorant of policy details and even of the details giving rise to pressing moral-political problems. And many citizens will be ignorant of moral-political problems that primarily affect only those who are relatively disempowered in the political community, either due to lack of experience with those problems or due to misinformation and propaganda relating to those problems. This, in turn, gives rise to further deep and, I think, largely insurmountable challenges to the epistemic and agential problem-solving capacities of those political systems that operate via electoral representative democracy. In this chapter, I frame those challenges as a dilemma, with trouble on either horn.

It is worth noting at the outset that institutions and practices—whether social, legal, political, or economic—can have different kinds of epistemically significant effects. They might improve or fail to improve the general knowledge of a population of people, affecting how many true and false beliefs individuals have about various questions. They might do this directly, through education or miseducation. Think, again, of the content included in public education curricula

and textbooks. Or they might undermine or reinforce various biases that prevent people from acquiring true beliefs, weighing evidence appropriately, or relying on good epistemic sources. In later chapters, we will consider the role that elections have in affecting what people believe, what sources they turn to, what investigations they engage in, and other factors that affect the development and promulgation of true beliefs and the avoidance of error and ignorance—particularly about the most urgent questions of political life.

But institutions and practices can also affect whose beliefs—whether true or false—matter, and how much they matter, and this can lead institutions to have something like collective or “effective” epistemic virtues, whether or not they affect whether particular individuals in the community have true or false beliefs. For example, institutions can help minimize the significance of false belief by preventing those beliefs from influencing the decisions that are made and the actions that are taken, or by significantly reducing the weight of such beliefs. Or they might exacerbate the significance of false belief by giving the most power to those with systematically false beliefs or entrenched ignorance.

Electoral democratic institutions at least appear to give a substantial amount of power to the eligible voting public, in that the beliefs and opinions of voters determine who is elected. In this chapter, I will consider the possible implications of this, given concerns about citizen and voter ignorance.

2.1. Elections and Voter Ignorance

One consistent theme of political science research is the extent of the ignorance of citizens in modern democracies, particularly in the United States, across almost every politically relevant domain. Larry Bartels notes, “[t]he political ignorance of the American voter is one the best-documented features of contemporary politics.”⁴ John Ferejohn writes, “[n]othing strikes the student of public opinion and democracy more forcefully than the paucity of information most people possess about politics.” He continues, “[d]ecades of behavioral research have shown that most people know little about their elected officeholders, less about their opponents, and virtually nothing about the public issues that occupy officials from Washington to city hall.”⁵ Although the details vary, the well-documented ignorance that is the focus of this work is, unsurprisingly, ignorance concerning facts about political institutions, political actors, policy, party platforms, recent political events, and some more general knowledge concerning economics, law, and a relatively narrow segment of political history.

⁴ Bartels (1996).

⁵ Ferejohn (1990: 3).

This ignorance is both well-documented and, from a certain vantage point, unsurprising. Given the size and scope of most polities, we can expect that most significant moral-political problems will be information intensive: (a) factually complex, requiring extensive knowledge of information in order to understand the problem; or (b) technically sophisticated, requiring advanced education or experience to understand and evaluate possible solutions; or both. Given an information intensive political problem, we should expect that most voters will be ignorant of the details of the problem, what solutions might be available and attractive, and whether any particular action constitutes progress in moving toward solving the problem or not. This is partly because of the standard story regarding rational voter ignorance—it is rational to remain ignorant given how unlikely it is that one's vote will make a difference.⁶ But it also is a result of the sheer difficulty of keeping up on all of the relevant information and training, even if one had reason or desire to do so; and possibly the result of effective misinformation being produced by interested parties. Obviously, there will be a spectrum of how information intensive problems are. Even relatively straightforward problems may involve complex factual issues or require one to make complex assessments of the consequences of adopting some course of action. It is also possible to frame issues to be more or less information intensive. We might ask: should we regulate the presence of harmful chemicals in drinking water? Or we might ask: which chemicals that are found in water should we monitor and regulate, and at what levels? The suggestion here is that, at bottom, most political problems are information intensive.

Complexity and information intensiveness, along with rational ignorance, might be part of the story. But they are not the whole story. There are also concerns about ignorance generated by systematic misinformation campaigns and ideological propaganda, by efforts to warp and minimize past and current injustice and inequality, by political and ideological efforts to scapegoat and vilify minorities, outgroup members, or others in disadvantaged social positions. I will focus on these concerns in later chapters, but it is worth bringing them explicitly into the discussion here, as they affect what institutional responses might look attractive.

There may be categories of political problems for which voters, in general, might do a little better. Consider, for example, Amartya Sen's empirically informed argument that electoral democratic rights prevent famines.⁷ It might be complicated to know exactly what to do to prevent famine, but it is not complicated for constituents to know that they are starving, and that famine is bad, and to communicate that fact through the relevant institutional mechanisms—at least if

⁶ There is a long tradition describing the phenomenon of "rational ignorance," beginning with the classic work by Downs (1957: 244–6, 266–71).

⁷ See Sen (2001: 178–80; 2009: 342–5).

a large number of them face this fate together.⁸ Thus, it is possible that there might be some issues that get enough attention, or which are high salience enough, that most voters do at least somewhat better in terms of ignorance. But there will be many political problems for which this is not the case. This is important because, although we might be generally ignorant, there may be some issues about which people are not ignorant, at least in a broad sense. The difficulty comes in knowing more than these bare facts. What ought to be done? Is this a good idea? How should we respond? Will this be good for me, for our country, for the world? Is this the right thing to do?

Here is an initial dilemma, with a challenge to the epistemic quality of electoral representative institutions on either horn: either (a) the elected representative institutions are significantly responsive to the (significantly ignorant) views of the citizens or (b) they are not.

If (a), then ignorance is guiding our political institutions in a way that is straightforwardly troubling, epistemically speaking. This is a familiar story; indeed, it is one of the original fears regarding electoral democracy and expansion of the franchise. Early skepticism about democracy was rooted in concerns about the competence of ordinary citizens. But even if we accept (as we should) that citizens have the mental capability to gather evidence effectively, to think intelligently about policy questions, and to monitor their representatives—they may not have the time or ability to do this. The worry: we vote, instead, based on misinformation, distorted or confused understandings of the policy problems, ideological propaganda from the ruling elite, and other epistemically irrelevant considerations (like the appearance, height, or names of the candidates for office). If this is our situation—and the evidence suggests that it might be—then the epistemic peril is obvious.

Let's leave aside for the moment the empirical question of how responsive to the public elected political officials actually are. First, let us consider the claim that if elected officials were significantly responsive to the views of the largely ignorant electorate, this would result in an epistemically perilous situation from the perspective of the moral-political problem-solving capacities of political institutions. There are two influential views within political science—information shortcut theory and retrospective voting theory—that have attempted to vindicate electoral representative democracy despite concerns of this kind.

It has been suggested that even if people are ignorant of much that seems relevant in terms of policy detail and basic facts of politics, they can still make epistemically responsible decisions by using information shortcuts—proxies,

⁸ Indeed, a similar explanation might be offered for electoral democracy's relative success at avoiding what David Estlund has called "primary bads": famine, genocide, political collapse, epidemic, unjustified war (2008: 163). Of course, some might question whether democracies really do avoid these consistently (consider Power (2002) on genocide), and others might question whether it is democracy that should get the credit.

signals, and heuristics of various kinds—to overcome their ignorance.⁹ Many of these strategies amount to a kind of deference to the monitoring and evaluation done by some other individual or group. For example, membership in a political party, endorsements from activist organizations or media institutions, and contributions and public endorsements from particular individuals might all seem to help individuals overcome personal ignorance to enable them to make decisions that are well supported by the evidence, even though they don't personally possess all the relevant evidence.

But there are problems with strategies of this sort. First, the proxies may be either too coarse-grained to help for particular issues or too fine-grained to save individuals any effort. Membership in a political party, for example, is a very imperfect signal with respect to whether a candidate will actually work effectively to address extant moral-political problems in the political community, or whether the candidate will support policies that one does or would favor if one had more knowledge. And, of course, it is no help in selecting which person to nominate as the party candidate. If a voter has no idea why a party supports a particular policy, there is significant danger that the reasons for party support might come apart from the reasons that bear on the merits of the policy. And further trouble emerges in systems, like the United States, in which there are two dominant political parties, allowing some political issues to receive almost no political attention, and others to be lumped together without any particular reason.¹⁰ More will be said about parties and partisanship in Chapter 4; what is said there should doom the strategy of using political party membership as an information shortcut that will help with the epistemic and agential capacities of electoral representative institutions.

Endorsement from an organization that focuses narrowly on a particular issue will provide information about that issue, but it will require considerable effort on the part of individuals to learn which organizations can be trusted to provide reliable assessments and what all the issue-specific trusted organizations say about the candidates. This highlights a second problem with the use of proxies: it can be difficult and time-consuming to determine which proxies are credible, particularly if one wants to find reliable but specific proxies for many different issues. This can take as much effort, and be as challenging, as doing the research oneself, particularly as various organizations attempt to shield their true purposes and sources of financial support while playing what can only be described as a political disinformation function.¹¹ This raises a concern, too, about the research invoked to support information shortcut theory, much of which involves theoretical

⁹ See, e.g., the papers in Ferejohn and Kuklinski (1990). Some are quite pessimistic about what can be accomplished by way of heuristics and signals. See Kuklinski and Quirk (2000).

¹⁰ See Joshi (2020).

¹¹ For a number of examples of efforts to create ignorance and mislead citizens, see Proctor and Schiebinger (2008).

arguments based on formal models that assume that the signals received are significantly or even perfectly credible.¹² Those assumptions are unwarranted in most political domains, as interest groups, political action committees, and various media entities engage in the creation of many signals that are misleading, often intentionally so.

Finally, for some issues, there may not be good proxies or signals. There may be issues that are low profile or do not attract well-funded individuals or groups to do the necessary investigative work, and there may be issues for which powerful interests have a lot at stake and do everything they can to shape the available information and to obscure the nature of their interests and efforts. And there may be issues, such as military policy, for which there are organized and powerful interests on one side of an issue that have relatively easy access to the relevant information, but for which those on the other side (e.g., those who might be on the receiving end of our military equipment) might be disorganized, blocked from information, and otherwise disempowered.

A different theory of how ignorant voters could nonetheless sensibly monitor and hold accountable their elected officials relies on *retrospective* assessment of political officials. This theory, the “retrospective theory” of political accountability through voting, concedes that voters are broadly ignorant of policy detail, but suggests that they still can sensibly vote and influence policy in reasonable ways, despite this ignorance, simply by evaluating “past events, past performance, and past actions” of elected officials.¹³ (Retrospective voting theory can be seen as a particular instance of information shortcut theory—the relevant information just being very general information about past political performance or personal welfare under a political incumbent.) If voters evaluate what has been done in the past, this can inform whether they vote for that person again in the future, or whether they vote for that person’s party in the future. Knowing that voters might behave in that way will affect the choices and actions of elected officials, as they come to fear and expect this retrospective assessment of what they have done for their constituents.

Of course, doing even this much in a sensible way would require voters to know what the past events, past performance, and past actions of their elected officials actually were. Even that is plausibly too high a bar, given that many people cannot even name their political representatives, let alone the recent votes or other actions those representatives have taken.

One response is to weaken what is required by the retrospective theory even further, suggesting that all voters need to know is how they are personally faring,

¹² See, e.g., Calvert (1985); Grofman and Norrander (1990: 213–17); and Lupia (1992). Lupia later notes the limitations of this model-based work: “these arguments are of limited helpfulness when we attempt to understand voter decision making in circumstances where information providers are not perfectly credible and may, in fact, have an incentive to mislead voters.” Lupia (1994).

¹³ Key, Jr. (1966: 61).

rather than anything specific about which political officials have done what. An influential proponent of retrospective theory, Morris Fiorina, suggested that “[i]n order to ascertain whether the incumbents have performed poorly or well, citizens need only calculate the changes in their own welfare.”¹⁴ This would not result in perfectly accurate or sensible decisions by voters in terms of rewarding and punishing elected officials, but it would allow for something at least somewhat sensible—dispensing what Fiorina called “rough justice.”¹⁵ And this would be possible despite significant levels of voter ignorance with respect to policy, economics, law, and politics more generally. Indeed, this might seem to hit the sweet spot for electoral representative democracy: enabling voters to actually get some benefit in not having to learn as much about politics, while still getting elected representatives who try to do what they can to improve the welfare of their constituents in significant and salient ways.

Unfortunately for this version of retrospective voting theory, the evidence suggests that this is not how things play out. First, people are not even good at the very first part: getting facts about their own welfare—about how they are faring currently—right. One source of potential confusion stems from the fact that people might have preferences about a variety of different issues, and so they might be faring well in some respects, and not in others, making a holistic assessment difficult.

Even leaving aside that difficulty, there remains a significant concern about so-called “adaptive” preferences and the extent to which people adjust to their present situation, even when that situation is bad for them.¹⁶ Some debate about adaptive preferences concerns the extent to which they are rational. But a more fundamental concern for our purposes is that they don’t track people’s actual interests. On Serene Khader’s understanding of them, for example, “adaptive preferences are (1) preferences inconsistent with basic flourishing (2) that are formed under conditions nonconducive to basic flourishing and (3) that we believe people might be persuaded to transform upon normative scrutiny of their preferences and exposure to conditions more conducive to flourishing.”¹⁷ Absent that scrutiny and transformation, it remains quite possible that people will come to have false beliefs about how they are doing—at least with respect to certain central aspects of their welfare. If non-transformed adaptive preferences were common, then even if voters attempted to distribute rough justice in this retrospective way, the result would not be a political system that did well by addressing the moral-political problems that existed—at least not those that were tied to questions about individual welfare. Given many of the distortions that will be discussed in Chapters 3 and 4, and given the broad ignorance described earlier, particularly that caused by ideological and elite efforts at misinformation and distraction, it

¹⁴ Fiorina (1981: 5).

¹⁵ Fiorina (1981: 4).

¹⁶ For discussion, see, e.g., Begon (2015).

¹⁷ Khader (2011: 42).

seems plausible that many people will have either false beliefs about the changes in their own welfare over time or views about their welfare that are distorted by adaptive preferences. Additionally, empirical evidence suggests that voters concentrate their attention on only how they feel at the last moments prior to the election, rather than on an assessment of their well-being over the whole term of the incumbent, dramatically and “myopically” overweighting recent events.¹⁸ Importantly, this is not a question about the correct way to understand a normatively attractive ideal of political responsiveness if adaptive preferences and myopic overweighting of recent events are both common. The point here is only about the extent to which people can engage in accurate assessments of their own welfare over time as required by retrospective voting theory.

Even if people were perfectly good at assessing their own well-being, even without any additional normative scrutiny or consideration, there would remain an even bigger problem with retrospective voting theory. For it to work to effectively discipline elected officials to act in ways that genuinely address extant moral-political problems, voters must know not just facts about their welfare, but they must also have at least modestly accurate views about (a) the causes of why they are doing well or poorly and (b) the role of particular elected officials, or at least of broad groups of political actors (such as members of the current governing political party) in that causal story. As two leading political scientists, Christopher Achen and Larry Bartels, put it, “‘blind’ retrospection on the basis of overall well-being, with no consideration of the impact of governmental policies on that well-being, is very unlikely to provide much in the way of effective accountability.”¹⁹ Unfortunately for retrospective voting theory, the empirical evidence suggests that voters do quite poorly with respect to both (a) and (b). As Achen and Bartels summarize the evidence, “real voters often have only a vague understanding of the connection (if any) between incumbent politicians’ actions and their own well-being.”²⁰ This is no surprise, particularly when we consider the incentives politicians have to misrepresent their own accomplishments, to scapegoat their opponents, to obscure their own responsibility in things that go badly, and to proclaim accomplishments far in advance of the facts being settled. And an accurate picture of the causal responsibility facts will almost certainly remain elusive, given the concerns about press and the skewed way in which citizens engage with mass information detailed in later chapters.

The core of retrospective voting theory is incompatible with what we know about what we know about politics. In sounding what should be a death knell for the theory, Achen and Bartels write:

¹⁸ Achen and Bartels (2016: 175–6).

¹⁹ Achen and Bartels (2016: 144).

²⁰ Achen and Bartels (2016: 144).

Even professional observers of politics often struggle to understand the consequences of government policies. Politics and policy are complex. As a result, retrospective voting is likely to produce consistently misguided patterns of electoral reward and punishment. . . . Tracing how a specific political attribution of blame attains plausibility among inattentive citizens suddenly in want of an explanation for their troubles is a daunting task. The young and old, the rich and poor, the educated and uneducated are all swept along by the ideas popular in their groups, and sometimes are all swept along together. . . . The only certainty is that there is nothing very rational about the process. . . . The conventional account of retrospective voting, minimalist as it is, fundamentally underestimates the limitations of democratic citizens and, as a result, the limitations of democratic accountability.²¹

Rather than something rational that might provide a useful form of accountability, which could help make electoral representative democracies excellent or at least adequate at solving the extant moral-political problems in a political community, this kind of retrospective voting is more a way of chaotically lashing out, scapegoating, and rationalizing voting intentions whose actual causes lie elsewhere.

* * *

Both information shortcut theory and retrospective voting theory suggest that significant levels of voter ignorance needn't be a bar to meaningful, sensible efforts to hold elected officials accountable through voting, but these theories do not hold up in light of the realities of actual political life. This suggests that, if there is any mass political influence from the beliefs of voters to the actions of elected representatives, it will generally not be compatible with electoral representative government possessing substantial epistemic or agential capacities. Voters, in broad terms, do not have an accurate appreciation for the actual moral-political problems that are present, what is causing those problems, and what might help address them. If elected officials are responsive to the voters, there is no reason to expect that they will act in ways that address the extant moral-political problems—at least not in the normal case.

Ultimately, it is an empirical question whether elected representatives do hew closely to what their constituents believe and prefer. The evidence strongly suggests that they pay attention to some of their constituents much more than others, and that they ignore some constituents entirely.²² I will discuss this more

²¹ Achen and Bartels (2016: 144–5).

²² Lawrence Jacobs and Robert Shapiro, e.g., argue that there was a substantial decrease in political responsiveness over the last decades of the twentieth century, and that this was the result of, among other things, an increase in the incumbency advantage (due in large part to an increase in the cost of running for office), and the proliferation of powerful, elite interest groups. See Jacobs and Shapiro (2000).

below. On balance, the evidence suggests that elected officials actually are not very responsive to what their constituents believe, prefer, and value. They don't respond to the attitudes (largely ignorant, often non-existent²³) of their constituents. Instead, they manufacture, shape, and manipulate their constituents' attitudes about politics and moral-political problems in ways that are beneficial to them or to those who support them. The next section and Chapters 3 and 4 spell this out in more detail.

2.2. Elections and Ignorance: The End of Accountability and the Pervasiveness of Capture

That brings us to the second horn of the dilemma: the possibility that elected representatives do not hew closely to what ordinary citizens believe or prefer in deciding what to believe or do. This needn't mean that elected representatives do not think about what their constituents believe, prefer, and value. They might do this, particularly when failing to do so would result in electoral defeat because of some particularly high-profile issue or concern. But on this horn, we would expect that elected representatives will not just poll their constituents—if they do this at all. Instead, they will engage more in selling ideas and policies and problems and solutions to their constituents, rather than taking their cues from their constituents.

For those who favor electoral representative democracy over direct democracy, one of the central motivations for doing so is the expected improvement in epistemic quality—something one only achieves if elected representatives do not just defer to the beliefs and preferences of the broader public but make up their own minds about what ought to be done. The hope is that they will think about the moral-political problems the community faces, and then, better informed, go on to create and implement solutions to those problems. The fear—which I explore here—is that elected representatives might become almost entirely unaccountable, untethered, and liable to be captured by narrow interest groups and powerful elites. The fear is that we the people are, at best, like someone trying to walk a dog while holding a mile-long leash.

We might worry about this from a moral perspective of democratic control or concerns about elite domination—and I will discuss this concern. But epistemic peril lies this way, too. Widespread voter ignorance results in a breakdown of the mechanism of close electoral accountability—and we shouldn't welcome this, on agential or epistemic grounds. Why not? Because breakdown of the mechanism of

²³ Philip Converse and others have detailed the way in which most citizens are non-ideological and indifferent, ignorant, and lacking in real attitudes (beliefs, preferences, or desires) regarding most political issues. "Nonattitudes" rule the day. Converse (1964, 1970, 1975, 2000); Kinder (1998).

electoral accountability results in political capture, which isn't just bad for reasons of elite domination and agential distortion in the efforts to address moral-political problems that arise; it is also a route to epistemic disaster and a more general breakdown in the ability of the institutions to appreciate the problems that actually exist and to know what might help to address them. On this horn, then, voter ignorance is bad because it operates as a shield, blocking meaningful accountability of elected representatives, resulting in their capture—which itself has significant bad consequences along both agential and epistemic dimensions.

This argument goes against the standard justifications for systems of electoral representative government. The use of elected representatives is typically defended and justified on epistemic grounds. Otherwise, why not use direct democracy? Elected representatives embody a compromise: allowing for the “refining and enlarging” of constituent views and preferences, while having political institutions that are not completely untethered from what is in the interests of the citizens who are represented. In this vein, it is commonly noted that there are many reasons to think that systems of electoral representation will do relatively well by the lights of epistemic considerations. Representatives are, at least in principle, able to be largely devoted to the task of making law and policy. They have time to research the issues, consult experts, consult constituents, deliberate, and engage in discussion. And they often will have well-informed staffs of people helping them. So, they can come to have a more informed opinion about what needs to be done, which problems should be prioritized, where there might need to be trade-offs, and so on. Given a manageably sized legislative body, they can also act quickly if necessary in the event of a crisis.

Through the mechanism of electoral accountability, elected representatives are supposed to be required to pay at least some attention to the interests and beliefs and preferences of those people on whose behalf they are supposed to be governing. Representatives may be responsive to their constituents' preferences in that representatives explicitly defer to their constituents (doing as their constituents prefer), or because they act as guardians of their constituents' interests (doing what the representative thinks is best for her constituents). Usually, representatives will do a bit of both. Representatives must face re-election, and so they want to do things that actually make things better for their constituents. Thus, there are at least theoretical reasons to think that systems of electoral representative democracy will do well in supporting both epistemic and agential institutional capacities.

But for electoral representative systems, these capacities are supported only if there is *meaningful* electoral accountability. Meaningful accountability requires *informed monitoring and evaluation* practices.

It is a commonplace that political accountability requires free, regular, competitive, and fair elections. If elections are not free (open and inclusive, in terms of both candidates and voters), regular (taking place at consistent and predictable time intervals), competitive (there are genuine differences between platforms, and

adequate support for candidates with different views), and fair (lines are drawn consistently, votes are counted, corruption is minimal), basic accountability mechanisms will fail. Without elections of this kind, an elected official might do whatever she likes once in office without fear of electoral punishment. She would be free to act in ways that go against the preferences of her constituents, and she would be free to do whatever might be most personally beneficial to her or to those causes she cares about.

Even in advanced democracies, there are concerns about electoral systems being inadequately free, competitive, or fair. Complaints are made about financial barriers to running for office; electoral advantages that come with incumbency; systemic difficulties of mounting viable third-party candidates; the role that corporate money and inadequately regulated television advertising play in determining who is elected; the hurdles erected to keep poor, marginalized, and unsophisticated citizens from successfully registering and voting; the intentional, competition-reducing gerrymandering of districts; and even inadequacies in the mechanics of casting and counting ballots. These are serious difficulties, and they already play a significant role in reducing the accountability of representatives to those over whom they govern in many places. Even if some of these were addressed, however, problems of inadequate meaningful accountability would still arise.

Meaningful accountability requires elections that are free, regular, competitive, and fair. But it also requires that citizens are able to engage in informed monitoring and evaluation of the decisions of their representatives. Even if citizens have the mental ability to monitor their representatives, this monitoring of representatives can be thwarted by ignorance about what one's representative is doing ("conduct ignorance"), about political issues ("issue ignorance"), about whether what one's representative is doing is good in general ("broad evaluative ignorance") or will be good for oneself ("narrow evaluative ignorance"). Each kind of ignorance can undermine the ability of citizens to engage in meaningful monitoring and evaluation of the decisions of their representatives. Issue ignorance and conduct ignorance make monitoring difficult or impossible. If I don't know what you are doing and have done, I can't hold you accountable for it. And if I only know that you've done A (rather, perhaps, than B or C), but I have no idea what A amounts to (I know nothing about the issue for which A is a candidate proposal), or how it differs from B or C, I might as well not even know that you've done A. My ability to hold you accountable is equally impoverished. The two kinds of evaluative ignorance straightforwardly make meaningful evaluation impossible.

There are familiar worries about insulation from electoral accountability leading to distorted priorities for the elected officials. Rather than trying to address the moral-political problems that we all face, elected officials who are not meaningfully accountable will be free to depart from those concerns entirely. Representatives would have no electoral incentive to act in a responsive way,

addressing the actual moral-political problems faced, and they would have no electoral incentive to devise genuine solutions to those problems. It is true that an elected representative might try to enact good policy simply because she thinks it is the right thing to do. The problem is that, in the absence of meaningful accountability, it becomes electorally costly to act in certain ways—including, perhaps, ways that address the actual moral-political problems that arise—because of the influence of certain powerful interests. More on this in a moment.

One might think that whether representatives will work to actually address moral-political problems effectively has more to do with their abilities, beliefs, and the nature of their full-time role, and less to do with whether they are meaningfully accountable to their constituents. As discussed above, representatives have more time to research issues, deliberate, consult experts, assess big picture concerns, and they are selected (at least in part) because they seem skillful and competent—this is why they might be thought to be effective at addressing moral-political problems that arise while in office. Accountability might not seem relevant to any of these reasons; indeed, there is some concern that being too accountable—operating on too short of a leash—might impair the ability of representatives in this regard, as discussed when discussing the first horn of the dilemma.

This might be so if it were not for the following fact: elected political positions for which the elected officials are not meaningfully accountable to their constituents will be used to advance the interests of the powerful (typically the financially powerful). Let us refer to this phenomenon as *capture*: a political official is captured if they use their position to advance the interests of the powerful, rather than to create policy that addresses the moral-political problems that the political community faces (at least when doing so would conflict with the interests of the powerful). The suggestion is that the absence of meaningful accountability leads to an increase in capture.

There are three mechanisms by which the absence of meaningful accountability leads to capture. The first concerns the relationship between accountability to constituents and the value of political offices. The second concerns electoral viability and what it takes to be a viable candidate. The third concerns what we might call directed positional shift.

Here is an underappreciated idea: political power is more valuable to powerful interests the more that it is untethered from constituent preferences and beliefs. If political officials are free to take a wider range of positions—and, in particular, are free to take positions that are contrary to the interests of the non-powerful—this makes the offices held by those officials more valuable, more worth controlling. Thus, as representatives become less accountable, it becomes more worth the effort to control those representatives or to control who is elected. This will likely be considerably easier and cheaper than trying to alter the beliefs and preferences of the majority of people in a political jurisdiction through advertising and media

manipulation—particularly if the interests of the powerful run contrary to the interests of most people in a jurisdiction.

There are two main ways in which powerful interests can respond to this increased value of political positions. The first is by influencing elections: determining who can be a viable candidate. The second is by influencing those elected: determining the political positions adopted and creating directed positional shifts. Both of these happen in familiar ways, and in addition to there being *more incentive* to take these steps in the absence of meaningful accountability, both are also *easier* to do in the absence of meaningful accountability.

If elections are badly structured (requiring significant financial backing, allowing significant corporate/individual donations, etc.), the powerful will control who can realistically run for office, in which case even meaningful accountability post-election will come too late. If elections are badly structured *and* there is no meaningful accountability, then representatives become little more than agents of the powerful.²⁴ Consider US policy with respect to agriculture, environmental protection, financial services regulation, tax policy, defense spending, and so on.

But even if the elections are not so badly structured, there will still be serious concerns about the influence of the powerful over who can be a viable candidate. First, powerful interests can control media presentation of candidates and their positions. This can make meaningful accountability more difficult through the increase in bad or irrelevant information. More on this in later chapters. But this kind of control is also made easier when the issues are ones beyond the ken of most voters. If voters don't know much about candidates, their views, and whether these views are good or bad, it is easier to manipulate how individuals feel about the candidates. Second, if political positions are valuable, it becomes sensible to identify and groom "controllable" candidates early on, making those who end up as viable candidates likely to be those whose interests or temperament are congenial to the interests of the powerful.

²⁴ A substantial amount of empirical work suggests that capture is a significant problem. Martin Gilens (2012) has demonstrated that US policy is mostly responsive to the preferences of only the highest income Americans, if there is a conflict between those preferences and the preferences of the working and middle classes. Hacker and Pierson (2011) argue that the main source of the increase in income inequality over the last thirty years in the United States is the capture of American politics by the economic elite, and the ability of these elites to determine the policy outcomes they favor with respect to tax policy, corporate governance and law regulating corporations, environmental deregulation, among other policy areas. Colin Crouch (2004) makes a similar case with respect to UK politics in which he argues that the declining influence of workers' unions and the dominance of the corporate firm, and particularly the global corporate firm, has led to the effective capture of nominally democratic political institutions.

What I offer here is a general explanation as to why elected political officials regularly both *do* and *are able to* act so readily on behalf of the economic elite, despite the existence of electoral representative institutions. This explanation is compatible with others, including some of those offered in the above work, such as the decline of organized labor as a political force, and the increased cost of mounting a successful political campaign.

If those elected are already beholden to the powerful, the absence of meaningful accountability means that those beholden representatives will enact policy that is good for the powerful, even if that policy is not good for addressing moral-political problems more generally. But even if those elected are not beholden to the powerful when elected, once they are in office, the absence of meaningful accountability will lead to positional shifts in directions that benefit the powerful. In the absence of meaningful accountability, representatives will be able to do whatever they want. The worry is that in this “free zone,” powerful interests will make it so that there is at least drift, if not outright directed movement, in the direction that those interests favor. This can happen by controlling benefits for people post-office, by influencing popular beliefs (including beliefs about representatives and their views) via corporate-owned media, and by affecting the quality of available information. Representatives operating in this free zone will have no electoral incentives to do the right thing if it goes against the interests of the powerful (ex hypothesi, their constituents won’t know the difference), and the powerful will provide significant incentives to do what is in their interests. Representatives will have little incentive to seek out high-quality information regarding what would be best, and there will be plenty of easily available bad information that makes it seem that the best thing to do is to do what is in the interests of the powerful. Thus, even if representatives aren’t in the pocket of the powerful when they step into office, there is likely to be substantial influence from the powerful to adopt positions congenial to their interests, and it is reasonable to expect the “acceptable” range of policy positions to shift accordingly, and in a direction that is no longer aligned with what would make for effective problem-solving policy (except in those instances in which solving the problems aligns with the interests of the powerful).

We might imagine a well-intentioned class of people who want to run for office, get elected, and then do what is best for everyone or for the worst off. The problem is that if this class of people would act in ways that are contrary to the interests of the powerful, the powerful will use their resources either to buy off these people (if they have a price) or to crowd them out and replace them with others more congenial to their interests.

The suggestion so far on this horn of the dilemma is that ignorance results in an absence of meaningful accountability, and in the absence of meaningful accountability, we should expect to see high levels of political capture. Political capture is bad from an epistemic and agential vantage point. The agential side is clear enough, and a familiar source of concern and disapproval: whatever elected officials *believe* about issues and policy options, they will be inclined to *act* so as to benefit the powerful interests who can keep them in power. On this view of capture, it is entirely possible that the politically powerful know exactly what they are doing, who it will harm, who it will benefit, and they are going ahead and acting anyway. Doubtless this does describe some captured elected officials.

But a different worry—and one that is perhaps more pernicious and more difficult to detect and address—is that captured elected representatives really do come to believe that the best policies are X, Y, and Z—where X, Y, and Z also are the ones preferred by the elite and the powerful. One route to this result is through motivated reasoning of a kind that everyone is subject to—we are very good at coming to rationalize and justify the actions we take. But another route to this result, one that is not incompatible with the first, is through systematic epistemic distortion that results from the fact of capture.

Focusing on the epistemic side of things, captured representatives and institutions will typically have a perverse set of priorities which lead those representatives and institutions to fail to obtain or to generate relevant evidence; to seek out testimony only from certain groups of people; to engage in distorted and only selective reliance on and attention to experts; to receive and disseminate misinformation if doing so is to the advantage of the capturing entities (as it often is); to discount or ignore relevant bodies of evidence and knowledge; to ignore evidence and knowledge when acting if doing so better suits the interests of the capturing entities; and to act with an unduly limited focus on the issues and problems that are most significant to the capturing entities, rather than to the broader political community. There will be powerful incentives to ignore or just not seek out relevant evidence and sources of possibly relevant evidence, to generate and disseminate misinformation that serves the interests of the capturing entities, to consult and invoke expertise only asymmetrically (when doing so serves the interests of the capturing entities) and to otherwise ignore or undermine expert knowledge, and to act to advance the interests of the powerful even in those cases in which relevant evidence inclines toward other decisions. And we should expect that technocratic and purportedly epistemically useful institutions within the broader system—legislative hearings with expert testimony, legislatively created administrative agencies or task forces—will also be effectively captured and turned into engines of ignorance as a result. Rather than improving the epistemic functioning of these institutions, they will mostly serve the ends of justifying the policies and decisions favored by the capturing entities, providing a veneer of epistemic respectability or inevitability to the decisions being made.

The basic argument on this horn of the dilemma is simple. Voter ignorance undermines meaningful electoral accountability. An absence of meaningful electoral accountability results in capture. And capture results in what might well be described as agential and epistemic disaster.

Of course, this argument might be contested. The hope, however, is that the argument articulates a familiar set of concerns about electoral representative systems, albeit in more explicitly epistemic guise. These concerns are brought to the fore when one thinks about how little one knows about most of what one's elected officials do, what they spend their time investigating, who they spend their time listening to, who drafts the legislation they end up supporting, who has their ear.

Or when one thinks about how complex some issues are, how much of what one believes about those issues is a result of information provided by a few powerful media institutions, how much money powerful interests have at stake, and how hard it is to create rules to adequately monitor the influence of these powerful interests and the way in which their actions and the practices of elected representatives might be distorting the epistemic environment.

The argument in this chapter has been that voter ignorance, which is pervasive and deep, poses a dilemma for the sensibility of electoral representative democracy. One possibility is that the electoral representative institutions are responsive to us, the largely ignorant masses, which means that our ignorance directly undermines the moral-political problem-solving capabilities of the electoral representative institutions. Often through no fault of our own, we don't even know what the problems are, or which ones are most serious, let alone how to solve them. The second possibility is that our ignorance doesn't cause problems directly, but only indirectly, serving as a kind of shield for elected officials, resulting in their capture by powerful interests—and that capture results in poor moral-political problem solving, for both agential distortion and epistemic reasons. The evidence seems to support a view on which, for different issues, both of these are significant problems. But there are also many other threats to the problem-solving quality of electoral representative systems of government. Many of these require mass ignorance as a background condition, but they connect in different and specific ways to other features of elections as well.

In the next several chapters, I will explore these threats in more detail. We will begin by considering what might be a natural response: trying to address the problem of ignorance through various efforts at mass information provision. If this were a realistic possibility, it might make electoral accountability work as it is supposed to, by enabling voters to have informed opinions about both the moral-political problems in their midst and the actions political officials have taken (or are promising to take) to address those problems. Is it a realistic possibility?

3

Bad Press

“Were it left to me to decide whether we should have a government without newspapers, or newspapers without a government, I should not hesitate a moment to prefer the latter.”

Thomas Jefferson

A central idea behind electoral representative democracy is that doing politics well, making good political decisions, requires more than just common knowledge such as might be possessed by anyone in the society just from going about the course of their day. It requires a wide variety of specific and even esoteric knowledge, or as we might now call it, a lot of specific and esoteric “information.” One must know facts about the world that relate to politics; one must know political facts of various kinds about how various legal and political institutions work and about their history and past actions; one must know about the moral-political problems that exist or are on the horizon, as well as about various proposals to address those problems; and one must know what members of the political community think about those problems and purported solutions, including which they see as most important, most threatening, and so on.

Individual citizens will not typically have the time, investigative ability, or incentives to acquire all the relevant knowledge. This motivates the use of elected representatives, who will have political decision-making as their full-time job, as well as funding and support to engage in the relevant investigation. The theory is that elected representatives will have incentives to acquire and act on the relevant knowledge, as they face electoral consequences if they do not.

However, as discussed in the previous chapter, there’s a weak link in the theory. Selecting political officials and monitoring and holding them accountable requires that voters know enough to provide an effective political influence through elections: disciplining elected officials who are not working to address the extant moral-political problems, alerting candidates as to what the issues that matter most to them are, and having a well-enough informed view about the world so that their judgment about what issues and problems matter corresponds tolerably well to the problems that actually exist. This requires knowing about what elected representatives are doing, knowing about the extant moral-political problems, knowing whether what is being done is working to address those moral-political problems, and knowing enough to be able to spot and alert others to new problems on the horizon, or the need to reprioritize problems, and so on. There

are reasons—perhaps supplied by information shortcut and retrospective voting theory—to think that citizens don’t need to know *everything* that representatives need to know for the system to work well. But they do need to know something pretty substantial, and they don’t currently know what they need to know, or so I have suggested.

A natural response at this point: let’s figure out how to get people better informed! In this chapter, I will suggest that this response, although a natural one, and an old one—dating back more than a hundred years, to philosophers like John Dewey, Walter Lippmann, and Marie Collins Swabey—runs into several deep problems. Importantly, although the internet, social media, AI, bots, deep-fakes, and other relatively recent developments do raise new questions and challenges, these arrive on top of an already deeply epistemically problematic mass information ecosystem. The big, core problems are not new, or so I will argue.

In this chapter, I will focus on news media (or improved, reformed news media) as a possible response to the problem of voter ignorance—an attempt to repair the weak link in electoral representative democracy that is the problem of complexity and ignorance.

One note at the beginning. It might be natural to focus—as Dewey does—on education, rather than news media, or in addition to news media. I discuss education later in the book, in Chapter 7, but although improving mass public education (and statistical and scientific literacy) might be a necessary condition of addressing the ignorance problem, it is not a sufficient condition of doing so. Mass public education is not sufficient because the information needed to serve the necessary electoral accountability function is too small scale, micro level, of the immediate moment—concerning particular people, their actions, and present problems—for it to be supplied by general mass public education. Education might well be necessary so that people know what to look for and how to look, how to interpret and process and synthesize what they find, and how to present and discuss all of this with others. It also might (depending on the details) be useful for combatting some elements of ignorance of history, oppression, and injustice that are caused by ideological forces. But we need something more “of the moment” for electoral representative democracy to work in practice as it is supposed to in theory. We need the news.

An obvious reason for this: in most countries, people under 18 cannot vote. Also, in most countries, people are only required to be in any kind of educational institution through age 18, if that. So, for many people, they will have left formal educational settings behind by the time they become politically active. And this is the situation for the vast majority of people by the time they reach their mid-twenties. There are other sites of continuing education: workplaces, community colleges, continuing and adult education programs, and more. But these are not systematic. Additionally, were there to be efforts at systematic public education for

adults, particularly as might be relevant for political participation, we might naturally worry about the funding for and content of this educational programming. We will see related concerns emerge at the end of the chapter with what I call “the free press problem.”

3.1. The Environment, the Pseudo-Environment, and Epistemic Toolkits

Recall the core background conditions detailed in Chapter 1: the modern world is complex, political problems are intricate, highly technical, involving many moving parts and interconnected systems. We are rarely dealing with simple, isolated questions about which most or many of us have some detailed, personal knowledge: whether our small-town Main Street needs a new traffic light or whether the local high school needs a new gymnasium. For example, the amount of money spent on health care in the United States in 2018 was \$3.6 trillion.¹ That would make the US healthcare system larger than the GDP of all the countries in the world except China, Japan, Germany, and the US itself. It is no wonder, then, that “healthcare reform” is going to be a large and complicated topic, with many interconnected parts and systems, and an equally large number of invested actors and institutions. No wonder, too, that it might be hard for non-expert citizens to feel like they really understand what would make for good reforms, whether health care is too expensive for what we are getting and, if so, how to reduce the costs, who (if anyone) is profiting too much from the system being as it is, and, perhaps most perplexingly, what are realistic steps in a good direction from where we are now to some improved future system.

The United States healthcare system is an extreme example of size, complexity, and intricacy. But it is just one example of a complex moral-political problem. In modern electoral representative democratic systems, the generalist legislature is responsible for making law and policy in dozens of other areas, each nearly as complicated as health care. No voter, citizen, or elected official can possibly have an informed, detailed view about all the active law and policy of the political system and the moral-political problems that affect the political community.

But what is true for politics is true also for many other aspects of modern life. Each of us navigates a world that is complex and intricate, with bodies of expert knowledge behind almost everything we see and touch and do. Each of us only knows a tiny fraction of what there is to know. In modern societies there is an extensive and thorough division of labor, and with that division of labor comes a division of knowledge. To make our way through the world requires figuring out

¹ Center for Medicare and Medicaid Services (2020).

which experts to rely on (something I will discuss at greater length in Chapter 10), what sources to trust, what informational cues to attend to, and what assumptions (“priors”) to work with regarding a huge range of topics.

I say “figuring out” but that is to over-intellectualize what most of us do. We do end up trusting some people, treating some sources as credible, attending to some informational cues, and working with various starting assumptions. But how this happens is complex, often sub-personal (not something we are conscious of or consciously attending to), and often has a social causal backstory more than an intellectual one. When we think about the world, and not just the political world, we do so through our own stereotypes (generalizations, mindsets, lenses, perspectives, cognitive biases), and these result in us having our own favored experts, informational shortcuts, and trusted sources, which in turn affect and alter our stereotypes in a complex, dynamic process.

I will refer to this complex combination as an individual’s “epistemic toolkit.” It is what we use to help us navigate, make sense of, and explain the modern, specialized, complex world. The details and interrelations of these phenomena are the topic of several academic fields, including psychology (including social and political psychology), cognitive science, political science, communications and media studies, social epistemology, and others. My aim is to consider the implications of the fact that we work through the world each with our own epistemic toolkit, and particularly to consider the implications of this for politics.

This focus is not new. Walter Lippmann was worried about related issues in the early part of the twentieth century. He begins his classic, *Public Opinion*, by noting that a person is not an “Aristotelian god contemplating all of existence at one glance.”² Instead, we are creatures “of an evolution who can just about span a sufficient portion of reality to manage [our] survival.” To make our way through the world, we fashion a “pseudo-environment” which is not an exact image of the actual environment in which we live. It is a kind of fiction, but it is that to which we respond in our actions. He continues:

By fictions I do not mean lies. I mean a representation of the environment which is in lesser or greater degree made by man himself. The range of fiction extends all the way from complete hallucination to the scientists’ perfectly self-conscious use of a schematic model... For the real environment is altogether too big, too complex, and too fleeting for direct acquaintance. We are not equipped to deal with so much subtlety, so much variety, so many permutations and combinations... To traverse the world men must have maps of the world.³

These “maps” are akin to what I am calling “epistemic toolkits”—things that we use to navigate, understand, and explain the world in which we live.

² Lippmann (1922: 18).

³ Lippmann (1922: 10–11).

Lippmann was particularly interested in the way in which mass media, the newspaper, bureaus of statistics and information, and modern science were opening new possibilities for how we as individuals came to have beliefs about the world, and in particular the world as related to politics. There was potential for making new and better maps, or so it might seem. And as political jurisdictions grew in size and population, it became a question of concern: can the ordinary citizen come to have an informed view about the distant political happenings in Washington, DC, London, Moscow, or Berlin? This was still a relatively new concern, made more urgent by the expanding size and power of political communities, but also by new technologies: industrialization and mass production, automobiles, intercontinental railroad, flight, telephone, telegraph, and radio. As he put it, “[t]he world that we have to deal with politically is out of reach, out of sight, out of mind. It has to be explored, reported, and imagined.”⁴

The way in which we do this, the particular maps and epistemic toolkits we come to develop and rely upon, will have profound effects on what modern democracy is like, and how capable it is of actually addressing the moral-political problems we face. How those maps and epistemic toolkits are created and adopted thus becomes of vital importance. We have new technologies to aid or at least shape our views—television, cable news, the computer, the internet, powerful digital search engines, social media—but the basic concern is the same: what are our epistemic toolkits like, and do they help us to track and respond to reality, to come to have correct or roughly correct impressions about the world and the moral-political problems that we face?

Included in our epistemic toolkits are our starting assumptions about various topics, the generalizations and stereotypes we operate with, the sources of information and testimony we rely on and trust, the experts we listen to, the informational cues and heuristics we use, the rules of inference we know about and employ, the statistical and scientific training we have received and can deploy, the technologies we use to search for and process and store information, the concepts we possess and use to process and explain the world, the experience and skill we have noticing and responding to the emotions of others, and much else.

A few words about the “toolkit” metaphor. First, we might be carrying around in our toolkit things that don’t help at all, or that even make things worse, depending on the environment we are trying to process and understand. Think of the doctor whose bag contains only leeches, or an astronomer carrying around a microscope. Not all tools will be equally helpful. Not all tools will be helpful at all. We might be carrying around tools that don’t work. Having a tool doesn’t mean one will always use it correctly. And we may use the wrong tool for the situation. (As the familiar adage reminds us, when all you have is a hammer,

⁴ Lippmann (1922: 18).

everything looks like a nail.) Second, we often think of tools as things that we use consciously and intentionally, to accomplish a particular task. Some of the tools in our epistemic toolkit will be like this—we open the web browser and navigate to our preferred news site or search engine. But some of them will not be. We might use them automatically or subconsciously.

Lippmann was worried about the possibility that the mental maps by which we make our way in the world could be in systematic error. He aimed to describe “some of the reasons why the picture inside so often misleads men in their dealings with the world outside.”⁵ These included both factors external to us (outside of our heads) and those internal to us (inside our heads). Some of these external factors that “limit [our] access to the facts” include “the artificial censorships, the limitations of social contact, the comparatively meager time available in each day for paying attention to public affairs, the distortion arising because events have to be compressed into very short messages” and “the difficulty of making a small vocabulary express a complicated world.”⁶ Some of these—limited time, sound-bite distortion, the simplifications of mass news—remain concerns today. Others, such as censorship, have in most places been replaced by the new challenge of information overload. But we will come to that in a moment.

In addition to these external sources of error, there are significant problems in how individuals receive, process, and incorporate “this trickle of messages from the outside.”⁷ How we do all of this is “affected by the stored up images, the preconceptions, and prejudices which interpret, fill them out, and in their turn powerfully direct the play of our attention, and our vision itself.”⁸ We create and use and borrow stereotypes that help us make sense of the world, and they affect both how we interpret what we encounter, and what we seek out. As Lippmann puts it, “[t]he facts we see depend on where we are placed, and the habits of our eyes.”⁹ But they can be hard to dislodge or even notice: “There is nothing so obdurate to education or to criticism as the stereotype. It stamps itself upon the evidence in the very act of securing the evidence.”¹⁰ So, if we end up with misleading or inaccurate stereotypes, they will introduce distortion and systematic error, and do so in a way that can be hard to correct for.

Although writing roughly 100 years ago, Lippmann’s worries about how we process information, what information is available for us to process, and how those are interrelated—and the ways in which all of this can lead us into error and lead democracy into trouble—still have remarkable resonance. And the great body of psychology, cognitive science, communications and media studies, and political science that has been developed in the intervening years has done nothing to dispel these concerns. In the next several sections, I will focus on a few particular

⁵ Lippmann (1922: 18).

⁸ Lippmann (1922: 18–19).

⁶ Lippmann (1922: 18).

⁹ Lippmann (1922: 54).

⁷ Lippmann (1922: 18).

¹⁰ Lippmann (1922: 65).

elements of our epistemic toolkits, and the effects these have on our search function—what information we seek out and why—and on the effects those search functions have on what kinds of sources exist and flourish given the media marketplace. This mass media ecosystem will not serve our democracy well; it will not improve the ability of electoral representative democracy to identify and solve the moral-political problems in our midst. So, far from being a solution to the problem of ignorance and complexity, it is almost certainly an exacerbating condition.

3.2. Search Function and the Entertainment Filter: What We Seek out and Why

Books could be written—and have been written—about the many elements that make up an epistemic toolkit: how socialization and education result in certain starting assumptions and priors as well as the development and use of certain concepts, how we form and use stereotypes and generalizations, who we come to trust and rely on for testimony about the world, how we search for information and how we choose what sources of information to rely on and prioritize, what heuristics and informational cues we attend to, the rules of inference we endorse and those we actually employ, what we know about scientific and statistical methods, what information technologies we use and are comfortable with, and so on. Some of these are very different even for people in the same society, political community, or broad cultural group. In Chapter 6, I discuss some of the insights from standpoint epistemology, which suggest that our social position can affect elements of our epistemic toolkit—what we notice, the concepts we have available to us, whose testimony we encounter and trust, what stereotypes we possess, and so on. Here, I want to focus on more general features that will affect the epistemic toolkits of most people in large electoral democratic societies that have significant free speech protections.

Neil Postman, in his 1985 classic polemic *Amusing Ourselves to Death: Public Discourse in the Age of Show Business*, argued that modern public discourse has decayed and degraded as a result of the rise of visually entertaining material broadcast through television. He looked back wistfully on the high epistemic quality of the six- and seven-hour-long, intricate, sophisticated public debates such as the Lincoln–Douglas debates of 1858. Some of his valorization of the epistemic past is overstated, certainly, particularly the cherry-picked examples meant to illustrate how things were in the good old days of reading, writing, and sophisticated public discourse. But criticisms of the book focused on how it was unfair to make the past seem to be so great; few attempted to defend the quality of modern public discourse. And that was forty years ago—before the rise of highly segmented cable news markets, the internet, social media, and other

common villains in narratives of the demise of public discourse. The basic worry of that book seems to be exactly on point, and even more a problem today than it was when Postman was writing. In the framework developed so far, that worry can be described as the introduction of a pervasive “entertainment filter” to many of our epistemic toolkits.

Postman begins his book with a powerful, prescient foreword:

We were keeping our eye on 1984. When the year came and the prophecy didn't, thoughtful Americans sang softly in praise of themselves. The roots of liberal democracy had held. Wherever else the terror had happened, we, at least, had not been visited by Orwellian nightmares.

But we had forgotten that alongside Orwell's dark vision, there was another—slightly older, slightly less well known, equally chilling: Aldous Huxley's *Brave New World*. . . . Huxley and Orwell did not prophesy the same thing. Orwell warns that we will be overcome by an externally imposed oppression. But in Huxley's vision, no Big Brother is required to deprive people of their autonomy, maturity and history. As he saw it, people will come to love their oppression, to adore the technologies that undo their capacities to think.

What Orwell feared were those who would ban books. What Huxley feared was that there would be no reason to ban a book, for there would be no one who wanted to read one. Orwell feared those who would deprive us of information. Huxley feared those who would give us so much that we would be reduced to passivity and egoism. Orwell feared that the truth would be concealed from us. Huxley feared the truth would be drowned in a sea of irrelevance. . . .

In short, Orwell feared that what we hate will ruin us. Huxley feared that what we love will ruin us.

This book is about the possibility that Huxley, not Orwell, was right.¹¹

We might worry about suppression of information in some arenas—national defense and security, for example. But, for the most part, modern electoral democracies are doing tolerably well with respect to protections of free speech and transparency with respect to the conduct of political officials and political action. Information is not in short supply. The argument that Postman offers is that the rise in television's reach and dominance, along with its distinctive mechanisms of engagement and appeal, has fundamentally altered how we learn, how we gather and seek out information, how much and what kind of effort we are willing to expend, and what content we actually engage with—in all realms, but of particular concern for him is the realm of public discourse about matters of political life. Even if the information is in some sense “out there,” we are

¹¹ Postman (1985: pp. vii–viii).

not inclined to or able to seek it out, process it, use it to identify the moral-political problems that we actually face, nor evaluate candidate solutions to those problems. We have added an entertainment filter to our epistemic toolkit—we only seek out information, engage with evidence, search for and evaluate sources, participate in conversation, watch and engage in debates, and pursue education if doing these things is personally entertaining for us.

The precise details of this entertainment filter—both why many of us have included it (with varying levels of intentional choice), and how it works—are important. Postman offers an account on which *Sesame Street* plays a central role: “[w]e now know that ‘Sesame Street’ encourages children to love school only if school is like ‘Sesame Street’.”¹² Children come to expect that education will be entertaining, image-driven, jump-cut from scene to scene, requiring little of them but to sit back and enjoy. Television is created and devised to keep our attention in these ways. When things are not like that—school, work—they meet with resistance, and we do them only if we are forced to. And this is as true for news programs for adults as it is for children’s programming. As Postman puts it:

Entertainment is the supra-ideology of all discourse on television. No matter what is depicted or from what point of view, the overarching presumption is that it is there for our amusement and pleasure. That is why even on news shows which provide us daily with fragments of tragedy and barbarism, we are urged by the newscasters to “join them tomorrow.” What for? One would think that several minutes of murder and mayhem would suffice as material for a month of sleepless nights. We accept the newscasters’ invitation because we know that the “news” is not to be taken seriously, that it is all in fun, so to say. Everything about a news show tells us this—the good looks and amiability of the cast, their pleasant banter, the exciting music that opens and closes the show, the vivid film footage, the attractive commercials—all these and more suggest that what we have just seen is no cause for weeping. A news show, to put it plainly, is a format for entertainment, not for education, reflection, or catharsis.¹³

This story shows its age a bit in its exclusive focus on television (although television remains a dominant vehicle for news consumption), but the internet and social media only add new technologies and strategies to this same basic story. The way that individuals make decisions about who to like and follow on social media and the sophisticated algorithms deployed by these companies to keep us captivated and engaged, the way in which click-bait “articles” and efforts at producing viral content alter what gets reported and how it is reported, the gamification of our attention through likes and retweets and emoji-limited

¹² Postman (1985: 143).

¹³ Postman (1985: 89).

responses—these are all just new ways to keep our eyes on the screen, to keep us coming back. Crucially, these technologies and strategies are effective not because of how well they help us understand or explain the world and the problems we face, but because they entertain us, they amuse us, and not always because we agree with what we are seeing, of course. Hate-watching is a form of entertainment, too.

These are, in a way, old worries. Worries about our predilection for entertainment, for “bread and the circus,” were old even when John Dewey was writing in 1927. He writes:

Political concerns have, of course, always had strong rivals. . . . What is significant is that access to means of amusement has been rendered easy and cheap beyond anything known in the past. . . . The movie, radio, cheap reading matter and motor car with all they stand for have come to stay. That they did not originate in deliberate desire to divert attention from political interests does not lessen their effectiveness in that direction.¹⁴

Dewey was focused on the way in which amusements compete with politics for our attention and time. As mentioned in the previous chapter, there is already a significant concern about how much time any one of us will devote to reading and learning about political issues, given how unlikely it is that our vote will make a difference. These are worries that we will remain ignorant of politics because we won’t spend any time reading or talking about politics.

To twenty-first-century readers, immersed in non-stop cable news political coverage, people yelling at each other about politics on Twitter (X) and Facebook, and constant political chatter and fighting on all manner of talk radio and podcasts, this might sound all wrong. It is true that competition for our attention remains, although we are now on to Netflix, YouTube, TikTok, and new sources of distraction through social media. But our problem is not that we avoid politics, that we don’t seek out programming relating to politics, or that we don’t engage with each other about politics. Here Postman is right: the problem is *how* we do these things and *why* we are doing these things. For too many of us, our choices about how we search for information about politics, what channels we turn to, what we read and who we follow on social media, and what issues we engage with and pay attention to are driven by entertainment considerations, not epistemic ones. Having this kind of entertainment filter in our epistemic toolkit distorts what we come to believe about politics, what issues we see as the most significant ones, which candidates and politicians we find compelling, and what kinds of sources of information we pay attention to and support.

¹⁴ Dewey (2016: 166–7).

The claim that we are motivated by entertainment considerations and the specific effects of being so motivated are both empirical matters. There is significant evidence to support them. Perhaps most significant is simply the ratings-driven shift in the nature of news. Criticisms of “infotainment” started in the 1980s and 1990s, but the ubiquity of entertainment-dominated news coverage is now well-documented. The media studies scholar Daya Kishan Thussu documents the worldwide takeover of “global infotainment” as the basic model of news, employing glitzy aesthetics, fast-paced action, excessive rhetoric, and attractive, stylish news anchors to capture and retain viewers’ attention.¹⁵ In addition to the entertainment style, the content is driven by entertainment and engagement objectives as well. This “ratings-driven television journalism” prioritizes “soft news—about celebrities, crime, corruption and violence—and presents it as a form of spectacle.”¹⁶

It is difficult to dispute that entertainment values play a significant role in modern mass news media. The entertainment filter supports a filter that also has some independent force: an “agreement” or “partisan” filter. Because we turn to news and media for entertainment, the way we do this also has a significant partisan dimension—we like to engage with news media that agree with our background beliefs, stereotypes, prejudices, and that fit with our group identification. I focus on these aspects in the next chapter. Now, I want to turn to the implications of having entertainment play a central role in our search function not just for the quality of our political views, but also for what media and news actually come to exist.

3.3. Availability: The News We Make Is the News We Buy

A natural response to Postman’s concerns, and to the proliferation of bad news sources that prioritize entertainment, riling up the base, and page views over solid dispassionate careful hard news, is to call for “media reform.” Support independent journalism! Let’s have more hard-nosed investigative reporting! Factcheck, source, follow-up, verify. Present the full complexity. Develop serious views about what is “newsworthy” and adhere to those principles. Some of these strategies suggest putting in place government regulations on news media or encouraging private companies to discipline themselves or their content-creators in various ways, noting that posts contain falsehoods or are misleading, or attaching reputation scores to content-producers. A basic problem with these strategies is the same as with the “war on drugs.” The reforms focus on altering and restricting the supply of bad news, without altering or restricting the demand for bad news.

¹⁵ Thussu (2007: 5).

¹⁶ Thussu (2007: 8).

Assume—as seems plausible—that many (not all) people who seek out news and political discussions do so because they are motivated partly by enjoyment, rather than by purely epistemic or moral considerations. Even so, this entertainment motivation is not transparent to most people. Many may see what they are doing as “being an informed citizen” and “keeping up with the news” as members of a democracy ought to do. It may be hard to square people’s actual practices—exclusively turning on either Fox News or MSNBC or going to Breitbart or listening to Joe Rogan (or, previously, Rush Limbaugh)—with the idea that they think of themselves as behaving epistemically responsibly in learning about political issues. But the entertainment filter can still be operative even if people aren’t aware of it. Harder, more substantive, complex, nuanced political news and policy information is out there, but that is not how most people want to spend their time.

Note that although it is true that lack of time is part of the story, it is not the whole story. People spend roughly two hours per day on social media, with the leading reason offered being “to stay up-to-date with news and current events.”¹⁷ The Pew Research Center for the People and the Press reports that the average American spends seventy minutes per day taking in the news through TV, radio, newspapers, or through other online (non-social media) content.¹⁸ That is a lot of time. And yet the general public remains ignorant of basic political and economic facts. The suggestion here is that the entertainment filter in many of our epistemic toolkits leads us to “discharge” our duties to stay informed in a way that we enjoy, and that this same filter means that the dominant sources of news take on an entertainment model. They have to, in order to survive in a competitive market.

The pressure to entertain and to keep our attention requires offering a certain news media product. Exciting music, attractive hosts, flashy graphics—that is how it should look and sound. But it will also require a shift in what is covered and how it is covered. Lippmann, well before television, suggested that as what was being reported became further from our personal lives, both humanizing events and providing captivating images would be important: “in order then that the distant situation shall not be a gray flicker on the edge of attention, it should be capable of translation into pictures in which the opportunity for identification is recognizable.”¹⁹ He warned, though, that it would be hard for reporters and storytellers to do this in a way that challenged the background assumptions we bring with us. Reporters and others “must adhere to the stereotypes that they find, or pay the price of frustrating expectation.”²⁰ For most people, amusement and entertainment is not compatible with being deeply challenged, with having one’s

¹⁷ Global Web Index (2019).

¹⁸ See <https://www.pewresearch.org/politics/2010/09/12/americans-spending-more-time-following-the-news/>.

¹⁹ Lippmann (1922: 107).

²⁰ Lippmann (1922: 107).

basic worldview called into question, or with learning facts that are not just sad or tragic but more foundationally disturbing or upsetting. Postman offered several “commandments” of television programming. First, “thou shalt have no prerequisites.”²¹ Each program must be a package in itself, with no background assumed or required, and no one excluded for not having already done their homework. Second, “thou shalt induce no perplexity.”²² Every story, chunk of information, or concept should be such that it can “be made immediately accessible” since contentment, not growth, is the objective. Finally, “thou shalt avoid exposition”—particularly anything like “arguments, hypotheses, discussions, reasons, refutations or any of the traditional instruments of reasoned discourse.”²³ So, a set of commandments:

- Thou shalt not look or sound boring.
- Thou shalt not challenge the audience’s basic worldview.
- Thou shalt not attempt to counter the audience’s stereotypes.
- Thou shalt not assume or require any background education or knowledge.
- Thou shalt not perplex.
- Thou shalt not complicate.
- Thou shalt not present sophisticated arguments, reasons, or hypotheses.
- Thou shalt not have a standard for “newsworthiness” that rules out celebrity gossip, sensational but incredibly rare crime, or anything that any other venue anywhere is covering.

Importantly, these are not, of course, commandments regarding journalistic ethics or media integrity or anything of the sort. These are practical or strategic commandments for news media entities that want to stay in business. There are very few exceptions, particularly in the still dominant world of television news.

Reporting on the empirical situation years after Postman, it seems these and similar commandments have been followed faithfully. The anthropologist and cultural critic Nestor Garcia Canclini writes that now “argumentative and critical forms of participation cede their place to the pleasure taken in electronic media spectacles where narration or the simple accumulation of anecdotes prevails over reasoned solutions to problems.”²⁴ The political and media theorist Thomas Meyer notes that even in “overtly political television broadcasts there is a preponderance of programming with extremely scanty informational content and little room for debate, with much of it offering an image of the political that would more likely distract viewers from actual events than help them understand what is happening.”²⁵

²¹ Postman (1985: 147).

²⁴ Canclini (2001: 24).

²² Postman (1985: 147).

²⁵ Meyer (2002: 129).

²³ Postman (1985: 148).

There are entities who attempt to hold the line, to market the value of more serious news coverage to a more discerning consumer, to offer content that will be important for citizens in a mass democracy to encounter and process and act upon. In some political communities, there may also be important media market segmentation, with left-leaning and right-leaning media entities operating differently, catering to different audiences that are entertained by different things. But just as there are some that attempt to hold the line, there are now some that have given up any pretense of being “norm-constrained” at all. A recent study argues that “the behavior of the right-wing media ecosystem represents a radicalization of roughly a third of the American media system,” and that this radicalization “was driven by a group of extreme sites including Breitbart, Infowars, Truthfeed, Zero Hedge, and the Gateway Pundit, none of which claim to follow the norms or processes of professional journalistic objectivity.”²⁶ They demonstrated that even “core right-wing sites that do claim to follow journalistic norms, Fox News and the Daily Caller,” do not in fact do so, and they repeatedly “found Fox News accrediting and amplifying the excesses of the radical sites.”²⁷ They suggest that some left-leaning news media entities—“mainstream media sites like the *New York Times* and the *Washington Post*”—do claim to and even actually try to operate under “long-standing journalistic norms,” and that these operate “as a consistent check on dissemination and validation of the most extreme stories when they do emerge on the left.”²⁸ But these entities represent only one relatively small segment—print and online newspapers—of the news media landscape. For many of the rest, including the dominant entities in the television news world, it is hard not to cover something, and to do so in a way that follows the above commandments, if one’s market competitors are choosing to do so. Sensational, outlandish stories draw eyeballs; careful, high-journalistic integrity coverage and reporting generally does not.

As suggested above, in addition to the entertainment filter’s role in affecting both the look and feel of news media coverage and the form and complexity of that coverage, it also affects what gets covered. Two central points are worth emphasizing. The first is that, given our background ignorance and the commandments articulated above, entertainment-driven media coverage will strongly prefer attention on individuals—candidates for office, elected officials, people accused of crime, terrorists, celebrities—rather than on complex policy problems or proposed solutions. It is much easier to create and discuss a simple cast of heroes and villains, to judge their actions and personal traits, to incite hatred or encourage veneration, and to keep people coming back to see what *he* or *she* or *they* have done now. None of this requires attention to detail or nuance. None of this requires understanding complex problems, intricate systems, or sophisticated

²⁶ Benkler et al. (2018: 14).

²⁷ Benkler et al. (2018: 14).

²⁸ Benkler et al. (2018: 14–15).

policy options. We enjoy and comprehend the horse race, the personal scandals, and it is easy to have strong views about personality dimensions of candidates. As a result, attention is concentrated on candidates and a few prominent political actors, rather than looking in a more systematic or structured way at the issues that are most significant. These dynamics, ushered in by television coverage of politics, have reconfigured political power and agenda setting, with elected executives like the United States president now having a hugely outsized role in determining which political issues get the spotlight, and presidential campaign coverage dominating political news coverage. Some of this involves focus on substantive issues, but much of it does not.

Another significant part of the story of content is the shift from many distinct sources of news coverage, particularly local news coverage, to a few dominant media and entertainment conglomerates. The aforementioned commandments that make serious reporting basically an unnecessary expense, along with the pressure to create a high-production value entertainment product, have resulted in a media market that is the Walmart equivalent of news—pretty much the same everywhere, regardless of local interests or needs, controlled by a few astonishingly wealthy people. In the mid-1980s, when Postman was writing, fifty independent media companies owned the majority of media interests within the United States. But the Telecommunications Act of 1996 lifted many regulations and caps on consolidation. For example, the forty-station cap on the number of radio stations that could be owned by a single entity was lifted, leading Clear Channel Communications to go from owning forty stations to now (as iHeartMedia) owning more than 850 stations. More than 90 percent of United States media is now controlled by six media/entertainment (notice that entertainment!) conglomerates: Disney, National Amusements (ViacomCBS), News Corp, TimeWarner, Sony, and Comcast. Twenty-five newspaper chains now own a third of all newspapers, including two-thirds of the 1,200 daily newspapers in the United States.²⁹ News media in the United States are in large part owned and controlled by fifteen billionaires: Jeff Bezos, Michael Bloomberg, Rupert Murdoch, Donald & Samuel Newhouse, the Cox Family, John Henry, Sheldon Adelson, Joe Mansueto, Mortimer Zuckerman, the Barbey Family, Stanley Hubbard, Patrick Soon-Shiong, Carlos Slim Helu, Warren Buffett, and Viktor Vekselberg.³⁰ The centralized control, entertainment model has resulted in the dominance of high production value, news media productions that focus on broad audience national politics with little attention paid to local issues or detailed investigative journalism. Penelope Muse Abernathy documents this trend in the newspaper world in *The Expanding News Desert*, noting that 1,800 local newspapers have gone out of business since 2004, half of the 3,143 counties in the country have only one

²⁹ Abernathy (2018: 8).

³⁰ Vinton (2016).

newspaper (usually a small weekly), and that many of the 7,100 surviving newspapers are what she calls “ghost papers” that include very little distinctive local coverage.³¹ A similar story is unfolding with respect to local television news and local radio stations—both of which often include significant portions of basically generic packages of entertaining fluff content produced centrally and with no attention to local issues or concerns.

Some of this would be hard to explain if we were sophisticated consumers of news media who cared nothing for entertainment or production values, looking only for the best sources to learn about the moral-political problems that affect us both locally and nationally, as well as the best, most sophisticated ideas to address those problems. But that is not what we are doing, so it is not hard to explain. The news media market is a lot like the movie industry, with television and cable news being the equivalent of expensive-to-produce, mindless blockbusters—they are what we spend our money on. We are looking to be entertained. Not everyone, not everywhere, but most of us, in most places.

The story I’ve been telling here has focused on the way in which many of us have an entertainment filter in our epistemic toolkit and the effect this filter has on what news media is like and what news media is commercially viable. As suggested earlier, this mass media ecosystem will not serve our democracy well; it will not improve us in ways that improve the ability of electoral representative democracy to identify and solve the moral-political problems in our midst. Far from being a solution to the problem of ignorance and complexity, it is an exacerbating condition. And it gets worse: I haven’t even focused yet on the “agreement” or “partisan” filter that affects what sources we turn to and what news media we support. The solution to this problem that says, “let’s just make the press better!” fails to address the pressures that exist in a commercial media market. Let me conclude this chapter by considering two other possible solutions. The first tries to make *us* better by extricating the entertainment filter from our epistemic toolkits. The second tries to create news media that will somehow float free of the entertainment market pressures.

3.4. The Excellent Free Press Problem

Perhaps we can’t affect the supply of bad news media—news media that are contorted by entertainment values and the influence of the commercial market—without addressing the demand for that news media. Is it possible to somehow extricate the entertainment filter from people’s epistemic toolkits? Part of the problem is that our epistemic toolkits are not entirely consciously curated

³¹ Abernathy (2018: 8–9).

things. We do not create them by consulting with epistemologists, psychologists, sociologists, and data scientists and then making choices about what heuristics and shortcuts to use, which stereotypes and generalizations to encode, which sources to trust, what searches to conduct, what research methods we should use to address some particular question, and so on. Some people never take a close look at what is in their epistemic toolkit. Others do, but basically only once they are 15 or 18 or 25 or older, after the contents of the toolkit have already been shaped. It is possible to then do various kinds of work to deprogram, extricate, add and subtract, and in other ways try to alter the toolkit. Some of this might make a difference; some of this is very hard to do, as the literature on “debiasing” makes evident.

I am not optimistic about the chances of removing the entertainment filter as a significant element of the epistemic toolkits of most people who engage with mass news media. The main reason: there is simply not enough incentive for people to do this work. In large electoral democracies, the contribution each individual makes to political outcomes is incredibly small or even non-existent. And we know this. Why do something hard when it doesn’t make much or any difference? Some people see this as an ethical responsibility, and that might be a route to modest improvement. But it is a hard battle to win given the dominance and scale and centrality of the entertainment news media complex, and the message those entities convey: watch us, that’s how to do your duty.

And there are other reasons to be pessimistic. For many people, the education they have received makes it particularly difficult to engage with the complex academic, scientific, statistical, legal, and policy material that a person would need to in order to move beyond superficial engagement with political problems. There is a more sophisticated news media ecosystem that includes elements of mass media like the *New York Times* and the *Wall Street Journal*, but also things like NPR and Vox, but even these entities are influenced by the dominant entertainment news media, and they are correctly perceived as elite, focused on a narrow band of issues, and slanted in various ways. This does seem like a long path that it is worth starting down—encouraging more sophisticated and critical news consumption, giving people more education to enable this, trying to steer financial support to news media entities that intentionally avoid the bells and whistles and entertaining distractions. But I don’t see much hope in this way of improving the moral-political problem-solving capacity of our mass electoral democracies.

We might be able to convince people that consuming this entertainment-driven news media is bad for them. This wouldn’t move them to substitute in better, more sophisticated, and complex news media. But it might lessen the bad influence from the current entertainment-driven news media. We could try to get people to “tune out the news” entirely. The obvious downside of this is that it would make worries about non-accountability through elections even more pronounced. We wouldn’t even be pretending to pay attention.

A different strategy attempts to affect supply and demand not just by creating “better” news media alternatives (that are likely to lose in an entertainment-driven commercial market), but by also banning the supply of bad news. The only real way to do this is to simply get rid of the free commercial market in this context, banning all commercial news media, or placing draconian restrictions on them so as to strip out those elements deemed “entertainment motivated” by some group of government censors. Warning bells should already be going off in your head. This option is impossible to square with robust free speech protections and policing those lines would be difficult and fraught.

Short of that, another option is to introduce and support news media entities that are publicly financed and thus not subject to the same kinds of commercial pressures. There are examples of these, including NPR, PBS, and, perhaps, most significantly, the BBC in the United Kingdom. The BBC is funded mostly through an annual television license fee that is charged to all British households, companies, and organizations that use any type of equipment to receive or record live television broadcasts. The fee is set by the British Government and supplemented by revenue that comes from the commercial subsidiary BBC Studios which sells BBC programs and content internationally. Unlike PBS in the United States, the BBC is a very significant player in the news media environment, with its public-supported broadcasting making up almost a third of all television viewing in Britain. The rest of the market is made up of commercial media entities, including the increasingly significant digital and satellite television entities. Remarkably, the BBC is not seen as a propaganda outlet for the government, and there is a significant and impressive firewall between the public financing and media content. Still, it routinely comes under criticism for how it covers various political issues, and there is significant worry that, in the current entertainment-driven media ecosystem, the quality and content of its news coverage has suffered significantly.³² Part of this is the difficulty of striving for “balance” in a media landscape in which some of the players have basically given up standard norms of journalism and reporting. Although it has functioned at a generally high level for a long time, there is a question of whether the BBC will be able to survive in its current form as the global entertainment news model increases its dominance. There is also the question of whether such an entity could be successfully introduced into a media ecosystem like the one that has been in place in the United States for the duration of the twenty-first century.

Let me close by bringing out an inherent instability in the use of mass news media as an important component of modern electoral representative democracy. Many such as Lippmann, Dewey, Collins Swabey, and other more recent figures have suggested that an active, well-resourced, critical, non-partisan press is

³² For an example of this kind of concern, see *The Guardian* (2019).

essential to a mass electoral representative democracy. This is how the citizens might become informed about what they need to know to contribute as required to the selection and monitoring and disciplining of political officials. This is how citizens might come to learn about the moral-political problems that they face, as well as the possible solutions to those problems, so that they might identify and select political officials who will address those problems and implement those solutions. It is hard to see how the theory of electoral representative democracy makes sense absent some institution that plays this role.

Importantly, an entity only counts as serving this role well if it is actually producing high epistemic quality content that is capable of being appropriately hard-nosed and critical. The news media, to play this role, must be capable of being robustly critical of both (a) the government and political actors, when they are ignoring problems or offering bogus solutions; and (b) the most powerful members of the political community, when they are causing problems or blocking solutions.

However, playing this role well is expensive. It costs money to pay people to research, investigate, write, report, and broadcast. The offices and local bureaus and technological infrastructure are all expensive. Doing this in a serious way requires experts and lawyers and designers and consultants, all of whom cost money.

There are two main ways to get this money. The first way is through the commercial market. You get people to engage with your product, and they either pay for it directly themselves, or pay for it indirectly by tolerating engaging with commercials for companies who pay the news media entity directly. In either case, it is vital that as many people as possible are drawn to your news media product. The second way is through public funding. Perhaps a tax is collected from everyone that is then sent to one news media entity, or to a collection of them (somehow determined). Or perhaps everyone is given a voucher of, say, \$500, funded through taxes, which can then be spent on news media as they see fit.

The basic problem, the basic instability in the model, is this. If the funding is through the commercial market, then we get the entertainment filter problem, along with an inability to be adequately critical of the most powerful members of the political community (and perhaps also, their lackey, captured political representatives). If the funding is through the public, by way of the government, then we get the concern that the news media will either just be the mouthpiece of the government, or its funding will be in jeopardy if it is too critical or aggressive, or if it is perceived to be too much on one political side or another.

There is a further, more difficult concern. If there are entertainment news media dollars to be had, if there is a demand for that kind of news media, then the only way to prevent a commercial market is to ban commercial news media. But that is objectionable for free speech and other reasons. So, we should expect that even if we can manage to create publicly funded news media entities, there

will be many contexts (and perhaps all modern political contexts are like this) in which we will see a mixed public/commercial market. The final concern is that in all such mixed markets, the entertainment-driven news media will come to dominate—either literally, eliminating the publicly funded entities entirely, or just in spirit, having the commercial entertainment values seep in and infect the publicly funded entities so that there is no significant difference between them.³³

We can call this chain of reasoning and the conclusions it culminates in the *excellent free press problem*. We need a high epistemic quality free press for electoral representative democracy to work, but we shouldn't expect to see one, because a high epistemic quality free press isn't free, and there is no way to stably fund such a press, given our own incentives and the epistemic toolkits with which we are working.

³³ For a nice discussion of the difficulty of overcoming the entertainment worry, see Balkin (1995).

4

Vicious Partisanship

The previous chapter sounded a note of substantial pessimism about the prospects of using mass news media as a way of plugging the hole in the theory of electoral representative democracy that is the lack of informed, meaningful accountability of elected representatives. This is a significant problem with electoral representative democracy in the modern context. It is a problem caused in large part by the background conditions in which electoral representative democracies currently exist, including facts about size, scale, complexity, and inequality. Given these conditions, the ignorance and accountability problems that arise are unsurprising.

In this chapter, I will consider a problem that is more endogenous to elections: the problem of vicious partisanship. The partisanship is vicious in two respects: (1) what it does to us, epistemically; and (2) what it does to us, morally, particularly with respect to being able to live and work together in communities of respect and shared purpose. The basic story is this. Elections in contexts like those in the United States lead to a dominant two-party political system. This two-party division creates a clear ingroup/outgroup dynamic, which connects to deep-seated emotional and psychological responses. The easy availability of these responses—particularly in a low-information, entertainment-driven context like the one we are often in—primes us to be manipulated to fear and hate those in the outgroup. This, in turn, affects who we trust, who we credit as testifiers, and what sources we seek out and engage with. We come to have a “partisan” filter in our epistemic toolkit. We become epistemic partisans. The combination of this emotional distortion and epistemic partisanship leads to social sorting, segmentation and segregation in terms of neighborhood, workplace, geography, friend groups, religion, cultural activities, and consumer behavior. This, in turn, accelerates and intensifies the ingroup/outgroup dynamic, reinforcing the emotional and epistemic partisan distortion in our interactions with others. We see the other side not just as people who disagree with us about politics, but as idiots, dupes, people who are morally vile, corrupted, hopelessly misguided, and unredeemable. Liliana Mason, a political scientist who documents these trends in empirical detail, says that our partisan identities have become “mega-identities” and paints “a picture of a nation whose partisan teams are raring to fight, despite an almost total lack of any substantive policy reasons to do so.”¹ This is the situation that

¹ Mason (2018: 88).

many political communities are now in—one in which working together to identify and solve the moral-political problems we face is almost impossible to imagine. And it starts, I suggest, with elections.

4.1. Elections, Duverger's Law, and Social Identity Theory

In electoral representative systems in which (a) one political representative will be elected to represent a district and (b) the person elected to represent the district is simply the person with the most votes in the election, there will be only two viable political parties. Single-member districts combined with plurality voting results in a two-party system. This is Duverger's law, first proposed in 1954 by Maurice Duverger.² The explanation as to why this regularity (because nothing in the social sciences is really a "law") holds, and the exact best formulation of it, has been the subject of extended debate.³ The precise character of the two parties might change over time, but there will in almost all cases be two stable, dominant political parties. So, elections in conditions like those found in the United States and elsewhere will result in two dominant political parties.

Now, some things about human beings. We are drawn to being in social groups. We need to categorize, including categorizing other human beings, to understand the world. As Mason puts it, "[o]nce we are part of a group, we know how to identify ourselves in relation to the other people in our society, and we derive an emotional connection and a sense of well-being from being group members."⁴ Furthermore, we are drawn to create groups that have an inclusive and exclusive dimension, with an ingroup and an outgroup, and a significant part of our identity is connected to membership in our group, favorable bias toward our group under the right conditions, and so on. We create these ingroups and outgroups readily and based on completely arbitrary and even invented characteristics. These are among the central tenets of Henri Tajfel's highly influential "social identity theory," which has been a prominent development in social psychology and theorizing about human evolution.⁵ There is also neuroscientific evidence that how we learn, what we perceive, what emotions we feel, and the intensity of those

² Duverger (1963: 217).

³ See, e.g., Riker (1982); Palfrey (1989). William Riker puts one basic explanation for the regularity succinctly: "supporters of a third party desert to one of the two larger parties because they recognize that continued support of their favorite results in 'wasting' their votes, and may even contribute to the victory of their most despised. For example, suppose a plurality election in a single-member district at time $t-1$ has produced the result: 10,000 votes for A, 9,000 votes for B, and 2,000 votes for C; and suppose that typically the supporters of C prefer C to B and B to A. For them to continue at time t to support C appears, *ceteris paribus*, to guarantee the success of A and to be a 'waste' of their second choice." Riker (1976).

⁴ Mason (2018: 9).

⁵ For some of the classic work in this vein, see Tajfel (1970); Tajfel et al. (1971); Tajfel (1974).

emotions all are affected by these ingroup/outgroup identities.⁶ Almost all of this takes place sub-personally: “favoring the ingroup is not a conscious choice. Instead, people automatically and preferentially process information related to their ingroup over the outgroup.”⁷

Taken together, Duverger’s law and social identity theory suggest a significant problem looming. Our electoral system ensures that there will be two political parties. If you are a member of one of them, you might well now be in an ingroup, with a clear outgroup. Given social identity theory, we should expect that you will be biased toward the ingroup, that you will misperceive and misunderstand outgroup members in various ways, that you will be inclined to exaggerate differences between your side and their side, and that you will be inclined to emphasize and create conflicts with members of the outgroup.⁸

4.2. Sorting, Saturating, and Polarizing

We’ve had a two-party dominant electoral system for some time in the United States, and ingroups and outgroups are not new. Although social identity theory and intergroup conflict can explain significant historical dysfunction in politics (and it is worth remembering the long history of internal conflict along many different dimensions), things might be getting worse. A partial explanation might come from the rise of entertainment-driven media that focuses on individuals and aims to draw an audience by ramping up fear, hatred, and vilification of the outgroup.

Another part of the explanation, suggested by Talisse (2019) and others, is the increasing politicization of all aspects of life: “[p]olitical orientation appears to pervade every aspect of our public and private lives... Not only does it describe how we think about and what we value in terms of government and society as a whole,” but it also effects a whole host of other things, such as “how we behave toward others, travel, decorate our walls, clean our bodies and our homes, and how we choose to spend our free time.”⁹ As our political identities, our political ingroups and outgroups, come to predict and structure what we do for fun, where we work, where we shop, where we live, what schools our kids go to, what religious involvement we have, and so on, these identities become “mega-identities.” They become more than just about politics—or everything becomes about politics. Most significantly, this increasingly politically sorted world we live in means

⁶ Mason notes, e.g., that “people’s brains respond similarly when people are sad and when they are observing a sad ingroup member, but when they are observing a sad outgroup member, their brains respond by activating areas of positive emotion.” Mason (2018: 12).

⁷ Derks and Scheepers (2018).

⁸ For the foundational work on the social psychology of prejudice and intergroup effects, see Allport (1979).

⁹ Carney et al. (2008: 835).

that most of us have very few “cross-pressures” on our partisan identities. Everyone around us—at work, play, and in other social interactions—is in the same ingroup as we are, across all the ingroups we are in. We are not close or closely connected to anyone in what is for us the political outgroup. Our political community has far too few “cross-cutting cleavages,” in Lijphart’s phrase—social divisions that make it so that individuals are often members of many different social groups with non-overlapping or highly imperfectly overlapping membership. The sorting by political ideology that we have now is more thoroughgoing than it has ever been.¹⁰ If Jones is a Democrat and Smith is a Republican, Jones and Smith are unlikely to share any significant social groups in which both are members of the same ingroup. The ingroup/outgroup dynamics are more complete and more extreme.

There are several different ways this result might have arisen. On one version of the story, we start pointing out (or having pointed out to us) that many of our choices are political—where to shop, what car to drive, where to work, what to eat, how to parent. “The personal is political.” This, accompanied by the two-party dominance and our ingroup/outgroup membership and corresponding bias and prejudice, leads to increased social segmentation and sorting. “I don’t think I can be friends with someone who does X.” Add in the entertainment-driven, emotionally manipulative news media coverage of the other side. Soon, we actively dislike and distrust those on the other side. This leads to further segmentation and sorting. With fewer dissenting views around us, this leads us to have more extreme versions or more confidently held versions of our political views. This is often described as “polarization.”¹¹

There are at least three importantly distinct conceptions of “polarization,” and all of them are relevant here. Talisse offers a helpful typology in his excellent recent book, *Overdoing Democracy*:

- platform political polarization: “the ideological distance between the platforms of competing political parties”;
- partisan political polarization: “partisan ideological uniformity . . . ideological purity among partisans . . . the absence of moderates within partisan groups”;
- affective political polarization: “affective distance between political opponents . . . high levels within a partisan group of distrust and antipathy toward the members of opposing groups.”¹²

¹⁰ Levendusky (2009); Bishop (2009).

¹¹ The label “polarization” has been used to refer to a wide array of things in these discussions. A simple definition, and often the central notion, is that of “political polarization,” which is defined by some experts as “the increasing support for extreme political views relative to the support for centrist or moderate views.” McCarty (2019: 2).

¹² Talisse (2019: 98–9).

Although they can come apart in theory, in practice these three all commonly travel together and reinforce each other. On the story I've been suggesting, we see the ingroup and outgroup come to have both more distance between them, and more purity within them. Members of the ingroup demonstrate ingroup commitment and loyalty by condemning the outgroup but also by putting pressure on moderates. With this increased polarization, the other side starts to seem even further from us ideologically and morally, leading to increased vilification and attendant sorting. And the vicious spiral continues. Or perhaps the vilification through the news media was enough to get the sorting going, which led to the politicization of everything, which amplified sorting, which has resulted in polarization. The precise path of the vicious partisan spiral is hard to chart.

The important thing is the result: a political community in which there is thoroughgoing social segmentation along political lines, in which the political outgroup is seen as very wrong on politics and very bad along various significant dimensions, and in which the intensity of these views is only increasing. Let us now add a further component to this story: the effects of this partisanship on our epistemic toolkits.

4.3. Epistemic Viciousness: Distrust, Epistemic Bubbles, and Echo Chambers

Affective political polarization and ingroup membership results not just in dislike for and bias against the outgroup in terms of how we will treat members of the outgroup, but also in *distrust* of the outgroup. Distrust suggests it is focused just on particular members of the outgroup. It is true that this distrust affects who we will listen to and credit as testifiers, who we will see as peers in cases of disagreement, and who we will seek out as experts. But the intergroup dynamics have broader epistemic effects, too. They also influence what sources we will consult and rely on and how we will respond when we encounter claims that the outgroup accepts but which the ingroup rejects (or vice versa). In addition to an entertainment filter in our epistemic toolkits, many of us also have a *partisan* filter. A partisan filter is tied to our identification with a political party or political ideology, and is constituted by partisan differences in our starting assumptions, the generalizations we use, the sources of information and testimony that we rely on, the experts we consult, the heuristics we attend to, the concepts we use to explain the world, the education we have received and sought out, and even the technology we use to learn about the world. This partisan filter is created and shaped by our extended participation in segmented, partisan epistemic communities.

Much has been written about “echo chambers,”¹³ and philosophers such as C. Thi Nguyen and Kenneth Boyd have complicated the discussion by introducing and distinguishing other phenomena: “epistemic bubbles,” “cognitive islands,” “runaway echo chambers,” and “groupstrapping.”¹⁴ The common way of understanding an echo chamber is as “a sociological setting where peoples’ prior beliefs are ‘echoed back’ giving the impression that their beliefs are correct.”¹⁵ Others, writing about Rush Limbaugh and conservative media, focus on a particular kind of sociological setting—a media community that is a “bounded, enclosed media space that has the potential to both magnify the messages delivered within it and insulate them from rebuttal.”¹⁶ Nguyen offers a helpful contrast between epistemic bubbles, which are essentially enclaves of like-minded people who interact with each other, and his conception of echo chambers, which also involve enclaves of like-minded people but with an added active element of discrediting outgroup members. Epistemic bubbles might arise simply out of happenstance or geographic sorting of some kind, so that dissenting or disagreeing voices have been left out, but not intentionally. Echo chambers, for Nguyen, also include beliefs that outgroup members are not to be trusted, that evidence that supports divergent outgroup beliefs is misleading or unreliable, and other mechanisms of “discrediting” outgroup members and the means by which they have come to their differing beliefs.

The social identity theory and polarization account I have presented suggests that we should expect not just epistemic bubbles, but the more-difficult-to-dislodge echo chambers to emerge along partisan lines. Our segmentation into partisan groups, combined with the ingroup/outgroup dynamics that transpire, will result in at least epistemic bubbles, which will (given those same ingroup/outgroup dynamics) result in even more durable and epistemically pernicious echo chambers. This will be amplified by several further phenomena.

One is our continued search function that is, for many, structured by a partisan filter. Not only will we be inclined to distrust outgroup members and sources, we also will be drawn for entertainment reasons to highly partisan news media. The entertainment filter-based commandments discussed in the previous chapter—thou shall not challenge the audience’s basic worldview, thou shall not attempt to counter the audience’s stereotypes—make it unsurprising that there is significant media segmentation along partisan lines, and that these media environments are well-described as echo chambers. This segmentation has been made easier by the advent of an extensive range of media choices through cable, satellite, and digital television and radio, podcasts, YouTube channels, social media accounts, and so

¹³ See, e.g., Sunstein (2009); Jamieson and Cappella (2008); Baumgaertner (2014); Justwan et al. (2018).

¹⁴ See Nguyen (2018, 2020); Boyd (2019).

¹⁵ Baumgaertner (2014: 2549).

¹⁶ Jamieson and Cappella (2008: 76).

forth. Not surprisingly, given the story so far, the ideological slant of partisan media has become more extreme over the past twenty years, and there is extensive evidence that people are now drawn to news sources that are closer to the individual's political ideology.¹⁷ Once we are regularly consuming this partisan news media, our views, whatever they were to start, will simply become more ideologically pure, as "[i]ndividual ideology evolves toward the estimated ideologies of the news channels that a consumer watches."¹⁸

Another significant mechanism comes in the form of "partisan rationalization" and other forms of "cognitive balancing." If I start with a view that is out-of-step with the party, with the ingroup, there will already be pressure to change my view just from wanting to conform to the ingroup and not be cast into the outgroup. But there are also well studied internal mechanisms that lead us to engage in (largely sub-personal) efforts to avoid cognitive dissonance. One such mechanism, partisan rationalization, involves simply changing one's views over time in the face of disagreement with one's political party.¹⁹ Another mechanism is to "ignore or resist learning my party's views, and to imagine that their opinions are the same as my own."²⁰ We aren't aware that we are doing this in either case, but both become easier over time. In the case of partisan rationalization, the wheels are greased for us, as we engage with people who hold that view, encounter more sources that suggest that view is correct, and in other ways "take advantage of" the fact that we spend much of our time in a partisan echo chamber. We end up having an easy time rationalizing our behavior and our views. As one paper summarizes the extensive literature documenting this tendency in the political context: "when asked to explain their preferences, people are biased toward mentioning reasons that sound rational and systematic and that emphasize the object being evaluated, while overlooking more emotional reasons and factors other than the object's qualities."²¹

So, rather than evaluating each political issue or each candidate on its own merits, considering the evidence, checking various sources, consulting a range of experts, and so forth, we begin with ingroup loyalties, we employ a partisan filter, we seek out and consume partisan media, we spend our time in echo chambers, and we rationalize away any conflict to further purify our partisan views. Summarizing our situation, Achen and Bartels write:

[E]ach party organizes the thinking of its adherents. A party constructs a conceptual viewpoint by which its voters can make sense of the political world. Sympathetic newspapers, magazines, websites, and television channels convey the framework to partisans. That framework identifies friends and enemies, it

¹⁷ See, e.g., Martin and Yurukoglu (2017).

¹⁸ Martin and Yurukoglu (2017: 2597).

¹⁹ For the classic work on this topic, see Festinger (1957).

²⁰ Achen and Bartels (2016: 269).

²¹ Rahn et al. (1994).

supplies talking points, and it tells people how to think and what to believe.... For the voters who identify with a party, partisanship pulls together conceptually nearly every aspect of electoral politics.²²

We are not really *thinking* about politics—we are just identifying our team in the two-party game and believing along party lines. Hrishikesh Joshi suggests this in a recent paper, highlighting the remarkable coincidence that people on each side come out the same way on so many unrelated, orthogonal issues.²³

This is bad from a perspective of individual epistemic performance. And it is worse still when whole communities are divided in this way, each side engaged in epistemically troubling partisanship. In the United States, those on the left might object to this “both sides are bad” way of presenting things, and of course those on the right will say the same about those on the left.²⁴ Concentrating on the question of whether one side is in some ways worse than the other is, although not an unimportant issue, to miss the point. The point is that both sides are doing badly from a perspective of serious engagement with the political issues. The combination of the entertainment filter and the partisan filter leaves many of us with a dysfunctional epistemic toolkit when it comes to politics. And even if only roughly half the country were doing poorly in this way, and your side is not, the overall performance is still going to be very poor, as knowing the moral-political problems that we as a whole community face, and what might work as solutions to them, requires serious, helpful input from everyone or nearly everyone. The loss of such a large portion of the epistemic community is too great for a political system to bear while still maintaining any kind of adequate epistemic problem-diagnosing and problem-solving capacity.

4.4. Agential Viciousness: Segregation, Vilification, and the Death of Community

When we turn to consider the agential implications of this deep, two-party ingroup/outgroup division, combined with the partisan filter, polarization, and segmentation, we see two main things—both highly disturbing.

The first is emotionally charged vilification of the outgroup. As we become more segmented and ensconced in our echo chambers, more ideologically distant and ideologically pure, and as levels of distrust and antipathy toward the outgroup increase, it becomes more natural not just to disagree with our opponents and to reject their views, but also to see our political opponents as morally bad—not just

²² Achen and Bartels (2018: 268).

²³ Joshi (2020).

²⁴ Benkler et al. (2018) suggest that the media ecosystem on the right is now considerably worse in various ways that we might expect to make the overall epistemic situation of the right worse.

clueless but villainous. This makes line-crossing compromise almost impossible. And it leads to dangerously high levels of disregard for and willingness to derogate our political adversaries. This is particularly troubling when combined with what we learn from intergroup emotions theory—an add-on to intergroup social identity theory—which has found that “strongly identified group members react with stronger emotions, particularly anger and enthusiasm, to group threats.”²⁵ Elections are often framed as high-stakes events, with the other side posing an existential threat, which makes vilification and high levels of anger and hatred toward the outgroup seem morally important.

It is a common experience, particularly online, to come upon someone saying something on the other side that we disagree with. But the reaction is often not just disagreement. We also feel rage, anger: this person is *stupid*, this is *horrible*, *evil*, unredeemable. Of course, we might sometimes be right. But we should be wary of how often and how readily we feel this. And we should be particularly troubled by how easy it has become to feel this about so many people—nearly everyone in our political outgroup. We can’t all be right about this.

And, even if we are right, viewing so many people in our political community this way makes it impossible to see how we can govern together, in a democracy, stably and peaceably, addressing moral-political problems that affect members of our whole community. We can’t work together on projects that require cooperation; we can at most take turns dominating or being dominated by the other side. And that is not democracy in any attractive sense. So, the second thing we see is the breakdown of political community and the sense of common purpose and common concern. If elections and the two-party ingroup/outgroup dynamics that result are the cause of this, as I have suggested they are, then this kind of political system has built into it these kinds of expected consequences.

4.5. Going Our Separate Ways or Coming Together

These dynamics bring us to a place of division and disharmony. One natural suggestion: maybe we should go our separate ways. Perhaps the division is deep and real, stemming from profoundly different values and beliefs concerning gender, race, religion, sexual orientation, the proper role of government, the appropriateness of prioritizing national interests, and much else. If it is, why should we be in a situation in which half of us get to lord it over the other half of us every four years? Why should some of us get to make the decisions that govern all of us? This is a fundamental question of democratic theory: how to define the *demos*. It is a question we must occasionally revisit and take seriously,

²⁵ Mason (2018: 83).

because of how bad it is to have conditions of political domination. Perhaps disagreement and distrust—even if “manufactured” by the background conditions and institutional system—now runs too deep.

If that is our situation, we should consider going our separate ways. Perhaps divide into different countries, perhaps into even smaller units: states, counties, municipalities. There would be costs—it would be harder to solve collective action problems, it would result in inefficiencies (at least until trade agreements were in place), there might be reduced global stability. But there would also be benefits. The obvious benefit would be in living in a place where there wasn’t a federal government controlling what you could do, taking your tax money and using it for things that you deeply objected to, and generally serving as a force for oppression and repression in the years when your team was not in power. But there are other benefits. Local control would generally mean better informed control. And there might be global benefits from getting rid of large dominant superpowers in the case of breaking up the United States.

Still, this can feel like the wrong response. First, we should expect some of the same ingroup/outgroup dynamics to emerge, even if on a smaller scale. Perhaps it would be lessened by increased interaction and the closer proximity to government. Perhaps not.

But it can also seem like the wrong response because, on some level, the division and disharmony are not real, or not deep. We really aren’t all that far apart. Some might feel this more than others. Perhaps because I know and am close to people on the other side, I do feel that we aren’t that far apart. I think the forces described above are real and powerful, and they are preventing all of us, on both sides, from focusing on the moral-political problems we actually face and engaging them in a serious way that is good for the whole political community and the broader global community. I might be more optimistic than some. If others share my optimism, what might we do?

Those who work on intergroup social identity theory have identified several things that can help lessen ingroup/outgroup division and disharmony. Contact theory, for example, suggests that if we can increase interaction among members of different groups, in contexts in which they have common goals and in which they are not competing with each other, then this can serve to lessen the outgroup dislike and distrust in significant ways.²⁶ This can be as small as things like playing on the same softball team, or as big as working together to fight against a common enemy. In general, superordinate goals and having a unifying cause can make a big difference, at least in some conditions. It has also been shown that if an ingroup can establish a norm that ingroup members are tolerant of the outgroup this can make a significant difference.²⁷ Interestingly, when individual self-esteem is low or

²⁶ Allport (1979).

²⁷ Mason (2018: 132).

threatened, individuals prefer their social groups to be more fully homogeneous, and they are more attached to ingroup identity.²⁸ So another kind of strategy would be to work to improve individual self-esteem.

The difficulty with these strategies is that, in conditions of highly partisan echo chambers, distrust, disharmony, and vilification of the outgroup, it can be difficult to make these things happen. We don't see ourselves as having common goals, even when we should. Or we take turns blaming each other for failing to adequately address the problems we face. And contact is equally tricky. As a person on the left, for example, simply watching some Fox News on a regular basis to "see how the other side thinks" is likely to just make you enraged and more intense in your feelings of dislike, distrust, and disrespect. This kind of "contact" will do more harm than good. (So, too, with the arguments with anonymous people on the internet.) Part of that is that these entertainment-driven news media are an extreme and epistemically extremely poor-quality version of the other side's views. The holes in the evidence and arguments and reasoning jump out at us when we are observing them without the entertainment or partisan filters on. And even if they weren't, our own partisan filter will work to reject and dismiss the specific points and evidence, even if they were well presented and actually compelling. So, "contact" has to take a different form. The suggestion from the work of Diana Mutz and others is that, to really hear and learn from the other side, it is essential to engage in "cross-cutting discussion" with "mixed political company," but to do so with people with whom one has some mid-level connection, not close friends or family.²⁹ One needs to have these disagreements with people one knows and is friendly with, but through "weak social ties": co-workers, people with whom one plays pick-up basketball, neighbors with whom one has semi-regular conversations, and so on. Part of the story of our increasing social segmentation and polarization is a story of the demise of these kinds of relationships. One of the virtues of randomly chosen groups of citizens coming together for an extended period of time, such as I will argue for later, is that it brings people with different views together in a way that is likely to produce relationships of this kind.

If elections are causing these divisions through the creation of ingroup/outgroup dynamics and partisan mega-identities, a natural response, it seems to me, is to consider what our ingroup/outgroup divisions and dynamics might look like if we removed elections. In Chapter 7, I consider other possibilities that are short of anything this radical, including moving away from single-member districts and plurality voting systems to things like proportional representation systems, single-transferable vote, and approval voting. My view is that although some of these reforms might make a difference, the ingroup/outgroup dynamics will emerge in

²⁸ Jetten et al. (2000).

²⁹ Mutz (2006).

pretty much the same way, given the other background conditions, as long as there are elections—even if there are slightly more or slightly less stable ingroups and outgroups.

After these three chapters you might already be feeling somewhat hopeless about the prospects for a high-functioning electoral representative democracy under the conditions most of us find ourselves in. But it gets worse still. In addition to widespread ignorance, capture, lack of meaningful accountability, entertainment-driven news media offering seductive nonsense, and partisan echo chambered political communities that are deeply divided and disharmonious, there are yet further problems. In the next chapter, we will consider one of the most significant, but also one of the hardest to notice: the short-term bias of electoral systems.

Short-Term Bias

Elections lead elected officials to focus on the near term—on those problems that they can get immediate credit for addressing, or which they will be blamed for not addressing before the next election. Given that the urgency of political problems is not simply a function of their near-term proximity, this fact about elections has significant consequences for the moral-political problem-solving capacity of electoral representative government. It affects which problems get attention and are the focus of political action. But it also leads to significant epistemic distortion in what voters and elected representatives come to believe about the problems that we face.

As suggested earlier, an important background fact about the modern world is that many of the most urgent problems we face are ones that we face together, at least in the sense that individual action will be insufficient or is unlikely to occur without some effort at group or collective coordination through political and legal institutions, whether at the national or international level. Some of these moral-political problems include addressing climate change and the environmental threats it poses; addressing conditions of chronic poverty; helping to ensure that all receive basic goods such as education, food, shelter, water, and health care; providing for the long-term health of our domestic and global economic and technological systems; promoting and sustaining peaceful relations amongst the people and the nations of the world; and developing effective responses to threats posed from disease, terrorism, and crime that are intensified by global interconnectedness. Importantly, many of these problems are both complex and require focused, long-term effort and organization.

In some cases, there is disagreement about what should be done, whether anything needs to be done now, and even whether political or other collective institutions are necessary to address the problem. In other cases, there is general agreement that something needs to be done, and that only some form of collective action can achieve what needs to be achieved, and yet still nothing is done. Perhaps the most urgent example of this is the example of climate change. We are all familiar with dire reports about what will happen in 100, or fifty, or twenty-five, or even fifteen years if nothing is done. And yet, very little is done.

One possibility is that, in these cases, there is something straightforwardly irrational about the collective decisions being made, but that it is driven by *us*, rather than by our political institutions. So, we all have some agreed upon end—preventing devastating climate change. Furthermore, this end is a rational one for

us to have, given our evidence and our other beliefs and preferences. And we all have some agreed upon views about the means to prevent climate change—fill in your favorite solution here. What is happening is that, despite this, we are failing to adopt the means to our ends. If this were the case, then we might offer various diagnoses of this failure of collective rationality.

For example, we might have conflicting preferences, so that although our most significant preference is to avoid the bad effects of climate change, we also have other preferences, such as to be able to drive, rather than bike, or to fly, rather than not. A different diagnosis might identify the problem as one of irrational delay or procrastination, born of cyclical preferences.¹ We prefer B over A, C over B, D over C, E over D, F over E, but we also prefer A over F. If we start moving pairwise through these options, we will end up somewhere that is worse, relative to our preferences. Depending on how the case is structured, it may be possible for us to notice this, but it might not be. And in some cases, by the time we notice, it may already be too late—we might be past the point of no return. Both preference conflict and preference cycling might be at play with respect to some failures to do anything about climate change.

It is also plausible that the failure is partly explained by our irrational beliefs and preferences, which might in turn be the product of the entertainment and partisan filters in our epistemic toolkits. In the United States, for example, there is significant disagreement about the importance of the end (preventing climate change), disagreement about which actions might actually prevent climate change, and disagreement about the best means by which to prevent climate change (even amongst those who agree on which actions might prevent climate change). In some cases—and the actual case looks like it might be like this—this disagreement is based on beliefs or preferences that are epistemically unjustifiable, given the available evidence. We might supplement the story about why people have these false beliefs with a story about whose interests are served by them having these beliefs, the way in which media and educational institutions are controlled by the financially and politically powerful, and so on. This story will connect with the stories about ignorance, capture, and the news media from previous chapters.

I want to suggest that, even if none of these were a problem, there would still be serious difficulties in addressing climate change, and problems that are structurally similar to climate change, and that these difficulties would result in effective collective insensibility. This collective insensibility would not be a result of preference conflict, or procrastination, or epistemic irrationality, but result instead from the collective decision procedure that is employed in systems of electoral

¹ This way of understanding procrastination is from Andreou (2006).

representative government. The problem, in short, is elections, and the incentives they provide.

Given the size and scale of modern political communities, here are two features of our modern political situation:

COMPLEXITY: many moral-political problems are complex, technical, and information intensive in a way that renders it difficult for members of the political community to have informed beliefs and preferences about those problems, given their limited time and knowledge, among other factors.

OPACITY: whether elected representatives have (a) actually acted or (b) tried to act to the benefit of the political community is opaque to the members of the political community in the short-term (the time between election cycles).

These are features that apply to most moral-political problems that emerge, given background facts about scope and scale and interconnection. Now consider problems for which the most significant “bads” associated with them will not be apparent in the very near future, but only (say) more than fifteen years from the present. (Obviously, this is not long in the big scheme of things.) Call these problems with a long time horizon. There are many problems that have this characteristic, including climate change, but also problems relating to the solvency of social benefits programs and pension funds given funding rates and demographic changes, inadequate infrastructure maintenance resulting in disrepair and collapse, failure to prepare and retrain workers currently occupied in dying industries prior to the death of those industries, inadequate preparation and coordination planning in advance of global pandemics, and so on. For problems with a long time horizon, complexity and opacity are intensified dramatically.

Political problems with long time horizons will often have the following features:

- (1) It is opaque to most people whether actions taken now have addressed the problem.
- (2) It is possible for people to deny the existence of the problem without flouting evidence that is readily available to all (including non-experts).
- (3) It is possible for people to suggest that some as-yet unidentified solution to the problem will emerge over time without anything different being done now.
- (4) Present costs will be salient, but future benefits will not be.

If there is a moral-political problem with these features, then mechanisms of electoral accountability will fare poorly at producing good decisions with respect to addressing that problem. Electoral representative institutions will show very low levels of problem-solving capacity in their response to such problems.

Here's why: elections lead elected officials to focus on those problems for which they can get or claim credit for addressing (or for which they will be punished electorally if they fail to address them), and to ignore or put on the back burner those problems with a longer horizon or those solutions for which it is harder to get credit. Elected officials already are only minimally held accountable by voters, because of complexity, opacity, and the resulting high levels of ignorance, but they do have incentives to address big, very visible bads that are occurring on their watch. Problems with long time horizons will not be like that.

Arguably, the most urgent issue we face is climate change. It is a problem that almost certainly requires political solutions to address what appears to be a complex collective action problem. But many of the worst effects of climate change won't be realized for decades, and so elected politicians are unlikely to pay the short-term political cost—due to unpopular taxes on fossil fuels, limits on vehicles, etc.—given that they won't see the longer term political benefits. So, even if there are clear steps that need to be taken, most elected officials will not take them. They do not have the right incentives.

Furthermore, for problems with long time horizons, it is possible to deny the existence or extent of the problem, and to do so even when confronted with the best available evidence about the problem (which will usually still be in an esoteric, expertise-required form). And even if the whole population believes that the problem is a serious one, it will be possible to suggest that one is doing something to address the problem, or that other non-political action will be sufficient to address the problem. If there are costs to actually addressing the problem, costs that will be salient to all, then elected officials will have electoral incentives to compete by avoiding incurring these costs, even if this will make everyone worse off in the long run, and even if this goes against the preferences of their constituents and their own best judgment.

Elections generate powerful incentives for political representatives to focus on the short term, at great cost to the problem-solving capacity of our political institutions. These same incentives push elected officials to distort and warp the epistemic environment, to promote false beliefs about problems with long time horizons, to rely on and promote pseudo-experts whose views will help justify ignoring the problems or pretending to have solved them, and so on.

This epistemic manipulation is made easier by general facts about how individuals think about the future, our poor epistemic situation with respect to distant events, and the way in which unavoidable uncertainty affects our decision-making. As individuals, we engage in both rational and irrational discounting of future consequences. Arguably rational discounting results from expected value calculations in which our uncertainty about long-term consequences leads to a decrease in the expected value of actions whose benefits are further away. Individual citizens show what is arguably a rational policy bias toward the present as a result of uncertainty about the long term, both in terms of uncertainty about the effects

of long-run processes of policy causation and long-term political commitments.² The extent of the bias will affect whether this kind of discounting is in fact defensible as rational.

There is also often irrational discounting as a result of a host of psychological biases, including excessive optimism and over-estimation of individual capability, perceived invulnerability to risk, cognitive dissonance avoidance, prospect theory and risk-proneness when choosing among potential losses, and asymmetries in attention to distant events due to differences in vividness and sensory awareness.³ These biases distort our thinking and planning about our own lives and they don't disappear in the political context. That is something that every kind of political system must take into account. This makes it even easier for elected officials to convince us not to take seriously problems with long time horizons, or to deprioritize them in ways that go beyond what rational discounting would suggest.

We might hope that our political institutions would work to help us to avoid some of these mistakes and to correct for some of our limitations. To the contrary, electoral representative systems actually exacerbate and exploit these difficulties regarding problems with long time horizons.

This is not the only problem with long-term thinking and democratic political systems. Many have discussed the inadequate representation of the interests of future generations in standard democratic political systems, and many have proposed various institutional reforms aimed at better addressing problems with long time horizons and better including long-term interests and the interests of those who do not yet exist but who will do so in the future.⁴ I will argue that, although not perfect, and although they inherit some of the general problems that stem from individual temporal discounting and individual psychological biases,lottocratic systems would be better than electoral representative systems at addressing problems with long time horizons. The main reason for this is simply that they eliminate the additional electoral incentives to prioritize the short term. An additional possible reason concerns not the incentives of the representatives, but who the representatives are.

² Jacobs and Matthews (2012).

³ Johnson and Levin (2009).

⁴ For discussion of the general issue as well as specific institutional proposals, see, e.g., the volume edited by González-Ricoy and Gosseries (2016).

6

Unrepresentative Representatives

“The proposal of any new law or regulation of commerce which comes from [those who live by profit], ought always to be listened to with great precaution, and ought never to be adopted till after having been long and carefully examined, not only with the most scrupulous, but with the most suspicious attention. It comes from an order of men, whose interest is never exactly the same with that of the publick, who have generally an interest to deceive and even to oppress the publick, and who accordingly have, upon many occasions, both deceived and oppressed it.”

Adam Smith, *The Wealth of Nations*

So far, the discussion has mostly focused on what happens outside of the elected legislature, detailing the swirling currents of influence and distortion that affect the problem-solving capacity of elected representative systems in various ways. In this chapter, I shift the focus more squarely onto *who* it is that gets selected through this complex back-and-forth. This issue is even more important given the insulation from meaningful electoral accountability we see with most modern electoral representative systems.

Aristotle said that elections were oligarchic, not democratic. Here’s something that he didn’t explicitly say, but which is true: to succeed in electoral contests in modern electoral representative democracies, a person will generally need to be some combination of powerful, famous, of high social status, connected, and/or wealthy. There are exceptions, but they prove the rule. Elected representative institutions will not be a microcosm of the general population. They will be much closer to a microcosm of the elite of a political community. We should not be surprised, then, to see that fifty-three of the 535 members of Congress have a net worth of over \$US7 million (as of 2015); 130 of the 535 members of Congress have a net worth of over \$US2 million; 80 percent are male; 84 percent are white, and more than half are lawyers or businesspeople.¹ Elected representatives are much more likely to have graduated from college, to be wealthier, whiter, more likely to be male, much less likely to have been homeless or uninsured, much less likely to speak English as a second language, much less likely to have been

¹ See Petersen (2012) and Fontelo and Hawkings (2018).

incarcerated or to have a family member who has been incarcerated, much less likely to be disabled, and much more likely to have been a lawyer, businessperson, or career politician than the rest of the political community. Elected representatives are clearly *unrepresentative* in at least one important sense: they are demographically unrepresentative.

In this chapter, I consider the implications for this selection of a demographically unrepresentative group of political representatives with respect to the *agential* and *epistemic* dimensions of political representation. The agential dimensions concern the morality of the actions of political representatives, particularly regarding their efforts to address the moral-political problems that arise in the political community. The epistemic dimensions concern what the representatives contribute to the epistemic capacity of the system, including what they already believe and know, but also their contribution to gathering and generating relevant evidence (evidence relevant to the decisions that need to be made), filtering and weighing evidence, and being able to engage with and draw from diverse sources of knowledge, including extant technical, esoteric, and expert knowledge. For the agential and epistemic dimensions, because representatives work as part of a larger group, there is both an individual-focused assessment (how is an individual faring in agential and epistemic terms), but also a group-focused assessment (what does this individual contribute to the quality of the group's overall performance). What I will suggest is that having such unrepresentative representatives selected through elections gives rise to both agential and epistemic worries at the individual and group levels.

6.1. Unrepresentative Representatives, Agential Trouble

We can begin with a more familiar set of worries about unrepresentative representatives; namely, that they won't actually act on behalf of the people they are supposed to represent. I will raise three specific worries.

First, there is a worry that unrepresentative elected representatives will have agential priorities—driven by distinctive values, preferences, and background incentives—that make them unlikely to act so as to address the moral-political problems that affect the whole political community. Recall the concerns detailed in Chapter 2 regarding captured representatives. Given that elected representatives aren't meaningfully accountable through elections, they are ripe for capture and, indeed, there is substantial empirical evidence that they act to satisfy the interests of the socioeconomic elite, rather than the general population, and rather than addressing the moral-political problems that affect all of us. So, one concern is unrepresentativeness as a result of capture. The elected representatives will have different preferences and values than the rest of us because they have either conformed those preferences and values to what is in the interest of the capturing

entities, or they were chosen by those entities to be supported and rendered successful candidates because their preferences and values antecedently aligned with those of the capturing entities. This might in part explain why so many of the elected representatives have the occupational and class backgrounds that they do. Captured elected representatives will do poorly at looking out for our interests or being responsive to our concerns. They are likely to work for the interests of the elite, rather than deferring either to what their political community prefers or what would be in the interest of the political community. They are likely to engage in actions that harm many for the sake of benefitting those who are already among the best off in the political community, perhaps through means that are themselves immoral. And all of this will be done not just by an individual here or there, but by entire groups of effectively captured representatives, who will work together both to minimize electoral consequences and effectively deceive and manipulate the public about what they are doing and why. In places like the US with two dominant political parties, it is plausible that on some issues both dominant parties will be similarly captured, so that work on that issue is done entirely in the shadows and in a way that is out of line with norms of responsiveness and broader concern to improve the situation of members of the political community.

A second, related concern focuses on the distinctive characteristics of the group who ends up seeking out these elected roles, whether or not capture plays any part of the explanation. If those elected are a non-representative, much wealthier, more “elite” and privileged subset of the population in terms of socioeconomic status, education, occupational experience, immigration status, disability status, and much else, this will almost certainly result in distortions in terms of the attention, priorities, and actions of elected officials—particularly if they are operating with no spotlight of accountability on them. One worry here is that those who are seeking out political power in this political context are doing so for purposes of personal enrichment. As detailed in previous chapters, it is a political environment with high levels of conflict, plausible deniability, ignorance, and distraction, all of which make it ripe for raiding and profiteering and for creating a legal and regulatory situation in which one’s personal corporate and financial interests will run wild. Those seeking power who have these interests and background motives will be unlikely to focus on the full range of moral-political problems that affect the political community. Thus, capture might be the explanation, or it might be the uncaptured preferences and priorities of the elected officials that directly lead to this kind of distorted political agency. And, of course, it might be a story on which these external and internal factors point in the same direction.

A third worry, focused less cynically on simple financial motivations, arises from the way in which life experiences shape people’s beliefs, values, preferences, and motivations—the things they care about and are inclined to work to improve or address. We might worry about the regular election of unrepresentative representatives just on these grounds of interest and awareness and identity politics.

Some simple claims: non-Hispanic White people are less likely to understand the depth and details of racial and ethnic prejudice and discrimination and inequality, and they will be, in general, less focused on actively working to address these and related problems. People who do not personally know anyone who has been incarcerated, uninsured, homeless, on government assistance programs, or trying to raise children as a single parent, will likely be less attuned to related moral-political problems and less motivated to work to address those problems. People who are confident that their wealth will insulate them and their loved ones from the worst effects of climate change will be less moved to address this issue in a serious way. These are generalizations, of course, and there will be exceptions. But the possibility of distorted values and preferences should give us pause. And this is, of course, exacerbated by the way in which elected representatives have something close to free rein to do as they are inclined, given the very limited meaningful, informed electoral accountability that exists. Given this combination, there is little reason to think that those elected will have all of our interests in mind or will have a particularly apt view of which moral-political problems are most significant and in need of attention. They won't have much background interest or incentive to work on problems that affect the whole political community, nor will they have much electoral incentive to learn about those problems or work to address them, given the problems of information, complexity, conflict, and accountability that have been discussed.

These agential distortion concerns about unrepresentative representatives are likely familiar. As suggested above, there are different dimensions of an individual's identity that might be significant. One is connected to the person's work history and financial interests. If we elect someone who has spent his career getting rich by working in industry X, or working as a lobbyist for industry X, or whose campaign support comes largely from people who run or have profited greatly from industry X, or who will be employed by industry X as a lobbyist once out of elected office—we will generally expect that person to act as an agent of industry X. We will expect that person to think about X's interests, to advocate for legislation that makes things easier for X, to avoid increasing regulations or taxes that would make things harder for firms in industry X, and so on. And that's true, whether X is agribusiness, telecommunications, oil and gas, Silicon Valley big tech ("electronics manufacturing and equipment"), big tobacco, big pharma, insurance, hospitals/nursing homes, real estate, electric utilities, airlines, defense contractors and manufacturers, or any of the other largest influence-peddling industries.² Occupation, professional experience, and sources of financial support and influence is one cluster of identity factors that can make a person unrepresentative in various ways.

² See, e.g., the top lobbying industries in the USA in recent years (Open Secrets 2020).

Consider, for example, some facts about the 113th Congress, which ran from January 2013 to January 2015.³ Of the 535 members of Congress, 102 of them were veterans of the US military, 173 of them were lawyers (perhaps also veterans), 130 were businesspeople, while only five were engineers or scientists. As noted above, elected representatives are much more likely to have graduated from college. They also are much less likely to have been unemployed, homeless, or uninsured for an extended period of time; much less likely to have received assistance through the Supplement Nutrition Assistance Program; much less likely to be LGBT or a member of a racial or ethnic minority; much less likely to speak English as a second language; much less likely to have been incarcerated or to have a family member who has been incarcerated; and so on. These identities might tie into financial interests and concerns. But they also might reflect broader values, experiences, and interests that affect what moral-political problems are salient to them, how they think those problems should be addressed, what they are inclined to do about those problems, and how invested or active they are in trying to work on those problems. We should not always expect these efforts to align with what would be required of them by norms of responsiveness or concern for the political community more generally.

The focus so far has been on the way in which this might affect their values and priorities as political agents. These considerations take on additional significance to the extent that one is skeptical about the ability of electoral accountability mechanisms to ensure that elected representatives act in responsive or public-regarding ways. Additionally, moving from thinking at the level of individual actors to the group, the lack of accountability makes it possible for individual members to work together to reinforce each other's political cover. In the next section, I focus on the epistemic implications of unrepresentativeness. These dimensions of our identity affect not only what we care about and are moved to do but also what we believe and understand.

6.2. Unrepresentative Representatives, Epistemic Trouble

The worry I've focused on so far concerns the way in which elected representatives are likely to have distorted preferences, values, incentives, or motives, because of their unrepresentativeness. But there is perhaps a more fundamental concern when we are thinking about the ability of a political system to successfully identify and respond to the urgent moral-political problems that exist. That concern is epistemic: these unrepresentative representatives will be ignorant of much of what they might need to know to track and respond to the urgent moral-political

³ Manning (2014).

problems that afflict their political community. Unrepresentative representatives such as we are likely to see through electoral selection are *epistemically* limited in ways that should trouble us. This is troubling in part because it means that even if these elected representatives were trying to abide by appropriate norms in how they use their political power, they would still fare poorly in their efforts.

The epistemic implications of unrepresentativeness are due both to the investigative interests and priorities of the elite and the limitations of the epistemic position of the elite. Members of the elite will have little personal interest in or experience with many of the urgent problems faced by the non-elite. They will not know about these issues, they will be less inclined to learn more about these issues, and they may not know where to begin learning about them (whose opinions should be sought, to whom they should listen, and so on). They may also be overconfident in thinking that they do understand these political issues, even when they do not.

As discussed in Chapter 2, there is an extended tradition in what is now called standpoint epistemology that draws attention to the way in which social position, social power, and experience can affect what one comes to know and understand. If those elected overwhelmingly come from positions of social power and elite background, they are quite likely to bring that limited epistemic perspective, born of their limited evidential history, to bear on their thinking about moral-political problems. If elections lead to routine selection of the elite and work against the selection of the relatively disempowered, then we should expect significant epistemic distortion in the views of those elected. If we combine those epistemic errors with a general lack of concern or regard for the interests of the disempowered—either because they just don't identify with those interests or share them, or because the disempowered offer less electoral payoff—then we should expect to see insufficient investigation and bias in whose testimony is sought and heeded.

Even leaving aside standpoint theory, one could draw on points made by Aristotle in his famous feast analogy, and, more recently, Helene Landmore,⁴ regarding the epistemic benefits of diversity within a group. Many have suggested that diversity in terms of life experience—including occupational experience, religious experience, cultural experience, experience occupying different social positions, educational experience—is important for epistemic reasons. We can see this just in thinking about the different things one will come to know as a result of these different experiences. The basic point seems undeniable. There is at least something epistemically limited about having a legislature composed of people who, disproportionately when compared to the population as a whole, have no firsthand knowledge of being an engineer, police officer, primary caretaker of

⁴ Landmore (2013).

children, nurse, construction worker, waitress, cashier, plumber, social worker, truck driver, scientist, single-parent, non-native English speaker, disabled person, working-class person, openly gay person, community college student, welfare recipient, woman, African-American, Hispanic, atheist, Muslim-American, first-generation immigrant, and so on. This is simply a point about the knowledge one is likely to have come by based on one's life experiences, the evidence one is likely to have encountered. By using elections that disproportionately select for a white, male, wealthy, lawyer/businessperson elite, we are losing out on much of the available knowledge about the world.

Additionally, when we consider what the investigative priorities and capacities of elected representatives are likely to be—what problems they will focus their attention on, who they will consult and listen to, which experts they will trust, how they will conceive of expertise, and so on—the fact that they are such an unrepresentative group should trouble us. It is true that the high percentage of people with backgrounds as lawyers, businesspeople, and military veterans suggests that they will have some dimensions of expertise, but this is a somewhat narrow overall perspective. And it is true that elected representatives will have staffs and researchers who will help them investigate and gather evidence, but we should expect that both the staffs they assemble and the way in which they organize and direct their research assistance will be influenced by their own sense of the world.

* * *

Why don't we choose a more balanced, representative group? Part of the explanation is that, in places like the United States, we aren't voting for a slate of 500 people at once; each of us is voting district by district, in each case choosing a plurality winner to represent a particular district. The choices inherit the background social biases and demographics—patriarchy, class advantage and the high cost of mounting a viable political campaign, class and occupational prejudice, a history of white supremacy, racial and ethnic minorities drawn into racially gerrymandered districts, even facts about ambition, expectation, and social position. It is not particularly surprising that doing things in this way results in a lot of Kennedys, Bushes, and Rockefellers.

The considerations raised in this chapter, along with those discussed in the previous chapters, can help to explain why there are so many long-standing and seemingly intractable problems in modern political communities like the United States, despite the incredible wealth and seeming abundance of resources with which to tackle those problems. The list is long: the failure to respond sensibly to racial inequality and the history of racial injustice, the failure to provide basic high-quality public education to all, the environmental devastation we are continuing to enact and ignore, the dramatic and widening gap between the richest and poorest and the inability of many to escape cycles of poverty and underemployment, the failure to provide basic health care for millions of people, the

ongoing crises of child poverty and homelessness and mass incarceration, the inability to introduce effective policies to address substance abuse problems and the opioid crisis, failures to respond sensibly to refugee crises and immigration pressures, and so on.

The system does not seem to be working well to address some of the most basic moral-political problems. What might be done?

Modest Responses and Their Limitations

The previous chapters have detailed concerns about the ability of electoral representative democratic systems of government to identify and adequately address the moral-political problems that exist in their midst. This chapter considers what we might call “modest” responses to these concerns. They are modest relative to the much more immodest complete reform of the political system that I advocate for in Part II, but they are far from trivial reforms. I argue that these reforms have significant limitations and that they are incapable of effectively rehabilitating the problem-identifying and problem-solving capacities of electoral representative systems. Part of the explanation for that, I suggest, is that the central mechanism of electoral accountability simply doesn’t make sense given modern political conditions of size, complexity, and durable voter ignorance. Another part of the explanation is that elections themselves introduce some of the most significant problems, so that any system that retains them will retain those problems. Some responses might improve the system, but if elections remain central, so will the basic problems.

Many different concerns about electoral representative systems have been raised so far. Here is a list of ten concerns that encapsulate the discussion so far:

1. **Citizen Ignorance:** members of the political community do not have enough time or incentive to become well informed about the moral-political problems that exist, nor about the possible solutions to those problems, resulting in systemic, widespread voter ignorance.
2. **Ignorant Influence:** voter ignorance may result in direct uninformed influence on policymaking and problem solving.
3. **Unaccountable Captured Representatives:** in perhaps more cases, voter ignorance leads to an erosion of meaningful electoral accountability, resulting in powerful special interests capturing political representatives.
4. **Bad Press:** the background epistemic situation is a distorted and contaminated mass information environment, resulting from market and entertainment incentives in mass media and information provision, which causes and intensifies voter ignorance.
5. **Emotional Manipulation:** voter ignorance and media incentives result in political information and political engagement around elections based on supercharged emotional distortion, attention-grabbing issues, and motivation through fear, anger, and righteous indignation.

6. Individuals Not Issues: voter ignorance, media incentives, and vicious partisanship shifts electoral and therefore political discussion toward the personalities and moral qualities of particular people, candidates, rather than to political issues or policy problems and solutions.
7. Vicious Partisanship: ingroup/outgroup dynamics, reinforced by electoral competition, result in dangerously partisan epistemic and agential behavior (echo chambers, bias, vilification, distrust, concentration of attention on issues that divide).
8. Short-Termism: elections concentrate attention on issues and solutions with a short time horizon.
9. Unrepresentative Representatives, Agential Trouble: elections result in selection of a non-representative subset of the population, which has moral implications, particularly in terms of distorting the attention, priorities, and actions of elected officials away from those moral-political problems that affect the full political community, and away from observing moral norms of deference and guardianship, as well as more general moral norms.
10. Unrepresentative Representatives, Epistemic Trouble: elections result in the selection of a non-representative subset of the population in terms of race, gender, socioeconomic status, education, occupational experience, immigration status, disability status, and much else, and this generates significant epistemic limitations as explained by standpoint epistemology, differential evidential backgrounds, and narrow and biased investigative priorities.

Some of these concerns are *caused* by using elections to select representatives: Vicious Partisanship, Short-Termism, Emotional Manipulation, Individuals Not Issues, and both worries about Unrepresentative Representatives are in this category. Call these *constitutive* problems of electoral representative democracy. Others are problems because they threaten arguably necessary components for systems of electoral representative government to function well at problem solving: Citizen Ignorance, Ignorant Influence, Unaccountable Captured Representatives, and Bad Press are in this category. Call these *conditional* problems for electoral representative democracy. The division here is not perfect; problems on one side of the divide can exacerbate problems on the other side (e.g., vicious partisanship is caused by electoral dynamics but also exacerbates voter ignorance and ignorant influence).

In this chapter, I consider several responses to these concerns that try to preserve the basic electoral representative democratic framework, and which are, in that sense, “modest.” Some of these will suggest modifications to the structure of elections, to address the constitutive problems. Others will suggest ways of addressing the problematic background conditions, to address the conditional

problems. Many of these responses would be difficult to implement. Many of them would work better when implemented in tandem with others. I'm skeptical that these responses would be sufficient to address these problems, even if they could be implemented. In particular, the constitutive problems are—as the name suggests—largely inextricable from the basic mechanics of elections in a mass political context. And even the conditional problems generally cannot be addressed by altering the background conditions—those conditions are too hard to alter. They must instead be addressed by making the political system's success no longer dependent on altering those conditions. I won't offer a comprehensive rebuttal to all these possible responses, but I hope that what I say makes the grounds of my skepticism clear.

That said, everything is difficult, and everything can seem to have problems. I do not mean to discourage continued efforts in these or other nearby directions. This might be particularly true for political communities in which some of the conditional problems are somewhat attenuated. The point of the chapter is not to suggest that all thinking and reform should be redirected; it is instead to offer my reasons for thinking new, less modest reforms might be worth additional attention.

7.1. Citizen Ignorance and the Epistemic Supply and Demand Mismatch

The central conditional problem concerns the very high epistemic demands put on individual citizens in standard electoral representative democracy. For the system to work, citizens need to be informed about extant moral-political problems, potential policy solutions to those problems, the actions of their political representatives with respect to pursuing or implementing those solutions, the normative valence of those actions and potential solutions, and much else. Exactly *how* informed they must be is a matter of some debate. Clearly, people don't need to know quite as much as they would if they were the ones identifying and addressing moral-political problems directly. And relying on some proxies and signals and heuristics might be a way of reducing the epistemic demands on them even further. But, even so, for them to actually do what is needed of them to get elected officials to act in genuinely responsive and effective ways requires far more than most individuals are able to offer under their normal life circumstances. Given Citizen Ignorance—and basic limits on education, attention, and time—ordinary citizens are generally incapable of offering enough epistemic supply to meet this high demand. As political scale increases, this only increases the epistemic demand further, adding additional dimensions of complexity. This feeds into many of the other concerns—Ignorant Influence and Unaccountable Captured Representatives, in particular—and makes Bad Press a more significant

concern. It also provides fertile ground for Vicious Partisanship, Short-Termism, Emotional Manipulation, and Individuals Not Issues to take root.

There are several different solutions to the ignorance and complexity problem. Advocates of these different solutions sometimes differ in whether they see elected representative institutions as tightly responsive to the ignorant masses or not, offering different recommendations accordingly. The three main families of response that I will consider are these:

- (1) Limit and select for quality: improve the epistemic quality of participation by reducing and selecting those who can participate.
- (2) General improvement: through broad, general education or model-based simulation, improve the quality of effective political participation.
- (3) Reduce the epistemic burden: allow broad participation, but reduce the scope of what individuals are epistemically responsible for knowing, reducing the epistemic burden so as to make it possible for individuals to do better.

The first two are “supply-side” interventions. The third is a “demand-side” intervention. I take these up in some detail and begin with them because without significant improvement here, little else will make any difference.

7.1.1. Limiting and Selecting

The first family of responses—limiting participation and selecting for epistemic quality—takes political power away or reduces the political power of those who are ignorant regarding the moral-political problems faced, solutions to those problems, and/or what political representatives are doing about those problems and whether those responses are appropriate. These usually focus on taking political power away from voters, but also in some cases using selection procedures for political officials that would better ensure the competence of those officials. This family of responses includes different recommendations for what have come to be called technocratic, meritocratic, or epistocratic political systems.¹ The more extreme versions of these involve eliminating elections entirely, or dramatically restricting the role of elected representatives. Meritocratic or technocratic systems, for example, either eliminate elections entirely or limit their use, instead using examinations and grades in professional training programs to

¹ For relevant discussion, see Mill (1861); Miller (2015); Mulligan (2018); Latimer (2018); Brennan (2016); Bell (2015). There is also a host of empirical work raising questions about the competence of elected officials, such as Sheffer and Loewen (2017); Sheffer et al. (2017); Griffin (2013).

determine who should occupy political offices. But others maintain the basic electoral framework.

One example of the latter is plural voting or restricted suffrage epistocracy, in which political power through voting power is apportioned based on knowledge. Plural voting schemes give everyone a vote but give the relatively epistemically better off (somehow defined and determined) more votes. Restricted suffrage schemes limit who can vote on the basis of knowledge or education, usually assessed through some general test.

These systems run directly into concerns about political equality, the effects of background social inequality, and other concerns that such systems are in various ways “undemocratic.” Many of them would fare poorly with respect to significant moral considerations relating to self-government and the right to be treated as fundamentally morally equal. I won’t focus on those worries here, although a fuller critique of these options could be developed based on what I argue in Chapters 15 and 16.

Even setting aside these concerns, these epistocratic reforms do not do enough to remove the effects of voter ignorance, or they run into epistemic problems stemming from capture or elite selection effects. They might, for example, intensify both problems of Unrepresentative Representatives if those who are likely to do well by these epistocratic measures are also likely to be from similarly elite groups. Additionally, most of these reforms do nothing to ensure that voters have enough knowledge of what their representatives are actually doing to hold them meaningfully accountable. The main problem here remains the need to get relatively detailed information about what elected representatives are contemplating doing, as well as information about all the extant moral-political problems. Even if there is a general knowledge threshold test that either limits who can vote or gives certain people more voting power, there still will be very little incentive for individuals to stay adequately well informed of all the details of current policy problems, policy solutions, and what is being done by the relevant political actors. If the number of people who “passed” the threshold were small enough—say, 10,000 people—then it might be rational to spend the time to become better informed. But such restricted suffrage systems quickly move out of the category of “democratic” political systems and run into concerns with respect to a host of significant moral considerations. And if there is still background socioeconomic inequality, then we would expect that those who could pass the threshold would be likely to be an unrepresentative group along many demographic dimensions.²

² One exception to this is the “enfranchisement lottery” proposal put forward by Claudio Lopez-Guerra. On that system, a relatively small number of people would be randomly chosen, given various opportunities to learn and engage in “competence-building,” and then empowered to vote. Others would be disenfranchised. This kind of system avoids some of the worries of non-representativeness, but I have concerns about this system’s ability to function well given the still high epistemic demand on those selected and worries about corruption or distortion in the “competence-building” process. It is a

7.1.2. General Improvement of Citizen-Based Input

The second family of responses aims to remain broadly inclusive, but to improve the epistemic quality of the input provided by voters. One familiar thought here, discussed in Chapter 3, is to work to improve education, voter knowledge, and voter access to political information. This tradition is associated with the work of John Dewey and his focus on the importance of public education for democracy, but it also gets vivid expression in the work of his contemporary, Marie Collins Swabey. In “Publicity and Measurement,” Collins Swabey writes that “if democracy is not to be abandoned, some attempt must be made to devise ways in which what is of genuine public concern may be made to concern the public.”³ She is aware of the difficulty of getting voters interested in all that they need to know, and the lack of their incentives in that regard, but suggests that “issues may be made to appeal directly to reflective consciousness by utilizing man’s intellectual interests in art and science.”⁴ As she sees it, “the great problem...remains a problem primarily of simplification: how to pose complicated issues in an uncomplicated way so as to gain popular notice.”⁵ To this end, she advocates for the creation of a “great national bureau of publicity” that would use statistical analyses and “the skilful use of charts, graphs, and pictures” to communicate “what is known about the people to the people themselves.”⁶ And of course there are such real-world efforts: PBS, the BBC, and CSPAN—with varying ambitions and degrees of effectiveness.

There are also proposals for various kinds of media reform, including regulation of social media entities such as Facebook and Twitter (X), all of which aim to improve the politically relevant information that we get through print, television, and social media sources. These are responses that aim to confront the problem of Bad Press directly, improving the information we have when making political decisions. In this vein, Regina Rini, for example, has argued for using Reputation Scores when individuals share stories and news articles on social media, to make it possible for people to gauge the likely quality of the information being shared.⁷ And there are various entities that “fact check” assertions of politicians⁸ and others who argue for tighter regulations concerning false or misleading political speech.

As discussed earlier when discussing the problem of Bad Press, there are significant worries about the state being involved in creating the information outlets or in regulating media entities, given concerns about political officials

promising model, but more in the spirit of the lottocratic system than in a modest reform to the current electoral representative system. For his presentation of the model and discussion, see Lopez-Guerra (2011, 2012, 2014).

³ Swabey (1930: 103).

⁴ Swabey (1930: 103).

⁵ Swabey (1930: 104).

⁶ Swabey (1930: 110–11).

⁷ Rini (2017).

⁸ FactCheck.org (www.factcheck.org) and the Pulitzer-prize winning PolitiFact (www.politifact.com) are particularly successful entities in this regard.

manipulating these outlets and regulations to insulate themselves from criticism. And there are worries about the ability of the market to supply high-quality information outlets, given that such outlets might well be less interesting and entertaining, and thus unlikely to do well in a competitive media market environment. I am not optimistic about these strategies.

Rather than general, systematic attempts to improve education or the broad media and information environment, there are proposals that attempt to employ patchwork solutions. One such idea is that of a single day of national deliberation and political engagement prior to national elections, as recommended by Bruce Ackerman and James Fishkin.⁹ A similar, more extended idea motivates James Fishkin's advocacy for "deliberative polling." On this model, randomly chosen citizens would be immersed in "the issues, with carefully balanced briefing materials, with intensive discussions in small groups, and with the chance to question competing experts and politicians." They would then be polled, and the results of this poll (and how it differs from the polling prior to the learning and deliberation) would be broadcast to the general electorate, prior to political primaries or elections. As Fishkin puts it, a deliberative poll is not meant to describe or predict public opinion; rather, "it has a recommending force: these are the conclusions people would come to, were they better informed on the issues and had the opportunity and motivation to examine those issues seriously."¹⁰ The hope is that letting all voters know about the results of these polls would influence some of their views to be more in line with what they would be were they to go through this same experience of immersion, education, and discussion.

There are other possibilities that use similar "shortcut" methods to improve epistemic input on the part of ordinary citizens. One interesting example is enlightened preference epistocracy (or "government by simulated oracle," in Jason Brennan's phrase), which draws on the work of Scott Althaus,¹¹ and is developed in a systematic direction as "modelled democracy" by Kristoffer Ahlstrom-Vij.¹² This system works with ordinary citizens and their values, but tries to estimate or simulate what those ordinary citizens would prefer if they were fully informed, based on surveys, demographic information, their performance on structured exams, and what is known about what "similar" people prefer if they are dissimilar only (or primarily) in their levels of knowledge. This kind of system might avoid worries about equality or inclusivity, but runs into concerns about the precise structure of the simulation process (with significant worries about capture at that juncture), as well as concerns about acceptance and stability of the results of the simulation.

These last few ideas don't attempt to improve the actual epistemic situation of most citizens in any comprehensive way. That strikes me as sensible if also

⁹ Ackerman and Fishkin (2005).

¹⁰ Fishkin (1995: 162).

¹¹ Althaus (2003).

¹² Ahlstrom-Vij (2020).

lamentable, at least under modern political conditions. The sheer amount of information and complexity that an individual would have to master about both policy and what political officials are doing is beyond what it is reasonable to expect from individuals, particularly given their current incentives.

I am pessimistic that more general attempts at education, improving the media environment, regulating social media, and so on, will do enough to restore meaningful electoral accountability, nor will it do enough to help improve the ordinary knowledge about politics and policy problems and solutions. These ideas might help on the margins, but they likely won't be enough to make a significant difference, either to prevent ignorance resulting in capture or to prevent ignorance from infecting policy judgments in other troubling ways.

7.1.3. Reducing the Epistemic Burden

The concerns connected to ignorance articulated above don't stem from the fundamental incapability of citizens, except insofar as those citizens are time-bound and non-omniscient. Instead, they stem from a mismatch between "epistemic demand"—what citizens need to know to ensure that moral-political problems that exist are being addressed—and "epistemic supply"—how much time, access, and incentive citizens have to learn what they would need to know. The above responses are generally supply-side interventions. But we should also consider demand-side interventions; in particular, we should consider responses that try to reduce the epistemic burden on ordinary citizens.

One strategy in this regard is to consider epistemic shortcuts, heuristics, and signals—things that citizens might be able to learn about and pay attention to, without needing to know policy options, the nature of political problems, or what one's political officials are up to in any detail. Perhaps even if people are ignorant of much that seems relevant in terms of policy and politics, they can still make epistemically responsible decisions by using proxies, signals, and heuristics to overcome their ignorance. As discussed in Chapter 2, there are reasons to be significantly pessimistic about this option.

A different way of reducing the epistemic demand on individuals is to change the scope and complexity of political institutions. One might change the size of the jurisdiction, reducing the size of the political community and the size of the largest unit of government that has political power and which is responsive to or shaped by citizen input. This idea is familiar from the mythical New England town hall meeting, at which all members of the political community would come together to decide what ought to be done. The imagined scope of political power is local, relatively small, and close to the lives of ordinary citizens. As a result, the problems and policy options are ones that citizens can comprehend, and which their ordinary experiences prepare them to address. Citizens also have more obvious

and immediate interest in engaging, as the scope of government makes it more probable that their input will make a difference to what happens, and what happens is of clear importance to their lives. Of course, this is all something of a just-so-story, and things might not work out this well in practice. Still, this does seem to be one way of addressing the ignorance and complexity problem, at least under certain sociopolitical conditions. This idea is at the heart of work by Ilya Somin and others, who recommend more decentralized, local government power, in part as a response to the problem of voter ignorance.¹³

Although there is promise in this direction, there are also significant concerns, due to the nature of problems we confront in the modern world. One concern is that very small political communities would lose out on efficiencies due to economy of scale in the production of goods such as education, health care, national defense, and much else. And many of the modern world's political problems are ones that require large-scale, organized responses: climate change and environmental protection, terrorism and rogue militarism, food production and water supply, global pandemics and disease control, drug trafficking, immigration and protection of refugees, international trade and corporate taxation and regulation—these and many other problems are hard to address as it is. They become much more difficult if we imagine thousands of micro-scale political entities trying to work together to address them. We might be too interconnected at this point for this to be a promising idea. We should be careful not to overstate what we know about these worries, and how they compare to our current situation. Although overcoming collective action and coordination problems is more difficult as the number of parties increases, there might be ways of organizing and aligning on issues that could help address these concerns, perhaps through structures of limited federalism. And the comparison to the situation with a few supersize states with outsize influence and generally uncooperative attitudes might make the thousands of micro-scale political communities seem to have their own advantages.

Even if these worries of collective action and effective joint agency could be addressed, there would remain the epistemic problem: if the problems are large and complex and extend far beyond our small jurisdictions, going smaller will not result in reducing the epistemic demand on ordinary citizens. Ultimately, although there is something attractive about a return to a world of much smaller political communities—for epistemic demand reasons and for others—it might be impossible to move back to that world, at least short of some near-apocalyptic scenario in which broader connections have been severed. And leaving questions of practicality aside, the concern about the mismatch between epistemic supply

¹³ See Somin (2013: ch.1).

and epistemic demand remains—at least for those problems that concern large-scale issues and conflicts.

* * *

I am pessimistic that there is any way of retaining the basic electoral representative democratic structure and also addressing the problems of Citizen Ignorance or Ignorant Influence. General education strategies will not work, the problem of Bad Press is near insurmountable, and moving to smaller jurisdictions doesn't address the most significant concerns about ignorance. As a result, we should expect trouble to remain. We should also expect that these reforms will do little to address the downstream problem of Unaccountable Captured Representatives. One set of reforms attempts to address the problem of capture more directly.

7.2. Capture and Influence

Calls to reform electoral politics by trying to extricate the excessive influence of wealth and special interest power are as old as electoral representative government. There are at least four distinct sites of buying influence: pre-election campaign funding and support, post-election lobbying, post-term revolving door employment, and political media coverage. Although we might be able to introduce reforms that will temporarily block the influence of money through a particular channel, this won't solve the problems of capture. As election law and campaign finance experts Pamela Karlan and Samuel Issacharoff argue, "political money, like water, has to go somewhere"—it will always find its own level.¹⁴ The main problem is that for many of these sites of influence, the way influence is purchased is through channels that are deeply intertwined with freedom of speech and association. Additionally, even if worries about regulating political speech could somehow be addressed, the temptation to introduce regulations with respect to political contributions and campaign funding and advertising expenditures will just leave more of the information environment in the hands of those who control the political news media, returning us to the concerns about Bad Press.¹⁵

¹⁴ Issacharoff and Karlan (1998: 1708).

¹⁵ Imposing strict term limits might address some worries about capture and accumulation of power over time, and it might free elected representatives to think more about the long term. Still, term limits effectively shift all the focus to the initial candidate selection, putting much more concern from ignorance and capture there, and it alters the basic mechanism of electoral accountability entirely. Given that these don't address the other worries, and they don't do anything to address the most fundamental concerns stemming from ignorance and capture and excessive financial influence, I will not focus on them here.

7.2.1. Campaign Finance and Electoral Speech Reform

Let us begin by considering campaign finance reforms, restrictions on political advertising, and public funding of campaigns. We could try to limit, regulate, and require disclosures regarding both private contributions to campaigns and total expenditures allowed from campaigns. In the US, we could eliminate SuperPACs and PACs and restrict the ability of private organizations and associations to pool money or provide so-called “dark” money to candidates. We could require all campaigns to be publicly financed, with candidates qualifying for public financing only after meeting a certain support threshold as evidenced by signatures (or whatever), and with campaign expenditures limited to the money that comes from public financing.

But none of those reforms would address the problem of how individuals were being covered and presented by private, corporate-controlled news media. Indeed, it would make things worse on that front, as it would be hard for anyone not on the good side of those entities to get their actual message across in effective terms. Nor would it address the problem of individuals who were already salient to the public for being political incumbents or prominent in entertainment, sports, business, and so on. Limits on fundraising and expenditures would likely only make those pre-campaign advantages more significant. And meeting qualifying thresholds by getting signatures (or whatever) itself requires financial support—or is made much easier by having such support. Some of these reforms might have salutary effects on how “unrepresentative” the elected representatives would be, since if the cost of running for office goes down (in the United States, winning a House race in 2018 cost an average of \$2 million; winning a Senate race cost \$15.7 million¹⁶), we might imagine a more representative group of people could be viable candidates. And there might be some positive effects there. But we should also worry that these effects will be superficial. If those publicly financed candidates from currently underrepresented groups have platforms that go against the interests of those who control the news media, we should expect them to receive negative coverage and to be poorly positioned to respond.

One could go further still, trying to address the problem of private news media, and impose reforms that would involve government regulation of all speech that is deemed “politically relevant” in the months closest to the election, perhaps allowing political discussion to happen only through some regulated series of public debates or discussions. There are significant worries with this route. First, this would provide a huge advantage to those who already have a high profile—whether through incumbency or non-political fame. Second, it would require a highly disturbing level of government regulation of speech and bans on political

¹⁶ Evers-Hillstrom (2019).

speech that should trouble anyone who supports open democratic society. Third, it would be exceedingly difficult to draw the line in a way that allowed for people to still have general comprehension of what was going on in the world. The government could insist that private news media of various forms—TV, radio, print, internet—be required to allow certain candidates airtime or a “right-of-reply,” basically legally mandating regular government intrusion into the programming and content decisions of private news media entities.¹⁷ But, in addition to some of the aforementioned worries about government intrusion and the difficulty of deciding who should be included, there is no guarantee that any of the content will be engaged with, for reasons also previously discussed.

Even if one could control some of this during the electoral phase, this won’t affect the ability of the powerful to influence views through media after the election. And regulating campaigns, political advertising, debates, and so forth does nothing to affect the core problem of post-election issue ignorance and conduct ignorance and the concomitant elimination of meaningful accountability. Over time, we would expect candidates to talk a good game in public, and then do whatever suits them (or the capturing interests that support them) once they are in office.

7.2.2. Lobbying and Revolving Door Reform

Perhaps focusing on campaign finance and regulation of political speech during the electoral phase is the wrong place to concentrate reform attention. It is clearly not sufficient for addressing concerns about capture or overwhelming financial influence in electoral politics. Maybe efforts that concentrate attention on post-election lobbying and post-term revolving door employment would be better. This is, after all, where much of the big money goes.¹⁸ There are already disclosure reporting requirements in most modern political systems that require people to register as lobbyists, that require elected representatives to disclose both when they meet with registered lobbyists, and that require disclosure of how much money was spent and what issues were discussed. One can look up who is spending what. It is an unsurprising roster: agribusiness, telecommunications, oil and gas, big tech (“electronics manufacturing and equipment”), big pharma, insurance, hospitals/nursing homes, real estate, electric utilities, airlines, defense contractors and manufacturers.¹⁹ As we might expect, the biggest spending

¹⁷ Sunstein (1993) suggested similar reforms.

¹⁸ Ansolabehere et al. (2003) detail that there is actually not as much money as one might expect in buying influence or candidates through campaign spending, but that there is quite a lot spent on the lobbying side of things.

¹⁹ See, e.g., the top lobbying industries in the United States in recent years: <https://www.opensecrets.org/federal-lobbying/industries?cycle=2020>.

industries are also those who are in most regular interaction with government to obtain lucrative contracts, subsidies, tax breaks, and to avoid or alter the regulations that affect their financial prospects. Many of these lobbyists work very closely with Congressional staffers in drafting legislation and regulations and contribute “white papers” that set out research that ostensibly supports the desired industry position.

It is incredibly common for there to be a “revolving door,” with people working in government and then working in a lucrative position as a lobbyist or working as a lobbyist and then being elected or hired on as political staff. The sheer number of members of elected legislatures who either were employed in certain industries, worked as lobbyists for particular industries, or who enter into lobbying for those industries in high-paying positions upon leaving office is astounding. For example, of the 106 members of Congress who left office in January 2019 after the 2018 elections, thirty-one of them began employment in lobbying—even though they are not allowed to lobby their former colleagues in Congress immediately (there is a “cooling period” of at least a year, although they are free to lobby other political actors immediately).²⁰ The number of people who are employed as staffers after having worked as a lobbyist or leaving a staffer position to go into lobbying is just as striking—and it is a bipartisan affair. Senator Charles Schumer has had fifty-nine such staffers working for him (people who either came to him from lobbying or went into lobbying after working for him), Senator Mitch McConnell has had fifty-eight, Representative Nancy Pelosi has had thirty-seven, and so on.²¹

Limiting or banning “lobbying” is difficult, unfortunately, because it is pretty much just another word for “speaking.” Most states define lobbying as “an attempt to influence government through either written or oral communication,” but with the added component that one is doing so on behalf of other individuals or a group of individuals and being paid to do so.²² In theory, it is possible to restrict or even ban this activity. But the basic model of electoral representative government is one that requires having free citizen input and access to elected officials so as to influence and monitor what they do. Citizens and advocacy organizations are *supposed* to try to influence elected representatives, to get them to implement legislation that does this rather than that, or that reflects and responds to these concerns, rather than those. Restrictions could be made regarding the “being compensated for doing so” component, but that is a hard line to police. For one thing, it will mean that those who already have a lot of resources and available time

²⁰ See <https://www.opensecrets.org/revolving/departing.php?cong=115>.

²¹ See <https://www.opensecrets.org/revolving/top.php?display=M>.

²² See “How States Define Lobbying and Lobbyist” on National Conference of State Legislatures website, <https://www.ncsl.org/research/ethics/50-state-chart-lobby-definitions.aspx>.

will be able to speak in ways that others cannot. A bigger worry is that the main effect would be to push these activities further below the radar and into darker shadows, as jobs are created where it is unclear if part of the job one is being compensated for involves speaking and trying to influence government or not.

It is difficult to distinguish objectionable lobbying from appropriate political speech and petition. This is a line that any political system has to manage. (As will be discussed later, lottocratic systems encounter concerns on this front, too, although perhaps the precise moments and mechanisms of speech can be more carefully monitored and scrutinized in the lottocratic system.) At the extreme, if something of a full firewall were in place, it would make the job of elected officials much harder to do in a responsive or informed way. Although this might remove a source of unequal influence, it doesn't address basic ignorance and meaningful accountability problems. And, of course, there is still the problem of the background news media. What is it to try to influence government through written or oral communication, if that communication is not directed to particular elected representatives? It is hard to see what would prevent the elected officials from turning on Fox News, or from getting free, uncompensated policy advice and sample legislation and draft regulations from Jeff Bezos and the CEO of ExxonMobil, as they speak with elected representatives in their capacities as private citizens. The only restrictions available would seem to be at odds with the basic core mechanism of electoral representative government.

In contrast, an easier reform would ban the blatant kinds of lobbyist-to-staffer-to-lobbyist-to-elected representative-to-lobbyist revolving doors. There are already required "cooling off" periods in many electoral systems that require former elected officials to wait a year or two before they can lobby the body of which they were a part. But a more rigid firewall could be put in place, so that if one worked as a registered lobbyist, one would have to wait at least ten years before one could run for elected office. Or if one worked as a legislative staffer or elected representative, one would have to wait much longer or perhaps never be able to work as a registered lobbyist. These kinds of restrictions face the difficult problem of having to be passed by the very people who would be most significantly affected by them, but they seem like a step that is worth pursuing.²³

7.2.3. Reducing Background Socioeconomic Inequality

A different kind of reform addressing many of the problems stemming from capture and excessive financial influence on the part of the most powerful

²³ Increasing the "cooling off" period has been described as highly unrealistic in the US context. See Berman (2019).

would be to reduce the background levels of socioeconomic inequality. In the United States and many other places, income and wealth inequality have been steadily increasing since the 1970s, with socioeconomic inequality today at levels that haven't been seen in a hundred years. This might be bad for reasons having nothing to do with political influence, but one of the effects of this kind of inequality is to make it much easier for the wealthiest and most powerful to control the political institutions, and to do so in a way that makes those institutions basically incapable of regulating or limiting what they can do. As Samuel Scheffler put the point:

[E]ven if economic inequality is not a problem in and of itself, it can still have bad effects. Great disparities of income and wealth, of the kind we see in the United States today, can have damaging effects even when nobody is badly off in absolute terms. For example, the wealthiest may be able to exert a disproportionate share of political influence and to shape society in conformity with their interests. They may be able to make the law work for them rather than for everyone, and so undermine the rule of law. Enough economic inequality can transform a democracy into a plutocracy, a society ruled by the rich.²⁴

Reforms in this direction might include more significant taxation for the very wealthy, limits on how much wealth can be passed from one generation to the next, significant redistribution to the socioeconomically most disadvantaged, robust antitrust regulation to prevent the accumulation and conglomeration of capital and influence, greater regulation of markets in financial instruments and financial institution lending practices, stricter regulations regarding tax shelters and tax avoidance and greater enforcement against high-wealth tax evaders, and so on. Doubtless, a large package of such reforms would make a difference in capture, political control, and influence of the most powerful—in addition to addressing other moral-political problems.

The problem with this reform proposal isn't that it wouldn't make a difference; it certainly might. But concerns remain. One is the sheer difficulty of passing such reform legislation, given the story told so far. Let's leave that aside. A more foundational concern is that, even if background inequality could be significantly reduced—a terrific but unlikely accomplishment—that might address some extreme capture and influence worries, but it leaves untouched the basic problems stemming from ignorance and complexity. If there were still significant corporate interests and private news media, we should still expect efforts at capture and influence, even if socioeconomic inequality were greatly reduced. And those efforts would remain just as likely to succeed unnoticed, given that the basic issues afflicting the mechanism of electoral accountability remain.

²⁴ Scheffler (2020).

7.3. Electoral Systems and Vicious Partisanship

Some of the concerns about electoral representative democracy that have been discussed so far are most prominently problems for a particular form of electoral representative democracy; namely, those forms that elect single members to represent geographic territories based on a plurality (“first past the post”) vote. Systems of this kind are likely to result in two dominant political parties, which, in turn, plausibly exacerbates tendencies toward ingroup/outgroup social dynamics in political life. Those dynamics interact with social epistemic mechanisms: drifting into epistemic bubbles and solidifying those into echo chambers, coming to vilify and distrust those in the outgroup, and so forth. And this might be partially responsible for both the acrimony and increased political polarization in at least some large political communities.

One idea in response might be to move away from single-member districts and plurality voting rules. Moving to a proportional representation system and/or using approval voting or single-transferable vote systems might make some positive difference with respect to aspects of the Unrepresentative Representatives and the Vicious Partisanship problems. Proportional representation systems are familiar and have distinctive concerns of their own. They might result in increased political fragmentation, awkward political coalitions that obscure lines of accountability, establishment of extremist political parties, and systems that do poorly by sensibility for failing to form stable governing coalitions. Still, this is an option worth considering.

Approval voting and single-transferable vote rules might be less familiar. On a single-transferable vote system, voters submit their ranked lists of all the candidates on the ballot that they would like to rank. After that initial submission, the candidate whose name appears at the top of the fewest lists is deleted from all lists. That process is then repeated until only one person is left. With an approval voting system, voters can cast a vote for all those candidates of whom they approve (we might try to specify this idea of approval in more precise ways). The winner is the person who receives the most votes. Both these voting rules might help blunt some of the hyper-partisanship, as candidates will have powerful electoral incentives to aim for broad, cross-group appeal. This might affect the details of the ingroup/outgroup dynamics, along with their attendant epistemic effects, in a generally positive direction—at least by the lights of sensible moral-political problem solving. One significant worry about both systems is that they both require even more knowledge on the part of voters—having informed opinions about several or even many different candidates. Another worry is that they are relatively vulnerable to coordinated strategic voting. But there are interesting, powerful defenses of these systems, and they, too, are worth considering further.²⁵

²⁵ For very helpful discussion of approval voting in particular, see Brams and Fishburn (2007).

* * *

The suggestion in this chapter has been that, for many potential reforms, they will not effectively rehabilitate the central mechanism aimed at addressing the principal-agent problem at the heart of electoral representative systems: meaningful electoral accountability. And it is hard to envision reforms that address other potential pathologies of elections: short-term focus, attention and emotional manipulation, elections picking elites, focus on individuals not issues, or ingroup/outgroup dynamics.

The point is not that these more modest strategies might not work under some conditions, or that we ought not to pursue them. It is, instead, to sound a note of concern about putting all our eggs in any of these baskets (alone or taken together). The electoral representative framework may be a fundamentally flawed basic model for large political communities. We may need something entirely new.

PART II

LOTTOCRACY—
A NEW KIND OF DEMOCRACY

“Twenty days before the oath
I dream it’s me.
Chosen at random.
Standing alone
at a plywood podium.
No one wanted the job.

I’m from northern Wisconsin, I say.
I don’t know anything.
I just want people to tell the truth
and be kind.

A man interrupts.
I put my hand over his mouth.
Be quiet, I say.
I believe I have the floor.”

Naomi Cochran, “Anyone Can Be President”

Introduction to the Use of Random Selection in Politics

There is historical precedent for using random selection to select political officials and political representatives. This has historically been referred to as *sortition*, but also by the terms *demarchy*, *klerostocracy*, or, my preferred term, *lottocracy*. I favor “lottocracy” and “lottocratic” because the noun for the system is easier, because “sortition” has echoes of the unfortunate combination of “sordid” and “sedition,” and because the meaning of the word is more evident from the familiar “lot” root. In Ancient Athens, the birthplace of democracy, lottery-selection was used to choose political actors in several of the major governmental institutions. Selection of political officials in late medieval and early renaissance Italy incorporated selection by lot. Additionally, although a different use of random selection, the randomly selected citizen jury is familiar from centuries of use in both civil and criminal trials all around the world. More recently, Citizens’ Assemblies (in which citizens were chosen at random to serve on deliberative bodies focused on particular political issues) have been used throughout the world, prominently in Australia, Belgium, Canada, France, Germany, Iceland, Ireland, Mongolia, the Netherlands, South Korea, Spain, and the United Kingdom. There are excellent discussions of the historical use of randomly selected citizens in legal and political institutions, and detailed chronicles of many of these more recent experiments in the use of randomly selected citizens.¹ There are also a number of excellent more abstract discussions about the theoretical value of random selection in politics and other areas of social life, often focusing less on specific institutional reform proposals.²

My primary interest in these examples is twofold. First, they help to make evident that random selection has already played a significant role in actual political institutions, and that it might do so in the future as well. This enables

¹ For an excellent overview of the history, see Dowlen (2008); Carson and Martin (1999); Engelstad (1989), and Sintomer (2023), the last of which takes a detailed “historical sociological” approach to consider the use of sortition throughout several prominent historical and present examples. For an in-depth study of Ancient Athens, see Ober (1991). There is a wealth of work on the history of the jury, including Alschuler and Deiss (1994); Green (1985); Schioppa (1987). For a chronicle of one of the most prominent examples in the recent past, the British Columbia Citizens’ Assembly, see Herath (2007); and Warren and Pearce (2008). For a discussion of some of the more recent examples, see Landemore (2020).

² Gataker (1619/2008); Goodwin (1992); Stone (2011a, 2011b).

us to learn from and be inspired by actual examples of how these institutions have functioned—particularly in the case of the more than 120 citizens’ assemblies and citizens’ juries that have been used around the world since 2000. They also help to defang the objection that this all remains too pie-in-the-sky, a mere philosopher’s thought experiment. And it’s not just that we might look to the example of Ancient Athens—which, although it is the original democracy, is also a much smaller city-state than the modern nation-state. Since I started work on lottocracy and sortition in the mid-2000s, the number of actual examples of political communities using random selection of citizens in a variety of ways has increased tremendously, with the academic political science literature keeping abreast of these developments. Rather than a philosopher’s thought experiment, this strikes me as a case of political philosophers being less imaginative than the people actually participating in politics and building new political institutions.³ A number of theorists in political science—including, perhaps most prominently, James Fishkin, Lyn Carson, John Gastil, and Hélène Landemore—have been tracking, theorizing, evaluating, and reflecting upon these developments, and, in some cases, working very directly to create and support new institutional initiatives. There are also important and relevant discussions of the use of randomly chosen citizens in roles other than legislative representatives, including the work of Ben Saunders and Claudio Lopez-Guerra on lottery voting and lottery enfranchisement.⁴ John Burnheim set out interesting early ideas for one-off political institutions populated by random selection under the heading of “demarchy,” while also arguing for an impermanent political system (close to anarchy) and against a technocratic or administrative state.⁵ These actual institutions and political experiments, as well as nearby proposals and ideas, should be at the forefront of discussion in political philosophy in the twenty-first century, particularly as we see an increasing level of dissatisfaction and dysfunction with familiar electoral democratic governments. At the very least, knowing about them and what has been tried helps to expand the political imagination: if it’s actual, it’s possible, and it is suggestive of what else might be possible.

³ Indeed, many of the most influential advocates for sortition—even in academic venues—have come from outside of the perhaps overly conservative halls of academia. One of the most prominent and successful champions of sortition in recent memory has been David Van Reybrouck, a non-academic author and cultural historian (with an educational background in archaeology) who is best known for his magisterial book, *Congo: The Epic History of a People*. He has taken up the mantle of participatory democracy, writing a significant, polemical popular book, *Against Elections: The Case for Democracy* in 2016, and founding the G1000 Citizens’ Summit—one of the leading efforts to bring randomly chosen citizens into politics in Europe. Another significant advocate, and author of one of the more important recent papers on the use of sortition in politics, Terrill “Terry” Bouricius served for a long time on the Burlington City Council and then in the Vermont House of Representatives, before deciding that electoral representative government was largely dysfunctional and sortition should be more seriously considered. Bouricius (2013) remains one of the most interesting proposals for introducing sortition into political institutions.

⁴ Lopez-Guerra (2011, 2012, 2014); Saunders (2010, 2012).

⁵ Burnheim (1985).

Second, in addition to being illustrative of what is possible, knowing some of the actual uses of random selection in politics is helpful to develop a taxonomy of the options for using randomly selected citizens in political institutions. In the rest of this chapter, I will organize the discussion by considering some of the different uses of randomly selected citizens, both in actual practice and as proposed by various advocates of sortition. There are more ambitious and more modest ways of introducinglottocratic institutions or sortition elements: one might have them supplement the existing legislative institutions, or one might have them replace those institutions. They could be used just for a few select kinds of political problems, perhaps only after some general triggering conditions were satisfied (legislative stalemate through the normal political process, special call by referendum vote, and so on), or perhaps only if those problems satisfied certain criteria of being particularly complex or susceptible to capture. They could be used as part of the permanent political structure, or as “one-off” institutions, perhaps used only to implement significant political or constitutional reforms. Additionally, they could be used just as an informational or oversight mechanism, charged only with making recommendations regarding legislation, or with having some level of veto power over traditional legislative processes. Having canvassed these options, I provide reasons for thinking that we should take seriously those with broader and more immodest scope, precisely because of the depth and significance of the problems with electoral representative democracy identified in Part I.

8.1. Informational Supplement to Electoral Institutions

Perhaps the most well tested use of randomly chosen citizens in political decision-making involves the selection of some relatively small number of citizens—often around 50 to 100—who are brought together on a “Citizens’ Assembly” or “Citizens’ Jury” to offer citizen input and occasionally to make more specific recommendations or referenda proposals with respect to a particular issue.⁶ These bodies are usually created by an act of a legislature and are usually explicitly one-off and consultative or informational. Their role is usually to help elected legislatures make a decision by obtaining citizen input in an informed and enriched way beyond simple polling, or to serve as an informational data point for the broader electorate. The people selected typically serve for only a short period of time—anywhere from a few weekends to a few months of semi-regular meetings. Many of these use a process by which people are randomly chosen into a pool, or

⁶ Ned Crosby is credited with developing the “citizens’ jury” in the early 1970s, and the 1986 paper by Ned Crosby, Janet M. Kelly, and Paul Schaefer is one of the earliest statements of this basic approach. The prominent political scientist Robert Dahl briefly discusses a nearby idea based on what he called a “minipopulus” or what came to be called “mini-publics.” He presents the idea very briefly in Dahl (1989).

enter themselves into a pool, and then people are either picked at random from that pool or chosen through a process that ensures demographic representativeness. So, many of these are not purely random, some may involve some significant self-selection (and attendant distortion). And many use stratified sampling to ensure demographic representativeness along lines of race, gender/sex, geography, religion, age, and so on. Some of the larger examples are more purely randomly selected.

The structure of these citizens' assemblies or citizens' juries is fairly consistent across the 120-plus examples around the world since 2000.⁷ There is typically a particular issue that people are brought together to discuss—for example, what to do about air quality,⁸ how to redesign the main street of a particular town,⁹ or whether to build more nuclear power reactors.¹⁰ A number of these have gone beyond focus on specific issues and have been used to contemplate broader political or constitutional reform in a more open-ended way.¹¹ Those who participate spend some time learning about the issue in question, usually through a combination of educational reading and discussion, as well as in-person presentations from various experts and policy advocates. The group discusses the issue—in small groups and then larger groups, if necessary—and then develops a proposal, writes a report, votes, or in some way communicates the views of the group to either the broader political community or some group of political decision-makers (typically elected officials). Some of these explicitly adopt the structure of a “deliberative poll” as designed and refined by James Fishkin,¹² where a core part of the process involves surveying people on their opinions before and after the process, and noting and publicizing the differences in opinion as a result of the experience. Mongolia, in large part due to successful collaborations with Fishkin, has adopted a law that requires the formation of a consultative, deliberative poll as

⁷ For a detailed spreadsheet of all of these, see “Sortition in the World, 2000–Present” <https://docs.google.com/spreadsheets/d/1kwgOpxMX4pwR3Myu4pXku4gjcNOS53bPOKwOGjZNxy1/edit#gid=0>.

⁸ Kingston Citizens' Assembly on Air Quality (2020).

⁹ Jardim Lapenna Neighborhood Plan, Verissimo and Cervellini (2021).

¹⁰ Citizens' Jury on Nuclear Plant Construction, Seoul, Korea, *The Economist* (2017).

¹¹ E.g., The Citizens' Assembly of Scotland (2019–20) was a group of 100 citizens from across Scotland brought together to discuss “what kind of country are we seeking to build?,” “how best can we overcome the challenges Scotland and the world face in the 21st century, including those arising from Brexit?,” and “what further work should be carried out to give us the information we need to make informed choices about the future of the country?” <<https://www.citizensassembly.scot/how-it-works/the-basics>>. In 2009, more than 1,200 randomly chosen Icelandic citizens were brought together as part of the “National Assembly of 2009,” along with 300 others serving as representatives of companies, institutions, and other organizations. The 1,500 people were divided into 162 working groups of nine each and engaged in moderated discussion about the direction Iceland should be taking in the future and the core values that should animate Icelandic society going forward after the financial crisis that started in 2008 <<http://thjodfundur2009.is/english/>>. In Mongolia, a law has been passed requiring the use of deliberative polling prior to the enactment of a constitutional amendment. In April 2017, 669 Mongolians were brought together in Ulaanbaatar to deliberate on six possible constitutional amendments <<https://cdd.stanford.edu/2017/mongolias-first-national-deliberative-poll-on-constitutional-amendments/>>. Stanford (2017).

¹² Fishkin (2011).

part of the process of making or revising a number of kinds of laws, including when considering amending the Mongolian constitution.¹³ Citizens' Initiative Reviews in Oregon and other places convene deliberative bodies of randomly chosen citizens and publish their conclusions about ballot measures in voters' pamphlets in order to inform the general public about the proposed measures and their views on them.¹⁴

These institutions are obviously useful as an informational supplement to political decision-making, particularly given the general concerns that citizens often will be ignorant of political issues and (absent any chance to learn about them and discuss options with others) may have no or only very thin attitudes regarding different policy options—as detailed at length in Chapter 2. In some cases, as in the case of the British Columbia Citizens' Assembly, the randomly chosen citizens were empowered to create a proposal that would go directly to a popular referendum vote, bypassing the elected officials. In others, these bodies only create reports or votes that are then provided to political officials or to the broader public. This informational role is significant, and it would be a welcome development if citizens' assemblies were used more widely as a way of developing and channeling input from the general public in a way that reflects a commitment to equality and democratic participation.

They are also very useful as vehicles of learning and experimentation. They provide a way of examining how randomly chosen citizens participate in political discussion and deliberation; how randomly chosen citizens think of their role qua representatives; what randomly chosen citizens retain and learn about the issues on which they are focused; how randomly chosen citizens engage with and listen to each other; how much citizens learn from and are influenced by experts; how experts might be best identified, selected, and brought into policy discussions of this kind; how non-participants perceive and respond to the reports and judgments of those who have been randomly selected and gone through the citizens' assembly process; and much else. Some of these might vary depending on the precise role assigned to the citizens' assembly, what is at stake, how much power the citizens' assembly has, and so on. But they provide a window onto some of the micro-level processes involved with the basic mechanism of randomly choosing a small number of citizens, having them learn about and discuss a largely unfamiliar political issue, and then seeing what they are inclined to think and do in response.

Still, given the concerns raised about electoral representative democracy in Part I of the book, it will come as no surprise that I am skeptical that citizens' assembly style institutions can be used within an overwhelmingly electoral political system

¹³ Law of Mongolia about the Consultative Poll (2017), retrieved from. <https://www.legalinfo.mn/law/details/12492?lawid=12492>.

¹⁴ For relevant discussion, see Knobloch et al. (2015).

in a way that would result in long-term structural improvement in the capacity to solve moral-political problems that arise. There are worries about citizens' assemblies being created by elected officials and then manipulated in various ways to shelter those officials from blame or accountability. In the case in which their ideas or proposals go to a referendum vote, there is the worry that the voters (who did not participate in the citizens' assembly) will be easily misled about the substantive merits of the proposal or the process by which it was created, through mechanisms discussed earlier. And if the citizens' assembly is used only in an advisory or informational role, it will be easy for their suggestions to be ignored. How easy this will be will depend on the details and the ability of the citizens' assembly to get news coverage, command popular attention, require debate or official response to their proposal, and so on. There is also the worry that professional, elected politicians will be able to manipulate the results—whatever they are—to serve their own ends, whether invoking them to support their predetermined course of action, or impugning them as the product of elite bias and objectionable procedures if they would pose an obstacle. So, they strike me as interesting, useful in some cases, but unlikely on their own to be nearly enough to generate substantial improvements in moral-political problem-solving capacity. They are too easily dismissed, mischaracterized, ignored, or manipulated. And they don't address core concerns about who is in power or who those in power are responsive and accountable to.

There are two kinds of situations that might pose exceptions to that general skepticism. The first is the situation in which the use of citizens' assemblies results from acts of explicit deference on the part of elected officials. The most likely scenario for this is one in which no elected officials want to be involved in making a hard decision, because of the likely electoral peril on all sides of the issue. This might well be the case when it comes to, for example (depending on particular political contexts), health care rationing decisions, social security reform, or immigration reform. For this kind of "third rail" issue, elected officials of all parties might welcome the ability to let a citizens' assembly have power over the issue—whether explicitly authorizing them in that role, or simply asserting a willingness to defer to their judgment. Citizens' assemblies might be useful for elected officials as a way of taking the heat off of them, while also enabling good solutions to be devised and implemented for a pressing moral-political problem.

The second situation might arise as a result of the first playing out repeatedly over time; namely, the situation in which citizens' assemblies come to be a well-known, well-regarded part of the political process, and come to have a kind of authority and significance as a result. If they become known as a thoughtful, sensible, democratic way of working through hard political problems, it might be harder for elected officials to dismiss their work and the refinement and distillation of public opinion that they represent. Perhaps there could be triggering condition mechanisms in place so that if the electoral institutions fail to pass

legislation by a certain date, or if there is a “recall” or “no confidence” referendum vote on some topic, then a citizens’ assembly could be automatically created (with pre-specified structure and rule) to address that issue. The details would need to be worked out. This is one of the routes that seems possible from where we are today to something more like a broad-scale lottocratic system, such as will be discussed in the next chapter. Necessity, breeding familiarity, breeding comfort.¹⁵ Of course, if elected officials see this developing, that might make them more wary of citizens’ assemblies, and more reluctant to turn anything over to them at all. This might not be a process that they are able to control fully, but as long as the overwhelming proportion of political power remains in the hands of elected officials, we should expect many of the problems raised in Part I to remain.

8.2. Additional Branch of Government, Chamber of Bicameral Legislature, or Hybrid Institution

Citizens’ assemblies have been used with some regularity in the last twenty years, but no modern democracy has introduced a permanent sortition-selected branch or legislative chamber. But that is definitely the preferred model of many advocates of sortition. Those who have been attracted to sortition and the use of randomly selected citizens in politics have generally settled on one of the following two models for significant structural reform: (1) add a lottery-selected chamber of a bicameral or tricameral legislature or (2) add an additional “people’s branch” of government, alongside the extant electoral institutions. These “election+” reforms vary in their details, but they all retain a basic core commitment to large-scale, majoritarian, democratic elections to select political representatives. These reform proposals differ mostly in how much power they give to the sortition-selected body and which specific powers they give to the sortition-selected body. They cluster around providing the sortition chamber with either one or both of these two powers:

- Proposal power: power to introduce or propose legislation, which then must be also agreed to either by an additional elected chamber of the legislature, or by an elected executive, or by a mass voting referendum.
- Veto power: power to veto legislation proposed by either another branch of government or an elected chamber of the legislature.

Working with a basic bicameral legislature model, many of them recommend replacing one of the current chambers—often the more elite, traditionally

¹⁵ Burks and Kies (2019) make the case that transition from what they call “consultative minipublics” to more significant structural reforms is an attractive and even somewhat plausible path.

insulated, and aristocratic chamber—with a sortition-selected chamber.¹⁶ A less common alternative model is to propose an additional “people’s” branch of government, alongside the elected legislature, elected or parliamentary appointed executive, and an unelected judiciary. In Ethan Leib’s version of this model, this branch would introduce a new way of creating law, with the branch overseeing structuring a nationwide voting referendum process that could result in new law, but which also would be subject to judicial review and legislative and executive vetoes.¹⁷ In none of these proposals is the following power given to a sortition-selected body:

- Direct lawmaking power: power to draft and introduce legislation directly, without any further approval or agreement or authorization by any other body.

That is why the label “election+” seems appropriate for these systems: they add an element of sortition, but elections retain a central place. In what follows, I will focus on the more common idea of having a mixed sortition-election bicameral legislature, but what I say will apply (with a few modifications) to the idea of having a new independent sortition-selected branch, if that branch’s proposals still face potential vetoes from an elected legislature and/or an elected executive.

It is not surprising that this model of sortition-based reform would be attractive. For one thing, these reforms seem reasonably realistic as something we might see in the near term, particularly in cases in which there are largely non-functional, antiquated chambers of extant legislatures crying out for twenty-first-century

¹⁶ Gastil and Wright (2019) made the case for pairing a sortition body with an elected chamber within a bicameral legislature, and then solicited sixteen essays that respond to their proposal. Sutherland (2008) offers a proposal for reforming the British Government, including having the House of Commons chosen by lot. Barnett and Carty (2008) argue for a reformed House of Lords that would be chosen by lot and would have a scrutinizing role (no ability to initiate legislation) vis-à-vis the House of Commons. O’Leary (2006) proposes having lottery-selected local assemblies that would compose a deliberative-polling network, and a People’s House, also selected by lottery, that would have a veto power on major legislation that passed the Senate or House of Representatives. Abizadeh (2021) argues that the Canadian Senate should be replaced by a sortition-selected chamber. Callenbach and Phillips (2008) suggested transforming the US House of Representatives into a body of 435 lottery-selected citizens. Buchstein and Hein (2011) proposed having the European Union add a second European Parliament, one that is selected by lot. Van Reybrouck (2016: 156–62) argues for a “bi-representative” system that would have both an elected chamber and a randomly selected chamber, but says little about the details of such a system. McCormick (2011) briefly suggests the creation of a People’s Tribunal, made up of fifty-one private citizens, selected by lottery, and limited to those who are not political or economic elites. This Tribunal would have slightly different powers, including some outside of the legislative arena. In particular, it could initiate impeachment proceedings, call one national referendum, and veto up to one piece of congressional legislation, one executive order, and one Supreme Court decision. These other powers introduce interesting further complications, but almost everything that I say about mixed electoral-sortition bicameralism will apply to McCormick’s Tribunal. There are also a number of additional proposals similar to these in various ways, often providing even less in the way of institutional detail. Among the more significant articles: Amar (1984); Zakaras (2010); James (1956); Mueller et al. (1972); Sintomer (2010).

¹⁷ Leib (2004). Leib sets out a plan for a lottery-populated fourth branch of the US Government, which would replace the initiative/referendum processes as a mechanism of popular political power.

rethinking and reform. Old, aristocratic, largely anti-democratic justifications for these chambers now resonate poorly, and it is hard to see the value in simply having a second or third electorally selected chamber, with only modest differences between them. If placing bets, I would bet that the first significant structural reform that uses randomly chosen citizens will be a reform that incorporates a sortition chamber as part of a bicameral or tricameral legislature, with the sortition chamber having only relatively modest powers.

Additionally, introducing randomly selected citizens in this way allows the political system to remain familiar at its core, retaining broad civic input through the familiar method of elections and many of the things we have been taught are significant values of democratic participation. We all still get to vote, we still have a model of representation on which we each have *our* representative, and we can expect many of the familiar features of political life—political parties, campaigns, coverage of the horse race, scandals and consequences, voter turnout efforts, broad calls for civic participation and education—to remain.

Gastil, Olin Wright, and Abizadeh suggest that there might be distinctive advantages to “mixed” election/sortition bicameral legislative chambers, adopting a “best of both worlds” approach. Abizadeh, for example, suggests that sortition is good with respect to the values of political equality, genuine responsiveness, and impartiality, but fares less well as a mechanism of the “people’s political agency” and lacks “accountability.” Elections offer the opposite advantages and disadvantages. As he puts it:

[E]lections and sortition instantiate this trade-off institutionally. On the one hand, elections are a mechanism for giving people the opportunity to pursue office and to hold office-holders accountable, which motivates political participation and influence, and incentivizes efforts to mobilize opinion formation and interest articulation in the public sphere. But elections undermine political equality and impartiality. On the other hand, sortition respects political equality and is a mechanism for promoting the responsiveness of political institutions to shared and conflicting interests and viewpoints in an impartial fashion (by protecting against capture by powerful partial interests and promoting a descriptively representative assembly). But sortition is neither a mechanism for holding representatives accountable, nor for the public’s political agency. The upshot is that realizing, at least to some degree, each of democracy’s two constitutive commitments requires some combination of elections and sortition.¹⁸

In Chapter 15, I argue that the lottocratic system—which uses sortition but not elections—does just fine by way of considerations of political participation and accountability, but I postpone that discussion for now.

¹⁸ Abizadeh (2021: 3).

I want to focus, instead, on the claims made on behalf of hybrid election-sortition bicameralism. There are three main worries. The first is that, rather than a “best of both worlds” situation, this kind of hybrid arrangement would likely result in a “worst of both worlds” situation. There are good reasons to think this would be the case, but, because this kind of design remains speculative and untested, we should be only modestly confident about this. The second set of worries I am more confident are real concerns and, I think, not capable of being addressed. These concerns are raised just by use of elections at any significant point within the system, giving rise to the problems of elections documented in Part I. The final set of worries stems from using randomly selected citizens as part of a large-scale generalist legislature.

When combining two things, each of which possess counterposed virtues and vices, we might get a situation in which these virtues and vices nicely counterbalance and complement each other. But we might not. Think of relationships. Jill’s easy gregariousness might be good for drawing Susan out of her introverted shell. But it might just lead her to recede even further. Jason’s emotional stoicism in the face of setbacks might be what the highly expressive Robert needs to keep him balanced, but it might also just anger and frustrate him, leaving him feeling distant and alienated from the person he loves.

The two chambers of a bicameral legislature are also involved in a relationship. If they have symmetrical powers—both can propose and introduce legislation, both can veto the other’s proposal—that will set out one kind of relationship. If there is asymmetry, that will yield a different kind of dynamic. On most proposals of this kind of hybrid “mixed” election-sortition bicameralism, either (1) both are given close to symmetrical power (perhaps only one has the power to affect who is in the role of the prime minister, in a parliamentary system), or (2) only the electoral chamber has the power to propose and introduce legislation, and the sortition chamber is only a veto point.

Consider the case in which they both have the power to propose and veto. Why would we expect the best of both worlds to result? If elected legislative chambers are largely subject to elite special interest capture, as argued in Part I and as Abizadeh largely concedes, this body will simply veto any progressive, elite-affecting legislation that the sortition chamber might introduce. The captured chamber will be able to do the work of their elite interests. Because of broad voter ignorance and the media dynamics discussed earlier, it will be possible for these elected officials to convince the general public that this veto is necessary. If we like the electoral body for reasons of broad public political agency, this agency can simply be thwarted by the unelected sortition chamber for reasons the broader public neither understands nor endorses. So, too, with the virtue of accountability that some claim for electoral bodies. Given that there is an *ex hypothesi* non-accountable sortition chamber making veto decisions, this will make the overall system essentially non-accountable. If accountability really is missing on the

sortition side, and if that is an important political value, the fact that we can elect representatives will not be enough to secure accountable government, as some significant actors in the system can simply depart from whatever plan or vision it is that is set by the elected officials.

More generally, a bicameral legislature in which each of the two chambers has significantly different animating values, structural incentives, and foundational justification, as well as a veto power over the other chamber's proposals, will simply result in two distinct hoops that any legislative proposal will have to clear. It is true this will mean that, say, special interest captured legislative bodies will be unable to directly implement the preferred policies of the elites who have captured them; it will limit legislation that is animated by the vices of one chamber if those vices are not shared by both chambers. But it will also limit and imperil legislation that is animated by the virtues of one chamber if those virtues are not shared by both chambers. This kind of "mixed" chamber, then, should reliably result in there being less legislation of any kind, resulting in a significant bias toward the status quo remaining in place and political inaction ruling the day. Whether that is attractive in any particular political community will depend on the current sociopolitical conditions, but it should at least give us pause if we were hoping for active, high epistemic and agential capacity institutions capable of solving complex moral-political problems in an effective and efficient manner.

The main ways to avoid this "two-hoop" problem of mixed method bicameralism are by either having the differences between the two chambers blunted by shared cross-chamber affiliations regarding say, political party membership, or if one of the chambers is for some reason consistently deferential to the other. In the first case, if party affiliation is strong enough to survive even in non-electoral contexts, then the sortition chamber may end up being very similar in substance to the electoral chamber. That might make bicameral legislation easier to accomplish when the same party controls both chambers, but it will also mean that many of the distinctive virtues claimed for a sortition chamber will be largely absent.

In the second case, in which one chamber simply defers to the other—whether as a result of tradition, perceived legitimacy (by the body itself, or by the general public), or perceived competence (by the body itself, or by the general public)—the legislature will effectively just have the virtues and vices of the dominant chamber. In all extant political contexts electoral chambers will be more historically established, more familiar, and incentivized through elections to be more dominant. To expand on this last point: the value of capturing legislative officials is greater if those legislative officials get their way, either in terms of action or inaction, and so there will be pressure on candidates and elected officials to be dominant and non-deferential. And we might combine that political motivation point with the fact that randomly selected individuals in the sortition chamber may well have some initial hesitation at fully occupying their new role, they are less likely to be the type of people who want to exercise and command power over

others (they have not, after all, sought it out), and they may be inclined to just let the elected officials do the work, if given that option. Given these considerations, if one of the two chambers simply defers to the other, we should expect that the deferring chamber will be the sortition chamber. And so, on this scenario, we should expect that this kind of “mixed” bicameral legislature really will operate as an elected legislature.

The above considerations suggest that a mixed sortition-election bicameral legislature will either have a heavy bias toward inaction and gridlock or will operate effectively as a bicameral elected legislature. In neither case is it clear how the “best of both worlds” story is supposed to play out—at least in the world of real political agents with something like realistic incentives and motivations.

For this reason, it seems that if we like elements of both elections and sortition, a better way to go might be to a legislature that is “mixed” within one chamber, so that there is actual engagement, discussion, logrolling, coalition building, and so on within the legislative body. This might mean that both the vices and virtues of both sortition and elections are present, but they might be softened via complementary interaction. A question arises about the relative proportions of elected and randomly selected political representatives that would be optimal in, say, a 500-person legislature. For the reasons discussed above, if one wants to avoid electoral dominance it is likely important to have something like 200 elected, 300 randomly selected. It strikes me that this kind of arrangement, housed within a single, generalist legislature, would be considerably better than two distinct chambers, each entirely composed of either elected or randomly selected representatives. But I have significant worries about even this kind of mixed system. These worries suggest that even if we could avoid the “worst of both worlds” problem with a mixed body, significant concerns would remain simply from retaining elections in a significant role alongside of random selection.

One can see why the mixed option seems appealing. It’s easy, it’s familiar, and it doesn’t require us to think very much about or to reconsider our basic views regarding political morality. If we are just worried about elections and capture, we might think having a check on that through a sortition chamber will be a significant improvement. But I worry it’s more like putting new paint on a broken-down car. By retaining a significant place for broad, popular elections of political representatives, any mixed system will continue to be plagued by the election-specific pathologies discussed in Part I. The new paint might just mislead us for a while before we realize the fundamental problems remain.

Above, I suggested several reasons that elected representatives are likely to be more dominant and less deferential than randomly chosen representatives. They will feel comparatively more “authorized” to be there, they will have electoral pressures inclining them to aggressively try to get their way for their constituents and supporters, they will all be the type of people who have actively sought out power, they will (if like most elected officials) be predominantly from elite and

privileged demographic groups, they will have some significant experience at public speaking and political persuasion, and so on. Given this, we should expect the general distortions that affect electoral representative democracy to also affect mixed election-sortition bodies. The distortions from ignorant influence or capture, from a contaminated mass information environment, from vicious partisanship, from short-termism, from an unrepresentative set of representatives who are the ones able to mount successful electoral campaigns—all will remain, if elections remain. There might have been some hope that the inclusion of randomly selected representatives would effectively counter or mute some of these distortions, and it might, to a degree, depending on the mixed design. But if the elected contingent ends up being deferred to or ends up just being more skilled or dominant in their political maneuvering vis-à-vis the randomly selected, then this muting will be limited.

Additionally, whatever happens within or between the legislative chambers, the continued existence of significant, large-scale mass elections will result in a continuation of the same broader social and political effects that I raised concerns about earlier. Most significantly, there will remain the same powerful ingroup/outgroup dynamics throughout the political community, reinforced by electoral competition, which results in disturbingly partisan epistemic and agential behavior. Even with some sortition, if mass elections remain a significant part of the system, we will see the same kinds of echo chambers, bias, vilification, distrust, and concentration of attention on the issues that most divide the political community. If elections are a cause of some of our political pathologies, as I have argued that they are, then retaining them in a significant role in electing representatives is likely to be a way of having those same pathologies persist.

A final concern about mixed sortition-election bicameral legislatures is that, whatever bad things the continued influence from elections brings, this is independently a bad way of introducing the use of randomly selected citizens—particularly if those citizens are responsible for more than just vetoing (or not) the decisions of the elected legislature. Basically, another kind of dilemma emerges: either (1) the sortition chamber is fairly powerless, in which case the problems with elected representative systems documented in Part I remain prominent and almost entirely unmitigated; or (2) the sortition chamber is significantly powerful, able to shape the agenda, propose legislation, and serve as a significant independent veto, in which case distinct concerns about this use of random selection arise. Having focused on the first horn, let me say something about the second.

Although I am a supporter of the use of random selection in politics, my support is conditional on the way in which institutions that use randomly selected citizens are designed and function. In particular, I would be concerned about a proposal that would have some relatively modest number of citizens—300 or 500, say—be chosen to serve on a fully generalist legislature or as an independent

branch of government. There are three main concerns: an epistemic concern about competence and knowledge, a moral concern about representativeness, and a moral concern about respect for political equality. All three of these concerns also combine to give rise to a fourth concern about the general public acceptance of and respect for the decisions made by the randomly chosen citizens.

The epistemic concern about competence and knowledge is straightforward. As discussed earlier, modern policymaking is incredibly complex and technical, and the general public is ignorant of almost every aspect of policy relevant information. Assuming the randomly chosen citizens will only serve for a modest amount of time, something like, at most, two to three years, and given a generalist legislative model on which they will be responsible for policymaking (initiating, proposing, and/or vetoing) across a broad range of policy domains, the epistemic burden on individuals would seem to remain far too high. These systems are importantly different on this score than the one-off, single-issue citizens' assemblies discussed in the previous section. This would likely result in significant deference either to elected officials or to the (somehow chosen) bureaucrats and experts charged with educating the randomly selected citizens, but if we end up in the non-deferential, second horn situation, worries about competence and epistemic quality seem significant.

The concern about representativeness is simply a matter of the numbers involved. If only 300 or 500 people are chosen to serve in a powerful generalist legislative chamber out of a political community of 5 million or 50 million people, we should worry about whether those people will be demographically representative in important ways. Just the possibilities of chance make it so the group could end up skewed along lines of sex, race, class, religion, education, professional background, geography, national origin, and so on. So, too, with respect to representativeness regarding values and political views. It is true that, over time, it is likely that there will be representative balance in the composition of the sortition-body. But it is also plausible that, if the body blocks substantial legislation that affects members of a certain group, members of that group might reasonably object if a particular random draw had poor proportional representation of their group. There would be pressure to use stratified sampling to ensure that a proportional number of members of certain contextually high salience groups were selected—as has been the case for some of the citizens' assemblies discussed in the previous section. This is an option, but one that requires entrenching and reifying certain groups as politically significant enough to require representation, which has its own disadvantages. I will take these up in later chapters. One response would be for the sortition chamber or sortition body to be much larger—more like 10,000 people—but it would be hard for such a large body to act as a unified deliberative body. That might be an acceptable result, if, for example, one decided that full-group deliberation and discussion was not important for epistemic or moral reasons—a possibility considered in Chapter 11.

There is a similarly motivated concern about political equality: with such small numbers of people selected, and such significant power accorded to those selected, there is a worry that principles or constraints of political equality will be violated. Even if everyone has an equal chance to be selected, if that chance is incredibly small, there is a case that the difference in actual political power between those selected and those not selected is too great to comport with considerations of political equality, given how small the chance is that people will be selected. The interaction between principles of equal chance of power and equal power will be discussed in Chapter 15. I simply want to flag the concern here, and to note that it is more pronounced as one's lifetime chance of being selected goes down significantly.

These three concerns—about competence, representativeness, and equality—taken together, might make the general public acceptance of the judgments of a powerful sortition chamber or sortition body less likely. If the randomly selected representatives make a decision against the elected representatives that the elected representatives have ensured has broad public backing, and if they do this while lacking any perceived epistemic or representative credibility, this might undercut the perceived legitimacy of the sortition chamber or body. And this might have long-term potentially significant practical consequences—at least for the continued viability of the mixed chamber strategy.

So, in addition to the concern that mixed sortition-election institutions might get the worst of both, rather than the best of both, there is also the concern that either the electoral side will simply dominate (making the sortition side irrelevant) or the sortition side will be powerful but also an unattractively designed model of a sortition institution.

In a recent book, Hélène Landemore argues for “open democracy,” which, among other innovations, would alter or eliminate the use of elections. Her book aims to reconfigure our understanding of democracy more than it aims to defend in detail any specific new institutional form or structure. She does discuss the idea of an “open mini-public” which would be a “large, all-purpose, randomly selected assembly of between 150 and a thousand people or so” that would engage in “agenda-setting and law-making of some kind.”¹⁹ But the exact powers and abilities of this open mini-public are left for further specification. She is explicit that this would be a generalist kind of assembly.

Depending on the detailed powers given to this kind of open mini-public, I worry both that this is far too much power to give to too few people via random selection, and that the epistemic burden on those randomly chosen would be far too great for such an institution to do well by sensibility. It might do decently well at those issues it takes up, but it would seem difficult for it to cover adequately all the moral-political problems a community might face.

¹⁹ Landemore (2020: 13).

Landemore aims to defend the “democraticity” of non-electoral forms of representation, including representation via random selection, representation via self-selected participation, and representation via delegation of political power to others through so-called “liquid democracy” mechanisms—although she has some reservations about this last option. She contemplates the development of different ways of implementing open democracy, using various combinations of sortition, self-selection, and liquid democratic representation, suggesting that we “need a combination of these various forms of democratic representation, used to various ends, to maximize participation by ordinary citizens.”²⁰ Her central concern is to open up our institutions to much more participation on the part of ordinary citizens, and to do so in an inclusive, transparent way. She also has confidence, born of other work on the topic,²¹ that open democratic participation of the kind she envisions will do well in instrumental, outcome-oriented terms, similar to my conception of sensibility.

Although I share her enthusiasm for the use of randomly selected citizens as representatives, and I agree that this mechanism is appropriately seen as democratic and legitimate (see Chapter 15 and 16 for detailed views on this), I have worries both about a generalist sortition-based chamber and about introducing substantial use of self-selection or liquid democratic representation. As mentioned above, it strikes me that there are four serious worries about generalist sortition-based chambers such as Landemore’s “open mini-public”: an epistemic concern about competence and knowledge, a moral concern about representativeness, a moral concern about respect for political equality given how few will have this great power, and a concern about the general public acceptance of and respect for the decisions made by these relatively few randomly chosen citizens. I won’t belabor those concerns here, partly because little detail is provided about how the “open mini-public” is supposed to work, how it will relate to other political actors and institutions, and so on. These concerns and their force will depend on those institutional specifics as well as the sociopolitical context (size, scale, homogeneity, etc.).

I am particularly troubled by the suggestion to use a self-selected group of citizens as an assembly or to use self-selection as a significant element in a political institutional system. Whatever claims regarding the benefits—both epistemic and moral—that we might make on behalf of systems that offer genuine microcosm representation would seem to be undone by combining any significant element of self-selection. As Landemore is aware, self-selection in politics results in dramatic skew along every demographic dimension we are likely to care about: race, sex, class, education, occupation, disability status, and so on. It also means that we can no longer claim to be avoiding empowering people who want power over others.

²⁰ Landemore (2020: 12).

²¹ Landemore (2013).

Again, the details matter. Perhaps these self-selected citizens will not actually have any power to propose, veto, or enact legislation, but will only form another kind of consultative, informational, dialogic mechanism to inform the judgments of those who have been randomly chosen. Even so, concerns in this vicinity might remain, even if they are less pronounced.

Liquid democracy inherits many of the same problems of other forms of electoral democracy. Our choices about how we delegate our political power might be similarly affected by bad press and corporate-controlled media, by various forms of prejudice and bias and hyper-partisanship, and by our own ignorance of much of what we would need to know to make an informed delegation of power. And for similar reasons, we should expect that electoral accountability or accountability in the form of redelegation of our political power will not result in meaningful accountability. Again, how bothered we should be by this will depend on what power those who are given power via liquid democratic means will actually have.

Perhaps some system involving a generalist, randomly selected open mini-public, a body of self-selected citizens, and a body of liquid democracy empowered delegate representatives could be designed that would actually function well and avoid some of the above concerns. But these other mechanisms are likely to undo what good might be achieved by the use of lottery-selected representatives and might fare worse along all those dimensions of political morality that we care about—except perhaps that which is concerned just with maximal interested participation for participation's sake. Such institutions might be highly democratic, but in the way that a direct democratic system would be—divorced from the epistemic and instrumental benefits that might attend other democratic forms.

* * *

I don't want to overstate the criticisms here. How these mixed election-sortition or sortition-self-selection-election bodies might develop and come to interrelate over time is a complex empirical question, and it is possible that the right design of powers and selection could effectively thread the needle, avoiding these concerns. It is also possible that these institutions could be effective if the right background sociopolitical conditions were in place. They also might be an important transition point on the way to something more comprehensively lottocratic, as in the case with one-off citizens' assemblies. Landemore and others usefully draw our attention to active institutional forms and experiments in Iceland and France, among other places. But, given the concerns detailed in this chapter, I believe it is worth considering a more detailed, systematic use of randomly selected citizens, one that would replace, rather than merely supplement or complement, the use of elected representatives.

The Lottocratic Alternative

“As for the demand so frequently made on reformers, that they should first explain the details of their scheme—how this and that point will be arranged, and by what process all kinds of difficulties, real or imagined, will be circumvented—the only rational reply is that it is absurd to expect to see the end of a question, when we are now but at its beginning.... It would be equally sensible to request a traveller to enumerate beforehand all the particular things he will see by the way, on pain of being denounced as an unpractical visionary, although he may have a quite sufficient general knowledge of his course and destination.”

Henry Salt (1894)

This chapter introduces a general political structure as a possible improvement to electoral representative democracy. I refer to this political system as *lottocracy*, because of the way in which it puts lottery-selected citizens at the heart of the political system, replacing the use of elections.

In this chapter and those that follow it, I introduce and defend this institutional form—the lottocratic form—as a possible attractive all-things-considered alternative to electoral representative democracy. I will assume something like the basic background sociopolitical conditions of most modern nation-states in terms of size, demography and heterogeneity, wealth, conflict, and so on. Importantly, I intend to test the system as a solution to the concerns raised in Part I of the book, which are generated by these background sociopolitical conditions, so we should not assume those away.

Because no system like this has ever been implemented, there are big questions about how it might operate in practice, and how much confidence we can have in our judgments about this kind of system in advance of its implementation. I say more about that concern in the closing chapter of the book. The hope is this institutional form—in particular, the complete replacement of elected representatives with randomly selected citizens and the shift to single-issue legislative bodies—will address the central worries stemming from ignorance and pathologies introduced by elections, while working in an effective way to address the moral-political problems faced by twenty-first-century political communities. Consistent with the functionalist, contextualist view defended earlier in the book, whether this will be the case, and how exactly we should structure any

particular lottocratic government, will depend on contingent features of the political society in which we are considering implementing lottocratic institutions. I also argue that this kind of political system can do well by other considerations of political morality, including the moral interest in being treated as fundamentally equal under the law, the right to participation and self-government, the moral interest in responsive government, and moral respect for the pre-institutional rights of body and mind (rights of life, bodily integrity, physical liberty, speech, thought, and association).

I consider one version of a lottocratic system, imagining it being implemented in a context roughly like that of the contemporary, twenty-first-century United States—mostly to help us consider comparative questions when looking at the moral-political problem-solving capabilities of electoral representative systems in the United States. Obviously, there are many choices that might be made differently, depending on differences in the relevant background context, the problems political institutions might solve in a particular sociopolitical context, and so on. The hope is to make vivid one way in which an institutional body might attractively be built around a lottery-selection heart, and perhaps as an all-things-considered improvement over electoral representative democracy. This chapter and the chapters to follow aim to provide the sufficient general idea of a course and destination; I will not be able to enumerate beforehand all the particular things we will see by the way.

9.1. The Basic Features of Lottocratic Institutions

These are the key elements of the lottocratic system:

- (1) **Single Issue:** rather than a single generalist legislature (whether unicameral or bicameral), in a lottocratic system there are several standing, single-issue legislative bodies, with each legislative institution focusing on one policy area or sub-area (e.g., agriculture, immigration, health care, trade, education, energy, etc.).
- (2) **Lottery Selection:** the members of each single-issue legislature are chosen by *lottery* from the relevant political jurisdiction.
- (3) **Learning Phases:** the members of the single-issue legislatures hear from a variety of experts, advocates, and stakeholders on the relevant topic at the beginning of and at various stages throughout each decision-making session.
- (4) **Community Consultation:** beyond the learning phases, the members of the single-issue legislature spend structured time talking to, interacting with, and hearing from members of the public, including activists and stakeholders affected by proposed action.

- (5) Direct Enactment: the members of the single-issue legislature have the capacity either to directly enact policy or, in some cases, to do so jointly with other single-issue legislatures.
- (6) Structural Assemblies: there will be a number of assemblies, consisting of randomly chosen citizens, who will have responsibility for monitoring and maintaining the basic organization and support of the network of single-issue legislatures, including setting rules of procedure and deliberation, resolving jurisdictional issues, considering topical merger proposals, allocating funds based on budget proposals, and regulating the process by which people come to speak in the learning phase.
- (7) Executive Assemblies: rather than an elected or parliamentary-appointed executive, there will be a number of assemblies, consisting of randomly chosen citizens and their appointed administrative officials, who will comprise a structured network that has responsibility for regulating and overseeing the federal judiciary, regulating and overseeing a number of administrative agencies, responding to emergencies and crises, regulating and overseeing the foreign service and negotiation of foreign agreements, and initiating the process to deploy the armed forces.

There are many ways in which one might implement a political system that had institutions with these components. In this book, I focus on the legislative function, but many of the same arguments and considerations will apply to the transformation of the executive from an elected individual who appoints thousands of members of an administration to an executive branch constituted by a structured network of randomly selected citizens. I will say something more about the executive branch below.

Let me begin by providing an overview of how these elements might be filled in with respect to the legislature, focused on the United States context, moving then to consider each in more detail.

For shorthand, I refer to the single-issue, lottery-selected legislatures as “SILLs.” Begin by imagining that there will be twenty different SILLs, divided by issue area (agriculture, education, health, etc.). For a test case, imagine that this SILL network replaces the US Congress in functional role of creating most law and policy, but with the possibility of delegation and supplemental regulation and enforcement through legislatively created administrative agencies overseen by courts and SILLs themselves.

Imagine that each SILL consists of 450 people, chosen at random, to serve three-year terms, with 150 new people starting each year and 150 people finishing their term each year. All adult citizens in the political jurisdiction would be eligible to be selected. For most SILLs, a truly random lottery would be conducted. In a few select instances, efforts would be made to ensure a demographically representative selection, using stratified sampling along various dimensions if necessary.

People would not be legally required to serve if selected, but the financial incentives would be considerable (perhaps a floor of \$100,000 per year, with anyone whose regular income was above the floor being paid 1.1 times their normal yearly income). Family and work responsibilities would be accommodated, including by providing relocation expenses and legal protections so that individuals or their families are not penalized professionally for serving. There would be mechanisms for deferring service if one had family or work responsibilities that made the specific time particularly difficult. The salary would be contingent upon a SILL member not having prohibited contact with certain people or entities while serving on the SILL, and on not receiving money or other forms of compensation before or after SILL service (as well as agreeing to be monitored for continued compliance).

There would be some mechanism for removing people for bad behavior—failing to attend meetings, speaking over others or being hostile toward others, showing up intoxicated, etc.—but this mechanism should be structured to protect those who simply are unlikable or who have divergent views. SILL members would be instructed to do what they think is best regarding the particular policy question, after having heard from experts, stakeholders, advocates, members of the community, and other SILL members. They would not be instructed to see themselves as representatives of any specific community or group.

Each SILL would meet for one or two legislative sessions each calendar year, with each session consisting of an agenda-setting phase (setting the topic for the subsequent session), learning phase, community consultation, deliberation/discussion, drafting, more community consultation, revising, and voting. The SILL would begin by setting several items for the agenda for the next session, to enable the timely solicitation of experts and notification of advocates and stakeholders.

With that broad overview of the lottocratic structure, let me now say something more about the details.

9.1.1. Single-Issue Legislative Division

One of the central innovations of the lottocratic system is that, rather than one generalist legislature, the legislative function is to be fulfilled by many issue-specific legislative bodies, with each legislative body focusing on one policy area or sub-area. On the central proposal I consider, there would be twenty different SILLs, divided by issue area.

The use of single-issue legislatures is itself a significant point of innovation—wholly apart from the use of random selection. In Chapter 12 I discuss and defend the use of single-issue legislatures. There are several motivations for using single-issue legislative bodies in the broader lottocratic framework, some of which can be anticipated based on my criticism of generalist lottery-selected legislative chambers in the previous chapter.

One significant reason to combine random selection with single-issue legislatures is epistemic. If people only have to become competent and relatively well-informed with respect to one policy area, that is a much more manageable epistemic burden, and we should have more confidence that randomly chosen citizens will be up to the job. We also have evidence from the one-off, issue-focused citizens' assemblies described in the previous chapter that people are up to the task.

A second set of reasons is connected to political morality, in particular to considerations of representativeness, legitimacy, and equality. By having randomly selected citizens serve on single-issue legislatures, this ensures that many more people will be involved, that those people will each have significantly less power than they would have in a generalist legislature, and that the total group of citizens serving at any one time will be an almost perfect microcosm of the political community. I discuss the importance of these considerations in later chapters.

There are other, independent motivations for using single-issue legislatures beyond those relating to making the use of randomly selected citizens more attractive, including helping to ensure that careful, democratic attention is paid to the full panoply of political issues and moral-political problems, not just the high-profile ones. Some of these advantages can be seen as advantages of an institutional form that random selection makes available, given that single-issue elected legislatures would face several significant objections. Random selection "unlocks" this valuable instrument in the institutional toolkit. But more on that later.

At least two questions naturally arise for people upon hearing about single-issue legislative division. What will be the precise taxonomic division of issues? What will be done about issues that straddle this division? I will take up these issues in Chapter 12. The basic argument is that, although there might be some complications stemming from single-issue legislatures, they really are just making obscure and unfamiliar processes that happen behind the scenes in generalist legislatures more foregrounded and transparent.

As to the question of what the specific twenty issue areas would be, it is hard to say anything too precise, as those details will depend partly on the sociopolitical context, the scale of the political institutions, and so on. Here is an example of what those areas might be:

1. *Agriculture and Food Safety*
2. *Airlines and Aviation*
3. *Commerce, Markets, and Consumers*
4. *Communication and Internet*
5. *Crime and Punishment*
6. *Child and Adolescent Education*
7. *Adult Education and Vocational Training*
8. *Energy Development and Use*

9. *Environmental Protection*
10. *Health and Medicine*
11. *Housing*
12. *Immigration and Naturalization*
13. *Labor and Employment*
14. *Libraries and Information Management*
15. *Parks and Recreation*
16. *Science and Research*
17. *Space Exploration and Regulation*
18. *Transportation and Infrastructure*
19. *Treasury and Taxation*
20. *Water Access and Water Quality*

One issue that might emerge is that some areas require more by way of background technical knowledge or expertise, so they might be less well-suited for SILL decision-making. That said, one expected role for the SILLs is to create administrative agencies that will then work on developing specific technical regulations, and which will be overseen by the SILL over time.

Later, I will discuss Structural Assemblies, whose responsibility it is to consider changes to the current SILL network, including changes to the precise definition of the twenty issues. These Structural Assemblies can also serve something like the role of the parliamentarian, helping to make decisions about where different proposals should be addressed, whether more than one SILL might need to be brought together to work on an issue, and so on.

Additionally, there will be other topics—budgeting, national defense and military, foreign relations, among others—that are not appropriately the subject of legislation and legislative agency oversight, but which will instead be handled by what I call the Executive Assemblies. The general view is one that decenters the executive and moves the executive branch further away from its current position in the United States (and other places with an elected executive) as something of a temporary, non-hereditary, elected monarch. More on that in a moment.

9.1.2. Lottery-Selection of SILL Members

The members of each single-issue legislature will be chosen by lottery from the relevant political jurisdiction. There are at least three significant questions as to how this will be done. The first concerns the *pool* from which people will be drawn. The second concerns *how many* people will be selected. The third concerns the precise *method* by which people will be randomly selected, as there are many different mechanisms and models that all might be described as a form of random selection. The discussion here will be focused on SILLs, although many of

the basic components of the process will be the same for both the Structural Assemblies and Executive Assemblies.

A simple answer to the pool question is to set things to be extensionally equivalent to the population of people who can currently vote in elections. In the United States and in many countries, this would mean that only registered citizens over the age of 18 would be included, with more complicated rules governing those people who might be mentally incapacitated (ruled “mentally incompetent” by a court), currently incarcerated, or previously convicted of a felony. I will not go for quite this simple route, modifying it in two ways. First, the pool should include all those people who are currently incarcerated or who were previously convicted of a felony, except in those cases in which the conviction concerns graft or political corruption. Second, one need not register to be in the pool. One will be registered to be in the pool automatically once one is both a citizen and 18 years old. There will be options to decline or postpone if one’s name is chosen, but I’ll come to those in a moment.

There is much to dislike about the particular boundaries currently drawn around the right to vote. There are powerful cases to include in the enfranchised *demos* those who are permanent legal residents (even if not citizens), those with felony convictions, those who are currently incarcerated, and at least a guardian or other proxy voter for those who are deemed mentally incompetent. There are also powerful arguments to consider moving the voting age earlier—to 16, say, rather than 18.

The lottocratic system has enough new components; I will not here insist on also reforming many of the current lines around who is included as primary bearers of political power. But the exclusion of people who have served their sentences and are no longer incarcerated is particularly egregious and indefensible. That practice is rare outside of the United States, and even there is concentrated in those states that were intentionally aiming to reintroduce racial hierarchy and racialized disenfranchisement after the abolition of slavery. Although the political exclusion of people who are currently incarcerated is more common and slightly more defensible, in a country like the United States that incarcerates such a large portion of its citizens, and does so plausibly as a kind of social control of historically marginalized people, I would argue for including those who are currently incarcerated in the pool. The exceptions that seem natural would be people who are in prison for being convicted of crimes that involve political corruption or graft. There would be logistical issues concerning participation, but these seem surmountable with virtual technology, and that kind of technology will likely already be necessary to enable inclusion of people who are not able to relocate or who have various disabilities. There is more that might be said here, but whole books might be written just on the topic of political exclusion and disenfranchisement, and that is not our topic.¹

¹ For thoughtful discussion of electoral exclusions generally, see Lopez-Guerra (2014).

I do want to argue against one line of thought regarding political exclusion in the lottocratic context that starts by noting that the role of being randomly selected to serve on a SILL is a much more politically powerful, momentous role than the role of being just one of tens of million voters. This line of thought might suggest that we should be even more circumspect in our *demos* line-drawing in the lottocratic context. Perhaps we should require that people have completed a high school or even college degree? Perhaps we should impose some kind of competence test that requires demonstration of significant reading and verbal communication skills, as well as mathematical, scientific, and statistical literacy? Or, even if we do not do this for every SILL, perhaps we should do it for certain policy areas? At the very least, this argument suggests, we should certainly not consider including non-citizens, the currently incarcerated, or other people who are currently disenfranchised in the United States. There are two different strands of this argument. One is epistemic: we need to make sure those taking part will do so in an epistemically high-quality (or at least not poor-quality) way. The other has non-epistemic foundations: some people have no right to be included, and should not be included, because of what they have done (been convicted of a crime) or what they have failed to do (become citizens). In either case, this argument continues, as the political role becomes more significant, as the stakes become higher, the argument against inclusion becomes that much more powerful.

In Chapter 13, I take up the competence question directly, arguing against any competence test or epistemic quality threshold. That is not because epistemic quality is irrelevant. Indeed, to the contrary, given the functionalist argument offered earlier—which is focused on the ability of the political system to identify and respond to the actual moral-political problems faced by a political community—I see epistemic quality as being of central significance. It is actually that significance, combined with the fact that many of those who would be excluded by these tests are profoundly affected by the most pressing moral-political problems in the community, that inclines me toward a more inclusive position, and to reject competence tests as misguided. Leave aside the question of whether the fact that people are affected by or at the center of a moral-political problem provides a participatory right of some kind. As I suggested in Chapter 6 when discussing epistemic concerns about unrepresentative representatives, experience is epistemically significant, providing a kind of local knowledge that is invaluable for effectively addressing extant moral-political problems. As mentioned before, this distinctive local knowledge might be much more microscale and situational—some of the same kind of information Hayek thought was so important and so usefully picked up by markets and encoded in prices.² And it is the kind of information that it would be impossible to design a broad, centrally planned test to cover. This provides a reason to reject competence tests, and to be

² Hayek (1945).

for inclusion, including those with felony convictions and those who are currently incarcerated. We lose out on distinctive, epistemically valuable contributions when we exclude such people.

Some suggest that there might be non-epistemic reasons for exclusion, despite the potential epistemic benefits of inclusion. I am unpersuaded by these arguments, although I will not focus on them here. Those affected by the decisions of a political institution have a strong *pro tanto* case for inclusion in the *demos* and whatever political rights go along with that. Given the interconnected global world in which we live, this thought pushes us fairly quickly to a demand for world democracy. Even stopping far short of that, it supports a strong case for the inclusion of legal permanent residents. The arguments that conclude that those who have been convicted of a criminal offense should be excluded either rely on some kind of quasi-contractualist picture or use the fact that a person has been convicted of a criminal offense as some kind of proxy for moral character. Neither position is viable in political communities, like the United States, in which being convicted of a crime correlates so powerfully with race, class, and education, and in which so much morally unobjectionable conduct is criminalized while so much morally objectionable conduct is not. My inclination, then, is to expand the pool even beyond those who are currently enfranchised in the United States, and certainly to include at least all those people currently eligible to vote.

The second departure from current practices of enfranchisement for voting is to shift the default from “not registered” to “registered.” One need not register to be in the pool to be randomly chosen. One will be registered automatically once one is both a citizen and 18 years old, with the option of declining to serve if one’s name is chosen. The logistics of this are not trivial, but having something like a national ID card that one receives upon those two conditions being satisfied and which is capable of being “pinged” if one’s name is selected (along with other means of contacting the person) would be one option. Perhaps small incentives could be offered to make sure that people obtain and keep their cards. Let’s set these complications aside. The rationale behind flipping the default is more important. To get true demographic representativeness, which is important for numerous reasons, being included in the pool should be both the default and logistically simple. If one must do a lot to register, or if there is the potential for misinformation to influence whether and why people register, that will result in a problematically skewed pool.

The question of *how many* people should be selected for each SILL is obviously important. There are at least five significant considerations:

- (a) the number of people that can work effectively—epistemically and agentially—as one body;
- (b) the number of people needed to approximate microcosm representation within each SILL;

- (c) how populous the background political community is, so that the number chosen does not imperil the community functioning while the randomly selected are absent;
- (d) having the number of people who serve being as large as possible, so that the odds that a person will serve in a randomly selected capacity are higher;
- (e) the economic cost and opportunity cost of participation, which increase as the number selected increases.

Considerations (a), (c), and (e) exert some downward pressure on the number to be selected; (b) and (d) exert some upward pressure. How these interact will depend on the sociopolitical context, including the total number of people in the society, how heterogeneous the society is along various politically relevant dimensions, and how ubiquitouslottocratic institutions are (do they exist just at the federal level, or also at the state, county, and municipal level). Importantly, although some are committed to the importance of full-group deliberation as an important part of the process—and thus might see (a) as a significant downward constraint—I see the value of deliberation and the different forms it might take as a contingent matter, depending on actual benefits and results. I discuss this in Chapter 11. Given these considerations, I settle on 450 people in each SILL as the number if thinking about the federal government in the United States, but there's nothing magical about that number.

A related question to how many people should be selected is the question for how long they should serve. Some of the factors above—particularly, (c) social drain, (d) percentage of people involved, and (e) opportunity cost (at least for individuals)—are relevant to that question. And we can add an additional factor: how long does it take for people to become comfortable with the procedure and the particular topic? Some citizens' assemblies have had people come together just for a few weekends. Given the scope and scale of the task, that is not enough. On the other side, although people might become quite experienced and knowledgeable if they served for twelve years, that is a sizeable chunk of a person's life, and that is a lot of power to confer at random. It would also dramatically reduce the number of people who rotate through SILL positions. Three years is something of a compromise along these dimensions: a significant part of a person's life, but this needn't be the only thing a person does during that whole time; and it would enable a level of comfort and experience with the topic that would seem invaluable for making good political decisions, helping to guide the more recently selected members, and being able to notice the more blatant efforts at capture of the process.

The question of precisely *how* to select the 450 people for each of the twenty SILLs out of the full pool of eligible people is a significant practical issue, guided by epistemically and morally important aims. The largest question is whether the

aim is to achieve a pure random sampling from the pool (unaffected by skew relating to class, race, education, geography, religion, and so on), or whether the aim is to achieve a relatively precise demographically proportional sample (so that if the pool is 14 percent As and 46 percent Bs and 40 percent Cs, then the sample will be too). In the former case, one must be on the lookout for bias and skew introduced by the mechanism through which the selection takes place. (That is one reason to have the default be that people are registered for the pool.) In the latter case, one will implement procedures not just to avoid bias and skew, but to actively ensure proportional representation in every SILL—even though this would be very unlikely to occur at random. The most natural way to do this would be with stratified sampling, where various groups were identified as of particular social or political significance, and then those groups were oversampled if necessary to ensure demographically proportional representation for those groups. There are different ways of doing this, but they need not detain us here.

My view is that pure random sampling is the better option in most sociopolitical contexts. There are three main reasons for this. The first is that it will be highly controversial which groups should be oversampled to ensure demographic proportionality and why. There might be some contexts in which injustice has taken place over an extended period along certain lines, and so there is a clear case for paying attention to those lines in this way. But these decisions will often be controversial. Additionally, if pure random sampling is achieved, then, over a run of cases, there will be demographic proportionality without doing this. That brings us to the second reason: doing this will entrench certain groups as politically significant in ways that might be bad, particularly if people would rather not be forced to mobilize politically around those identities. The third reason is that ensuring exact demographic proportionality also ensures stable majority-minority political dynamics in ways that might be troubling (imagine a background 55/45 or 35/30/25/10 split). There is value in having some decision-making bodies that don't perfectly mirror the broader society. In some cases, we might want to target this—if, say, attempting to deal with historical injustice in some area that has predominantly affected a particular group. But there is also value to having it happen unpredictably. I take up these issues when discussing political minorities in Chapter 16.

Above, I discussed the question of who is eligible to be in the pool. One significant choice point is whether all eligible people are automatically included, or whether those eligible must take some further step—registering their name on a website or on a form, bringing a physical token to be placed in some receptacle, etc.—to be included. For many actual citizens' assemblies, the selection process involved mailing a form to everyone with a physical address in the relevant jurisdiction, which people could then return if they were interested in participating. This kind of process introduces skew both in being limited to those who receive the form through the mail, and in those who send the form back. A better

system would be one in which everyone eligible is automatically included in a database and a computer then randomly selects and outputs the names to be contacted. (This is closer to how jury service selection proceeds.)

At this point, we arrive at another choice point: whether to have SILL service be mandatory, so that all those contacted are legally required to serve, or whether it should be optional. There are two reasons to think it should be optional. First, it is plausible that no one should be compelled to engage in politics if they would prefer not to do so. This is not all that powerful a consideration, perhaps, and there may be considerations of fairness and the moral obligations to contribute to various collective responsibilities that tell against it. The second reason is, to my mind, more powerful: a person can be compelled to participate, but it is much harder to compel them to participate in good faith and to the best of their abilities. You can force someone to register for the military draft, force them to report to physical locations, and then force them to do various things upon threat of being put in prison. And you could force someone to go to various SILL meetings. But it is much harder to force them to care, to pay attention, to contribute their actual insights and ideas, and so forth. Many of the negative and positive incentives one might use to get them to do these things will quickly intrude on individual freedoms and bleed into impossible substantive judgments. This seems like a bad road to go down, given a background objective of high epistemic quality decision-making.

Still, despite compelled service seeming like a bad idea, without it, there is a worry about skew in terms of who is willing to serve. Indeed, this is a main reason that there should be both default registration combined with significant positive incentives—in the form of financial compensation—for serving. If the required commitment is three full years, the pay should be something like at least a floor of 110 percent of the person's standard income per year, along with whatever is required by way of relocation costs, childcare and other personal expenses, transportation, and other costs that arise because of serving on a SILL. Arguably, in a context like the present United States, there should be something like a floor of \$100,000 even for those whose yearly income is considerably below that, in order to incentivize participation; to make selection something that people see as a welcome opportunity, rather than a burden (as is so often the case with jury service); and to ensure that financial strain is not significant and is not exacerbated during their time serving. One could make the financial compensation even higher, or more uniform (rather than a function of recent income), but there are worries about distorting the views and preferences of those selected if it amounts to something closer to winning the actual lottery. Obviously, if the jurisdiction's size didn't require a full-time commitment from the lottocratic participants (many state legislatures only meet for six to twelve weeks a year, for example), then compensation could be scaled down correspondingly as well. It would be possible for people whose names were chosen to put off their SILL

service for a period if it were a particularly bad time for them for personal or professional reasons.

Along with the significant financial compensation, it would be important to condition receipt of that compensation upon not taking money (or other forms of payment, post-term employment, sinecures, etc.) as compensation from outside interest groups. Those selected would have to take oaths of service, agree to certain conditions, and in some cases consent to both background checks and screening for access to classified information. Obviously, some of those latter might start to affect who could be selected in significant ways, and so ought to be used only when necessary.

A final point about the *how* of the lottery selection. There is a question of how to ensure that it is a fair lottery. I take it that this is a concern both about the technical mechanisms that might be put in place to ensure this, and a concern about the integrity and possible corruption of the people who will be overseeing and administering the various aspects of the process. I won't go into the details here, but this is obviously an important issue. A simple initial heuristic: if people are unwilling to trust the government to run a fair lottery in which people can buy tickets and maybe win a million dollars, then it is not a political context in which lottocratic institutions should be introduced. On the other hand, if there are big money lotteries in place, if there are robust voting protections currently in place, if there are reliable and secure mechanisms for remote financial transactions, then it should be possible to set up a lottery so that it is a legitimate random selection. An obvious protection that should be in place is having regular external auditing of the technical process, along with nonpolitical officials overseeing it who are both paid well and monitored regularly.

9.1.3. Learning Phase, Experts, and Deliberation and Discussion

An essential component of the lottocratic system as envisioned is that there is a substantial learning phase at the beginning of each legislative session, as well as several occasions throughout the process during which SILL members can discuss, deliberate, and engage with each other as a way of learning about the issues and formulating their views about them. The members of the single-issue legislatures will hear from a variety of speakers on the relevant topic at the beginning of (and at other stages throughout) each decision-making session. For each item on the agenda, the SILL will hear from experts, advocates, and stakeholders in a structured process, providing both general background orientation and then later specific information relevant to the agenda items.

The learning phase is an essential part of the lottocratic system; it is what might make it possible to take ordinary people and bring them into a position where they are able to make epistemically responsible decisions about policy in some area that

they might antecedently know very little about. It is also a site of significant concern about capture, bias, and distortion. There are questions about how the learning phase ought to be structured, who should be allowed to speak to SILLs, who should be presented as an expert, how the experts should be selected, what advocates and stakeholders should be allowed to speak and how those decisions should be made, what cross-examination of speakers ought to take place, and what there should be by way of small-group or other structured engagement, deliberation, and collaborative learning on the part of the SILL members. There is quite a lot of philosophical and empirical work to draw on in discussing both expertise and public engagement with experts, as well as deliberation, bias, and the structure of collaborative learning. Accordingly, Chapter 10 discusses expertise and experts. Chapter 11 discusses deliberation and concerns about reproduction of social biases and hierarchies, groupthink and polarized engagement, and the role of bureaucrats and staff in structuring deliberation.

9.1.4. Agenda-Setting

The broad topic of each SILL sets some parameters for the legislative issues or ideas they might take up. But there are still substantial questions about how a SILL will settle on particular policy ideas or legislative reform proposals on which to focus their attention. Most of the single-issue, one-off citizens' assemblies and citizens' juries were given a relatively specific charge: what should be done about air quality in a particular place,³ how should main street be redesigned,⁴ should we build more nuclear power reactors?⁵ The SILLs will not be handed topics in that way. The main reason for that: so much important policy decision-making happens at the agenda-setting phase. That is where the system's ability to identify and respond to the moral-political problems that the political community actually faces will be tested. Identifying significant problems and devising sensible responses to them—whether full-scale introduction of new legislation or relatively modest reform to existing law and policy—is the central task. It is also a significant place where capture and distortion can affect what is done, by influencing what is even considered or taken up as a problem. Many problems in the electoral representative system stem from not even having issues on the legislative agenda. So, the agenda-setting phase must be designed to enable the lottocratic system to work in an effective way, while avoiding or lessening capture.

³ Kingston Citizens' Assembly on Air Quality, UK (November–December 2019), <<https://www.kingston.gov.uk/CitizensAssembly>>

⁴ Jardim Lapenna Neighborhood Plan, Brazil (2018), <<https://www.facebook.com/deliberabrasil/>>.

⁵ Citizens' Jury on Nuclear Plant Construction, Seoul, Korea (2017), <<https://www.economist.com/news/asia/21730739-nuclear-energy-still-faces-uncertain-future-south-korea-two-reactors-are-saved-axe>>.

The basic structure of agenda-setting is to recreate, in a more streamlined fashion, the SILL legislative process, but focused on the question of what to put on the agenda for the next legislative term. There are different ways this might be structured. The one I will focus on is a bifurcated process, so that if there were two legislative sessions in a calendar year, there would be an agenda-setting phase in January during which the one or two main topics for the legislative session beginning in July would be decided upon. This agenda-setting process in January would have a balance of input from those already involved with the issue (experts, advocates, and stakeholders) in addition to the general public, perhaps through sophisticated deliberative polling.

One model for this process would work like this. First, of the 450 SILL members currently in office in Year X, the 300 who were returning for their second or third years of service on the SILL would meet in early January of Year X. (The 150 randomly selected citizens who were newly joining the SILL would be present to witness the process, but they would not actively participate.) The 300 veteran SILL members would hear twenty different short proposals from advocacy groups and citizens' groups who had competed through filed, written submissions to be one of the proposals to be presented in person for agenda consideration. These submissions would have been submitted in September of Year X – 1, and would have been selected by fifty randomly chosen SILL members who would be starting their third year of service in Year X. These proposals would be thirty minutes long, would focus on concisely presenting the issue, what the problem is, estimates of how many people it affects and how it affects them, what possible solutions to the problem might be, and what the current law or policy situation is with respect to that issue. These would essentially be “pitches” that this specific issue should be given extended attention by the SILL. The proposals would be classified as recommending either a potentially large or small reform. After the 300 have heard the twenty different proposals, they would meet to discuss and deliberate and eventually vote to have five go forward—perhaps recommending that some be consolidated—for further discussion. Each of those five would then receive a full day of discussion, including background information presentation; testimony from relevant experts, stakeholders, and advocates on different sides of the issue; and a chance for the 300 SILL members to ask questions and talk about the issue in small groups.

This is one place where it is useful and important for SILL members to have a sense of what the general public thinks. The week of five presentations could be made publicly viewable by the public, or by some subset of the public. There could be polls taken after the end of the week of thousands of non-SILL members which could (a) ask basic comprehension questions of those polled to verify that they were paying at least some attention to the five different proposals, and then (b) ask those polled how they would rank the five proposals for agenda items in terms of significance. It might be too much to expect every citizen to pay attention to each

of the twenty different SILLs during the “five presentations” agenda-setting week. Some way of reducing the epistemic burden on individual members of the broader public seems important. One way of doing this would be for each citizen to identify three SILLs that focus on areas that they are interested in and which they would then be polled about during the agenda five-proposal discussion week. Or citizens could be randomly assigned three SILLs to pay attention to and about which they might be polled. If people identify their three preferred areas there are worries about bias and self-selection effects, but this might be compensated for by the more intense preferences and likely greater levels of background knowledge. We also might run things both ways simultaneously, providing the information from both the self-selected and randomly assigned groups. All this information (about both the comprehension and the results of the polls) would then be provided to the 300 returning SILL members.

With the week of presentations and the public polling information, the 300 veteran SILL members would then rank the five proposals, with the top one selected through a single-transferable vote process then definitely being on the agenda. If the top two selected were both small reforms, they would both be set on the agenda. Those that were not selected could be repropounded in future years (and that would be true for all of those that were submitted in Fall of Year $X - 1$ and those that were not selected to be among the top five). After the final selection had been made, the process of identifying experts, stakeholders, and advocates to speak to the SILL during the full learning phase in the second legislative session would begin, and there would be broad public notice provided about what had been selected. And the same process would run at the beginning of the second session to select the agenda for the first session of Year $X + 1$.

Let me say a few things about these details. First, the hope in the agenda-setting process is to lean on the considerable knowledge and experience that the veteran members of the SILL will have acquired in their time already working on the issues to help make an informed judgment about what should go on the agenda. Here, we see one of the dynamic, competence-building aspects of the lottocratic system. If you give ordinary people a year or two to learn about a topic and work on issues relating to that topic, they will come to be considerably better informed on that topic than all but the long-term experts and stakeholders who work on that topic. This blending of populism with the development of relative expertise over time is, to my mind, one of the most promising things about lottocratic mechanisms.

Second, what I’ve described would be a potential normal agenda-setting process. There could also be a separate, emergency petition agenda-setting process that could get a SILL to take up an issue on an emergency basis in response to new events. Many issues that are likely to generate emergent crises would be routed through the Executive Assemblies, but not all of them would be.

Third, there is an interesting question of exactly what institutions, advocacy organizations, and public political culture would develop around this kind of

structured agenda-setting process. This agenda-setting process would give one route for citizens, activists, and organizers to frame their efforts for political change, and to do so in a way that will hopefully reach an audience of people whose ears are genuinely open. The efforts that might develop in this regard are hard to predict, although it is plausible that they will be focused on issue advocacy, will not necessarily result in broad-based political parties or partisan identities, and may be different across the different SILL areas. One reason for this is that these issues differ in the interested parties—how well-funded they are, how connected they are to financial and corporate interests, how organized they are, whether there are many small groups with intense preferences or broad groups with somewhat weaker interests, and so on. Of course, whenever doors are open, the doors to potential capture, influence, and distortion open as well. One route to help police this will be discussed at length below; namely, requiring all those who speak to disclose the basis of their expertise, their experience, and their sources of funding. But this will remain a concern, one I discuss at length in discussing capture in Chapter 14. Whatever one thinks about the concerns for capture with this kind of transparent agenda-setting process in the lottocratic system, it strikes me that in the comparative analysis the situation with electoral representative government is notably worse. Agenda-setting happens for many issues entirely in the shadows, with broad citizen input having no clear channel and no open ears to hear the message even if a message is broadcast.

Fourth, the agenda-setting process might be one place where cross-SILL area overlap for an issue is noticed. So, there might be mechanisms by which a special proposal to merge two of the SILLs for an agenda item can be introduced. This could also happen at later stages, or it could be handled sequentially, so that one SILL would come up with a proposal that would then be sent to another SILL for feedback and response. The details here will be important, the kind of issues to be handled on a case-by-case basis by the Structural Assemblies.

9.1.5. Community Consultation and Engagement

In most cases, SILL members will spend a significant amount of planned, structured time talking to and hearing from members of the broader public—including advocates and stakeholders affected by proposed action. A relatively small number of people will address the SILLs as stakeholders, advocates, and experts, but there will also be routes for broader engagement and participation. An instance of this was discussed in the example of broad polling during the agenda-setting process. Beyond the agenda-setting phase, the legislative process will include consultation with non-members, perhaps virtually (online) or through having SILL members return to the geographic area from which they came to hold town-hall-style meetings. These meetings might have SILL members talk through the items on

the agenda and talk about what they have learned; what the experts, advocates, and stakeholders told them; and solicit questions and comments from those in attendance.

In the case of many of the citizens' assemblies and citizens' juries that have been used to address standalone issues, those randomly selected have traveled home to talk to people, written opinion pieces in the newspaper and online, drafted statements as a group addressed to the broader citizens, and heard from those citizens through various petitions and notice and comment procedures. There are more structured ways of doing this, requiring periods of community consultation after, say, the learning phase and some period of internal SILL discussion and deliberation. But it could also be less structured, or perhaps only if requested by some broad popular mechanism external to the SILL.

As in the case of agenda-setting, there is a question of what political participation would come to look like for those who are not currently serving on a SILL. It is plausible that people inclined to be politically involved will focus on issues that matter to them, follow the SILLs that work on those issues, organize and advocate for certain agenda items, push to have the views one supports represented in the agenda-setting and learning phases, and engage in public action, commentary, and protest to express one's views on the issues under consideration by the SILL. For most issues—those not requiring access to classified material—the SILL process should be public and transparent, and open to noticing and responding to those views that are expressed both through the mechanisms internal to the SILLs and through broader public action. The SILLs should not be cloistered, secretive decision-makers who reveal their decisions out of the blue. We should expect to see new kinds of political organization and political culture involved in creating a dialogue between the SILL members and the broader citizenry. It is hard to say exactly what that will look like. Although SILL selection and participation will be equitable and open to all, it will be important to attend to ways in which these broader mechanisms of speech and influence might not be, and to consider how those develop over time. In Chapter 15, I say more about political participation in a lottocratic world.

If there are open channels of influence, and if the broader public is engaging with these topics, the same powerful interests discussed in Part I might try to influence the public perception of issues under SILL consideration, and perhaps, the views of SILL members. There are at least two distinct worries. One is that there will be attempts to influence what the SILL members think about an issue through broad news media coverage. This isn't an entirely untroubling concern, but it does seem difficult to accomplish. For one thing, SILL members will already be hearing at length from many experts, advocates, and stakeholders, so it is unlikely that additional coverage will make much difference. It would also be possible to limit SILL member exposure to news coverage—as might be done for jury members on a high-profile trial. But there are costs to doing this, and it seems

unlikely to be necessary given the remoteness of this influence and the many countervailing influences.

A second worry is that efforts will be made to influence the broader public view about some issue under SILL consideration, so that either the SILL members would think the broader public all were united in a view on the topic (and so might be influenced to vote that way themselves), or the legislation enacted by SILL members would be highly unpopular upon its enactment. This might put pressure on the long-term stability of lottocratic institutions. Consider, for example, the possibility that the Health and Medicine SILL were considering a substantial expansion of the Medicaid program, so that rather than covering roughly 25 percent of (low-income and disabled) Americans, it would be expanded to cover 75 percent of Americans—taking millions of people out of the private insurance market. The health insurance industry might strenuously fight this, perhaps along with other medical services providers. One thing they might try to do is to sour the public on the idea through a systematic media campaign. If the SILL members were in favor of the expansion, it would be important for them to be able to communicate why, and to have opportunities to engage with members of the public who had been led to believe otherwise. This is one reason to have the community consultation and community engagement mechanisms built into the structural process, so that this engagement is regular, expected, and protected, and will be harder to dislodge in the event of a high financial value issue like this one. I expect that efforts at capture in the lottocratic system would be less focused on the expensive and imprecisely tailored aim of broad public attitude change and will instead target SILL members more directly through efforts at influencing the agenda-setting and learning phases. But there is the possibility that those interests will attempt to create a mismatch between the public attitudes and the SILL policy decisions as a way of creating systemic instability. These kinds of concerns will get more discussion in Chapter 14, when I discuss capture in the lottocratic system, and in Chapter 17, when I discuss issues in implementing a lottocratic system.

9.1.6. Drafting, Voting, and Direct Enactment

Unlike the citizens' assemblies and citizens' juries that have existed, SILL members will have the capacity to draft and pass legislation directly. SILL members will work together to draft proposals. Some of this might be modeled on how drafting legislation happens in other legislative bodies, with initial drafts or competing drafts written by different committees within the SILL. As with other legislatures, there would be drafting aides and consultants on hand who have drafting expertise. There could also be a period during which drafts are made public and comments are solicited from the broader community. There would then be a

process by which proposals were put to a vote. There would not be an executive veto of SILL-supported legislation.

On some versions of the lottocratic idea, there could be a referendum-style mechanism by which SILL legislation had to be ratified by, say, 50 percent of those in the broader citizenry who show up to participate in a direct up-or-down vote on the legislative reform. In the case of the British Columbia Citizens' Assembly, for example, the proposed electoral reform would be implemented only with a supermajority vote in favor of it by the people of British Columbia.

Although there might be some issues and/or some contexts for which this broad public ratification would be appropriate, I favor giving SILLs the power to enact legislation and to reform existing legislation directly. This will come as little surprise. If one takes seriously the concerns about ignorance, complexity, capture, and problems of misinformation and bad press discussed in Part I, it is easy to see significant worries with requiring ratification or broad popular endorsement. That would let back in many of the problems from before, and possibly undermine the benefits of the learning and focused attention from the SILL members. There are other, less problematic mechanisms that might be used to serve a similar function. For example, there might be a version on which all SILL-ratified proposals went to a referendum vote, and if that vote came back below 50 percent support, then the legislation would go back to the SILL for a period of reconsideration and revoting, although the SILL still retained the final say. Or a mechanism could be in place by which a 60 percent majority in a referendum vote was enough to overturn SILL-enacted legislation. But even these mechanisms might introduce concerns. In Chapter 15, I discuss considerations of equality, participation, legitimacy, and responsiveness—factors that might incline some to want some broad mass democratic authorization. I will argue that it would be a mistake to view the absence of a mass vote as a problem along these lines. But given our familiarity with that kind of mass political action and our sense of that as of high normative significance, I understand the appeal, and I could imagine contexts in which some kind of minimal ratification procedure or ability to initiate a SILL reconsideration of an issue through mass political action (kind of like a recall vote, initiated when enough citizens sign a petition) might be valuable. This might be particularly important in the initial stages of lottocratic politics, as trust in the system and its policy outputs is still being earned.

For the internal SILL member voting, there is a question of whether a simple majority would be sufficient to pass legislation, or whether some other procedure ought to be used. One idea that I will discuss later when discussing equality is that of using a lottery voting mechanism, where all 450 SILL members vote yes or no on the final proposal, and then 50 of those votes are drawn from a hat. The ultimate decision is based on what a majority of those 50 final votes support. The main attraction to such a mechanism is that it goes some way toward destabilizing majority-minority dynamics even within the SILLs. The main downside is that

significant legislation might be enacted based on relatively modest support even from within the SILL—more randomness within randomness. For that reason, among others, I'm inclined to go with a simple majority vote, and to allow other mechanisms—including just the vagaries of random selection—to destabilize majority-minority dynamics. But there might be some issues for which something like lottery voting would be appropriate.

9.2. Further Details

Beyond these basic components of the lottocratic system, there are further questions that are worth considering that come with the shift to random selection and single-issue legislatures. I will say something about them here, but they will get fuller discussion as we move through the next chapters on experts and the learning phase, deliberation, the use of single-issue legislatures, and the advantages of the lottocratic system in terms of overcoming ignorance and overcoming distortion to result in a political system that does better at identifying and responding to the moral-political problems that exist in a political community.

9.2.1. Scope and Scale

There is a general question about the scope and scale of lottocratic institutions. Should we envision implementing these institutions in a large nation-state or at the local, municipal level? I focus on the largest scale, nation-state version of them, but they also might make sense at the state, province, county, or municipal level. There is no reason that there couldn't be overlapping levels of lottocratic governance, too, just as there is with electoral representative systems. One advantage to this would be that more people would then rotate through service on a lottocratic body, increasing familiarity with their operations, the shared sense of civic engagement and civic duty, and the odds that one will be called to serve on a lottocratic body when we come to consider questions of shared political power, self-government, and political influence.

The previous chapter highlighted concerns about having mixed political systems that include both electoral and lottocratic elements, but there is certainly room for some experimentation both with mixture within the broader political system and mixture within a particular political body (with some members selected by lottery and others by election). These might be important in a path of transition to using lottocratic institutions more broadly. If there are mixed institutions, we might consider the question: are there certain political problems such that it would be better to have them addressed by a purely lottocratic body, by a mixed body, by an elected body, or even by a direct democratic process?

I won't take up this question, but some of what I say in discussing institutional competence and Executive Assemblies below will be relevant.

9.2.2. SILL Representatives, Incentives, and Motives

When a person is selected to serve on a SILL, how should they conceive of their role? In the discussion of the moral norms governing elected representatives in Chapter 6, I stressed that there were several moral norms that affected what elected representatives ought to do: norms of fidelity, deference, guardianship, and more general moral norms. These first three kinds of norms have their foundation in the distinctive role of the *elected* representative. Elected representatives have been authorized, through a vote, to have distinct powers and abilities. Voting plays a metaphysical role, altering facts about the world, including facts about what is metaphorically called the “normative landscape.” Through voting, we alter what powers and obligations individuals have. The metaphysical role of votes for candidates for elected office is to transfer a certain kind of force or power to a particular person—to authorize them to govern in the way set out by the rules of the particular political system. In the political case, this metaphysical role is also a moral role, since the new force, power, or commitment itself has a moral dimension: creating moral authority, legitimacy, obligations, and permissions that otherwise would not exist. These include moral norms of fidelity, deference, and guardianship.

Perhaps, for example, the people of California vote to elect Samantha Smith to be one of their United States Senators. After that vote (and the official swearing in and other formalities), Smith will have various new powers and abilities. She can go places that she would have previously not been allowed to enter. She has new legal responsibilities: to attend various meetings, disclose various information about what she is doing, listen to people, make decisions about who will work on her staff, and so on. And she has new legal powers: to offer her views about what ought to be done in Senate meetings, to vote on legislation, to vote (or not) to confirm various executive appointments, and so on. These new powers and abilities come with new moral responsibilities and obligations: she must use them in a way that is sensitive to the norms of fidelity, deference, and guardianship, in addition to more general moral norms. She must use them in this way *because* of how and why she came to have the power that she now has. People voted for her so that she, in particular, would have these powers, and they did so because, of their available options, she was the one they wanted to authorize to act on their behalf in these ways. They wanted to authorize her to have these powers because they believed that she, of the available options, would be most likely to do what they preferred or what would be best, or they liked the things she said she would work to accomplish while campaigning.

When people are chosen at random to serve on a SILL, the story is different. They were not selected to have that power or role by people who believed anything about them or authorized them in particular to have the role. They didn't promise anything to anyone. They will have new powers and abilities. And there are moral norms that affect how they discharge those powers and abilities. But they are different than the norms that govern elected representatives.

There are no norms of fidelity. They didn't campaign for the role; they didn't tell anyone what they would do if in office, and, even if they did, that played no role in them coming to be chosen.

There are no norms of deference to subparts of the group. They were not chosen to represent a particular place or group of people. They might identify with various groups and social identities, but, again, that is irrelevant to how they came to have the new powers and abilities they now have.

That doesn't mean that SILL members should be indifferent to the views of the public, or to the views of those communities they identify with. But it does alter the way in which those things matter. They matter because of the norms that do apply to SILL members as they do to elected representatives: norms of guardianship (doing what they think would be best) and more general moral norms. These norms require SILL members to think about what would be best—for themselves, the people they are closest to, their political community, and the world—and to use their moral judgment to figure out how to weigh and prioritize those considerations and others. When it is clear that the broader group has valuable knowledge and information relevant to the political problems, they should seek out and draw on that knowledge—but that is different than deferring to some subgroup of constituents.

These norms of guardianship are born of the same considerations as the moral norms that govern anyone who is suddenly thrown into a position in which they sit at causal levers that can dramatically affect the fate and well-being of others. Imagine that you are on a plane that has crashed on an island, with many people injured, including some young children. You are unhurt and are able to help the group find food, build shelter, attempt to obtain help and send emergency distress signals, and so on. Imagine that there were ten of you all of whom were similarly unhurt and able to help, and another forty people who are either too young or too injured to help. Perhaps the island is not entirely uninhabited. You and the other nine in good condition might look for help or interact with people on the island, advocating for the whole group of fifty. It would be perverse and wrong for the ten of you to just look out for your own interests, although of course you could and should give your interests some consideration. If you alone of the ten spoke Spanish, and five of the injured passengers only spoke Spanish, you might see it as—and it might be—your distinctive responsibility to look out for their interests, figure out what might be wrong with them, whether they have any special medical needs, and so on. In that sense, you might represent them, or represent their

interests to the group, but it would not mean that you were to advocate just for them. You might be a pharmacist by training, and so take it upon yourself to figure out what medicines were in the luggage and on the plane and try to organize them and get them to the people who needed them. You might have a moral obligation to do this, given what you know and the causal position you are in. Or you might not have any particularly relevant skills, but you should pay attention, figure out how you can help, offer your effort and what abilities you have.

This example relies on certain features that it is worth making explicit. The first is the background community. The artificial community of those who happen to be riding on a plane together—and a plane that happens to crash—is, still, a community. There are questions that might be asked about how or whether members of that community ought to prioritize each other's interests over those who are not members of that community. Perhaps the ten manage to acquire some medicine that is needed to cure a significant migraine headache that is being suffered by one of the forty others from the plane. On their way to bring the medicine to the migraine sufferer, they come upon a badly injured person who is not from the plane whose leg will be lost if the medicine isn't used on him now. They should use the medicine on the person with an injured leg, even though he is not a part of their group. But there might be other cases where it is permissible to prioritize the plane community. The ten obtain food that can either feed the forty others on the plane, or they could use that food to feed a group of forty-five people who have the same need for the food as the forty do. There is a case that it is permissible to prioritize the forty, even if the ten haven't yet come to have close personal ties to them. But one could imagine thoughtful, reasonable argument on the other side. Whether either choice is permissible is plausibly not settled by what the forty would *prefer* the ten to do.

Additionally, it is relevant that the forty are *relying* on the ten to help them with their situation, this reliance is known to the ten, and may even have been intentionally induced by what the ten have said and done. Like the plane community, political communities are real communities, although they may be non-volitional (one doesn't choose to join them or to join a shared community with all of the particular members) and impersonal (one doesn't necessarily know or have a personal relationship with all or even most of the members). The details of our moral obligations to people with whom we are in such communities, including to our co-citizens and to our political community, is a large topic, but those are the kind of moral considerations that affect how SILL members ought to behave. It is plausible that the creation of a political system that uses representatives, even unelected representatives like the SILL system, induces reliance on those representatives in ways that alters the obligations of those representatives. The moral norms of guardianship that apply to SILL members may license a kind of permissible partiality toward the interests of the members of one's political community, although not a total prioritization.

Another important element of the example is that there is an assumption of at least one, and probably many, morally urgent shared projects that the members of the community all do care about or morally ought to care about. In the plane example, there are the shared projects of surviving and acquiring what is needed for survival and health for as long as necessary and obtaining help and rescue to be returned to the places people were otherwise going to. Political communities also face urgent moral-political problems, and political institutions ought to be evaluated based on how well they identify and help address those problems. It is important that these problems might exist without everyone caring about them or even knowing about them. How much is required by way of working together can affect the nature and strength of one's moral obligations to help with the shared projects. Importantly, there might be morally optional, inessential projects that some members of the community would like to pursue. If they affect the welfare of members of the political community, that provides reasons for representatives to consider them. But SILL members, and, in the example, members of the ten, should prioritize the more morally urgent issues.

The example could be extended to imagine a situation in which there might be questions and disagreement about which problems and projects are morally optional and which are most morally urgent. There might be hard choices about which to prioritize—should we concentrate on building a sustainable situation here on the island, or focus our energy on signaling for help? Even if we agree that getting potable water is the most important priority, should we attempt to do so by heading up the beach to look for the mouth of a river, or should we head inland to look for a lake? In the imagined example, although the forty were unable to help directly, the ten should consider their views on what ought to be done, in a way that is analogous to how SILL members ought to take account of the broader community's views about what political issues should be on the agenda.

But we might also expect in a short amount of time that there will be what we might call *epistemic separation* between the two groups. Let's say the group of fifty plane crash survivors decides through a majority vote to prioritize getting water, then food, then trying to contact emergency services—although the group is clear that all are very important. The ten set out to look for water. After walking for 30 minutes heading inland, they see in the distance a river that pools into a lake. Water! They are delighted. But they can see it will take them a few hours to get there. They also see, just five minutes away, but in a different direction, what looks like a working radio tower. Radio, possibly! They now know that they have very different information than the full group had. In their chance-appointed role as guardians and representatives of the group's interests, it would be appropriate and arguably morally required for them to revise the plan in light of this new information—while not ignoring what they know about the group's broad preferences and interests. In this case, that means it would be morally permissible, and perhaps morally obligatory, for them to go check out the radio situation

before making the long walk to water. They are morally permitted to do this without first bringing their new information back to the full group and reintroducing the issue for what are, ultimately, boring but significant practical issues: time and the likelihood of future changed circumstances as one takes the time to explain and eliminate the epistemic separation. In cases in which it is clear that, say, the ten have information that the forty do not, the ten shouldn't just defer to the forty on which problem to address first, although there are plausibly subsidiary duties that require the ten to try to communicate why they are going the way they are, despite what others think or said, when it is reasonably practical to do so.

This awareness of epistemic separation is relevant to the SILL members who are trying to decide what to do, and how much weight to place on the opinions of those who are not a part of the SILL (and who they know lack much of the information they now have). It is also relevant to those who are not a part of the SILLs. Thelottocratic system is not a normal representative system, although there is a way in which its representativeness is an essential part of the system. Members of the SILLs are better thought of as "indicative representatives" rather than "responsive representatives." As Philip Pettit puts the idea of indicative representation:

The essential difference between responsive and indicative representation is easily stated. In responsive representation, the fact that I am of a certain mind offers reason for expecting that my deputy will be of the same mind; after all, she will track what I think at the appropriate level. In indicative representation things are exactly the other way around. The fact that my proxy is of a certain mind offers reason for expecting that I will be of the same mind; that is what it means for her to serve as an indicator rather than a tracker.⁶

Members of the SILLs will be—at least over a long enough run—descriptively and proportionately representative of the political community, simply because they have been chosen at random. But, as suggested above, they will not have in mind the idea that they are to represent some particular constituency. Rather, the fact that an individual member of a SILL comes to have certain views about an issue—after hearing from experts, advocates, stakeholders; and engaging in consultation and deliberation—is evidence that members of the political community who share contextually salient characteristics with that individual would also come to have those views, had they gone through the same experiences. In this way, it can be reasonable for those not on the SILLs to trust the judgment and decisions made by the SILL members. They can think: I don't know very much about this issue, but this person (or these people) are like me in all these ways, and I expect that I would

⁶ Pettit (2010: 427–8).

have the same views that they do if I had gone through what they have gone through. Obviously, this line of thought would be blocked by a belief that the randomly selected were not demographically representative or random, or by a belief that they had been captured after being selected, or by a belief that they were “different now” after having been selected because of their new power or social role. That is a reason to be vigilant about capture, to care that the selection really is random, to make sure that there is regular rotation and not unduly long terms, and to avoid paying SILL members some exorbitant amount or in other ways turning them into a new elite.

These facts about known epistemic separation make apparent the way in which both the ten and the SILL members will have to conceive of their roles as being the guardian of the interests of others—not just as mere delegates who should always figure out what the broader group thinks about the issue. The full group often will not have any views at all about the issue. And whatever the full group’s views are, one might know that they do not have all the relevant information. SILL members should think of their role as requiring them to use their own judgment and think about what would be best, given what they know—both about the problems and issues at hand, but also about what the interests and issues of the broader group are. This will require listening to others and engaging in broader consultation when possible. In the same way, the forty should think and say to the ten: use your best judgment about what ought to be done, as you see better what the situation is.

As I hope is apparent, SILL representatives will be different than electoral representatives in terms of what their role is, the sense in which they are anyone’s “representative,” the moral norms that apply to them, and how they ought to conceive of their role. They are not specifically accountable to anyone. There are no exact instructions about what they ought to do or how they ought to do it, although there are moral considerations that govern what they do—just as there are for the ten unhurt plane crash survivors. Importantly, the basic structure is not that of a principal-agent problem, where there are the principals who have *specifically chosen or contracted with* or in some other way *authorized* this person to be their agent. No one authorized these particular people to be their agents. That is not the source of their moral permission to act on behalf of the group.

This highlights what I will argue for more extensively later: electoral accountability is not a foundational value in political morality. Electoral accountability is instrumentally important in electoral systems to address the principal-agent problem that elections and electoral representation creates. SILL members will be accountable to the political community in the much more general sense of being *morally* accountable for what they do, but in that they are no different than any of us—we are all morally accountable to each other for what we do that affects others.

Given this, a different issue arises for SILL members: what ensures that they will act as guardians, on behalf of the community as a whole, thinking about what

is best? What reason is there to think that they will even attempt to do this? After all, they don't have even the blunt and imprecise instrument of electoral accountability hanging over their heads. What will ensure or make it likely that they will act on behalf of the whole political community?

The short answer is that nothing will *ensure* this. The hope is to make it more likely by removing the most significant and powerful sources of distortion, those factors that would be likely to steer political actors of any kind toward thinking about just their own narrow interests, or the interests of the elite who pay their way. There are several elements in the lottocratic system—random selection, relatively high financial compensation combined with monitoring for graft and corruption, regular rotation—that reduce the opportunities to capture and increase the cost of trying to capture, thereby reducing the presence of inappropriate or distorted financial self-interested incentives on the part of SILL members. In the examples of citizens' assemblies that have been conducted, the evidence is that those involved have generally paid attention, taken the task seriously, reflected and engaged about the different options, and come to sensible judgments that are supported by reasons that they are able to articulate.⁷ One reason to expect this is that many of the political issues that citizens' assemblies or SILL members confront are ones that they can see are serious political issues, but are also ones for which they don't have an invested opinion nor a significant immediate personal stake. Most participants in citizens' assemblies have found the experience rewarding and report feeling more connected to the political system and to their co-citizens after having participated.⁸ Even in the absence of capture, it is possible that SILL members could just seek to implement whatever policy would be best for them, personally. This would be somewhat surprising. Decades of political science suggests that most people actually vote altruistically or sociotropically, thinking about what would be best for the political community as a whole, not just with whatever is in line with their own material self-interest.⁹ It's possible that something about the lottocratic situation would alter this behavior, but it is hard to see what. Individuals would be more likely to make a difference to the outcome, just given the numbers involved, but this might cut in both directions. And those participating in SILLs will have much more available information and knowledge about the effects on others than voters standardly have, in addition to having much more extended engagement with others in making the decision. I hold out optimism for the ability of people to work with and care about others, and to reach decisions that reflect that concern. The available evidence—including citizens' assemblies that have taken up difficult and heated topics like abortion and same-sex marriage—suggests that this is the case. Just as we would be surprised by

⁷ See Warren and Pearse (2008); Fishkin (2011); Gastil and Wright (2019).

⁸ See Warren and Pearse (2008); Herath (2007); Fishkin (2011); Gastil and Wright (2019).

⁹ See, e.g., Sears and Funk (1990); Kinder and Kiewiet (1981); Chong et al. (2001).

the ten deciding to disregard the interests of the forty other plane crash survivors, so, too, I would be surprised by SILL members not thinking in a broad and expansive way, to the best of their abilities, about what would be best for the political community—while thinking also about their own interests as a part of that community.

That brings me to my final point about SILL representatives. Even if they were to think largely about their own situation and the situation of those they care about, this might still bring about good results, and better results than we see under electoral systems, as SILL members are demographically representative of the full political community. Plausibly, each of us has a better sense of what is in our interests (what will promote our own welfare, utility, autonomy, education, wealth) than other people—better than some central planner, autocrat, or technocrat. This is particularly likely once people have gone through the learning phase and broad deliberation. Our sense of what would be better for us might not be infallible, but it is likely to be better, at least, than that of someone who has never met us, never lived where we live, never believed what we believe, never cared about what we care about. There are concerns about adaptive preferences, false consciousness, and the like. But it is a comparative claim: each of us has a better sense of what is in our interests than someone who is very far removed from us, or who doesn't know us at all. That is a kind of anti-paternalistic thought that has some plausibility and goes back to at least Mill.¹⁰

A related thought might then be: each of us has a better sense of what is in our neighbors', or co-workers', or co-religionists' interests—better, at least, than someone who has never lived where we live, worked where we work, or believed what we believe. If SILL members voted based on their conception of their own interests, or on their own interests and the interests of those closest to them, and we aggregate those votes, that might still conduce to making good political decisions and to noticing and responding appropriately to extant moral-political problems. Importantly, even this kind of egocentric political engagement is very different than the situation in which a person is enriched not through the policy benefitting people in that person's occupational or socioeconomic category, but through kickbacks and payments of one form or another for making sure that the policy is what it is.

SILL members are to act as guardians, doing what they think would be best—taking into account their own interests, the interests of those they know well and care about, the interests of the broader political community, and the interests of everyone and everything that has interests. There is no simple hierarchy or weighting of these interests, and how they balance them will depend on the particular case. Nothing guarantees that they will do this, but it is at least not

¹⁰ At least the anti-paternalistic Mill (1859a: ch. 4).

unreasonable to think that they will, or at least do so well and often enough so that, working together, the SILL members and the lottocratic institutions they occupy will outperform electoral representative systems in terms of noticing and responding to the moral-political problems in our midst. I will argue for this at greater length in Chapters 13 and 14.

9.2.3. Structural Assemblies and Legislative Structure

Turning from a focus on SILL members to the broader institutional lottocratic structures, there are several important questions to address—even just about the legislative branch that is composed of the twenty different SILLs (we will get to other branches of government in a moment). There are, for example, questions of how the rules regulating the daily operations and structure of SILLs will be set, how bureaucratic staff will be selected and retained over time, what should happen if issues straddle more than one SILL area? There are questions of diachronic and synchronic policy coherence: what, if anything, will ensure that these single-issue legislatures will each make decisions that make sense, taken together, when considered at a point in time or over a span of time? How often will particular issues be revisited? Will there be mechanisms that limit or require this? And there are questions of budgeting. Who will assess how much money will be spent, by which SILLs, over how long a period of time?

One possibility for addressing these and other issues is to use what I will call “structural assemblies.” Structural assemblies would be permanent institutions used for a variety of purposes, including to oversee and decide upon proposals for SILL mergers when political problems straddle the issue-specific lines, to help define and revise the SILL coverage areas over time, to set guidelines on how often issues would be revisited or how long sunset provisions would last, to decide on budget proposals from the various SILLs, to select and monitor bureaucratic staff, and to set and revise rules regarding the selection of SILL members and the operation of SILLs. There is a question of who should be on these structural assemblies, and questions about which structural assemblies there should be. Since many of these issues are raised by the distinctive single-issue legislative structure, I take up those issues in Chapter 12 on the design and distinctive advantages and disadvantages of single-issue legislatures.

9.2.4. The Broader Political System: Executive Assemblies, Courts, Administrative Agencies

The lottocratic system is one in which randomly selected people serve on single-issue legislative bodies which are embedded in a complex network. There are

important questions about how this legislative structure is embedded in a broader institutional context. I will not offer a detailed picture of the full institutional framework, but it will be important to have at least a sketch, to enable some assessment of the various claims made later regarding the merits of the lottocratic system.

With respect to the judiciary, I will assume a system on which the basic judicial branch and constitutional framework is similar to that of the current United States. Imagine that there is a constitution with a robust bill of rights, overseen by a constitutional court composed of unelected judges, which sits atop an elaborate structure of federal courts of appeals and federal district courts. Importantly, I would not have those judges appointed by an elected executive. Instead, I will suggest that there should be a randomly chosen group of citizens whose job it is to make judicial appointments.

Given the concerns about elections presented in Part I, the largest questions concern the executive branch. One set of questions concerns what powers should be conferred to and what issues should be handled by the executive. A second question is who should fulfill the executive function and how should that person or persons be selected. Let's begin with the second question first. On the presidential republic model used in the United States and much of South America and Africa, the executive is a single individual chosen through some form of broad popular electoral process. On the various forms of parliamentarism in place in the United Kingdom, the rest of Europe, the Caribbean, and many former colonies of the British Empire, the executive is in power because of the specific support of the legislature, the parliament, typically meaning that the party in power in the legislature gets to have an aligned executive. There is much to be said about the advantages and disadvantages of these two systems, but neither is very attractive alongside the lottocratic legislative system.

Parliamentarism is unattractive because there is no reason to expect that the 9,000 people (20×450) serving on Federal-level SILLs at any particular time will be well positioned epistemically or politically to select a person or platform for the executive. One argument on behalf of the lottocratic system is that it will destabilize the worst aspects of ingroup/outgroup political warfare. But giving those 9,000 a role in choosing an executive would be likely to reintroduce this kind of division. If it did not, there is the further worry that there just wouldn't be any significant basis for the 9,000 to use to make their decision. It is true that the group would be demographically representative of the whole political community, but they wouldn't know anything much about what would make for good executive policy. They will at most know a bit more than others on the issues their SILL focuses on, but these are unlikely to intersect very much with the full range of issues within the typical executive's ambit. Parliamentarism in the lottocratic system would also further increase the political power differential between those who are selected to be on a SILL and those who are not in ways that might give us pause.

Electing an executive, as is currently done in the United States with the office of the President, is an even worse option. The main worry is that having a very powerful central office that is filled via mass election will bring back all the pathologies attendant to elections. One of these, in the case of the elected executive, is a steady aggrandizement and politicization of the office of the President, so that whatever restrictions are put in place in terms of the powers of the executive, these are likely to be ignored and exceeded as the President plays an increasingly outsized role in defining the political agenda, the content of party platforms, and the structure of almost all political discourse. Many books have been written about this phenomenon in the United States. We didn't want an elected monarch who will rule over us for four years at a time, but that is close to what we have now. Although it appears absurd to us now, the Founders of the United States envisioned a system in which it would make sense for the President to be the person who receives the most votes for President, and for the Vice-President to be the runner-up in that election. The role was supposed to be constrained, largely apolitical, and entirely non-legislative. Now we have an office that is as politicized as possible and which completely overshadows almost everything else in political life. As one commentator puts it, "in stark contrast to its origins as an office above party politics, the presidency today manifests a demagogic, aggrandizing, and politicizing impulse, one that feeds public perceptions of presidents as unbounded by law, standard operating procedure, and norms of official propriety."¹¹ The President oversees and populates a huge domestic and international bureaucratic system, with dozens of powerful political agencies; has a central (perhaps the central) role in the creation and enactment of legislation; has a dominant role in the composition of the federal judiciary and therefore the interpretation and protection of the constitution; effectively commands the military and a greatly expanded federal law enforcement and investigative apparatus; can issue executive orders on an astounding range of topics; and has a central place in the political imagination that enables the President to shift topics and attention with a press conference. It's far too much power for any one person, particularly in cases in which at least one of the two chambers of Congress is of the President's same party—eliminating the only real check on what the President can do. This story of "aggrandizement" of the role toward what is now an "imperial" presidency is perhaps the political story of the twentieth and twenty-first centuries in the United States, well told by many academic experts.¹² Given the embrace of the United States' strong central elected executive model by much of the newly politically independent world in Latin America and Africa, that story is also a global story with many unconstrained presidents, despots, and quasi-despots as central characters.

¹¹ James (2005: 32).

¹² See Schlesinger, Jr. (1973); Tiefer (1994).

It is no surprise, then, that it would seem a bad idea to pair an elected executive with the 9,000 randomly chosen citizens who together make up the legislative branch. That elected executive would have an even easier time setting the political agenda, dominating the SILL process, and creating and sustaining an ideologically divided political community. One question is whether this would remain the same if the elected executive were more explicitly limited in various ways. One obvious set of restraints would be to eliminate the executive veto of legislation, to place much of the tax revenue outside of the executive's control, and to thereby limit the executive's role in legislation and regulation through executive agencies. Still, given the history of attempts to limit the powers of the elected executive, I am not optimistic that these would be sufficient. And there are still the possibly corrosive effects on the political community of having significant, central elections as part of the institutional context.

So, it seems worth reimagining the executive branch in more fundamental ways. Doing this fully would require its own book and is a project worth undertaking, given the arguments of Part I and the general problems detailed in law and political science about the expanded, unrestrained executive in the all-too-common US model. But it is not the project of this book. Instead, I will just sketch the contours of a very different model for the executive branch. Doing this requires first saying something about the roles that are appropriately covered by the executive branch.

In the United States, the executive branch, headed by the president, is charged with the following heterogeneous responsibilities:

- vetoing or signing into law the proposed legislation that is supported by the legislature;
- executing the laws passed by the federal legislature through extensive bureaucratic agencies, including appointing the heads of federal agencies and issuing executive orders;
- enforcing the laws passed by the federal legislature through federal law enforcement agents;
- extending pardons and clemencies as desired;
- appointing federal judges including supreme court justices;
- appointing the heads of independent federal commissions;
- appointing ambassadors, overseeing diplomacy with other nations, including signing treaties;
- serving as commander-in-chief of the armed forces.¹³

¹³ After the War Powers Resolution of 1973, the President is allowed to use the armed forces in three situations: (1) an official declaration of war by Congress, (2) if the President is given specific statutory authorization by Congress, or (3) when there is a national emergency created by an attack on the

This list of accumulated responsibilities, along with the popular election of the president, has resulted in an absurdly powerful individual. It also doesn't make much sense to put these responsibilities together in one center of power. In civics classes in the United States, one learns that there are three branches of government, with three different roles: the legislature makes the law, the executive branch executes and enforces the law, and the judicial branch interprets the law and oversees the application of the law to particular cases. But this explains little. First, the basic idea that a distinct branch of government will be in charge of "executing" the laws should already give us pause. Enforcement and application of law are clearly different than creation of law, but what is execution of law? In practice, it has often meant filling in all kinds of details that end up looking quite a lot like creating laws, rules, and regulations that govern what people can do. Even leaving that aside, the long list of powers above is not evidently very closely related to anything related to "executing" the laws created by the legislature. It's much more of a grab bag of political powers, thrown together over a summer in the eighteenth century by men trying to keep political balance across several distinct actors, along with powers that have been accumulated over time as the federal government and the administrative state swelled in size. If the role is supposed to be focused on *executing* the laws, why does the President have a legislative veto? Why does the President get to appoint federal judges? (Why don't judges appoint other judges as vacancies emerge?) What does running foreign policy and overseeing the armed forces have to do with executing domestic legislation? There is no deep reason to put all these things together.

For thelottocratic system, I would suggest, first, that there be no executive veto of SILL legislation. Second, I would suggest that the SILLs themselves would be able to author legislation that created administrative agencies that would be responsible for carrying out and executing the detailed law and regulatory policy in that area. So, the Environmental Protection SILL might create something like the Environmental Protection Agency, which they would then be tasked with overseeing and monitoring over time, including appointing people to leadership positions in the EPA. If that task became too large for the SILLs along with their other roles, there might be agency oversight SILLs that were alongside the legislative SILLs. So, there might be both an Environmental Protection SILL and an EPA Oversight SILL. The latter could be smaller in number—perhaps more like 150 total people—and it could be composed of entirely randomly chosen people, or people chosen at random from a pool of those who had previously served on the Environmental Protection SILL, or it could be some combination of those. There could be explicit feedback and consultative mechanisms between the

United States, its territories or possessions, or its armed forces. In practice, this has meant that the President has a lot of discretion about the use of military force, as Congress has often given extended authorization to do so, and the third clause creates a lot of latitude.

legislative SILL and its corresponding agency SILL. Federal agencies that are now under the executive branch—like the Department of Transportation—could be agencies under the oversight of, or alongside of, the appropriate legislative SILL.

For the other central roles—appointing judges, foreign policy and diplomacy, creation and oversight of federal enforcement agents, and oversight of the military—we could consider the use of Executive Assemblies. Just to fill in the details as one possible sketch, we might imagine that these would be assemblies consisting of 450 randomly chosen citizens: 150 selected each year to serve a three-year term, selected and compensated in ways that are similar to the SILLs. They would each have a defined responsibility corresponding with the different functions of the executive. Here is an example of how the different assemblies might be defined for, say, the United States:

- Judicial Appointments Assembly;
- Federal Law Enforcement Oversight Assembly;
- Assemblies for Foreign Policy and Diplomacy for each of Sub-Saharan Africa, Middle East and North Africa, East Asia, South and Central Asia, Oceania, Europe, North America, Central America, South America, and the Caribbean;
- Armed Forces Oversight Assemblies for each of the Army, Marine Corps, Navy, Air Force, and Coast Guard.

The Judicial Appointments Assembly would be responsible for filling judicial vacancies on the federal bench by screening potential nominees, getting advice from bar associations and judicial associations, and so forth.

The Federal Law Enforcement Oversight Assembly would be responsible for monitoring the entities and agents responsible for enforcing federal law—criminal, immigration, tax, and so forth. There could be more than one of these assemblies for these different areas of law. They would have the responsibility to vet directors, hear concerns about policy and efficacy, and make larger scale decisions about the operations of these enforcement agencies.

The Assemblies for Foreign Policy and Diplomacy would oversee and appoint the ambassadors and state department officials for particular geographic regions; receive regular briefings regarding the issues affecting those regions; make some limited decisions about treaties, trade agreements, and other kinds of significant foreign policy adjustments in those regions; and be empowered to consult with the Armed Forces Oversight Assemblies about potential conflicts and threats. They would, as a group of 4,500 people, vet candidates and vote to appoint a Secretary of State who would be responsible for overseeing the entirety of the foreign service apparatus.

The Armed Forces Oversight Assemblies would collectively be responsible for the civilian oversight of the military and its use and could—as a group of 2,250

people—vet and elect a civilian commander-in-chief who would be responsible for overseeing the fully integrated military and carrying out military operations when the decision to use military force had been made. The decision to use military force itself could be made upon (a) an extensive briefing of the oversight assemblies along with the relevant foreign policy assemblies, (b) a two-thirds vote of the particular assemblies whose branches of the military would be involved, (c) a two-thirds vote of the foreign policy assemblies whose regions were implicated in the proposed military action, and (d) a majority vote of the other Armed Forces Oversight Assemblies. Additionally, if more holistic decision-making was desired, an additional element of the model could be to have fifty members of each of the fifteen foreign policy and armed forces assemblies selected at random and brought together to serve as a central International Executive Assembly where broad geopolitical concerns could be discussed.

For all of these, we might have concerns about the competence of those involved to make these determinations. If this proved a problem, various kinds of background qualifications could be put in place. For example, perhaps all those in the pool for the Judicial Appointments Assembly should have a law degree, or perhaps a third of those chosen should have a law degree, etc. Or the Armed Forces Oversight Assemblies could be composed of two-thirds randomly chosen civilians and one-third randomly chosen veterans of that branch of the armed forces. In general, when we consider how much is currently under the purview of the President, and how little time that person has in which to learn about all that is under their domain, the competence worry here strikes me as overstated.

Obviously, more would need to be said about the advantages and disadvantages of reconfiguring the executive branch by basically eliminating the incredibly powerful single individual at the top, and setting up many assemblies that would monitor and be guided by the workings of large bureaucratic agencies. These assemblies would begin with learning phases, although for executive assemblies the initial learning phase might be a more general introduction to the issues, courts, military branches, countries, or geographic regions for those beginning their terms.

There are many questions we might ask about this kind of reconfiguration. Let me say something about three of them. First, it is sometimes claimed that as a matter of “institutional competence,” some problems are best handled by a unitary executive headed by one person. Arguments are made that politically controversial issues should be addressed by the legislature (not the courts), that interpersonal disputes about factual matters should be handled by civil courts, that individual rights should be protected by unelected judges (or not¹⁴), that problems that

¹⁴ See Waldron (2006).

require technical expertise and enforcement oversight should be delegated to administrative agencies, and that emergencies that require speedy univocal response should be handled by the executive branch.

The executive branch is often undertheorized in these discussions, perhaps because it is such a hodgepodge of powers. But a common suggestion is that it is important to have a leader and it is particularly important that one have someone who has the role of making decisions expeditiously in the face of emergency circumstances. Upon reflection, this is puzzling. First, if the right kinds of rules are in place, one can brief a group on a crisis in roughly the same time that one can brief an individual. With modern technology, it is easy to connect and assemble a group of people even if they are in physically distinct locations. If the group is permitted to proceed without extended discussion, they should be able to vote quickly to make a decision—if time is really that short. Second, time is rarely that short. For most decisions, there is more time to decide. And that's true even in cases of crisis. And it's hardly as if the modern President is making these decisions without talking to dozens of people. The speed and numbers argument in favor of a unitary executive seems thin.

Second, although it might be useful to have a leader, there would be ways of recreating that by having, say, a civilian commander-in-chief who could play that role in military settings, or a secretary of state who could play that role in diplomatic ones. They would be reporting the judgment of a larger group of people, rather than just their own, but that seems compatible with leadership.

Third, although it might be important to develop expertise over time on these issues, the truth is that most elected executives are not experienced with the vast majority of topics about which they are newly required to make hugely important decisions. In the United States, they might serve between four and eight years, with much of that time focused on legislative issues, re-election, public perception, and their attention and time scattered over a huge panoply of political problems. Compared to an elected president, couldn't an ordinary citizen become much more of an expert on diplomatic policy regarding, say, India, if randomly chosen to serve on the Assembly for Foreign Policy and Diplomacy: South and Central Asia? At least enough to work with an assembly to offer useful broad oversight and limited policy direction guidance to and in consultation with career foreign service officers and diplomats?

There are obviously questions and concerns about the details, but I hope that the sketch provided at least suggests how we might reimagine the executive branch so that it is structured in a more citizen-driven, democratic, non-leader dominated way—and to do so without elections.

* * *

With the basic outlines of the lottocratic system in view, we can turn now to consider some of the more significant and perhaps troublesome elements in more

detail. The next three chapters will focus on the use and reliance on experts, the structure and role of deliberation and group discussion, and the distinctive use of and concerns regarding single-issue legislative structures. The three chapters after that will argue for the comparative advantage of the lottocratic system over the electoral representative system, at least under conditions like those that exist in many modern political communities.

10

Experts

Modern life, not just political life, is replete with dependence on expertise. I only know a tiny fraction of what there is to know. And I know this. And you are no different, whoever you are. In so-called modern societies there is an extensive and thorough division of labor. And with that division of labor comes a division of knowledge and situations of asymmetric ignorance and expertise. This chapter isn't about the full causes or explanation of this phenomenon; it is about problems that arise from this phenomenon: the problems of asymmetric ignorance, dependence on and evaluation of experts by non-experts, and how to bring expertise into moral-political problem solving while avoiding capture through the manipulation of expertise.

This is crucial in every modern political context. The size and scale of modern political communities results in political problems that are complex and difficult to understand, and in complicated institutions, laws, and policies proposed to address the problems. As a result, to be effective at noticing and responding to the moral-political problems that arise, every modern political system must rely on expert input. Electoral representative democracy does this with administrative agencies overseen (often at some remove) by either the legislative or executive branch, and through reliance on experts in the form of lobbyists and hand-picked experts brought in as consultants or to testify before Congress at various junctures in the process of discussing and creating legislation. The way in which this is done largely inherits and reflects many of the flaws of electoral representative democracy discussed in Part I.

In this chapter, I will focus on the use of expertise in the lottocratic system. This is an important issue for lottocratic institutions, as they rely in a central and transparent way on a learning phase to get ordinary citizens up to speed on complex topics that they might not know very much about in advance of being selected to serve on a SILL. There are two main issues to consider.

First, what is the relevant notion of expertise and who might count as an expert for purposes of speaking to the SILLs. What qualifications are required? Is there anything that would automatically disqualify someone as a potential expert who might speak to a SILL? How should we distinguish and frame experts and expert testimony as distinct from the testimony of advocates and stakeholders? What do we do in cases of overlap, where experts are also advocates or stakeholders?

Second, there is the issue of how experts will be identified and selected. This question becomes more complicated once the selection of experts comes to have

broader social or political importance. In that context, which is surely the lotto-crat context, worries about capture and distortion in the use and selection of experts looms large. Later, in Chapter 13, we shall take up the question of whether SILL members can learn what they need to from the experts they encounter in the learning phase and whether they can exercise sufficient independent judgment to sift through the expert testimony they encounter in an epistemically responsible way. Here, we will focus on the questions of the definition and selection of experts, focused on the issue of how they might be brought into the political process in an appropriate and epistemically attractive way.¹

10.1. Experts

When people hear the word “expert,” they might think of someone with advanced degrees, wearing a white coat, working in a lab holding up strange liquids while surrounded by glassware. We should be wary of defining experts and expertise too narrowly, however, as there are many bodies of knowledge and domains of inquiry for which there are no advanced degrees, and much of this is relevant to moral-political problem solving. We should notice that there are many different kinds and bases of expertise, and that these might not all look like the model we imagine when we think of someone with a PhD or other advanced degree.

10.1.1. Who Is an Expert?

Let us begin by offering a general account of an expert.² In abstract terms, we can say that an expert in a domain *D* is someone for whom some or all of these are true:

- (1) **KNOWLEDGEABLE:** they possess a high absolute level of propositional knowledge regarding topics in *D*—they know a high percentage of all that there is to know about *D*, or at least of the central or most important things to know about *D*.
- (2) **ABOVE AVERAGE:** they are significantly more able and more likely to answer a question in domain *D* correctly than people in the general

¹ This chapter draws on Guerrero (2017a, 2021b).

² I will focus on expertise that might be used to transfer information or knowledge to others via testimony, or in other ways used to help make political decisions. For that reason, I will leave aside discussion of expertise that might also be described in terms of skillful excellence, knowledge-*how* that is not based on or constituted by knowledge-*that* or propositional knowledge (if there is any such thing), and other instances in which a person might be an expert performer in some agential domain—dance, music, sport, and so on.

population, and both this ability and likelihood is because of the propositional knowledge they possess.

- (3) SOPHISTICATED UNDERSTANDING: they can identify considerations that are relevant to answering a question in *D*, even when they answer a question incorrectly or cannot answer a question.
- (4) LEARNING: they can deploy and develop methods that will help arrive at answers to, or understanding of, other currently unanswered questions within *D*.

These are not necessary and sufficient conditions for being an expert; rather, the better a person does with respect to each of these, the more of an expert they are with respect to *D*. A more demanding, thicker idea of expertise would require a person to do well by all four. Thinner conceptions might require only some of them. Consider these *dimensions* of expertise; an expert in a domain is a person who does well by some of these dimensions with respect to that domain. For the purposes of having a role in political problem solving and helping to inform political decision-making, it will be important to both cultivate and draw on experts who do well regarding all these elements.

Note that this conception of expertise includes both an absolute and a population-relative dimension. We can countenance experts who are knowledgeable but not above average: perhaps everyone in the population is excellent at answering questions in some domain. And there might be experts who are experts because they can get 40 percent of the questions in some domain right, while no one else in the population can correctly answer any of the questions, even though they still get more than half the questions wrong (let us leave aside the vexed question of how to count questions for these purposes). The population that is relevant will generally be the full political community, although in some cases it might be narrower (concerning the population of people with significant training or experience in some field) or broader (concerning even the full global community).

Note also that this conception of expertise and what it is to be an expert explicitly indexes expertise to domains. The broader *D* is, the broader the expertise of the person in question. An important and difficult issue is how to notice, limit, and police “epistemic trespassing”—instances in which people with competence or expertise in one domain move to other domains and continue to pass judgment on topics in those domains with equal levels of confidence.³ Ballantyne correctly notes that many intellectual advances come from people straying from their home terrain to take the methods and insights from their domain of expertise into new places. But he also warns that this must be done carefully and with appropriate levels of humility and engagement with genuine experts in those other domains.

³ Ballantyne (2019).

There are dangers that those with expertise and appropriately high levels of confidence in their abilities in one domain will come to think of themselves as intellectually excellent and knowledgeable in a domain-general way, so that they are more inclined than most to see themselves as knowledgeable about some topic even when that is not the case. A question that emerges in the political domain is how non-experts can notice and respond to cases in which a genuine expert in domain *D1* has strayed from *D1* to begin speaking with unearned confidence and in a non-expert way on topics in other domains *D2* and *D3*. We will come to that in a moment.

10.1.2. Varieties of Expertise, Interests, and Experts

On this account of expertise, there can be experts about all manner of topics. *D* could be anything at all: molecular biology, baseball cards, Brooklyn nightlife, the advisability of bottle-feeding infants before six months of age, whatever. There is a question of whether one can count as an expert regarding something ultra-narrow—e.g., the physical location of Madonna’s Grammy Award for Best Pop Album, 1998. There is a related question of whether one can count as an expert regarding something about which there is no interesting systematic relationship among the various propositions one knows—perhaps one merely knows the names of all the countries in Africa. I see little at stake in the question of whether one can be an expert about such topics. This ultra-narrow kind of expertise will only rarely be useful in political contexts, but if it does happen to be relevant, there seems no reason not to bring in someone as an expert even if the domain of their expertise is very limited. The most important domains of expertise typically develop a *community* of experts who engage with each other, evaluate each other, and criticize each other’s views. In some more formal contexts, these communities also certify and credential new members, impose training programs, and develop, record, and refine new methods by which to study the domain in question.

Notice that in the foregoing account of expertise nothing was said about the way in which a person comes to be knowledgeable, to be above average, to have a sophisticated understanding, or to contribute to future learning about a topic. One needn’t have attended any particular set of schools or courses, earned any particular credentials, or been trained in any particular way. The causal or historical route to expertise is irrelevant except insofar as it bears on these non-historical elements. Given the difficulty in discerning who is actually an expert, we may turn to various markers or evidence of likely expertise—things like credentials and degrees from accredited institutions and bodies are helpful here. But it is important not to mistake evidence of expertise for expertise itself. And it is particularly important not to restrict the conception of expertise to just those domains in which there are easily available and familiar forms of evidence of expertise.

It is worth saying something more about different kinds of expertise. In legal and political contexts, it is natural to think of bringing in a certain kind of academic or professional expert, someone whose expertise is the result of advanced training, who has evidence of this training in the form of advanced degrees or professional credentials, and who is naturally seen as a “disinterested” expert. They might care about their domain of expertise in some abstract sense, but they are not typically also centrally involved as an advocate for a political cause, nor is the topic “personal” to them in terms of being intimately connected to their non-professional, non-academic life experiences. This person might have to disclose some sources of funding or potential conflicts of interest as a result of their funding or employment, but they otherwise seem likely to just provide useful information and to serve as an epistemically valuable resource without any personal agenda or interest in the matter. This is typically viewed as the “gold standard” of the expert testifier: extensive, clear, impressive academic or professional credentials and intellectual record, along with no interest in the matter and no conflicts of interest due to employment or funding considerations.

I want to suggest this is not a good standard to have in mind, for at least three different reasons. First, everyone with expertise also has interests and an agenda. They are quite likely to care about aspects of the domain about which they have become an expert in ways that generate distinctive interests. If we simply look at academic or professional credentials and whether the person has previously worked as an advocate, we might miss this fact. The point here is not that no one can be trusted. The point is that we shouldn’t see the mere fact of an interest in a policy matter as disqualifying. Consider, for example, two examples who would seem to fit the traditional “gold standard” model:

An expert in the domain of lung cancer: Doctor Brantley, a 65-year-old pulmonologist, with undergraduate and medical degrees from Harvard, who has spent much of her career treating lung cancer patients and researching causes of and therapies for lung cancer. She has received substantial grants from the NIH, NSF, and other leading medical institutions, and has published hundreds of peer-reviewed articles in leading medical journals. She currently works at a leading hospital and medical research center.

An expert in the domain of military fighter jets and aviation systems technology: Colonel Marshall, a 67-year-old retired Air Force Colonel and engineer who was a graduate of the Air Force Academy, received a PhD in aeronautical engineering, spent twenty-five years in the military, and has been awarded a number of patents and honorary degrees from institutes of technology, and now works for Northrop Grumman as they develop new military systems technology for fighter jets.

Now, imagine that Doctor Brantley is being considered as an expert to speak about the effects of smoking on damage to the lungs and as a risk factor for lung cancer.

It is plausible that she has very strong views about lung cancer. She will almost certainly have an “agenda” in the sense of having reasons that motivate her to testify, and to do the work that she has spent her life doing. In a similar way, Colonel Marshall might care a lot about the fighter jet program. He might believe that air dominance is key to global peace. It is true in both cases that their employment depends on there being funding or commercial opportunities of various kinds. It is possible that might affect their views and recommendations. They should have to disclose these interests and attachments. But they are still experts on these topics.

It is worth distinguishing between two different senses in which a person might be *interested* or have *interests* in a topic. People are complicated, and their motivations can be complicated. Let us distinguish between two rough categories of interests:

- **Narrow Interests:** those states of affairs that an individual, A, prefers because A believes they will lead to or constitute improvements in A’s personal wealth, health, or the wealth or health of A’s close friends and family.
- **Broad Interests:** those states of affairs that an individual, A, prefers because A believes those states of affairs to be morally, prudentially, or otherwise better for people or entities other than just A herself or A’s close friends and family—this might be for one’s community, this population of non-human animals, one’s nation, all existing people, all existing and future people, all sentient creatures, and so on.

There might be states of affairs that one prefers both because of narrow interests and broad interests. We can call these cases of “mixed” interests. As noted, people are complicated, and it can be difficult to disentangle the different beliefs, desires, and reasons that drive them to do what they do. In many cases, people like both Doctor Brantley and Colonel Marshall will have both narrow and broad interests at stake. Importantly, though, although they are not “disinterested,” they are not just interested in a narrow way. They are not just looking out for their own pocketbooks, or to advance the interests of their own families, or at least they need not be simply because they have interests in the domain. There are worries about being self-deceived about this kind of thing—adopting one’s broad interests for what one takes to be other-regarding reasons, but which in fact are rooted in one’s realization of where one’s narrow interests lie. But many cases will not be like that.

The correct response to noting that these and other experts are often interested in at least the broad sense is not to seek out people who are (somehow?) entirely disinterested. The correct response is to make these possible interests known, to make sure that these interests are not leading them to say things that they don’t believe or which are misleading (e.g., by making sure that what they are saying

now aligns with what they have said and published before), to ask questions about these interests, and to adjust one's reliance on the testimony as appropriate.

A second, related reason to be wary of the traditional "gold standard" image of an expert testifier is that it is a mistake to think that those who are broadly disinterested are in a better epistemic position than those who are not. Absence of involvement or personal connection to the issue might be its own kind of distorting or biasing factor. Consider, for example, two experts who do not meet the "gold standard" ideal:

- An expert on the experience and trauma of sexual assault: Jane Dow, a woman in her mid-thirties who has been sexually assaulted, who has been through an extensive therapy program, participated in several groups that engage with others who had been through similar experiences, and who now works as a legal and policy advocate for women who have been sexually assaulted—working on reforming the legal system and other adjudicatory systems so that they better respect the rights and interests of those who have been assaulted and harassed.
- An expert on addiction and substance abuse, the workings of severely impoverished communities, and criminal justice reform: Langston Smith, a 50-year-old man who grew up in North Philadelphia, in what is derisively called the "Philadelphia Badlands," an area with a diverse mix of ethnicities (including significant numbers of Puerto Ricans, African-Americans, Irish-Americans, and Dominican-Americans), in which there is a high concentration of organized street gangs, open-air drug dealing, heavy users of drugs, and high levels of other associated crime. Smith himself was involved in both gangs and drugs and spent twelve years incarcerated because of this involvement. He obtained a college degree while in prison and is completing an MSW degree after being released from prison, focusing on addiction and substance abuse, while also working as an advocate for impoverished communities in Philadelphia, for prison and criminal justice reform, and for improvements in drug and substance abuse treatment.

In both cases, we should expect to see these individuals working as part of a broader community of people who could attest to their knowledge and expertise. But they both also care personally and passionately about the issues, because of their own personal experience with those issues. Indeed, these are cases in which their expertise develops as a result of their personal experience. This personal experience is a common cause both of the expert knowledge about a topic and their broad interests in that topic.

Our experiences shape us along at least two dimensions: they affect what we believe and know, and they affect what we care about. They affect what we become experts about, and they affect what interests we have. All experiences have the

potential to affect us in these different ways, and all experts will have some broad interests in play. The difference here is one of degree, not kind. Still, in these common cause cases, the effects are deep, sustained, and hard to disentangle. What I want to stress is that it is a mistake to see this kind of common cause background as incompatible with expertise or as a reliable route to epistemically troubling forms of bias. We should not think that this kind of common cause background leads to troubling forms of bias. And we should be more skeptical than we are of those who claim to or appear to have no personal experience with an issue, nor any personal attachment or investment that stems from personal experience.

Consider Jane Dow and Langston Smith. One might grant that they have expertise (one might also deny this, but let's leave that aside for now), but argue that they will be overwhelmed by their biases, so that whatever epistemic advantage might have been conferred by their expertise will be cancelled out or outweighed by the epistemic disadvantage stemming from their biased interests. Consider, for example, the possibility of Jane Dow—who has been sexually assaulted, and now works extensively on addressing sexual assault as a social problem—speaking as an expert about policy to address what many refer to as “rape culture”—the systemic legal, cultural, and social practices that increase the incidence of rape. The worry is not that Jane Dow is not an expert about sexual assault—what it is like, how it commonly transpires, how people respond to it, the procedure for reporting and adjudicating sexual assault claims, obstacles to successful prosecution of these cases, and so on. The worry instead is that Jane Dow, because of her experience and values and interests, will misapply her expertise, so as to be biased against those accused of sexual assault, to be less concerned about procedural safeguards that benefit the accused, and so on. She might be accused of “having an agenda” rather than simply being a disinterested expert.

In a sense, this is just the general worry we might have about bias due to interests. Let us leave aside cases in which the experts have narrow interests in play. Should we still worry about including them on the grounds that, for example, these interests will lead them to misjudge questions outside of their expertise, or to overstate their confidence in some policy matter, or to weigh non-epistemic value issues in a distinctive way that leads them to their particular conclusions? It is hard to answer this question in a general way, for all possible experts. It is an empirical conjecture that people with broad interests will be biased in some distinctive way. Still, several responses are available which would seem to shift the burden to justify excluding this kind of interested expert.

First, once we move from narrow interests to broad interests, there are many questions such that everyone who might be brought in to answer them has *some* distinctive, related interests. Second, for some questions and issues, everyone will not just have broad interests of some kind or other, but broad interests and

distinct normative perspectives that are *born of their own personal experience or lack thereof* with respect to issues relating to that question. Everyone has a race, everyone has a sex, everyone has a socioeconomic class, everyone has an employment status, everyone has an immigration status, and so on. We must be careful to avoid the mistake of only noticing certain people's interests or potential biases, because they depart from background baseline expectations about what the "neutral" perspective would look like. Martha Minow makes this point in discussing the case of Judge Leon Higginbotham, an African-American judge who was asked to remove himself from a race discrimination case, on the grounds that he could not be impartial because of his race.⁴ In declining to do so, he noted that "black lawyers have litigated in the federal courts almost exclusively before white judges, yet they have not urged that white judges should be disqualified on matters of race relations."⁵ We might ask, then, why should the "neutral" baseline background experience be appropriate for an expert working or speaking on the topic of sexual assault and law and policy relating to sexual assault? Tragically, it is not because this kind of experience is statistically uncommon.

More importantly, the perspective, knowledge, and interests of those who have *no* familiarity with the experience of being sexual assaulted is its own distinctive, plausibly biased perspective. So, too, if we imagine someone who has never had the experiences that Langston Smith has had thinking about the communities in which he has lived and developed his perspective on criminal justice, substance abuse, and poverty. Once we note that all or almost all people will have biases and blindspots, it should be evident that the objectionably biased process would be to include only those experts who have *one kind* of bias. Being too far from a topic in terms of personal experience and broad interests can bring its own epistemic dangers. As Martha Minow puts this concern: "I am troubled by the suggestion that bias may arise when one is too close to but not when one is too far from a problem."⁶ For example, if one has no personal experience with sexual assault, one might be surprised by the fact that those who have been assaulted often continue to engage (apparently normally) with the person who perpetrated the assault, they might continue to show that person affection in various ways, they might not report what happened to the police or talk to close friends about it, and so on. One might also be surprised at how devastating and debilitating the experience can be, even years after the fact. Having someone like Jane Dow speak as an expert might be effective at combatting this ignorance, both addressing the ignorance in the way that anyone might, but also having a different evidence base on which to draw in responding to questions and disbelief.

⁴ Minow (1992).

⁵ *Pennsylvania v. Local Union 542, Int'l Union of Operating Eng'rs* (1974), p. 155, at 177.

⁶ Minow (1992: 1206).

A third reason for being wary of the “gold standard” model of experts is that there may be important domains of knowledge that are not covered by academics and professionals, for which there are no academic or professional credentials that can be conferred on experts regarding those domains. This obviously doesn’t imply that there aren’t people who are experts with respect to those domains. It does mean that we will have to identify them in other ways. Think of someone like Langston Smith and the topic of “what is it like to grow up and live in the Philadelphia Badlands.” Of course, a certain academic expert approach would be to take a sociological approach and interview lots of people who have had those experiences and to then draw some conclusions. But, first, that will be to rely on these people as certain kinds of authorities, despite their likely interests that would inform what they say and report. And there will be choices and potentially significant biases in how to survey and aggregate what one learns from these individual experts about their own experiences to attempt to say something more general. And, second, there might be cases in which proceeding in this way leads one to miss out on crucial dimensions of the question, to import one’s own expectations and prejudices (a common problem throughout the history of anthropology and sociology) as a “disinterested” outsider, and to reach inapt answers and to offer faulty interpretations as a result. Here again we might consider the insights of standpoint theory that suggest that what one is able to notice and explain may be partly a function of one’s social position and attendant social experiences. This might create a distinctive expertise in those who have had these background experiences. Even if an academic approach would be preferable, there are many questions that have not attracted the notice or attention of academics.

We should not limit our conception of expertise to the “gold standard” model. We should include as experts those who are, with respect to some domain, some combination of highly knowledgeable, above average in their knowledge, possessing of sophisticated understanding, and capable of contributing to future learning within that domain. These four dimensions of expertise should be of central concern. The “gold standard” would then require in addition that the expert in question also have extensive, clear, academic or professional credentials and intellectual record, along with no broad interest in the matter and no narrow conflicts of interest due to employment or funding considerations. This is often an impossible standard to meet and an undesirable one to set out as the ideal. If we have the “gold standard” in mind as the ideal, and if we are less inclined to seek out or trust those who do not meet that ideal, then our conception of expertise will be imperiling the epistemic performance of our institutions that rely on expert input. We should work with a more expansive conception of expertise that sees expertise as compatible with being an interested (rather than a disinterested) expert. And we should countenance expertise that comes through personal experience, occupational experience, and other non-academic sources. There is a wide range of people who will do well by the four aspects of expertise identified above. Some

of these people will have professional credentials, some won't. This broader range of expertise will often be relevant and essential to include in the lottocratic learning phases, as it is essential to doing well at identifying and responding to the moral-political problems that confront a political community.

10.2. Expert Selection and Concerns about Capture

Having made the case for a more expansive conception of expertise, many hard questions about the use of expertise in lottocratic institutions remain. How do we—as non-experts—decide that someone should be viewed as a qualified expert with respect to a particular domain? Having settled upon the people who do count as qualified experts in a domain, how should we select one or a few of them to have a role in speaking to the SILLs during a learning phase? Finally, in considering both these questions, how do we avoid distortion or effects of capture in the creation, credentialing, and selection of experts?

The first question, the question of how non-experts can identify and rely on experts in an epistemically responsible way, is not new. Plato struggles with the problem in *Charmides*. More recently, Alvin Goldman has focused on the problem of a non-expert trying to determine which of two purported experts to believe in cases in which they disagree.⁷ Douglas Walton, Harry Collins and Robert Evans, and Elizabeth Anderson all offer criteria or mechanisms which they suggest can be helpful for non-experts when assessing and relying on experts and expert testimony.⁸ Throughout, I will assume that one of the strategies that is not available is simply to have the non-experts *become* experts. Addressing our relative ignorance of the domain directly is not an option. Asymmetric expertise is a pervasive and permanent feature of modern life. There is some hope that SILL members will become, at least by their second and third years of service, more knowledgeable than most on the topics within the SILL domain, particularly those topics that constitute something like basic background knowledge. This might help them assess expert testimony, although still in a non-expert way.

There are at least four questions that non-experts might need to answer when discerning whether it is appropriate to rely on testimony of a purported expert. It is important to keep them distinct:

EXPERTISE

(Q1) Is this person, E, an expert in this domain, D?

COMPARATIVE EXPERTISE

(Q2) Is purported expert E1 more expert in domain D than some other purported expert, E2?

⁷ Goldman (2001).

⁸ Walton (1997); Collins and Evans (2007); Anderson (2011).

SINCERITY OF TESTIFIER

(Q3) Does E believe her testimony is the truest thing she is able to say on the topic in question?

QUALITY OF TESTIMONY

(Q4) Is this piece of expert testimony, T, likely to be reliable (accurate, true)?

The first question is to be assessed by considering the four dimensions of expertise: is the person highly knowledgeable regarding the domain, above average in their knowledge, do they possess sophisticated understanding of questions in the domain, and/or are they capable of contributing to future learning within that domain? But even if we have answered the question of expertise, these other questions remain. One might be an expert but have reasons to deceive or mislead. That is a central case we will be considering. Importantly, the answers to questions (Q1) and (Q2) may be completely distinct from (Q3) and (Q4).

My aim in this section is to consider the systemic elements needed to convert learning phase contexts into “reliable expert” contexts—contexts in which expert testimony might be the grounds for justified, reliable belief and in which expert testimony might transmit knowledge to non-experts. These elements, if realizable, would be sufficient to help non-experts arrive at reasonable (although of course, fallible) answers to questions (Q1)–(Q4) in particular cases.

There are three significant worries. The first is the possibility of being fooled by pseudo-experts—people who talk the talk or look the part, but who are not actually experts. This could happen just as a result of non-experts getting it wrong. But given the significant role of expert testimony in the learning phases in the lottocratic process, there is a distinct worry about the manufacture of pseudo-experts as a way of corrupting, distorting, and effectively capturing the political process. The second is the possibility of genuine experts being bought off by powerful interests who would like to distort the process, so that these genuine experts say things that don’t reflect their actual views—whether engaging in outright lying or just various forms of misdirection and deception by omission. The third is the possibility of genuine experts who have minority, divergent views in their expert community, but who are over-selected or cherry-picked so that this divergence isn’t apparent to the non-expert SILL members. Ideally, there would be structures and practices in place that would help avoid all three perils.⁹

There are several structural mechanisms by which experts could be selected to speak before SILLs. One would be to have the SILL members themselves responsible for identifying experts who ought to speak as part of planning the learning phase for future legislative sessions. Given that they are not experts on the topics in question, it is not clear how they would do this without help of some kind. A second mechanism would be to have a Learning Phase Structural Assembly—made up of

⁹ For discussion of these and other concerns in the vicinity, see O’Connor and Weatherall (2019).

veteran SILL members—that was responsible for expert identification and expert selection and for creating the learning phase plan for each of the different SILLs. This might be better than the first option, but it would still be a difficult task even for a dedicated structural assembly, at least without further help. In looking for help, there is a worry that those offering help would make things easier, but in the way that lobbyists make legislative drafting easier for captured legislators. There are three additional components—disclosure statements, track records, and expert peer assessments—that can help in a less worrisome way. My ultimate suggestion will be to build all three of these into a database of experts that would be used by a Learning Phase Structural Assembly—but let us work our way to that solution.

10.2.1. Disclosures of Interest and Possible Sources of Bias

Most writing about the problem of relying on experts or expert testimony, including Goldman, Collins and Evans, Anderson, and Walton, note that it is important to have expert testifiers disclose potential or actual conflicts of interest or possible sources of bias. The hope is to achieve some combination of (a) discouraging allowing experts to testify if they are obviously biased in a narrow interest way, and (b) ensuring that those hearing the testimony can discount it appropriately given the existence of a possible bias or conflict of interest. In some cases, learning about sources of funding is also a way of learning about the invalidity of an individual's credentials or claims to expertise—they can only get funding from *Institution with Ideological Agenda* or *Industry Attempting to Evade Regulation*—something I will discuss in the section on credentials below.

It is plausible that, before relying on testimony in any context, and in particular in a politically significant context, it is important to be aware of possible biases or conflicts of interest on the part of the speaker. At the most extreme end, if one knows that the person is being paid by A to say Y, that the *only* reason the person is saying Y is because they are being paid to do so, and that A wants us all to accept Y regardless of the truth of Y, then one should entirely discount the person's testimony as a reason to accept Y. And one certainly shouldn't accept Y based on the person's testimony.

Unfortunately, most cases are muddier than this. Here is an initial problem: almost all experts will have biases and interests to disclose, at least if we go beyond the usual but unduly limited focus on sources of funding and compensation. People have interests in making a name for themselves, in obtaining power and prestige, in having their views more widely known, and in getting you to believe what they want you to believe (and not because they believe it, but because it is useful for them if you do). They also might care about the issues they have spent a lifetime working on and researching. These other biases and interests will not always raise epistemic concerns. Perhaps the best way to make a name for oneself

is to be the best and most reliable source of knowledge in some domain. But the concern is that these other interests may sometimes or even often diverge from purely good epistemic practices.

Generally, it will not help us much to learn that a purported expert has an interest in the matter. We already know this. It might be useful to learn more about the details of their interest. But this is at most a necessary element of creating a context in which SILL members can justifiably rely on expert testimony. It is clearly far from sufficient.

10.2.2. Track Records

Another thing that might help non-experts answer questions (Q1)–(Q4) and help us create a reliable expert context in thelottocratic learning phase is the *track record* of the expert under consideration. What a track record might look like will depend on the domain in which the person is an expert. The track record of an expert mechanic will be different than the track record of an expert historian, although each consists of a record of attempts to use and develop knowledge about the domain of expertise. In some cases, the denominator and numerator will both be important: how many attempts were there? how often were they successful? Think of architects and engineers designing and building bridges. In other cases, what is important are the successes: how much has this person done to develop knowledge in this domain? Think of research scientists. Even there, it is important how success has been obtained.

But there are potential problems with track records. One difficulty is that the track record itself can be hard for non-experts to assess. If we are not experts, we will be poorly placed to evaluate the merits of various results and accomplishments obtained in the past by the purported expert we are considering. Goldman notes that in some cases what might have at one point been *esoteric*, expert knowledge, can become *exoteric*, common or easily obtainable knowledge. So, perhaps in 1990, a purported expert predicted, based on some elaborate astronomical theory, that there would be an unusual lunar eclipse on April 30, 2020. Prior to April 30, 2020, it might be hard for a non-expert to evaluate the model and calculations involved. But after April 30, 2020, almost anyone could evaluate whether the unusual eclipse took place. So, that might help in some cases. In other cases, the record will be more easily observable. There are 150 people all of whom have used the same mechanic for years, and all of whom always found both that the mechanic gave them the best price of any mechanic they consulted, and that the problem always was resolved after one visit to the mechanic and never recurred. That should give non-experts some confidence that the person is an expert, that she gives sincere recommendations, and that in a particular case she is likely to have the correct answer.

Call this kind of track record an *exoteric record of expert success*. This kind of track record is in principle observable, understandable, and knowable by non-experts, and is such that it provides evidence that a particular individual is an expert in a particular domain. If it were made available to SILL members or to a Learning Phase Structural Assembly, this would be helpful to them in deciding whether a person counted as an expert in a particular domain. Unfortunately, an exoteric record of expert success may not always be available. And it might be unclear to a non-expert what the relevant bounds of the domain of expertise of an individual are, even if one has access to an exoteric record of expert successes. A natural response might be to limit the domain to something very close to those historical cases of easily observable and understandable expert successes, but that might narrow the domain considerably.

Another kind of useful track record is not about the expert's performance, *qua* expert, but about her *record of epistemic integrity*. This will be important for providing answers to (Q3) and (Q4) in particular. Anderson offers ideas in this vein in her discussion of "criteria for judging honesty" and "criteria for judging epistemic responsibility."¹⁰ Things we might be interested in include the following:

- evidence of previous expert-related dishonesty (e.g. plagiarism, faking data);
- evidence of a record of misleading statements (e.g. cherry-picking data, quotations out of context);
- evidence of a record of misrepresenting views of expert opponents;
- evidence of evasion of peer review or refusal to allow other experts to assess work;
- evidence of refusal to disclose data, methodology, or detailed results;
- evidence of refusal to disclose results contrary to the expert's own views;
- evidence of "dialogic irrationality": repeating claims after they have been publicly refuted, without responding to the refutations;
- evidence of a record of "over-claiming" of expertise: claiming expertise beyond the expert's domain of expertise;
- evidence of a record of "lending" one's expertise to support other individuals or institutions that themselves lack epistemic integrity in the above ways;
- evidence of being an "opinion for hire"—offering expert testimony for pay, perhaps particularly if that testimony conflicts with other things the expert has said.

These are all ways in which an expert might lack "epistemic integrity." Of course, they won't all be relevant for all kinds of experts we might encounter. There is nothing quite like "peer-reviewed journals" for mechanics and world-class

¹⁰ Anderson (2011: 146–9).

apiarists. That said, there might be similar institutions in those domains that aim to assess the work and veracity of these experts. As with records of expert success, there will be both esoteric and exoteric records of epistemic integrity. Some of these records will be difficult or impossible for non-experts to access or understand; others will be relatively straightforward to access and to understand.

In cases in which they are available, both exoteric records of expert success and records of epistemic integrity will be of significant value in creating a reliable expert context. That is, when they are available, and when they strongly support a particular expert as both expert and of high epistemic integrity, testimony from that expert can be the basis for justified belief and can transmit knowledge. We could confidently select such a person to speak before a lottocratic body. Unfortunately, one needs evidence of both kinds of records. One or the other usually won't be sufficient, since one might reasonably believe the person is an expert but have no evidence of trustworthiness or sincerity in particular cases, or vice versa.

The general problems with track records are availability and intelligibility. Either they won't exist at all, or they won't exist in a publicly available form, or they will be difficult for non-experts to understand. Unlike with credentials, track records do not come easily attached to particular experts. Those with training and motivation will, in some cases, be able to uncover relevant evidence. But this will often be difficult outside of high-profile cases of explicit and detected academic fraud. For some decisions about trusting experts, such as hiring a doctor or mechanic, one can use local knowledge to help develop and uncover useful track records. Some of this local knowledge will be gathered and organized by commercial entities such as Yelp, Better Business Bureau, Angie's List, and so forth. We could imagine creating non-commercial systems as well. Anderson suggests that internet searches and sources like Wikipedia can help non-experts. But we should be wary of these as general resources for obtaining information about experts and their exoteric records of expert success or epistemic integrity. The information available for many experts or purported experts is patchy, unreliable (often the result of self-interested efforts at image management), and too esoteric for non-experts. And there will be topics and kinds of expertise for which a track record of success is not available—either because the field is too young, or because there is not an adequately broadly accepted view about what counts as “success” in the field.

10.2.3. Experts Assessing Experts: Credentials, Exams, Licenses, Peer Review, Rankings, Awards

A natural complement for the patchy, possibly unreliable, and irregular track records that might be available to non-experts are the relatively more systematic ways in which experts evaluate and mark other experts. There are many ways in which experts assess each other or allow or restrict entry into their community of

experts. Universities, professional schools, and other educational institutions involve experts—professors and various academics—assessing the work of future experts or experts-in-training. These institutions themselves are subject to regular expert review, ranking, and accreditation. Work of those in training must meet a certain standard to earn various grades and credentials. In some cases, exams—written by experts, to test for expertise—must be passed. For progression in many careers, one must receive favorable evaluations by recognized experts—in the form of “letters of recommendation,” financial grant support for research, and/or satisfactory review of one’s work through various forms of peer review. For many professions, one must obtain a license from a professional association or governmental body (or both) before one is allowed to work as an expert. In some fields, experts regularly review each other’s work in public settings and contribute to published reputational ratings and other forms of rankings.

These mechanisms do much of the heavy lifting in sorting experts from non-experts in modern societies. There will be some kinds of expertise—particularly those based on general life experience—for which these formal credentials and markers are not the main evidence of expertise. But for many kinds of expertise, credentials of some form are at least a minimum qualification. So, are these enough to help us answer our central questions (Q1)–(Q4), so that we can epistemically appropriately rely on experts?

Unfortunately, not entirely. As with disclosures of interest, knowledge of credentials, licenses, institutional affiliations, and so on might be necessary to help us answer (Q1) concerning whether a particular person is an expert in a domain. But there are still concerns.

First, the details of the credentials, institutions, degrees, rankings, reputation ratings, and so on all matter a lot for assessing both whether the person really is an expert (Q1), and questions of comparative expertise when looking at more than one expert (Q2). But non-experts are in a bad position to assess those details. Our ignorance regarding these matters is what generates the problem in the first place. This makes it possible to make a person look like a well-credentialed expert without them being an expert. Institutions can be created that purport to provide expert credentials, but which are in fact shams. Professions have reputation ratings that confer “excellent” ratings on everyone, nearly everyone, or everyone willing to pay to be included. Or a person might have an expert credential in *D1* but suggest that it provides evidence of expertise in *D2*, with *D1* and *D2* being difficult for non-experts to distinguish. The evaluations made by experts (or even whether the evaluations really are made by experts) can amount to esoteric knowledge masquerading, troublingly, as exoteric knowledge.

A second difficulty is that some entities are promiscuous in bestowing credentials, overly reluctant to revoke or challenge claims to expert status, or are even essentially just institutions generating pseudo-expertise or helping to support the credentials of pseudo-experts. For example, educational institutions have

powerful financial incentives to enroll and graduate enough students, particularly in the world of for-profit educational programs. Professional organizations often self-regulate and set standards for membership (that was the idea of having experts judging experts!) and for predictable reasons have a hard time disciplining or expelling those who fall short of professional standards. Enough financial or political support can create credentialing institutions even when they have no or only inadequate expertise attached to them. And commercial entities and industries have even made the effort to create institutions and “peer-reviewed” journals so as to bolster the credentials of those pushing the line they prefer.¹¹

So, even for addressing (Q1), these mechanisms have limitations. That said, they are at least sometimes important and reliable, and there are institutions that have better and worse track records themselves in terms of both expert success and epistemic integrity. With respect to (Q2), then, it may be possible to form reliable judgments about answers to this kind of comparative question if one is dealing with a case in which one of the two experts has obviously better credentials (more of them, from a broader set of institutions, which themselves have a better track record).

An additional element of experts evaluating other experts is the ways in which expert communities in a domain are created and sustained over time, with many of the members of that community coming to know each other and learn from each other. With this comes policing of boundaries of various kinds, including the creation of more formal societies and membership organizations. But some of this remains more informal. This is particularly true for expert communities that are not as closely associated with formal institutions of expertise and accreditation, or for communities that cross disciplinary and professional boundaries. Experts whose expertise is drawn from occupational and lived experience may have worked for decades in those roles, coming to know others with similar experience, and have elaborate informal networks even if they do not form official organizations. In some cases, they will have shared projects as reformers and advocates working together. In other cases, their interactions are more those of colleagues looking to learn from, mentor, and support each other. This is the kind of expert community we might expect to find people like Jane Dow and Langston Smith working within, even if they also take part in more official, formal organizations. Still, as outsiders to these communities, we might be able to draw on them as a point of reference for identifying experts.

A related possibility, the subject of much discussion in the law, is to pay attention to the extent to which an expert is aligned with the “expert consensus” in their field.¹² We might want to know this either in general or with respect to the specific

¹¹ Proctor and Schiebinger (2008) offers a host of real-world examples of these efforts.

¹² For discussion of the standards of admissibility of expert testimony in law, and the role played by alignment with expert consensus, see Haack (2008) and Brewer (1998).

testimony we are assessing. As with these other mechanisms, knowing that the person is broadly supported in their view by other experts is a way of strengthening our epistemic justification for thinking that the expert is reliable and for accepting the testimony. On the other hand, there are worries with looking to expert consensus. Additional supporters only lend support to our epistemic position if those supporters have credibility on the topic and are at least partially conditionally independent of each other. As Goldman puts it, they must not be mere non-discriminating “reflectors” of each other’s view, or of some third party’s view.

So, in some cases, credentials, membership in communities of experts, and other forms of expert judgments about experts can be helpful. But they do not help directly with the issues raised by (Q3) regarding trustworthiness, sincerity, and epistemic integrity. Academic institutions and professional organizations do attempt to train individuals to behave ethically and with integrity, but it would be naïve to think this ensures the epistemic integrity of the members of these communities or the holders of these credentials. Only the most flagrant violations are sanctioned. Some of these expert communities lack any kind of enforcement or central oversight capability. Finally, the external financial interests are often considerable—that is often why people pursue the degrees, licenses, ratings, and other credentials—and those interests can generate potential conflicts. This is an additional reason to take “expert consensus” seriously, if experts in the field do not all have the same incentives. Consensus in such a case suggests that the testimony is not unduly motivated simply by financial interests.

10.2.4. Incentive Alignment Strategies

In some cases, it might be possible to improve the alignment of the interests of experts and the interests of non-experts. If there are ways for the non-experts to gauge whether experts have successfully answered some question, made some prediction, or solved some problem—if these things are or can be made exoteric in the right way—it can be possible for non-experts to offer rewards or impose penalties, or for experts to make credible commitments of one form or another. This happens, in an obvious way, in various marketplaces for experts: a lawyer working on a contingency fee, investors who are required to disclose their investment success rates, and various forms of legal or financial liability for experts who fall below some standard of reasonable expert conduct.

These forms of alignment and reward and explicit bonding won’t always work. There needs to be some relatively exoteric, observable fact that can be the basis for reward or punishment. And there are dangers of setting the benchmark in the wrong place. For example, consider the way in which attaching executive compensation to various financial targets and stock prices can lead executives to engage in fraud and other forms of misrepresentation to boost stock prices or

meet financial goals.¹³ Or consider the difficulty in ascertaining whether some physician conduct fell below the standard of care so as to constitute negligence. It will often require expert judgment to make these assessments and then we must again confront the problems of experts regulating themselves.

One nice feature of these strategies, when they can be devised effectively, is that they can help both with ensuring expert performance and ensuring reliable performance, since the dimension of trust drops out if the target is placed appropriately and is sufficiently exoteric and observable. For that same reason, these do not so much solve the problem of relying on expert testimony as obviate the need for a solution to that problem.

In thelottocratic context, we might imagine paying experts who come to testify, but perhaps having a significant amount of that pay conditional upon either (1) that expert's testimony being evaluated by and receiving a certain kind of rating score from a distinct group of experts, or, more difficult, (2) that expert's testimony being a part of a policy process that actually addresses a specific political problem in some specified amount of time. For that second kind of mechanism to work, there would need to be detailed specification of the problem and what constituted a solution or at least an improvement with respect to that problem.

10.2.5. Expert Selection and the Database of Experts

Let me summarize the basic situation we are in as ignorant, non-experts trying to think about how we might reasonably rely on expert testimony. We often use broad appearances, but these are unreliable and unlikely to be helpful in any detailed way with answering any of the four core questions: (Q1)–(Q4). Disclosure of biases and interests may be necessary, but not sufficient, particularly in cases in which all experts have biases and interests and we know this. Track records—particularly exoteric records of expert success and records of epistemic integrity—can be helpful, but they are not easily available, if they are available at all. Expert judgments about experts can also be helpful, but are often more esoteric than exoteric, can be significantly misleading in cases that we might call “false credentials,” and are subject to biases and other problems stemming from the fact that these are communities that have their own internal reasons for producing the evaluations that they do. Finally, incentive alignment strategies have promise, but are difficult to implement and operationalize.

What should we think about this? Here is one place where institutional reform might improve our epistemic situation. Consider this sketch of an idea: a Database of Experts. This database would include thousands of different domains and

¹³ For discussion, see Guerrero (2004).

subdomains. Think of the complex organization and taxonomy of something like Wikipedia. All individuals who wanted to be considered as a possible expert to speak before alottocratic body (and also, perhaps, before a court) would have to register. Registration could also be encouraged or even required by universities and accrediting institutions, professional societies and associations, and other sites of expertise. When an individual registered in the database, they would provide their full name and contact information and identify the domains in which they wanted to be considered as an expert. This database would include all relevant credential information, relevant work and professional experience, relevant achievements demonstrating expertise and professional accomplishment, and other material that might typically be included in a biosketch or professional resume. It would have as full a history as possible of both esoteric and exoteric records of expert success and records of evidence relevant to the individual's epistemic integrity. These records and other information in this database could be updated regularly, perhaps when people sought promotions or grants or other markers of professional advancement, and submitted by the experts themselves, users, other experts, and non-experts. These submissions would have to be screened for veracity and could be marked as "contested" or "attested to" by various people (perhaps with the names of the persons contesting or attesting attached). Existing institutions and bodies involved in assessing experts could submit their own contributions regarding ratings, professional credentials, and so on, so that the database would not replace these things if they already existed but put them in broader context along with other sources of information about particular experts. For the system to work, it would have to itself be run and maintained by some neutral entity—in something of the way that Consumer Reports or the Better Business Bureau work for products and businesses. Domains for which there were well-established markers of expertise could be regulated by current members of that expert community, perhaps with distinct classification or highlighting of those listed individuals who had attained some marker of expertise: a PhD or tenured faculty position from an accredited university, successful passage of a bar examination or medical board exam, and so on.

In general, the Database of Experts could be designed more inclusively—allowing those who met some minimal criteria and wanted to be listed to be listed—or exclusively—having some group of experts (expertise experts, perhaps) determine the bar to inclusion in the database for different categories of expertise. On the former, inclusive route, the idea would be that mere inclusion wouldn't be of much significance; what would matter is what then goes in your file. On the latter route, being included itself would be some reason to think that a person was an expert, but there would then be hard questions about exactly who should be involved in determining what credentials, experience, and so on are required to be listed in the database. One possibility would be to allow there to be different

databases, used for different purposes. Another possibility would be to have tiers of experts within domains, based on factors relevant in that domain: degrees, professional credentials, years of relevant experience, recommendations and peer rating scores, publications, cases tried (patients seen, bridges built, clients counseled, etc.), and other evidence of expertise relevant to the domain in question. The criteria would be different for different domains, but there could be a similar A-level, B-level, C-level designation and categorization.

This database would be useful for non-experts in ordinary life, but also for officials within legal and political systems attempting to discern whether an individual can be relied upon for information or even appointment to important technocratic or bureaucratic posts. It would also be useful for journalists and news media attempting to decide which experts to use as expert sources. The core idea would be to centralize and consolidate information about expertise in a way that would be usable and accessible by non-experts—attaching track records, expert assessments, records of epistemic integrity, information about credentials, and so on to particular names regarding particular domains of knowledge.

Most centrally for our purposes, the Database of Experts could be used as a universe of potential domain-specific experts who could then be selected from via processes of random selection to actually be empowered to speak as a qualified expert to a particular SILL. As described above, the database would be constructed so that those in it satisfied various requirements in terms of domain of expertise and level of expertise. This would help to prevent concerns about “cherry-picking” of experts or the selection of experts who had significant outlier views. If you were to select five or ten experts to speak on a topic, it is unlikely that you would happen to randomly select that many with a substantial minority view. One could use the database, too, to discern whether a particular expert had outlier views or whether there was something close to a consensus within some domain of expertise on a particular question. For example, one could choose 100 experts at random and see what the balance of opinion was on some question. Using randomly chosen experts should increase our confidence that the expert is testifying sincerely, particularly if they are paid by the SILL system for their time, and they are barred from receiving financial compensation from others for speaking during a learning phase.

This “database + random selection” solution wouldn’t be perfect, particularly in contexts in which all experts in a domain might have similar biases. But it might put many non-experts in a relatively better epistemic position when faced with the question of whether to rely on expert testimony. One of the advantages of randomly selecting experts is that it makes it less likely that one will just encounter captured experts or experts for hire who alter their expert testimony based on what will sell.

There are non-trivial issues about maintaining the integrity of the information in the database and finding funds to support the enterprise that do not lead to its

corruption. This has at times been a concern raised about, for example, Wikipedia and the Better Business Bureau network, and other related kinds of entities: everything from Yelp to Angie's List to Rate My Professors.¹⁴ Despite these concerns, and despite the importance of Wikipedia as a hub of information, it has been able to remain impressively even-handed and balanced in the content of the entries that are produced—considerably better than the commercial news media, for example.¹⁵ That provides some hope for a similar undertaking with respect to experts in particular. Even if it were imperfect in various ways, this kind of database would help generate a pool of experts who were likely to be genuine experts and would help to highlight potentially problematic experts or purported experts. It would also provide a transparent way in which to evaluate and assess the expert credentials of those who were brought in to speak. And refusal of an expert to be included or a decision by an expert to contest all the entries about him- or herself would also be epistemically useful: suggesting that skepticism about that person's testimony is probably warranted.

The concern that powerful interests might try to influence who is identified as a qualified expert and who is selected as an expert to speak is a real concern. If there are significant nonpolitical hurdles to becoming an expert in a particular field (advanced degrees from nationally and internationally accredited educational institutions, peer-reviewed publication, and so on) and if there are strict disclosure requirements mandating that experts disclose sources of funding, employment, and so on, these concerns might be lessened. The use of a transparent Database of Experts combined with random selection would further impede efforts by the powerful to dictate who would be selected to speak as an expert. To capture the experts likely to speak before the SILLs would require capturing an entire domain of expertise. That is not impossible or unimaginable, but it does become considerably more expensive, and it is likely to draw attention and discussion from advocates who might be on the other side of the issue. There is a worry about the politicization and capture of science, the university, and other centers of expertise—something already underway—under a system that uses experts in this way, or in any way.¹⁶ Given the need to rely on and draw on expertise in the modern political context, this is a battle that all political systems must fight, whether electoral, lottocratic, technocratic, or something else entirely. Although

¹⁴ See, e.g., Fleming (2011); Pinsker (2015).

¹⁵ See, e.g., the discussion in Greenstein and Zhu (2012); Shi et al. (2019). Shi et al. note the value of the Wikipedia policies in contexts of polarization, suggesting that polarization combined with those editing policies can actually result in substantively very balanced coverage of politically charged topics.

¹⁶ See, e.g., the widely established connection between pharmaceutical industry funding for research and scientific research outcomes that favor the sponsor. Lexchin et al. (2003: 1167). Or see the numerous books that have argued that industry and politics distort scientific practice and dissemination of information to the non-expert public: Proctor (1995); Michaels (2008); Mooney (2005).

a Database of Experts might be useful in an electoral context, too, it is particularly useful in a context like this one where there will be fewer political pressures to choose experts on one side of an issue, and more hope to get something like a neutral perspective of what experts in a domain think. Something in this direction of institutional design and scaffolding to enable non-expert selection of experts seems both promising and reasonably realistic.

10.2.6. Experts, Advocates, and Stakeholders

As noted earlier, the SILL learning phases would involve speakers beyond just experts, including advocates and stakeholders. Let us imagine that things are arranged so that experts will be selected through random selection from a Database of Experts, their expert qualifications and the basis of their expertise will be presented and explained to the SILL members, along with any disclosures of narrow interests as well as a statement of their broad interests in the topic. In addition to hearing from several such experts, SILL members will also hear from advocates and stakeholders. Let me briefly say something about how the advocates and stakeholders might be selected.

The aim in bringing advocates and stakeholders into the learning phase process is to represent some of the perspectives on the issue that more explicitly involve value judgments and evaluative perspectives on the various costs, interests, and tradeoffs at stake. Experts play a role in this and help to provide fact-based context to the value-based discussions. But the experts do not have expertise on all the distinctive value-related issues at stake. To bring those into view, it is important to have those who are most significantly affected by the issue and those who are working on issues in an advocacy capacity also have a significant role in the learning phase. And there is a personal dimension to these policy issues that is important to present, both for providing voice to those who are likely to be affected by the decision, and because of the epistemic value of appreciating the actual consequences of the decisions being considered by perceiving the emotions, reactions, and views of those most involved and affected. An effective learning phase should provide a full perspective on the topic.

There are many possibilities regarding the mechanics of how advocates and stakeholders might be selected. Upon an agenda topic being calendared for a future legislative session, a general notice should be put out about that fact, and communities and groups that are likely to be affected should be given special notice. There would likely be advocacy organizations that would notice the agenda topic and mobilize to get people from their organization speaking roles in the learning phase process. People interested in speaking as advocates or stakeholders could at that point volunteer. There are a variety of options for actual selection of speakers.

One option for people in the advocacy category would be to require a statement from the person who would like to speak, along with an enumeration of institutional and public support in the form of signatures and official group endorsements. The relevant SILL (or a subset of a SILL) could then read through these and select a balanced panel of speakers on various sides of the issue, aiming to include a significant number of speakers who were broadly supported (as evidenced by the number of signatures of support they were able to obtain), but also to include some who might not be connected to a particular organization or advocacy community already. The stakeholder spots could be decided upon through a similar process, except with the proposed person simply having to identify the sense in which they were a stakeholder likely to be affected by the decision and provide a statement to that effect. Although there are complications and concerns in having SILL members or a Structural Assembly that attempts to curate a balanced discussion on a topic, this will often be necessary to avoid imbalance. Attempting to use random selection as suggested for experts would be difficult, given the often unclear borders of who might appropriately be included in the pool.

Importantly, all speakers who were chosen to speak as advocates or stakeholders would be presented as such and would explain who their supporters were (in the case of advocates) or what their stake was in the issue (in the case of stakeholders).

Because the details of the expert database construction and the selection procedure might need revision and modification over time, it might make sense to have a Learning Phase Structural Assembly whose role it would be to oversee the development of rules and processes overseeing the creation and management of the database of experts, the particular selection mechanisms by which experts, advocates, and stakeholders are qualified in their various categories and chosen to speak, and potential revisions to the rules governing those elements of the learning phase. On one version, the Learning Phase Assembly could be comprised entirely of newly randomly chosen citizens. On another version, the Learning Phase Assembly might include some “veteran” SILL members drawn randomly from a pool who have served on a SILL in the past, combined with some newly randomly chosen citizens. I will discuss some of these details more when discussing some of the structural assemblies in the next two chapters.

* * *

With one basic picture of how experts, advocates, and stakeholders would be identified as such and brought before SILL members to speak now in view, we can turn to consider what would happen during and after the learning phase with respect to internal discussion and deliberation within the SILLs. If the citizens’ assemblies that have existed are any guide, the learning phase and hearing from

experts is just the beginning of the process of learning, engagement, and generation of policy ideas. Randomly selected citizens have not just passively absorbed expert testimony in these other bodies, and I would not expect them to do so within SILLs, either. The question is: what else will they do, how will it be structured, and what are the potential benefits and potential concerns with various forms of group deliberation and discussion?

Deliberation and Discussion

On one version of the lottocratic system, there might be no group discussion or extended deliberation at all among the randomly selected members of the SILL. They might all show up in a particular place, listen to experts, advocates, and stakeholders, and ask questions of those individuals—whether in front of the whole group or in a directed way without the rest of the group involved. They might be assigned materials to read to learn about the basics of what they were focused on. There might be quizzes and assignments to make sure that SILL members were processing what they heard and read during the learning phase. They might then go as individuals to engage with members of the broader community, whether online or in-person. They might write up what they learned and share it with the full group, or not. They might then begin developing views about what ought to be done. There might be brief statements of the policy direction to take that they write up and send to the full group. There could then be various straw votes taken regarding that direction, perhaps involving the writing of further policy position statements, perhaps not. Once a few proposed directions were in view in a general way, the supporters of those directions might work with drafting experts and lawyers to work on actual statutory language, with more rounds of voting on the details. Once a few proposals had been narrowed and refined, there could then be structured votes on the final proposals until a final decision was arrived at.

Notice that the whole process just described might take place without there being any extended period of full group discussion, involving all 450 people, or any smaller group discussion. It would be compatible with having very little interaction among the SILL members. It would be compatible with all that interaction having been anonymized, so that people didn't know who had proposed which ideas or asked which questions. It would even be compatible with the SILL members never explaining the reasons for their proposals or votes, why they were drawn to or worried about various policy elements, what evidence they were basing their votes upon, or anything else. We might describe this version of lottocracy as *quiet* lottocracy.

By contrast, we might also design the lottocratic process to include extensive deliberation and open discussion at every stage: during the agenda-setting phase, the learning phase, community consultation and engagement, and extensively during time set aside for discussion and deliberation among the SILL members on their way to developing policy ideas and specific legislative recommendations

and modifications. This could be completely unstructured, always full group discussion, rowdy, unmoderated, and noisy. Throw the 450 people together and let them figure it out. Call this *wild* lottocracy.

Or it could be more structured, perhaps often involving breaking into small groups—perhaps thirty groups of fifteen people each—with small group discussion facilitated by trained discussion-leaders or other educators, and then a return to full group discussion that was framed and organized by the smaller group discussions. On this latter version, there could be explicit mechanisms requiring people (a) to take turns and share discussion time, (b) to have some discussion that was focused on understanding the material that had been presented and making sure that everyone was on the same page with respect to the evidence that had already been presented, (c) to share and discuss evidence that some thought was important but which everyone might not have encountered, (d) to focus on explaining the reasons for their views, and (e) to discuss how or whether the issue was personally significant for them. This version could include informal “off the clock” time for social interaction and community-building that was unrelated to the issues or organized formal discussion time. These small groups could remain consistent for a legislative session or involve rotation through different small groups. Call this combination of procedural and social elements *reflective* lottocracy. On this model, there is reflection that goes into the design of the discussion settings, individual encouragement to reflect on when and how much to speak, an aim to have individuals engage in reflection regarding their own reasons and emotional responses, and structural mechanisms to encourage individuals to be able to reflect back to others what those others actually believe and why.

So, a choice point emerges: if we are attracted to lottocracy as an alternative, should we have quiet lottocracy, wild lottocracy, or reflective lottocracy? A couple things to note about this question. First, consonant with the functionalist picture endorsed earlier, the answer will turn in part on the sociopolitical context. It is possible to imagine background conditions that would make each of the three options comparatively attractive, because each has potential advantages and disadvantages. Quiet lottocracy might be attractive if the background conditions involved social hierarchy and dominance and fear, so that even a reflective process would be inadequate to address concerns about intimidation and social bias. Wild lottocracy might be attractive under conditions of extensive social equality, interpersonal respect and tolerance, and high levels of epistemic humility and individual self-moderation, as one might have productive, thoughtful, educative discussions without requiring externally or bureaucratically imposed rules and guidelines (which themselves introduce concerns about distortion or elite control).

Sitting between these two extremes, reflective lottocracy strikes me as likely to be attractive under most sociopolitical conditions, including conditions like the ones that obtain in most modern political communities. In most contexts, wild

lottocracy would lead to imbalanced discussions that reproduce some of the worst elements of background social inequality and social hierarchy and might result in various other epistemically pernicious effects: groupthink, tuning out and disengagement, a lot of talking from a few but not nearly as much listening. On the other extreme, quiet lottocracy would result in losing much that might seem valuable about bringing together randomly chosen citizens: the ability to learn with and learn from each other, to share experiences and evidence, to reflect on the way in which others see and value things differently, and to understand better the sources of social and political disagreements. Reflective lottocracy acknowledges that there are non-ideal elements to the background social world that will travel into the SILLs even after random selection, but attempts to design conditions for discussion, engagement, and learning that ameliorate the worst of those effects. For those readers who are involved in running classrooms or meetings, the tools used to aim at this delicate but valuable balance will be familiar. More on those in a moment.

The second thing to note about this question is that which of the three will be most attractive is—on my view—a contingent matter, depending on the results of going quiet, wild, or reflective. This follows from the basic functionalist, moral-political problem-solving perspective, and from the fact that plausible considerations of political morality do not require that the lottocratic decision-making take place in, say, the wild or reflective way, rather than the quiet way.

Here I part ways with some democratic theorists who have endorsed what has come to be called *deliberative* democracy. These theorists have suggested that mere voting and aggregation of preferences is not enough to merit the label “democracy,” or that, even if we might call such systems “democratic,” they fail to constitute a “legitimate public order” that “could be justified to all those living under its laws.”¹ There is a wide spectrum of views and motivations that fall under the heading of deliberative democracy, but many of them begin by noting that mere majoritarian voting is compatible with, say, the rise of Hitler in Nazi Germany and the subjugation of racial political minorities in the United States. Many also point to the thinness of moral force behind mere preferences in other contexts. What we need, instead, is something richer, something that involves offering reasons for what we prefer and value and being responsive to the reasons offered by others. Mere democratic majoritarian votes are not enough. More is needed. What exactly that “more” is has been the subject of extensive debate, but typically includes various “talk-centric” elements that require having and publicly presenting reasons for policy preferences and votes and engaging with others in an open-minded way that “focuses on the communicative processes of opinion and will-formation that precede voting.”² These “talk centric” elements are often

¹ Chambers (2003: 308–9).

² Chambers (2003: 208).

treated not just as instrumentally valuable or useful, but as a necessary condition of political legitimacy—a constraint in how political institutions can permissibly operate and arrive at legally enforceable decisions.³ There is a natural connection between deliberative democracy and various “public reason” conceptions of political legitimacy and the demand for public justification.⁴ In Chapter 15, I take up concerns about lottocracy and political legitimacy more directly. And in Chapter 16, I focus on concerns about majorities and minorities and majoritarian domination. Here, I just note that my commitment to deliberation is instrumental, unlike at least some of those who have been drawn to citizens’ assemblies and the use of randomly selected mini-publics as a way of instantiating the values of deliberative democracy. Many academics who have taken an interest in sortition and citizens’ assemblies have done so not because they might be a way of democratically addressing the basic problems of voter ignorance and policy complexity, but because they might be an attractive way of instantiating deliberative democracy. That is not my reason for favoring lottocratic institutions. I have no problem with abandoning extended SILL member deliberation and discussion and moving to quiet lottocracy if it turned out that this was better from a perspective of moral-political problem solving.

In the rest of this chapter, I present what I find attractive about reflective lottocracy and discuss why we should expect it to do well at moral-political problem solving. I also draw attention to concerns about deliberation. My view is that the empirical worries that have been raised about deliberation can be addressed through effective institutional design—through properly crafting reflective lottocracy—and that there is empirical evidence to support this view. But these are important questions and places for future design, experimentation, and study.

11.1. The Potential Value of Discussion and Deliberation

Imagine that the lottocratic system were implemented so that, during the agenda-setting phase, the learning phase, the community consultation phase, and the discussion phase, a significant amount of time was devoted to small group discussions. For simplicity, imagine that these involve the full SILL breaking into small groups—thirty groups of fifteen people each—with this small group discussion facilitated by trained discussion-leaders and other educators. Each SILL member would spend time in a few different groups over the course of the year, so that the membership in the small groups varied. In these small groups, there would be explicit mechanisms requiring people (a) to take turns and share

³ For a statement of a view in this vicinity, see Cohen (1989).

⁴ See, e.g., Rawls (1999: 138), who says that he is “concerned with a well-ordered constitutional democracy... understood also as a deliberative democracy” and the discussion in Freeman (2000).

discussion time, (b) to have some discussion that was focused on understanding the material that had been presented and making sure that everyone was on the same page with respect to the evidence that had already been presented, (c) to share and discuss evidence that some thought was important but which everyone might not have encountered, (d) to focus on explaining the reasons for and values that motivated their views, and (e) to discuss how or whether the issue was personally significant for them. In most cases, the small group discussion would be used to contribute to some structured full SILL discussion. For example, the small groups might report back to the full group—including reporting regarding evidence and considerations that people took to be particularly significant—followed by a period of open, but structured discussion. Aside from these small and full group discussions, there also would be regular informal “off the clock” events that SILL members would take part in for meals, social interaction, and community-building that was unrelated to the issues or organized formal discussion time. Additionally, the agenda-setting and learning phase would also include some background materials prepared by experts as well as some relevant informational reading that could be discussed by the small groups.

There are at least four distinct potential benefits from this kind of small group, reflective discussion. First, it is likely to help SILL members with learning and retention of the material that is presented to them by experts, advocates, and stakeholders. Second, it provides an opportunity for SILL members to learn from each other by sharing relevant evidence and experiences. Third, it provides an opportunity for SILL members to hear the moral perspectives of others, to engage in moral discussion and reflection about the moral-political problem being considered, and to begin brainstorming and evaluating possible responses to that problem in light of this broader perspective. Finally, this kind of reflective discussion with others has the potential to expose SILL members to people from groups and communities that they might not otherwise encounter, to build respect and trust and understanding across social lines, to destabilize background ingroup/outgroup dynamics, and to create a sense of community and shared purpose.

11.2. Improved Learning and Retention

Perhaps the least controversial reason to think small group discussion would be valuable is the epistemic benefit that comes from people having a chance to discuss, examine, synthesize, and integrate the information and evidence they are presented with during the various stages of the process. It is difficult to comprehend material if one is simply passively trying to absorb all of it. It helps to have a chance to ask questions, to talk through what one has taken away from the presentations, and to have more time to process the information with others.

There are also benefits due to increased attention during the learning phase that come simply from anticipating that one will be expected to talk about what one has learned.

These points will be familiar from anyone who has taken part in post-secondary education in most parts of the world—what with their various discussion sections, precepts, tutorials, and so forth—and there is substantial empirical evidence that some combination of these factors makes a difference in how much people learn (how much “knowledge gain” there is) during the course of these kinds of small group discussions.⁵ It is difficult to measure and disentangle which aspects of small group discussion contribute most significantly to improved learning and retention, but I take it as both unsurprising and uncontroversial that there are positive effects along these lines.

There might be additional benefits if the people leading the discussions are themselves knowledgeable about the material that was presented, as in the case of the political science PhD students who were moderating some of the small group sessions at the British Columbia Citizens’ Assembly.⁶ This might be most important in the case of acquiring background information during the learning phase in contexts where there is a significant amount of apolitical factual information to absorb. There are concerns about discussion leaders doing too much in the way of *leading* the discussion to substantive positions, rather than simply serving as a fact-check and comprehension resource. Balancing these considerations is important and might suggest use of such expert or proto-expert discussion leaders only during the early learning phases when basic understanding and factual comprehension was still the focus, prior to the group starting to engage in policy discussion and debate.

11.3. Sharing Evidence, Experience, and Epistemic Skill

There is a strand in democratic theory that places considerable epistemic value on diversity, suggesting that inclusive, diverse groups are likely to make better decisions than non-diverse ones. One of the main suggestions in this literature is that different people know different things and possess different local evidence that is relevant to political decision-making. They might also have distinctive ways of approaching problems—modeled as “cognitive diversity” by Hong and Page, among others—that will be useful for effective problem-solving.⁷ The most prominent recent theorist in developing this view is Hélène Landemore, although the roots go back to Aristotle.⁸ Landemore and others claim this epistemic benefit of diversity for inclusive voting and electoral democracy, as all kinds of people are

⁵ See, e.g., Barabas (2004); Andersen and Hansen (2007); Farrar et al. (2010); Jacobs et al. (2009).

⁶ Warren and Pearce (2008).

⁷ Hong and Page (2004).

⁸ Landemore (2013).

given political voice through voting through open, inclusive systems—the general suggestion is that the many will do better than the few, even if the few are relatively more knowledgeable.

To the extent that these ideas about the importance of experiential, evidential, and cognitive diversity are important for good moral-political problem solving, reflective lottocracy is better positioned to secure these benefits than electoral representative democracy as it is actually practiced. Here's why: an essential part of having the political system take advantage of the locally held, dispersed, micro-level information and knowledge, and the distinct evidence obtained by diverse social positions, is that the system have some mechanism for incorporating that information and evidence into its decision-making process. It is not clear that simply having broad public votes to elect either candidate A or candidate B does much at all to capture most of that information and evidence. Given what was argued in Chapter 2 regarding the effective breakdown of mechanisms of electoral accountability, there is no guarantee at all that elected representatives will do much to consult with their constituents in a serious or detailed way—either about what problems ought to be addressed or what ought to be done to address them. By contrast, reflective lottocracy would have explicit mechanisms by which that information and knowledge could be brought into the decision-making process.

Let us start with the suggestion that there is a lot of information about the world that is relevant to making correct political decisions and that this information is widely distributed across all or many members of the political community. There are different ways of developing this suggestion, and they are not mutually exclusive.

The first is inspired by Hayek's theory regarding how dispersed, local knowledge of individuals is usefully aggregated through market mechanisms into prices that are much better and more accurate as valuations than anything that might be set by a central planner.⁹ The thought in the political context is that not only do we all have information about what would be in our interests, we also have all kinds of other evidence and information that is relevant to political decision-making: evidence that comes from our experiences as workers, consumers, patients, employers, students, drivers, home-owners, renters, educators, parents, and so on. As Hayek puts it:

Today it is almost heresy to suggest that scientific knowledge is not the sum of all knowledge. But a little reflection will show that there is beyond question a body of very important but unorganized knowledge which cannot possibly be called scientific in the sense of knowledge of general rules: the knowledge of the particular circumstances of time and place.... We need to remember only how

⁹ See, e.g., Hayek (1945, 1982).

much we have to learn in any occupation after we have completed our theoretical training, how big a part of our working life we spend learning particular jobs, and how valuable an asset in all walks of life is knowledge of people, of local conditions, and of special circumstances.¹⁰

All this micro-level knowledge informs our views of moral-political problems and potential solutions to them. Prices tied to well-functioning markets are effective at responding rapidly and spontaneously to shifts in what is happening locally. Votes are much less good in this regard, as they happen infrequently, and they have to incorporate much more information into a particular judgment about one of a few candidates. But the underlying rationale we might offer is similar: allow all these different on-the-ground local observers to register their input so as to improve the overall judgment as to what ought to be done (analogous to the “judgment” of what the price ought to be). A system like the reflective lottocracy creates many different points at which local, widely dispersed information can enter and be taken into account by the overall group—at least if the group is talking and listening to its members in the right way, something we will discuss more later.

A second, related but distinct suggestion is that each of us has not only local, micro-level information but also something like differential expertise and skill that is relevant to identifying political problems and getting to correct political judgments. If we can come together in the right way and share what each of us has with the others, we will do better than any one of us—even the best of us—alone. This suggestion is at least as old as Aristotle, at least on certain plausible interpretations of passages like the following:

The principle that the multitude ought to be supreme rather than the few best is one that is maintained, and, though not free from difficulty, yet seems to contain an element of truth. For the many, of whom each individual is but an ordinary person, when they meet together may very likely be better than the few good, if regarded not individually but collectively, just as a feast to which many contribute is better than a dinner provided out of a single purse. For each individual among the many has a share of virtue and prudence, and when they meet together, they become in a manner one man, who has many feet, and hands, and senses; that is a figure of their mind and disposition. Hence the many are better judges than a single man of music and poetry; for some understand one part, and some another, and among them they understand the whole.¹¹

There are many ways of interpreting this passage; Jeremy Waldron and Hélène Landemore canvass several of them.¹² Consider the feast analogy. On one

¹⁰ Hayek (1945). ¹¹ Aristotle (1905: book 3, ch. 11).

¹² Waldron (1995); Landemore (2013: 59–64).

interpretation, call this the *distinctive contribution* interpretation, we imagine that each of us have something different to bring to the table, perhaps because some of us are fishers, some of us grow oranges, some of us know where to find the best mushrooms, and so on. And a feast is better with all these different contributions. Analogously, some of us might know a lot about medicine, others about raising children, others about environmentally friendly transportation, others about living without stable employment, others about biochemistry, and so on.

But voting for an elected representative is not adequately similar to bringing food to the feast. One significant difference is that, in the feast, we are all clearly enriched and benefitted by what others have brought, because (we are assuming) there is an opportunity for all to eat what has been brought. If we imagine circumstances in which we engage and talk with each other about what we know, as in the reflective version of lottocracy, we can see something similar in the political case. It is less clear that we get the same kinds of collective benefit from voting without “sharing” in this way. But in reflective lottocracy, we are all able to share and benefit from each other’s distinctive contributions. And the random selection ensures a truly distinctive set of contributions—at least as distinctive as is present in the political community. This is likely to be better, epistemically, than if there are just fifty lawyers who all went to elite schools and work for elite law firms sitting around and discussing the moral-political problems the community faces and what ought to be done about them. But it requires people to actually come together and share their distinctive perspectives, what evidence they might have encountered that is relevant to the problems and solutions under discussion, and so on.

On a second interpretation of the feast example, which we might call the *resource* interpretation (an interpretation that focuses more on the “single purse” line), we might take Aristotle to be pointing out that even the person with the most resources does not have as much as all of us combined. We can imagine a similar story with respect to epistemically relevant resources: information and intellectual skill or ability. You know about A and are good at investigating questions of type A. I know about B and am good at researching B kinds of issues. Someone else has a distinctive, useful-in-this-case skill C. It may be that there is some person who is as good as we are with respect to *both* A and B questions, and who also has skill C. But it is implausible that this will be true if there are hundreds of different relevant domains of knowledge and skills. No one person or even small group of people will be in a good epistemic position with respect to all of them, certainly not when compared to those who specialize in those domains and the intellectual skills they require. If we have a mechanism—such as small group discussion—that allows us to bring each other’s resources together and to draw on them in an effective way, this will enhance the ability of the whole to identify problems and respond to them in sensible ways. Reflective lottocracy has such a mechanism. It is unclear what the analogous mechanism is

supposed to be in the case of electoral representative democracy, or whether it is likely to work given the concerns raised in Part I.

Both of these interpretations are compatible with the micro-level distributed local information story offered in a Hayekian spirit. Another possible elaboration of why we should accept the idea that information or expertise relevant to getting the correct or better answers is widely distributed across all or many members of the political community comes from the idea that each of us occupy distinct social positions, and that the evidence we are exposed to and our general understanding of the world is informed by that social location. Here I draw on the work of feminist standpoint theorists like Sandra Harding, Nancy Hartsock, Patricia Hill Collins, and others.

Hartsock makes a number of claims about the social situation of women, suggesting that “the position of women is structurally different from that of men” and that, as a result, “the lived realities of women’s lives are profoundly different from those of men.”¹³ Hartsock suggests that this is explained in part by the “sexual division of labor” which means that “women’s work in every society differs systematically from men’s.”¹⁴ An epistemological consequence of this is that “women’s lives make available a particular and privileged vantage point on male supremacy.”¹⁵ Standpoint theorists such as Hartsock argue that those who occupy non-dominant positions in society are better positioned, epistemically, to understand how mechanisms of oppression and control work, and to understand the nature of problems that are downstream of these mechanisms. Sandra Harding suggests that investigations that begin with the thoughts and testimony of marginalized people “will generate illuminating critical questions that do not arise in thought that begins from dominant group lives.”¹⁶ Patricia Hill Collins focuses less on individuals and more on groups who have historically shared experiences based on their common placement in hierarchical power relations.¹⁷ This could include women, but it could also include others oppressed along lines of racial, ethnic, gender, or sexual identities, as well as intersectional identities within and across these groups.

The common idea for our purposes is that knowledge, information, and relevant expertise might be widely distributed across a political community, precisely because people in that community will occupy different social positions and thereby encounter different kinds of evidence, have different experiences that inform their judgments about extant political problems and proposed policies and candidates, and that we should be especially concerned to have input from those relatively disempowered and oppressed members of the political community. There is no suggestion that this input is unerring or infallible, nor that it is something that members of these groups possess essentially or intrinsically. The

¹³ Hartsock (1983: 284).

¹⁴ Hartsock (1983: 289).

¹⁵ Hartsock (1983: 284).

¹⁶ Harding (1993/2004: 128).

¹⁷ Collins (1990).

claims are more contingent than that. Still, the suggestion is that there is a distinct epistemic contribution to be made here, and certain people who are considerably better placed to make it than others.

Again, as with the distinctive contribution interpretation of Aristotle's feast analogy, it is plausible that we get more epistemic benefit if we do not just give people the ability to register their judgments through voting, but also to engage with other members of the political community in advance of everyone voting. But voting is plausibly better than nothing, and it would be better than having elite autocrats and technocrats make the political decisions—if the insights of standpoint theory are correct. Better still, however, is reflective lottocratic engagement, bringing together people of different social positions and background experiences of all kinds, and bringing their distinctive perspectives into conversation and engagement with each other.

11.4. Moral Discussion and Correct Moral Judgments

The previous two benefits of reflective lottocracy—improved individual learning and retention, and sharing and pooling diverse, dispersed evidence, experience, and epistemic skills—focus on what we might call the purely epistemic benefits of deliberation with respect to non-moral facts. This is important. Identifying the moral-political problems that exist in some political community and making good policy decisions in response to them requires extensive knowledge of facts about the world, some of which is primarily possessed by experts, some of which is possessed by ordinary people in a variety of social and occupational positions. But, as the name suggests, moral-political problems always include moral components beyond just questions of non-moral facts: how important the problem is, what are morally permissible ways to address it, what are moral objections to this response or that failure to respond, who should have to bear the greatest burden if tradeoffs are required, how does this moral consideration weigh against that one, and so on. This is one reason that many are skeptical of the legitimacy and even the problem-solving viability of technocratic political systems: political questions involve significant moral, value components, and those who are experts about non-moral issues are not thereby experts about moral ones and might share various biases or perspectives with respect to moral issues, so that there is a concern that their judgments incorporate and reflect that distinct, non-representative perspective.

Lottocratic selection ensures that those selected will reflect the broader public's views about questions of value and morality. One hope for reflective lottocracy is that moral issues and moral disagreements can be brought to light and engaged in a way that might result in appropriate compromise between different perspectives and improved, more nuanced, more thoughtful moral decision-making that takes

into account the full range of morally relevant considerations and morally relevant effects of different political problems and potential solutions.

When one first considers lottocratic structures, it might seem plausible that the best kinds of questions for lottocratic institutions to address would be ones that involved complex factual policy decisions—the kind of complexity that made ordinary voter ignorance a big problem; the kind of issue to which a “learning phase” might make a significant improvement. The least natural kind of political problems for lottocratic institutions might seem to be those that turn almost entirely on moral disagreement—problems like whether abortion or same-sex marriage ought to be legally permissible. In both of those cases, there might be some non-moral factual disagreements in the background, but much of the dispute turns on different views about moral questions. It might seem that in cases of straightforward moral disagreement, we can’t do much better than to just leave things to standard, majoritarian democratic decisionmaking. Those who favor deliberative democracy suggest that this doesn’t do enough to work our way through our disagreements, to understand them, and perhaps to see our way to some kind of compromise that could secure consensus support. That always has struck me as optimistic; our moral disagreements run deep.¹⁸

It might be surprising, then, to see citizens’ assemblies in Ireland, comprised of randomly chosen citizens, come together to discuss constitutional reform focused on abortion and same-sex marriage, as well reducing the voting age, whether to criminalize blasphemy, and a number of other highly charged issues—and to do so thoughtfully, carefully, and in a way that all sides agree was successful.¹⁹ Abortion had been outlawed by the Irish constitution since 1983 except in cases in which there was a serious risk to the life of the mother. Abortion is, of course, a highly charged topic, with strong moral opinion on both sides and with many women traveling abroad in secret to England and other parts of Europe to avoid the most restrictive abortion laws in all of Europe. Elected officials avoided the topic almost entirely, as supporting or even discussing abortion rights was to risk “electoral oblivion” according to conventional wisdom. A broad constitutional convention process used citizens’ assembly structures—sixty-six randomly chosen citizens combined with twenty-nine members of the Irish parliament and four representatives of political parties from Northern Ireland—to inform the substance of constitutional amendment proposals that might then be put to a referendum vote. Eventually, referenda were passed that amended the constitution to permit same-sex marriage and to permit abortion during the first twelve weeks of pregnancy and later in cases in which the pregnant woman’s life or health is at

¹⁸ Wiredu (2001) offers a more subtle consensus-oriented view that requires decisional consensus but not consensus agreement on moral questions, but this has also struck me as optimistic and unstable, if for different reasons.

¹⁹ Bannock (2019); Chalmers (2018).

risk, or in the cases of fatal fetal abnormality. All involved suggest that there is no way these constitutional amendments would have occurred if it were not for the citizens' assembly process that preceded the referenda.

Reflective lottocratic discussion, such as took place in these citizens' assemblies, at least sometimes turns out to enable productive conversation about difficult moral issues, even those issues on which there is sharp disagreement. In Ireland, bringing people together from different sides of this issue, in a reflective setting, was transformative. It enabled people to better understand the sources of their disagreement, to learn what it was that was most important to each of them, and to hear how their personal experiences with the issue affected their views. Some representative quotations from participants²⁰

Crucially, a citizens' assembly is non-partisan and so it creates a people-led discussion and understanding of an issue. I think this also helps create a debate that isn't dominated by black-and-white mantras from political parties but a more nuanced discussion of the issue in question.

The Citizens' Assembly... provided a forum where the real story was told. The broad spectrum of experience, case histories and moral viewpoints was set out for evaluation and consideration. Misrepresentation was not an option, for proponents or opponents.

It felt very democratic. All sides were addressed. It very much helped me—not to decide as I already knew how I was voting, but to listen, understand and develop empathy for those who planned to vote the other way. The issue was a very complex and divisive one, and the Citizens' Assembly helped the issue be seen from all sides.

There were many other similar comments from participants. And the experience was widely felt to be hugely positive, even "life-changing" for those who went through it.²¹

Given the discussion in Chapter 4, in which political disagreements are highly contentious, with the other side vilified and disparaged, and most experiencing politics as anything but positive, this is surprising and notable—particularly given that the issues discussed were hardly uncontroversial or uncontentious. Why these discussions among citizens on these difficult moral topics were helpful, productive, and, in some cases, transformative is a hard question to answer. But here are some suggestions, which also further support the use of reflective lottocratic process.

First, as a background matter, these were conversations about difficult, personal moral topics among people who knew they disagreed, but the participants to these

²⁰ All reported in Bannock (2019).

²¹ Chalmers (2018).

conversations adopted the following key principles to guide their discussions: “openness of proceedings; fairness in how differing viewpoints were treated and of the quality of briefing material; equality of voice among members; efficiency; respect; and collegiality.”²² These background procedural norms for discussion of difficult moral topics are not always observed in ordinary life—certainly not in the vicious and often cruel discussions that take place online, via social media, and in highly charged political atmospheres. These “discussions” often take the form of members of one partisan team yelling at and mocking members of the other side. Just having an environment in which different viewpoints are presented to people who actually listen to each other, treat each other with respect, balance speaking time for different views, and have something of a collegial approach, rather than an adversarial one, is rare, and it is not so surprising that it helps moral discussion and deliberation and understanding.

Second, as many of the participants noted, it is plausible that being required to listen to other people who have differing views, and actually trying to understand where they are coming from, in some level of personal detail, makes a large difference. Additionally, not only hearing these diverging views, but also having them connected to personal experiences of individuals present, plausibly is significant. The use of personal stories or narrative, rather than just high-pitched debate or moralistic speechmaking, has been shown to facilitate exchanges across lines of social difference, including difference along racial and gender lines.²³ Moral discussion that centers narratives decoupled from explicit lessons, rather than mere offering of moral principles or moral rules or moral conclusions, has been shown to be important for moral learning and moral imagination, the development and enrichment of moral knowledge, and a connection to internal transformation that results in actual difference in motivation and behavior.²⁴ As David Morris suggests, “in contrast to principle alone, narrative in its detailed, emotion-rich representation of experience can help us recognize implicit values and negotiate conflicts of moral action.”²⁵ We are not, in fact, perfectly rational beings deriving ethical maxims and principles from a faculty of pure *a priori* practical reason, and then applying them mechanically to determine how we are motivated to act and how we in fact act—all while leaving emotion, feeling, and empathy to the side. Interacting with other people, hearing their stories, and coming to understand why they have the moral positions they do, promotes

²² See Palese (2018).

²³ See, e.g., Black (2008); Ryfe (2006); Walsh (2007).

²⁴ For relevant discussion, see Johnson (1993: 152), in which he suggests that “narrative provides the most comprehensive structure for grasping the temporal dimension of our moral selfhood and action,” and that “any adequate theory of morality will have to explain the central role of such narratives and other imaginative structures in moral deliberation.” For additional discussion of similar points made by Native American philosophers drawing on native ethical education, see McPherson and Rabb (2011: 94–125).

²⁵ Morris (2001: 70).

understanding and empathy, and can generate imaginative, creative responses to situations of apparent moral conflict.

There is also evidence that in-person, face-to-face discussion can have significant benefits, particularly when compared to the online interactions that might otherwise be the main way in which those with significantly opposed views engage with each other, given the social segmentation described in Chapter 4. Those engaging with each other in person experience their discussion and engagement as more respectful.²⁶ There is evidence that in-person groups are less likely to generate polarized attitudes, and that online discussion is more prone to influence from forces of social conformity—the kinds of forces that result in groupthink, artificial convergence, and people ending up in echo chambers and epistemic bubbles.²⁷ In cases in which people are engaging with others from different ethnic, racial, or other social groups, simply having significant, extended *contact* with members of what was formerly an outgroup for an individual has been shown to reduce prejudice toward the other, foster trust, and enhance forgiveness for past transgressions.²⁸ The mechanisms behind contact theory are affective: reduced anxiety and increased empathy. Again, this suggests that reflective lottocratic interactions will be useful for promoting sensible, empathetic engagement on moral topics with those with whom one disagrees, even in cases in which those with whom one disagrees, or those who would be most harmed or affected by a decision, are members of an “outgroup.” And this in turn is likely—or at least more likely than most alternatives—to promote moral understanding, imaginative and constructive moral problem solving, and even the attainment of moral knowledge and the avoidance of moral error based on prejudice, dislike, or simple ignorance.²⁹

A full detour into moral epistemology is not possible here, but it is plausible that—if some form of moral realism is true, or even if some form of metaethical constructivism is true—getting to true or correct moral beliefs will require both having true beliefs about non-moral facts, and will require some mechanism to encourage us out of our highly contingent, highly parochial environments with respect to what our group typically thinks about morality. Perhaps there is some subcommunity that has all the true moral beliefs, so that if one were raised in that community, the best thing you could hope for would be for your views to remain untainted and unaffected by the outside world. But we should be wary of the view that *we* happen to have been raised in such a community.

Some might be skeptical that experience and engagement with others is important for coming to have true moral beliefs—whether about first-order moral

²⁶ Min (2007). ²⁷ Luskin et al. (2006).

²⁸ For an extended meta-analysis supporting contact theory, including 515 studies and more than 250,000 subjects, see Pettigrew et al. (2011).

²⁹ Some of the suggestions here might be supported by Elisabeth Camp’s work on “perspectives” and what it is to “try on” a perspective. See Camp (2017).

questions or about questions concerning moral-political problems, the relative importance of various political problems, and so on. There are, at least, two very different views about how difficult it is to come to believe the truth about morality and what is required in that regard. Consider, for example, Thomas Reid: "From . . . self-evident first principles the whole system of moral conduct follows so easily, and with so little aid of reasoning, that every man of common understanding, who wishes to know his duty, may know it. The path of duty is a plain path, which the upright in heart can rarely mistake."³⁰ Reid does not stress the importance of respectful deliberation and discussion with "outgroup" members or with those with whom one disagrees or the epistemic significance of hearing about the personal experiences or narratives of others whose views or experiences might differ from one's own. He might seem to suggest a relatively solitary, individual introspection model of moral epistemology. This contrasts with the views of others, including Peter Singer, who writes:

If . . . there is reason to believe that one's society does not have perfect norms, or if there are no agreed norms on a whole range of issues, the morally good man must try to think out for himself the question of what he ought to do. This "thinking out" is a difficult task None of this procedure is easy—neither the gathering of information, nor the selection of what information is relevant, nor its combination with a basic moral position, nor the elimination of bias.³¹

On a view like Singer's, figuring out the correct view about what one morally ought to do is hard, and involves gathering information, seeing what that non-moral information implies given one's moral beliefs, and trying to avoid bias throughout. Seeing how others work through this same process, and seeing the way in which their experiences affect what they think about things, can also help us to avoid biased or parochial responses to cases or circumstances. Sarah McGrath argues for a "sensitizing" role for individual experience beyond merely the difference in what evidence or non-moral information one comes to possess. As she puts it:

One's recognition that a given action would be morally right or wrong is often mediated by the recognition that the action would fall under a certain thick ethical concept . . . one's past experience influences the range of cases to which one is willing to apply [a thick ethical] concept by conditioning one's judgment; it thus influences how reliable one is with the concept . . . our past histories shape the way in which we respond to the non-moral information that both of us possess.³²

³⁰ Reid (1788/1969).

³¹ Singer (1972).

³² McGrath (2011: 107).

Given that each of us only has our own past experience or past history, coming to have correct moral views would seem to require engaging with and learning from others and, at least in some cases, revising and adjusting one's own views in response.

It is plausible that on this picture of moral epistemology and moral learning, reflectivelottocratic deliberation would make a significant difference in enabling people to come to have correct moral views about what ought to be done. They might acquire non-moral factual information that is relevant. They might come to understand the source of moral disagreement and become better placed to reevaluate their own moral views that are the product of ignorance, inadequate reflection, or inadequate empathy for members of other groups. And these processes and the general effort to move beyond one's own mind or one's own small community in thinking through moral issues make it more likely that individuals will be able to notice and reduce bias.

Notice that the argument here is compatible with, and indeed presupposes, a realist picture of morality. The view is decidedly not that in the face of reasonable pluralism about the good or about what morally ought to be done we must move to a second-order position about how to respond appropriately to cases of moral disagreement in the political realm. The view is not that we should foreclose substantive moral argument or reference to what is actually the correct moral decision. To the contrary, the suggestion is that we should expect reflectivelottocratic deliberation to produce better moral judgments—better in terms of being correct, or more often correct—than what we would get if that reflective deliberation does not take place. The judgments will be better than what we would get if, say, we just had individuals sit back and vote based on their own personally held moral views and preferences, without substantive, reflective engagement with others. Reflectivelottocratic discussion cannot guarantee correct moral judgments as outputs, but, in the comparative assessment, it is better than an alternative in which that discussion is absent and majority voting just based on individual views wins the day.³³

11.5. Contact Theory, Trust, and Destabilizing Ingroup/Outgroup

In addition to the epistemic benefits with respect to both non-moral and moral matters, reflectivelottocratic deliberation has the potential to improve

³³ In making this moral epistemic case for reflectivelottocracy, I parallel some arguments that Robert Talisse makes on behalf of democracy more generally, with democracy understood by him as involving “core democratic norms of freedom of speech, thought, and expression, freedom of conscience, political equality (including equality of participation), freedom of the press, protected dissent, political accountability, and so on.” Talisse (2009: 6).

interpersonal interactions in a way that promotes respect, trust, and understanding across social lines; creates awareness of the limits of one's own perspective; destabilizes and weakens any extant ingroup/outgroup background dynamics; and creates a sense of community and shared problem-solving purpose. One of the main messages of Part I was the corrosive effects of elections, particularly in terms of creating social division and an epistemic wasteland. A natural question is how these bad effects might be both ameliorated and avoided. Are we simply in a deeply divided political community? If we are, is there anything that might alter that fact? I have focused on the epistemic consequences of this division and the importance of overcoming it—and the promise of reflective lottocracy in that regard. It is also worth stressing the agential consequences of this division. As noted earlier, to solve problems of any kind requires capacity of at least two distinct kinds: (1) appreciating (or understanding or knowing) the world as it is, and (2) responding to the world in light of this appreciation. The first concerns epistemic, diagnostic capacities. The second concerns agential capacities of institutions. Whatever we together end up *believing*, there is the further question of what we together are able to *do*, to bring ourselves to do.

This requires us to believe certain things, but also to care about each other and our problems, to be motivated to act when some of us are hurting or in need, to see ourselves as there for each other. To see ourselves as in it—this life, with all its challenges—together. We need to see ourselves as in a political community together. Ideally, we would care about all those who are likely to be significantly affected by our political decisions, whether they are members of our political community or not. But we should at least be responsive and attentive to the problems faced by those who are members of our political community—not just those who are members of our preferred political party.

One large step in this direction would be to eliminate highly charged elections that create and emphasize division and partisan identity. Even that, however, doesn't do anything to bring people together—particularly if they are coming to lottocratic bodies from significantly segregated communities, whether along lines of race, ethnicity, class, religion, national origin, or others. Most of us will still live in worlds that leave us as strangers to some significant portion of the political community. This is the significant, positive way in which lottocratic institutions might help. By bringing people from widely divergent groups, backgrounds, and experiences together, and having them talk and engage with each other, reflective lottocracy holds out the promise of creating genuine understanding, empathy, and political community that embraces the full spectrum of experiences and interests of that community.

As mentioned earlier, extended social contact with others makes a significant difference to reducing fragmentation and division—particularly if that contact takes place in non-adversarial, respectful interactions. For people engaging with others from different ethnic, racial, or other social groups, simply having

significant, extended contact with members of what was formerly an outgroup for an individual reduces prejudice toward the other, fosters trust, and enhances forgiveness for past transgressions.³⁴ Two common recommendations based on the empirical literature for reducing division are (1) to increase interaction among members of different groups in contexts in which they have common goals and in which they are not competing with each other; and (2) to work to establish a norm that ingroup members are tolerant and respectful of the outgroup.³⁵ Reflective lottocracy, particularly when focused on topics that are not already highly adversarial, does well by both of these. In the citizens' assemblies that have taken place, and in lottocratic settings as well, people spend many hours talking to each other and getting to know each other beyond just their participation in the official, formal discussions. It is not surprising that real connections and friendships are created, and that distinctive, perhaps unfamiliar narrative visions of the world are exchanged.³⁶ Many participants in citizens' assemblies describe the experience as deeply meaningful, inspiring, and one that creates strong feelings of connection with other members and optimism regarding the possibility of working together. As Marion Sharp, a participant in a citizens' assembly body in Oregon, commented:

[The CIR] changed my perspective dramatically. Going in, I was curious but not at all hopeful that this would turn out well. Previous experiences... [had shown] that no viable conversation could be had [about] political issues. And the CIR completely turned those experiences on their heads—I now *know* that it can be done.... A safe space can be achieved and that safe space brings out the individual and collective intelligence in all of us... I have hope that we could in fact reclaim our democracy. I don't know if we will or not, but I know that we have the ability and the intelligence. And I saw the commitment that everyone brought to the process. I would never have believed it if I hadn't been there. But I saw it, and there is no doubt we can do that.³⁷

There are many similar experiences of emotional connection and optimism attested to by participants in these kinds of bodies, as well as descriptions of significant effects on their views and opinions as a result of the experience.³⁸ This

³⁴ See Pettigrew et al. (2011). ³⁵ See Allport (1979); Mason (2018: 132).

³⁶ For important discussion of the far-reaching nature of "narrative testimony," see Fraser (2021). Fraser suggests that accepting narrative testimony has significant and deeper ramifications for our internal epistemic life. One way of understanding the importance of extended intergroup contact is that it helps to destabilize some of the more familiar narratives that we tacitly accept, perhaps out of ignorance of what a more fact-based narrative might look like. Intergroup engagement offers us different narratives to consider, at least if done in a rich and extended way as is available through reflective lottocratic engagement.

³⁷ Reported in Gastil and Knobloch (2020: 143).

³⁸ For a detailed analysis of extended survey data of Citizens' Initiative Review participants, see Knobloch and Gastil (2022).

is not surprising, given that the mechanisms behind contact theory are affective and emotional—reduced anxiety from the supposed threat of the outgroup, as well as increased feelings of empathy toward those who were formerly outgroup members. People feel more connected and less threatened by those who might be different along some salient dimension or otherwise unfamiliar to them. It also makes us better positioned to appreciate that our perspective on an issue might be shaped in significant ways by our own, non-universal experiences, and that we might have something substantial to learn from those who are in various ways different from us. It is worth stressing how little of this close, emotional, empathetic connection across the full political community takes place under electoral politics. When it is working well, through random selection and reflective lottocratic engagement, we can approach something close to Patricia Hill Collins’s ideal exchange of perspectives, in which “[e]ach group speaks from its own standpoint and shares its own partial, situated knowledge. But because each group perceives its own truth as partial, its knowledge is unfinished. Each group becomes better able to consider other groups’ standpoints without relinquishing the uniqueness of its own standpoint or suppressing other groups’ partial perspectives.”³⁹

11.6. Worries about Deliberation

Reflective lottocracy has a host of distinct potential benefits: helping with learning and retention; providing an opportunity for SILL members to learn from each other by sharing evidence and experiences; presenting an opportunity for moral learning; and (enhancing all of these) breaking down social divisions and promoting trust, common purpose, understanding, and empathy across social lines. But over the last twenty years, there has been a fount of empirical work on “deliberation” that might seem to splash icy water on the warm feelings regarding deliberation. This work aims to document what takes place when you bring people together to discuss and make decisions and think through ideas as a group—whether on a jury, in a legislature, in a classroom, or in a boardroom. In this section, I discuss some of the concerns these empirical results raise, as well as reasons to think these concerns might not arise with appropriately designed institutions such as those envisioned for reflective lottocracy. Given my functionalist view, the actual benefits of group deliberation and discussion under various conditions is of central importance, and that makes these empirical questions of central importance in settling whether reflective or quiet lottocracy (or something else) might be all things considered better at addressing extant moral-political

³⁹ Collins (1990: 270).

problems in some political community. There are concerns worth paying attention to, but the empirical results demonstrate only that certain poorly structured or largely unstructured uses of group deliberation and discussion have problems, not that all or even many uses of group deliberation and discussions will have these problems.

“Deliberation” as a term of art in political science and political philosophy is essentially equivalent to “small group discussion.” It is even explicitly defined this way by those offering a survey of empirical work on the topic.⁴⁰ As such, deliberation occurs in a wide variety of contexts: classrooms, boardrooms, around the family dining table, jury rooms, faculty meetings, political subcommittee meetings, market research focus groups, PTA meetings, and on and on. We’ve all taken part in “deliberation” in many settings. I have highlighted potential advantages of deliberation. But we’ve all been in deliberative settings that went badly. Some jerk dominated the discussion despite knowing nothing about the topic. People were disregarded or disrespected or talked over (perhaps because of prejudice from group members regarding their race, nationality, class, or sex). Emotions ran high and conflicts were intensified. The group started somewhere reasonable but spiraled into something seemingly extreme. Perhaps many said nothing at all—seething in silence or just tuned out.

These bad elements all might have negative epistemic repercussions, repercussions for the rationality of the decisions arrived at, making the deliberating group less likely to arrive at an actual solution to a problem. Or they might simply make things unpleasant or infuriating, turning people against each other, making people feel disrespected or that their time was being wasted, and making people feel even more detached and divided than they were prior to deliberation. Call these *harms of disrespect* and *harms to communality*. Even these harms have long-term negative epistemic effects, as our division, dislike, and distrust have epistemic consequences over time, even if not in a particular case. We can call these, and the more direct epistemic harms described earlier, *harms of sensibility*—leading the deliberating group either to fail to appreciate the world as it is or to fail to respond to the world in light of this appreciation. All these bad effects—when they transpire—might make it better never to have deliberated together at all, recommending quiet lottocracy over reflective or wild lottocracy.

Over the last thirty years, political scientists, social psychologists, behavioral economists, legal scholars, and others have attempted to study how groups in fact deliberate, and they have conducted these studies in a wide variety of settings. Some of those doing this have identified several concerns that fit under what I am calling harms of sensibility, as well as potential harms of disrespect and harms to communality.

⁴⁰ Myers and Mendelberg (2014: 700).

One worry concerns the influence of social prejudice within a deliberative setting. If the broader community includes a substantial amount of sexism, racism, xenophobia, classism, and so on, it should be no surprise that a randomly chosen subset of that group will as well. And without deliberative structure and deliberative guidelines, prejudice of this kind can affect who dominates discussion, who is listened to, who is allowed to speak and share evidence, and so on. Intergroup contact theory suggests that extended engagement of the right kind might help lessen social prejudice—at least in terms of its specific effects in the deliberative setting—but this is a concern.⁴¹

A second worry concerns ways in which social pressures to fit in, conform, go along with the group, and so on, can affect the epistemic quality of the deliberation and the decisions reached by the deliberating group. Groupthink, anchoring dynamics, information cascades, and extremism and polarization of views can result in some initial modest biases or misinformed views having outsized influence and resulting in significant error and distortion.⁴²

A third worry is that the specific views and decisions reached by the deliberating group can be significantly affected—for good and bad—by the ways in which the group is chosen, deliberation is structured, the role played by moderators and “discussion section” leaders, the way in which input and individual contributions are gathered and organized, and what the voting or decisional rules are. This puts substantial pressure on how deliberation is structured and, just as significant, who the people are who are doing the structuring.

Empirical work on these topics suggests that these concerns can be addressed by well-structured deliberative settings. This is the main difference between wild lottocracy and reflective lottocracy. With reflective lottocracy, attention is paid to the details of how the SILL members deliberate and engage with each other. As suggested, there might, for example, be explicit mechanisms requiring people (a) to take turns and share discussion time, (b) to have some discussion that was focused on understanding the material that had been presented, (c) to share and discuss evidence that some thought was important but which everyone might not have encountered, (d) to focus on explaining the reasons for and values that motivated their views, and (e) to discuss how or whether the issue was personally significant for them. Aside from these small and full group discussions, there also would be regular informal “off-the-clock” events that SILL members would take part in for meals, social interaction, and community-building that was unrelated to the issues or organized formal discussion time. More complex structures could also be introduced, such as requiring some deliberation to happen in “majority-minority” groups, where members of a political minority were in groups where

⁴¹ Walsh (2007) found that interracial deliberative groups foster greater understanding of racial groups other than one’s own, for example.

⁴² Sunstein (2006) discusses these at length.

they were in the majority for at least some of the time.⁴³ Having members submit anonymous contributions in writing prior to group decisions, employing explicit devil's advocates or red-teaming to avoid groupthink, and even using anonymous voting or straw polling throughout the process could also be helpful in responding to some of these concerns about deliberation. The different structures of questions put to groups (how open-ended they are, how binding the answers are, whether they are framed as yes/no, and so on), as well as the voting rules used to answer those questions, can also affect the internal deliberative dynamics of groups. Approval voting or single-transferable voting, for example, both can reduce division and polarization; consensus decision rules can be useful for encouraging broad engagement and respectful discussion but can also stifle useful dissent and amplify social pressure.⁴⁴

Getting all these rules and structures right, and adjusting them as needed over time, is vitally important. This should be done based on what is actually observed in their operation across many different SILLs. Accordingly, we should consider the use of a structural assembly tasked with overseeing the rules and procedures regarding deliberation and discussion. Consider, for example:

DELIBERATION ASSEMBLY: a structural assembly charged with developing and examining the rules and procedures that govern the discussions of SILL members in their various phases of operation, including during the learning, deliberation, and community consultation phases.

This structural assembly could be comprised of randomly chosen citizens, as with the topical SILLs, and they could also hear from experts about the social science relevant to creating productive, epistemically valuable forms of deliberative engagement. The Deliberation Assembly could be empowered to engage in surveying and monitoring SILL members with respect to deliberation and their experiences participating in the SILL deliberative settings, aided by social scientists who are experts in observing and documenting relevant phenomena. Work could be done to develop metrics and measure the performance of SILLs along the lines that purport to justify reflective lottocracy, rather than quiet (or wild) lottocracy, with respect to whether deliberation as structured actually is helping with learning and retention; providing an opportunity for SILL members to learn from each other by sharing evidence and experiences; and breaking down social divisions and promoting trust, common purpose, understanding, and empathy across social lines, among other aims. The Deliberation Assembly could use the evidence obtained to make decisions about whether particular practices or rules should be altered or implemented. Obviously, there are other ways in which the

⁴³ Gerken (2005).

⁴⁴ For discussion, see Brams and Fishburn (2007) and Wiredu (2001).

quality of deliberation and the rules and practices around deliberation might be monitored and regulated. The suggestion offered here is just one example of a way in which this might be done without too much top-down entrenched bureaucracy and technocratic control, while at the same time being informed by social scientific evidence regarding deliberation. Through use of mechanisms of this kind, the benefits of deliberation, and the attendant advantages of reflective lottocracy, might plausibly win out. It is hard to see what would motivate a more thoroughgoing skepticism about the use of deliberation, although there might be some sociopolitical contexts in which this skepticism would be warranted.

Single-Issue Legislatures

The most notable feature of the lottocratic system is the central use of randomly selected citizens. To make the use of randomly selected citizens attractive—at least if they are to be the heart of the legislative system—I suggest that they should serve on single-issue legislative bodies, rather than generalist ones. But that is a distinct innovation, a significant and largely unexplored departure from extant political systems. In this chapter, I discuss that aspect of the lottocratic system more extensively.¹ I begin by saying more about the purported advantages of using single-issue legislative bodies. I then take up questions that might naturally arise: if there are these advantages, why don't we have single-issue legislative bodies with elected members? Why are elected legislatures all generalist legislatures? Could we secure the benefits of single-issue legislative bodies without embracing the random selection component? I conclude the chapter by considering distinctive concerns about single-issue legislative bodies. In particular, I consider the worry that only generalist legislatures can avoid fragmentation and synchronic and diachronic incoherence in policymaking, and the related worry that single-issue legislatures will be mired in problems of issue division, overlap, and jurisdictional questions. In considering these worries, I will consider the role of political party structure, vote trading and log-rolling, and other mechanisms of cross-issue organization and planning that are central to generalist legislative structures. The chapter will then consider how well these mechanisms function to achieve synchronic and diachronic coherence with elected generalist legislatures, and whether these or other mechanisms might help lottocratic single-issue legislative systems do as well or better with respect to these concerns.

12.1. Introduction to Single-Issue Legislatures

There are several considerations that recommend using single-issue legislatures in the lottocratic context. One significant reason, discussed earlier, is epistemic: if people only have to become relatively well-informed about one policy area, that is a much more manageable epistemic burden, and we can have more confidence that randomly chosen citizens will be up to the job even though they haven't spent

¹ This chapter draws on Guerrero (2021c).

years learning about the issue in advance. We also have evidence from issue-focused citizens' assemblies that people are up to the task.

A second reason is connected to issues in political morality and political sensibility, in particular considerations of representativeness, legitimacy, and equality. By having randomly selected citizens serve on single-issue legislatures, this ensures that many more people will be involved, that those people will each have significantly less power than they would have on a fully generalist legislature, and that the group of citizens serving is more likely to be a microcosm of the broader political community. I discuss the importance of these considerations in later chapters.

A third reason in favor of single-issue legislatures, unrelated to whether legislators are chosen via lottery or election, is that using single-issue legislatures helps to ensure that careful, robustly democratic attention is paid to the full panoply of issues and moral-political problems, rather than just to a few high-profile issues or to the few issues on which dominant parties have not colluded to do the bidding of the elite. In broad public discussion of politics, a few issues dominate. In some cases, this is due to the bad press problem and elite control of channels of mass information and efforts at distraction. In other cases, this is because those issues are ones that require little information or effort to have an opinion about them, because of their social prominence or obvious effects on members of the political community. Without explicit single-issue legislative structure, many issues remain in the shadows, outside of public attention or discussion.

A fourth reason is that single-issue focus allows political communities to work together on some issues, even in contexts in which there is significant disagreement on other issues. With generalist legislatures in electoral contexts, party structure and party discipline combined with generalist powers can make it extraordinarily difficult to work together even on issues on which there is (or would be, if brought to public attention) broad agreement both about the existence of a problem and about attractive ways in which to address that problem. And there are often electoral incentives to foreground issues on which there is disagreement, as well as elite capture reasons to point to the divisive issues, to distract us. Focusing our attention on the issues that divide us enables the elite to distract us so that we are not enraged by inaction on those issues where we agree (and our agreement runs counter to the interests of the elite). Single-issue legislative focus would make these efforts at division and distraction more difficult and would make it easier for common ground to be identified and pursued.

Single-issue legislative bodies do raise distinct problems. Those might partly explain why they have not been more broadly or explicitly used. But it is still surprising that they remain wholly untried, at least with the explicit structure considered here. What I want to suggest is that this might be because single-issue *elected* legislatures would face distinct concerns and complications that single-issue lottocratic legislatures do not. Although this strikes me as correct, there

might be modifications to electoral processes so that even single-issue elected legislatures might look comparatively attractive.

12.2. Forms of Single-Issue Legislative Structures: Electoral and Lottocratic

There are many ways of implementing a single-issue legislative structure. Two broad options are (1) a standing network of twenty to thirty permanent single-issue legislative bodies with each legislative institution focusing just on one policy area or sub-area and with complex rules concerning their interrelation; and (2) impermanent single-issue legislative bodies that serve as one-off entities, created perhaps as a result of some popular referendum or after some triggering conditions are met, each of which is brought into existence to focus on one particular policy problem. We can call the former “standing” and the latter “special” single-issue legislative institutions. For each, let us imagine that they have some power to enact legislation directly, rather than serving merely as advisory or oversight bodies.

Begin by considering an *electoral* version of the system in which there were a standing network of twenty single-issue legislative bodies, each comprised of 450 elected representatives, covering the following issues:

1. *Agriculture and Food Safety*
2. *Airlines and Aviation*
3. *Commerce, Markets, and Consumers*
4. *Communication and Internet*
5. *Crime & Punishment*
6. *Child and Adolescent Education*
7. *Adult Education and Vocational Training*
8. *Energy Development and Use*
9. *Environmental Protection*
10. *Health and Medicine*
11. *Housing*
12. *Immigration and Naturalization*
13. *Labor and Employment*
14. *Libraries and Information Management*
15. *Parks and Recreation*
16. *Science and Research*
17. *Space Exploration and Regulation*
18. *Transportation and Infrastructure*
19. *Treasury and Taxation*
20. *Water Access and Water Quality*

Imagine that there are ninety different political districts, each providing five representatives on each of the twenty single-issue legislatures. Each representative serves for a five-year term, and elections are staggered so that one position from each of the twenty legislative bodies is up for election each year for each district, meaning that the electorate for each of the ninety districts has twenty new people to elect each year.

An obvious worry arises when contemplating such a system if we are imagining elections to select the representatives for each of the twenty different single-issue legislatures. If we are worried about the epistemic demand on voters in the context of picking a few generalist electoral representatives, we should be much more worried about voter knowledge when it comes to selecting representatives for twenty topically defined single-issue legislatures.

Imagine trying to pay attention to all the different races, issues, candidates, assessing their fitness for the role, their specific ideas and proposals, and then, once elected, what they have actually done and attempted to do in their role. Such a system seems an obvious non-starter, susceptible to worries stemming from voter ignorance, lack of accountability, corporate media manipulation, and other mechanisms of capture, among the more central concerns. This might well be one of the reasons that single-issue or issue-specific legislative bodies are—to my knowledge—basically unknown and undefended as a way of organizing systematic political decision-making. We would expect problems of voter ignorance to swamp any other likely benefits from going to single-issue focus, in the same way that we see problems with low-information voting in down-ballot electoral races for state, county, and municipal elections, ballot initiatives, races for judgeships, sheriffs, school board officials, prosecutors, and so on. And things might be even worse in the context of federal-level single-issue elections, as the issues and candidates would be even further from the ordinary experiences and knowledge of most voters than we see with those down-ballot but at least local elections, and there would likely not be the same kind of political party signals to rely on for single-issue legislative races.

One way of seeing things, then, is that only with lottocratic selection mechanisms do single-issue legislatures look at all attractive. When combined with the inattention paid to sortition and lottocratic mechanisms, this would explain why single-issue legislatures have received so little attention. That might be correct, if the only way to envision single-issue legislatures and elections would be to conduct elections exactly as we currently do but multiplying the legislative bodies—and the number of representatives one must elect—by twenty. But we can do considerably better than this with single-issue legislatures, even with elections as the selection mechanism, given the right institutional innovations.

As suggested above, on the simple version of the electoral single-issue legislative network model, all citizens would vote to elect representatives for all twenty of the single-issue legislative bodies. This model is not promising for reasons stemming

from the ignorance and complexity problems. But this is not the only way that representatives on single-issue legislative bodies might be chosen via elections. There are at least three more promising ways in which elections might be used, all of which rely on moving away from all citizens having a direct vote for representatives for all the single-issue legislative bodies.

One option would be to have citizens select which three (for example) of the twenty single-issue legislative bodies they would be electors for. So, a citizen might be an Airlines and Aviation voter, an Immigration and Naturalization voter, and a Transportation and Infrastructure voter. Citizen preferences about and interests in the different issues would drive their participation and access to electoral power. We can call this kind of system a “single-issue legislative system with preference-based elector pools.”

A second option would be to have all eligible citizens take a wide-ranging test of political knowledge and issue-specific knowledge, the results of which would then determine which three of the twenty single-issue legislative bodies they would be electors for. This test could be used to screen for background knowledge and understanding of relevant issues, introducing a meritocratic component. On the inclusive version of this system, everyone would be assured of being eligible to vote for representatives in three single-issue legislatures—the aim would be to put people in pools where they would be epistemically best off (or least badly off). We can call this kind of system a “single-issue legislative system with knowledge-based elector pools.”

A third option would be to randomly assign citizens to be electors for three of the twenty single-issue legislative bodies. We can call this kind of system a “single-issue legislative system with lottery-selected elector pools.”

In all three cases, there is a question of how long the assignment as elector for a particular issue would last. Plausibly, these selections should be for at least something like five- to ten-year periods, so that citizen electors could engage in monitoring of those representatives who were chosen and the policies that they enact. Additionally, the longer the time electors serve on a particular issue, the greater their relative competence with respect to that issue is likely to be.

There is also the question of whether there should be mechanisms in place to ensure that each elector pool remains roughly equipopulous to avoid, say, a situation in which many more people are in the elector pool for Crime and Punishment than for Agriculture and Food Safety. The logistics here might become non-trivial, perhaps requiring a computer matching system. In the knowledge-based pools, there are questions of whether to maximize overall competence or to ensure the highest minimum scores for electors or something else.

The suggestion was that citizens would be electors for three of the twenty single-issue legislative bodies, but there is nothing magical about the number three. There is a tradeoff between the extent of citizen power and participation

over a range of issues and the epistemic burden on citizens. One could increase the number, thereby increasing citizen power and the epistemic burden. Or one could have citizens serve as electors for only one of the twenty, thereby reducing the epistemic burden but also citizen power.

Choices would also have to be made regarding the geographic distribution of electors. One possibility would be that strict attention would be paid to the representation of each geographically distinct political community (states, counties, etc.), so that each would have an equal proportion of electors for each of the twenty single-issue legislative bodies. Another possibility would be to disregard geography entirely, moving away from geography-bound territorial districting.²

Whatever choices are made in this regard, there would need to be new, non-geographically bound communities created, to enable candidates to campaign in view of their actual electors, to enable those electors to engage with each other, and to increase access to information regarding the issues. So, for example, upon being enrolled as a voter for a legislative body, a citizen could then be provided with access to and information about the different candidates, policy proposals, and deliberations, as well as online and other forums in which to engage with other voters for that legislative body. An alternative option would be to make all the information available to everyone, allowing electors for any issue to access it if they chose to do so, but making direct campaigning difficult.

With limited elector pools, single-issue elected legislatures might seem considerably more attractive. Elector pools of this kind—involving a subset of those otherwise eligible to vote in a political jurisdiction—also are an untested kind of innovation, and there are many issues to consider in how they might be structured.

We could consider having limited or defined pools when using lottocratic structures, too. Rather than having everyone either eligible to be selected to serve on any of the SILLs or not eligible for selection to serve on any of them, various mechanisms could define the pools out of which citizens might be randomly chosen.

On the option presented earlier, all citizens would be eligible to be randomly chosen to serve on any of the twenty single-issue legislative bodies, or on any of the legislative bodies in the jurisdictions in which they are citizens. Call this the “pure” lottocratic option. This option is much more attractive with a lottocratic structure than with the electoral structure, as it does not run into worries about epistemic burden on citizen voters. It also preserves the pure microcosm representation result in a way that no other option does. But there are other options that parallel those just presented when discussing electoral single-issue legislatures.

² Rehfeld (2005).

For example, we might allow people to identify those three issues that they are most interested in and would prefer to focus on in their SILL service, resulting in them being in the pool of citizens who might be randomly selected to serve as representatives working on that single-issue legislature. Call this a “preference-tilted” lottocratic system.

Or we might have all citizens take a wide-ranging test of political knowledge, issue-specific knowledge, and issue interest, the results of which would then determine which three of the twenty single-issue legislative bodies they would be eligible to be selected for. On the democratic (rather than epistocratic) version of this system, all citizens would still be eligible to be selected as representatives. Call this a “knowledge-tilted” lottocratic system. In a more epistocratic version of this kind of system, this test could be used to establish a competence floor that individuals must be above to be eligible to be randomly chosen to serve on any single-issue legislature. That would make the system considerably more epistocratic and less democratic.

For all these options, many questions remain about total numbers, exactly how the sorting should go in terms of whether to balance the number of people in the pool for each SILL, how to weigh preferences or knowledge, and so on.

In summary, there are at least two broad ways of developing single-issue legislative political systems:

- (1) systems that employ elections, but with citizens assigned as issue-specific voters for representatives for each of the single-issue legislatures:
 - (a) preference-based elector pools,
 - (b) knowledge-based elector pools,
 - (c) lottery-selected elector pools;
- (2) systems that employ random selection of citizens to serve as representatives within the single-issue legislatures, but with variation in how purely random the selection is:
 - (a) “pure” lottocratic systems,
 - (b) “preference-tilted” lottocratic systems,
 - (c) “knowledge-tilted” lottocratic systems.

There are, of course, many other variations of electoral and lottocratic single-issue legislative systems.

12.3. Advantages of Single-Issue Legislative Structures

There are several potential advantages of single-issue legislative institutions. Most prominently, these include the significant reduction in the epistemic burden on representatives (and, in electoral cases, electors); the ability to have full attention

paid to all political issues, helping to avoid captured, undemocratic policymaking in the shadows; and lessening distracted political discussion that focuses either on just the most divisive issues in the political community or on the personalities and characteristics of those running for office, rather than on substantive issue-based discussion. Plausibly, these will result in follow-on advantages in terms of both responsiveness and sensibility of the political system.

Perhaps the main reason to think that single-issue legislatures should be taken seriously is that, with the right structure, they might help address the problems stemming from citizen ignorance and policy complexity. The limited elector pool electoral versions discussed above straightforwardly lessen the epistemic burden on individuals through focusing their attention on three main issues, rather than on the huge and unwieldy task of monitoring a generalist legislature and a generalist representative. This is an epistemic demand-side intervention, reducing what voters need to know to do a decent job. The lottocratic single-issue systems both reduce epistemic demand—reducing how much each of us must learn or know—and increase epistemic supply—making sure that representatives involved in making decisions on an issue are relatively well informed about that issue. Capture might still occur, but it won't be because of mass citizen ignorance.

Voter ignorance casts one kind of shadow over policymaking in generalist electoral representative contexts. For many issues, citizens have no idea what is being done, what ought to be done, or even what the contours of the political issue or political problem are. This makes it possible for special interests to lobby for political outcomes that are to their benefit and not to the benefit of all or most of us, and to run and make viable candidates for elected office who will effectively be in their back pocket. This is a common problem currently in those areas in which we see the most single-issue focus: administrative agencies. Capture of these regulatory agencies is common in large part because there is little or no broad public attention or awareness of what these agencies are doing, and those charged with overseeing their operation are often captured by the very industries they are meant to regulate.

A different kind of shadow can result simply from the brightness of the light shone on other issues, drawing attention, discussion, and energy toward some topics and (effectively) away from others. With a generalist legislature, it might seem reasonable and appropriate to have one or two issues dominate the political discourse and attention for a year (or two, or three...). But what is happening with all the other issues and problems that political institutions might be addressing? Here, too, is a significant concern about captured policymaking.

Single-issue legislatures of both the electoral and lottocratic type make it more likely that detailed attention will be paid—at least by a significant portion of the citizenry—to a wide range of political issues. This is one reason to prefer the existence of standing single-issue legislatures, rather than “special” ones that might come into existence only upon a kind of triggering-condition coming to

obtain—at least if those triggering-conditions have to do with citizen attention and action. It also highlights the importance of thinking about the specific issues that are given devoted legislative attention by having a standing legislature to address that issue.

One worry about single-issue legislatures is that they make capture too easy, as they let special interests know exactly where they should focus their efforts. But this is not any kind of new problem. Special interests already know where to focus their attention. Generalist legislatures have detailed committee and subcommittee structures, which special interest lobbyists know to target. Issue-specific administrative agencies also provide clear targets. Indeed, committee structure in generalist legislatures operates as a particularly effective way for elected representatives to engage in rent-seeking, either for their own personal benefit, or on behalf of interest groups upon whom they rely for re-election support. Elected representatives, particularly more senior ones, have a significant amount of control over their committee assignments, and representatives “seek appointment to committees with jurisdiction over areas about which they and their constituents have particularly intense preferences.”³ And generalist legislatures help ensure that much policymaking and discussion takes place behind closed doors. As a result, committees and subcommittees are typically composed of preference-outliers compared to other representatives and the broader polity.⁴ Single-issue legislatures help to move policymaking on all issues out of the shadows, making capture and efforts at capture more transparent, even when they are not made more difficult.

Electoral versions of single-issue legislative bodies might run into more capture and manipulation concerns than the lottocratic versions, particularly if the electoral pools for each single-issue legislature are publicly known and subject to targeted advertising and information/misinformation campaigns. It still might be expensive and relatively inefficient to try to influence the views of a large pool of voters on an issue, but this seems like a concern that would be at least as serious as it is with generalist legislatures. The worry might be particularly acute if the electoral pool is based on voter interest/preference, rather than on voter knowledge or random selection.

In the lottocratic case, capture and manipulation would be more difficult. (I discuss this at length in Chapter 14.) The main reason is that because lottocratic representatives are chosen at random and don’t need to seek re-election, they will be easier to insulate from elite influence. And since they rotate through office regularly, “buying off” individuals would be less efficient and effective, even if it could somehow be accomplished. There is a concern about capture via selection and influence of experts. But given that experts in the lottocratic system are not empowered to make policy directly, this seems a particularly expensive and

³ Eskridge et al. (2002: 29).

⁴ See Weingast and Marshall (1988); Parker (1996: 74–81).

difficult route to capture, particularly if the independent database of experts was implemented in an effective manner. Even if some capture is possible in this way, by focusing attention on specific issues and bringing scrutiny to who is speaking to representatives and speaking as experts, efforts at capture will be easier to notice and detect.

Leaving capture aside, another advantage of moving from generalist to single-issue legislatures, whether elected or lottery selected, is that they should help shift political discourse from focus on the personalities and character of candidates to the underlying political problems and possible solutions to them. They would also reduce division within our political communities, as maximally controversial issues would no longer be highlighted to draw attention from other issues. There would be single-issue legislatures dealing with controversial topics, but those controversies wouldn't animate and structure political discourse and alliances. These effects would likely be more prominent in the lottocratic versions of single-issue legislative systems, as elections—even for single-issue representatives—might still generate problematic social dynamics, attention to individual characters, and electoral incentives to focus on divisive and polarizing issues within a particular issue area.

One likely possibility is that with single-issue legislatures, political party structure and organization will be destabilized significantly, if not eroded entirely. This might have worrisome consequences for synchronic and diachronic policy coherence, a concern I discuss below. But it might help to allow people in the political community to come together to work on issues where there is agreement and preference alignment. Moving from a generalist legislative process to a single-issue legislative process opens places for us to identify issues on which we agree, moving us out of the situation where political attention is concentrated on those few issues which most deeply divide us. This also will help reduce the introduction of misinformation relating to these issues, as there will be less incentive to maintain and reinforce our political divisions.

There are other potential advantages of lottocratic institutions, some of which are intertwined with the advantages of single-issue legislative structures, which I discuss in the next two chapters.

12.4. Concerns about Single-Issue Legislative Structures

Given that they are new and untested, it is hard to know exactly what problems might emerge with single-issue legislative systems. In this section, I raise several worries, but there are doubtless others.

Recall that, for both electoral and lottocratic single-issue legislative systems, there were options that relied on citizen preferences to generate the elector pools and options that relied on tests of citizen knowledge to generate the elector

pools. There were also “pure” alternatives which randomly assigned people either to three elector pools or onto any of the SILLs.

Which of these options is best in the electoral single-issue legislative case is a complex question (and of course there are other options), worth considering further for those interested in that family of systems. But I will leave that question, and electoral single-issue bodies, aside. For the reasons discussed in Part I, we should be disinclined to think that electoral systems—including single-issue legislative systems—will do well by sensibility under modern political conditions. But they are worth considering further for those drawn to electoral reform.

When we consider lottocratic systems, pure random selection will be preferable to either the preference-tilted or knowledge-tilted options in most political contexts. The main reason for this is that, for both of those latter options, those mechanisms will result in the SILL membership no longer being a microcosm of the broader political community. Which SILLs one would prefer to serve on, which issues one is antecedently interested in, which issues one is antecedently knowledgeable about—these will all correlate with demographic facts about education, occupation, wealth, and other factors that might concern us. I will discuss the importance of microcosm representation at length in the next two chapters, but microcosm representation (and avoiding various forms of distortion in the selection mechanism) has both epistemic and agential importance in terms of how well the lottocratic system is likely to do at addressing extant moral-political problems.

These options might also result in something like “capture from the inside” via the selection mechanisms, if those who opt to be in certain SILL selection pools or who know the most about some issue also are those who work in the relevant industries and might be the intended focus of legislation and regulation. We see this “capture from the inside” in generalist legislatures with elected officials from states where agribusiness is a dominant industry playing a vastly disproportionate role on agriculture-related committees and subcommittees. There is some epistemic value in having those with occupational knowledge and industry interest serving on political bodies, and there might be helpful balancing between interested parties (say, between those from the fossil fuel industry and those who are environmental activists, both seeking a role on the Environmental Protection SILL), but there is a danger of those bodies becoming unrepresentative and unlikely to act in a broadly responsive or sensible way if the representation of insiders or those captured by insiders becomes too disproportionate. Pure random selection avoids this worry and allows industry knowledge and interest to come in more transparently through the expert, stakeholder, and advocate roles during the learning phase.

Even with the pure random selection lottocratic single-issue legislative system, there are still worries about the single-issue structure that remain. These worries emanate from the apparently disaggregated, decentralized nature of non-generalist

legislative bodies, including concerns that each SILL and each set of SILL members will only have a small part of the overall picture in view. It can seem that with generalist legislatures, there are both durable, structural mechanisms that ensure a holistic, synoptic view—things like generalist voting powers (all representatives get to vote on all legislation), generalist legislative discussions (all representatives can be present for discussions about legislation) and generalist budgeting processes—as well as external mechanisms such as the background role of generalist political parties and the soft power of party discipline and reelection pressures. It is easy to think of a generalist legislature operating as a cohesive, rational creature, taking purposeful steps in some direction or other, to accomplish some goal or other, even when there is internal disagreement among the representatives within the legislature. By contrast, when thinking about a single-issue legislative system it is easy to picture a herd of cats, each one doing its own thing, going off in whatever direction it pleases with no regard to what any of the others are doing. What I will suggest is that both pictures are inaccurate, and that in both cases, institutional, structural components are available to either help or hinder structural coherence and useful functional organization.

12.4.1. Issue Division and Topical Jurisdiction

An initial worry for single-issue legislative systems is how the issues will be defined and how the borders of the topical jurisdictions will be drawn, how those borders will be enforced, and what should be done with issues—and there may be many such issues—that straddle those borders.

Notice first that although all extant and historical legislatures have been generalist legislatures—empowered to create law over a wide range of political issues, aiming to address a wide range of moral-political problems—these legislatures are also always less than fully general. In the United States, for example, there is a clear (or at least nominally clear) division of legislative responsibility, with Article I, Section 8 of the United States Constitution setting out the explicit enumerated Powers of Congress, and the Tenth Amendment expressly stating that “The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.” There are divisions of political power and responsibility across federal, state, county, and municipal governments, as well as across legislative, executive, and judicial branches of government. Much academic law and political science is devoted to understanding these overlapping and interacting components of a political system, to the ways in which power and responsibility is conferred, claimed, delegated, abandoned, duplicated, overlapped, exceeded, and manipulated, and to the complicated way in which jurisdictions, including topical jurisdictions, are defined and defended.

So, many issues with single-issue legislatures will be complicated, but they won't be new.

Even within generalist legislatures, there is still considerable single-issue focus and extensive discussion taking place in standing committees and subcommittees, and the occasional special committee. Consider, for example, the US House of Representatives and its existing set of standing committees. They include:

Agriculture	Appropriations	Armed Services
Budget	Education and Labor	Energy and Commerce
Ethics	Financial Services	Foreign Affairs
Homeland Security	House Administration	Judiciary
Natural Resources	Oversight and Reform	Rules
Science, Space, & Technology	Small Business	Transportation & Infrastructure
Veterans' Affairs	Ways and Means	

And things get even more “issue specific”—the Agriculture Committee, for example, includes the following six subcommittees:

- Biotechnology, Horticulture, and Research
- Commodity Exchanges, Energy, and Credit
- Conservation and Forestry
- General Farm Commodities and Risk Management
- Livestock and Foreign Agriculture
- Nutrition, Oversight, and Department Operations

Each of these meets regularly, with a chair from the current majority party, and a ranking member organizing the participation of the minority party.

These committees are hugely important in generalist legislative processes. In most modern legislatures, almost all bills that are introduced are then referred to standing committees by the presiding officer of the legislative chamber. In the House of Representatives, for example, the rules require the Speaker of the House to refer a bill to the committee having “primary” jurisdiction over its subject matter (House Rule XII, clause 2). The specific committee assignment is decided upon by the parliamentarian of the House, a nonpartisan official, who makes referral decisions using a “weight of the bill” test to assign a proposed bill to the committee(s) with the most compatible jurisdiction. The parliamentarian looks to congressional rules and precedent to decide which committee should be given jurisdiction over a bill, with some legislative topics being required to be assigned to some committees (e.g. tax legislation must be referred to the House Ways and Means committee). These assignments are very significant, as committees are where the details of bills are hammered out, where compromises are discussed

and reached, and—most importantly—where most bills die. Committees have the “power of negation”: the ability to keep a bill in committee and to never move it to consideration by the full legislative body. As one text on the legislative process notes, “the vast majority of bills referred to committees never emerge for consideration by the full body.”⁵ In some cases, because it is clear that a bill is appropriately related to more than one committee, the bill or portions of a bill will be assigned to more than one committee, with a sequential order of consideration and discussion outlined as part of the assignment.

So, in large part, single-issue legislatures just make unfamiliar processes that happen behind the scenes in generalist legislatures more foregrounded and transparent. With alottocratic single-issue legislative system, there need to be institutional mechanisms to consider the questions of what issues should be the focus of standing SILLs (and whether those need to be changed over time), whether a particular topic should be handled by two or more SILLs (either in a joint-session or sequentially), and whether a proposed bill is within the jurisdiction of a SILL. There are different ways in which this might be done. One option is to have a structural assembly that could oversee and decide upon proposals for SILL mergers if political problems straddle the issue-specific lines, that could help define and revise the SILL coverage areas over time, and that could raise questions of SILLs overstepping topical jurisdiction that might then be certified to the federal courts for consideration. For example:

TOPICS ASSEMBLY: a standing structural assembly charged with determining (a) whether new standing SILLs are needed, (b) whether two or more SILLs should be brought together to address a political problem that straddles two policy areas, and (c) whether there is a concern about overstepping topical jurisdiction that ought to be certified for consideration by a court.

With respect to (a), the Topics Assembly could hear proposals from the broader political community, perhaps after a certain threshold of support (petition signatures, etc.) was met. With respect to (b), the Topics Assembly could both initiate synchronic joint-sessions or diachronic sequential SILL consideration upon review of proposed agenda topics—so that two or more SILLs would join to work on a topic or take up a topic in sequence—or it could respond to such requests made by SILLs directly. With respect to (c), the Topics Assembly could look over final proposals and raise questions if they clearly overstepped the jurisdiction of the SILL, questions that would then be taken to a judicial process. If the proposal were found to be outside the jurisdictional power of the SILL, the SILL could revise the proposal or seek a joint session with the SILL that

⁵ Eskridge et al. (2002a: 28).

possesses the relevant jurisdictional power. The precise details of these institutions and mechanisms would need refinement and elaboration, but much could be mirrored on what is done within generalist legislatures and in dealing with their jurisdictional issues.

As is the case with generalist legislatures and the process of bills being assigned to committees, the question is not whether there is some overlap. There always will be some overlapping effects. We know, for example, that almost anything done with respect to agriculture promises to have some effects on labor, health, environmental concerns, and so on, even if those are downstream effects. Markets of all kinds are interconnected across issues in significant ways. The focus for the Topics Assembly is to think about something akin to the “weight of the bill” with respect to particular topics.

There is an important question of who would serve on the Topics Assembly. For all the structural assemblies, there are potential tradeoffs between (1) wanting people to serve on them who have more knowledge and experience than usual with respect to both some of the SILL topics and SILL operations; and (2) wanting to maintain microcosm representation and to balance power across more people rather than fewer, particularly given that many of the structural assemblies will be involved in highly significant decision-making. The first of these considerations is important both because the questions considered will straddle more issue domains, and because we should expect that there will be fewer “experts” to draw on with respect to the questions that are posed to the Topics Assembly and other structural assemblies. The importance of the second consideration might depend on the details of the powers given to the structural assemblies, as well as the size, scope, and pervasiveness oflottocratic institutions in a political context.

One option would be to have the Topics Assembly composed entirely of randomly chosen citizens, just as with the SILLs. Doing things that way does well by the second consideration but less well by the first, as those new structural assembly members would have no experience with working on a SILL or having learned in detail about any of the topics.

A second option would be for structural assemblies to be mixed bodies, with some members elected and others selected at random. For reasons discussed earlier, I’m not inclined to include electoral mechanisms as part of mixed chambers. There are better ways of including broad public participation and power at these levels, including enabling powers of general public proposal (concerning new SILL topics) and mechanisms like participatory budgeting. But it is worth flagging this as an option for those more favorably disposed to elections, or for use in conditions that are better for elections.

A third option, the one I think does best at balancing the relevant considerations, is for structural assemblies—and the Topics Assembly in particular—to be composed partly of veteran SILL members, partly of new randomly chosen

citizens. A simple version of this would put all those who had served in a SILL and who were willing to sign up for additional service into a pool, and then have some number randomly drawn from that pool to serve on a structural assembly, along with some number of people who had not previously served on a SILL. So, it might be that a structural assembly included 200 people, 100 who were newly randomly chosen from the general citizenry, and 100 of whom were chosen after having served on one of the SILLs at some previous point in their life. A more complex version of this might require that those who were to be included in the veteran pool had to have served previously with distinction, or at least without significant negative assessments, as judged by their fellow SILL members. We might imagine a system where when they were completing their service SILL members could each identify up to twenty other SILL members that they thought were particularly good contributors and participants in the SILL processes. Those nominations could then result in extra weight being given to the chances of those individuals being selected from the veteran pool. And SILL members could identify up to ten other SILL members who they felt were particularly difficult to work with or disengaged from the process. Those “down votes” could reduce the odds of those people being chosen from the veteran pool. There might be worries about these kinds of assessments bringing along other kinds of demographic and ideological prejudice, and they also might alter the group dynamics in troubling ways. If this proved to be the case, this would provide a reason against adding this performance-weighted dimension to the veteran SILL member selection process.

The question of whether or how to involve other institutional actors—like federal courts, via some kind of topical jurisdictional question certification process—is a complex one. I won’t get into those details at length here, but these are questions that courts are currently used to answer, when there are specific powers given to specific institutions and questions arise about whether some action exceeds the remit of those institutions.

12.4.2. Diachronic and Synchronic Policy Coherence

Returning to our herd of cats: a distinct concern is that, even if we have clear and distinct cats, we still might worry that they will all head in different directions, so that what they “do together” (already something of a misdescription) makes no sense. Some of this concern should be alleviated by the Topics Assembly in cases in which they bring two or three SILLs together to work as a unit on a particular issue. But often the conflicts will not be so direct to be addressable in that way. With generalist legislative structures, particularly when accompanied by thoroughgoing political party internal structure, there might seem to be considerably more coherence, both each year and across time. Committees and subcommittees are structured by which party is in power in the legislature. If a political party has a

coherent ideological, political vision, then when that party is in power, we should expect some diachronic policy coherence even across disparate issue-specific committees and subcommittees. Party discipline and the need for party support for re-election help to ensure this. If the party is in power for an extended period, we should also expect some synchronic policy coherence. Without elections, and with a single-issue legislative structure, we are unlikely to see anything like the generalist political parties that we currently see, and what entities do emerge or gain influence by way of activist and advocate organizations are unlikely to be as generalist in character. (It is hard to be sure of this, of course, but it seems a reasonable prediction. More on this in Chapter 15 when I discuss broad public political participation in lottocratic systems.) So, if political parties aren't providing diachronic and synchronic policy coherence, what, if anything, will play this role with lottocratic institutions?

In response, it is worth beginning by pushing against this framing. There were several suppositions made above that might suggest an overly high bar for diachronic and synchronic policy coherence than is appropriate, at least when engaged in comparative assessment. Begin with the idea that political parties recommend coherent policy platforms. As discussed in Chapter 4, partisan sentiments in electoral contexts can result in bizarre "team" identities that don't make much sense as coherent policy platforms. Joshi (2020) convincingly argues that party platforms are often more of a hodgepodge of issues rather than a coherent policy vision. What is being done with agribusiness may sit very poorly with what is being done with immigration, which might conflict with what is being done with labor, which might conflict with housing and tax policy. What is being recommended with energy production might conflict with environmental policy, both of which might conflict with infrastructure spending and immigration policy. Abortion policy might conflict with healthcare coverage and insurance industry regulation. Gun control and manufacturing policy might conflict with crime policy and concerns about public safety. And so on. Each of us is skilled at telling a story on which our side's commitments make for a coherent package and pointing out how the other side's commitments are in conflict. But the reality is that what emanates from elected generalist legislatures often makes very little sense, as a response to the moral-political problems that actually exist, or even as a coherent response to some imagined set of problems. Some of this conflict and incoherence is because of capture or geographical distortion, some of this is because of disinterest and inattention, some of this is simply a matter of history and path dependency. Party discipline in electoral contexts can in many cases be more imagined than real, as long-term elected officials in secure districts can become virtually unassailable, able to secure powerful roles in committees that matter powerfully to their constituents (even if much less to everyone else), and to hold out their key votes for all manner of incoherency-making pork barrel policy.

But perhaps the most significant place to push back against the coherence of what emanates from the elected generalist legislature is by noting the incoherence introduced by the significant, often destabilizing pendulum swings in policy as one or other party takes turn in power over the course of election cycles, as well as the rearguard efforts of the minority party to undercut and misrepresent the efforts of the party in power in subtle and difficult to detect ways. For a moment, the generalist legislature is for the war and a bigger military, against abortion, against more public school funding, in favor of subsidies for oil drilling, for more police on the streets, for state support of religion, against environmental regulations, against immigration, for significant corporate tax breaks, against a minimum wage. In the next moment, nearly everything is reversed. That might last for a year or two or four, until it all nearly reverses again. The shifts are never fully complete; it is hard for each side to get anything done, particularly given the active opposition that remains even in defeat. But the shifts are dramatic, nonetheless. Because of the generalist structure, and because of the sharp party division and the increasing polarization that results from electoral competition, the shifts are substantially comprehensive and make for incoherent zigs and zags. Rather than a coherent entity marching together in orderly fashion, with a generalist elected legislature we see something more like two cats, their tails tied together, one wanting to go left, the other wanting to go right.

Even if elected generalist legislatures have their own problems with synchronic and diachronic policy coherence, we might still worry about single-issue legislative systems. Without even the weak discipline provided by generalist political parties or elections, what will keep single-issue lottocratic systems even as minimally coherent as our familiar, imperfect institutions? The short answer: reality, combined with reality-responsive political representatives.

The argument I make over the next two chapters is that single-issue lottocratic systems will do well at identifying and responding to the moral-political problems that actually exist in a particular political community. They will do this both by helping to address ignorance and by lessening capture and distortion of various kinds, improving the political system's performance along both epistemic and agential dimensions. Given that each SILL (at a time, and over time) will be close to a microcosm of the political community, if they do succeed at avoiding policymaking born of ignorance or distortion, they are likely to have broadly similar overall policy orientations, within a particular SILL topic area over time, and across the full range of SILL issues at a particular time. It would be wrong to assume too much by way of policy convergence—there will be path dependence and the contingencies of particularity in the people and timing of each SILL. But if the arguments of the next chapters are successful, this should incline us to think that there will be significant responsiveness and engagement with actual moral-political problems, and generally sensible responses to those problems.

For example, avoiding short-term electoral influences and having a less captured process is likely to result in somewhat similar, broadly compatible ideas about the importance and relevance of considering environmental effects from policy. If people are generally somewhat worried about climate change and environmental sustainability, then those on the Energy Development and Use SILL will be at least somewhat interested in issues of long-term sustainability and the development of sustainable energy. Because of mission influence and other factors, it might not be quite as strong an interest as those on the Environmental Protection SILL. And there might be some groups of randomly selected people that just happen to have a more short-term outlook. But in the comparison with what we find with elected generalist legislatures, there is some reason to expect greater coherence emanating from the lottocratic SILL system, even if it isn't anything like perfect coherence. Focusing on single issues enables places of broad agreement to result in consistent, coherent sensible policy on that topic to emerge, even across many SILL cycles.

When considering diachronic coherence, the main thing to stress is the comparative improvement given the absence of destabilizing influence of electoral swings, along with improvement in reality-tracking sensibility. But there are other institutional mechanisms available to help with enabling coherent policy visions to be in place over time. One kind of mechanism would serve as something of the opposite of a sunset provision, requiring that legislation that was enacted in a particular domain be in place for a set period, three years, or five years, etc., before that topical SILL could revisit it. There could be exception triggers put in place, so that a supermajority vote of a new SILL, or even a supermajority public referendum, could overturn that minimal duration clause. It is not obvious that provisions of this sort would be worth the cost to flexibility and updated judgment and responsiveness, but they could be an option, particularly perhaps for proposals the success and evaluation of which necessitates a more extended implementation period.

12.4.3. Budgeting and Appropriations

Other questions that arise with single-issue legislatures are those having to do with budgeting and appropriation of funds—who will make decisions about budgeting and how much to pay to implement the proposals that the SILLs might arrive at?

One institutional option would be to have a structural assembly that corresponds to Appropriations and Budget committees within a generalist legislature committee framework. It might also be possible to combine these with mechanisms of popular budgeting and priority-setting, as in the case of “participatory budgeting” in Porto Alegre, where broad community input influences the general

distribution of public resources toward political problems.⁶ The details of these mechanisms vary, but typically have some large group of unelected citizens who come together to discuss and express their views about what rough proportion of the budget should be spent on which political problems. In the case of the structural assembly envisioned here, it might be that the Budget Assembly could gather this broad community opinion on budget priorities and use that to inform their allocation decisions based on the specific yearly or semi-yearly proposals from the twenty different SILLs, after these proposals had been scored by an independent, non-political entity like the current Congressional Budget Office.⁷ So, on one version of this process, each SILL would develop a proposal, that proposal would be assessed for its net cost (which might be negative), and the Budget Assembly would then make specific allocation decisions based on those proposals, funding them to the extent possible given the popular guidance combined with the actual proposed expense. In cases in which they couldn't fully fund a proposal, that could be made known to the relevant SILL, which could then alter the proposal to reduce the cost, or make an alternative proposal.

As with the Topics Assembly, there are important questions about the composition of the Budget Assembly. As in that case, it is plausible that a group of randomly chosen citizens, some of whom were "veterans" of previous SILL service, some of whom were newly randomly selected, would provide the best balance of specific knowledge and broad representation. Perhaps the Budget Assembly should be larger in size than others, to allow for more broad popular input and to enable more accurate microcosm representation. As suggested above, there might be a substantial role for political participation in setting budgetary priorities, which could then inform the judgments of the Budget Assembly.

An alternative to this process would be for the Budget Assembly to be populated in total or in large part by current SILL members. Perhaps fifty people from each of the twenty SILLs might be randomly chosen and charged with putting forward the merits of the proposal to the full group, hearing about the other proposals (which would have already been scored by the CBO-like entity), and then the 1,000-person group would devise and vote on several possible comprehensive budget allocations across the twenty SILLs. A variant of this would bring 500 or 1,000 new randomly chosen citizens to take part in this process, too, so that the full Budget Assembly would be 1,500 or 2,000 people. The epistemic demand on each individual, learning about proposals from outside their own SILL experience

⁶ For discussion of the more than 1,000 municipalities in Latin America and the 100 municipalities in Europe that have used participatory budgeting mechanisms, and regarding participatory budgeting more generally, see Sintomer et al. (2008).

⁷ For details on the process of this process and the established "scorekeeping conventions," see the Congressional Budget Office report on "What You Should Know about Congressional Budget Scoring," available at https://www.gao.gov/special.pubs/appforum2011/scorekeeping_guidelines_2011.pdf.

and trying to assess the relative importance of those proposals, is significant. (This is not a comparative disadvantage with generalist legislatures, which face this same problem.) It would not be surprising to see substantial deference to each proposing SILL. There might be a concern that those who served on a particular SILL will be particularly invested in funding their proposal, given their time spent working on that issue. But given that they were randomly chosen to work on that issue, it is not clear that they will prioritize funding their own proposal over others that might be in areas that matter more to them, given their actual interests. Given the significance of some of the decisions that might be made by a Budget Assembly, the same anti-capture provisions would need to be in place as are in place for the SILLs, perhaps even stricter limits on how much access would be available to those outside the process while the process was going on.

The institutional options for budgeting discussed so far are what we might call “proposal-first” options. The SILLs first generate proposals, then seek out and compete for funding for them. An alternative method would be to use participatory budgeting or some other mechanism to establish an initial funding allocation for each of the twenty SILLs, with SILLs using that allocation to inform their proposal-making process. There could be a mechanism where upwards departures from those initial allocations could be pursued through something like a Budget Assembly review process. A downside to this option is that the broad public might not be well informed about the many moral-political problems in their midst, so they might not have a sense of how to vote in broad participatory budgeting processes. Many of the worries about ignorance, manipulation, and other forms of distortion in mass politics would seem to reappear. Still, there might be some sociopolitical contexts, or some ways in which to pursue participatory budgeting, that could avoid these worries.

* * *

These three chapters have attempted to present additional institutional details for three elements of the lottocratic system that might be particularly novel or distinctive, alongside the use of random selection: the intentional, central use of experts, deliberation, and single-issue legislative bodies. This has occasionally required wandering somewhat deeply into the weeds of speculative institutional design. These details are important, but it would be hubris to think that I have all the answers. The general message here—more important than the specific design proposals—is that, although there are potential concerns, there also are possible institutional design solutions. As will have been apparent, a consistent hope is that lottocratic elements, and in particular the use of randomly chosen citizens serving in various capacities in various “structural” assemblies, might be sufficient to support the core lottocratic structure. But as with all new and untested political systems, much will have to be built, designed, and refined along the way.

In the next several chapters of the book, I shift from setting out core design elements of the lottocratic system to considering why those elements together might result in an attractive political system, particularly for modern political conditions, particularly when compared to electoral representative systems like those found in the United States.

Overcoming Ignorance, Improving Epistemic Performance

Part I detailed a long list of concerns about the sensibility of electoral representative systems under modern political conditions. Recall:

SENSIBILITY: the extent to which a political system consistently (1) appreciates (or understands or knows) the world as it is, particularly the world as it relates to the moral-political problems that exist in the political community; and (2) responds to the world in light of this appreciation.

How a political system fares on this front is a function of how institutions are designed and who is empowered to work within them, how interrelated individuals and institutions work together, what those individuals believe and know and are motivated and empowered to do, what incentives and support those institutions provide, and so on. Speaking of a “system” in this sense is to speak using a kind of shorthand.¹ How a political system fares in terms of **SENSIBILITY** is partly a function of the sociocultural context in which the political system is situated and how it operates in that context. Evaluations of the **SENSIBILITY** of a political system must be made relative to a specified context.

Although the list of concerns about the sensibility of electoral representative systems under modern political conditions detailed in Part I was long, they can be divided as emanating from two broad sources: ignorance and distortion.

On the ignorance side, I discussed how, under modern political conditions, members of the political community, although empowered as voters and political influencers of various kinds, will not have enough time or incentive to become adequately well informed about the moral-political problems that exist, the possible solutions to those problems, nor about what their representatives might be or should be doing about those problems. This results in systemic, widespread,

¹ Although I am not sympathetic to the idea of collective agency or collective intentionality, on which a group or even a political system might be said to have intentions, plans, capacities, abilities, beliefs, knowledge, and so on, in a literal way, there are others who are. What I say about sensibility and responsiveness is compatible with either a view on which there are collective agents and collective entities that themselves have beliefs, knowledge, capacities, abilities, and so on; or with a view on which only individuals are agents and/or only individuals have beliefs, knowledge, and so on, and talk of a system having a capacity is just elliptical for talk of a complex organization made up of individuals being constituted or set up in a way that instantiates sensibility or responsiveness.

and causally significant ignorance. Beyond this, there is a contaminated mass information environment, resulting from market incentives in mass media and information provision, which causes and intensifies ignorance regarding politically relevant topics. In this context, our individual epistemic toolkits come to include both an entertainment filter as well as a partisan filter, both of which further entrench our ignorance. And distractions and divisions within the political community make both members of the political community and those who are elected to represent them more likely to be and remain ignorant, as they trust partisan sources, become further ensconced in echo chambers, and demonize and distrust their electoral and political rivals. Those few who are elected to serve as representatives are a non-representative subset of the population in terms of race, gender, socioeconomic status, occupational experience, immigration status, and much else, and this brings with it ignorance and other epistemic limitations. These factors contribute to making it difficult for the political system to do well by sensibility, affecting the ability of the political system and the people empowered at various sites within it to appreciate the world as it is, to notice the problems that exist, to understand their causes, to have plausible views about possible solutions, and to have accurate beliefs about non-moral and moral facts that are relevant to the problems and the choices among various possible solutions.

These imperil the ability of the system to do well by sensibility, even if all the actors in the system were intently focused on doing their best to address the moral-political problems faced by the political community. Ignorance imperils sensibility even in cases where all involved have public-minded motivations and are focused on addressing actual moral-political problems. The next chapter focuses on problems with sensibility that emanate more from distortion than from ignorance—distortion in terms of the incentives and motivations of empowered actors within the political system. These might contribute to ignorance, but they can also operate to imperil sensibility even with an accurate and clear-eyed set of beliefs regarding the extant moral-political problems, what it would take to address them, which are most in need of addressing, and so on. Distorted political actors might see the fire but choose to walk away anyway.

The previous several chapters have presented one version of a lottocratic political system in detail. With those details in view, let us now consider potential advantages and disadvantages of a lottocratic system. In this chapter and the next, I argue that the lottocratic system might fare comparatively well with respect to both ignorance and distortion, improving both the sensibility and the responsiveness of the political system. Chapter 15 moves beyond sensibility and responsiveness to consider how lottocratic systems fare regarding other important dimensions of political morality.

When considering the question of how well a political system will do by sensibility, one must have a view about how the system—or the set of people with power within the system—ends up having a view about what the world is like,

the problems the political community faces, the causes of those problems, and the solutions that might be available to address those problems.

In an electoral representative system, the main actors are the broad community of voters and potential voters; the much smaller group of people who are elected and who work for those elected; and the people who have the money and resources to lobby and influence those who are elected, and to affect the beliefs and values of the broad community through news media, technology, and education. This is to simplify, but we can think of three main groups: voters and potential voters; elected representatives and their staff; and powerful individuals and corporations (those who have the power to influence elected officials and to shape and transform the epistemic landscape).

One possibility is that the beliefs and values of voters and potential voters are the driving force regarding what the political system notices and reacts to, so that widespread ignorance in that group would result in significant insensibility and misperception of what the world is like, what problems are present, what solutions are available, and so on.

Another possibility is that the views of voters and potential voters don't matter very much. The much smaller groups of elected officials and the socially powerful work together in their own high-level elaborate dance of power and influence that, for the most part, sees voters and potential voters as far below them, easily manipulated when needed because of their widespread ignorance, their actual problems and concerns generally ignored. In that case, insensibility results from those most powerful two groups generally not caring and not acting to address the problems that exist, but also perhaps just from ignorance on the part of those engaged in this dance of power that floats free of and above the many problems that actually afflict the political community.

It also might be that a hybrid view is correct. For some political issues the first story is apt, while for others the second story is. The argument in Part I was that, whichever story is correct, the electoral representative system will not do well by sensibility.

In considering the lottocratic system, we must hold the background conditions fixed: the large scale and scope of modern political communities, the correspondingly complex and technical problems, and high levels of citizen ignorance regarding both problems and solutions. But the significant actors in the lottocratic system are different.

At the center of the lottocratic system are randomly chosen citizens populating the SILLs, Structural Assemblies, and Executive Assemblies. In addition to them, there are four other important groups of people: (1) those who speak to the randomly chosen citizens as qualified and selected experts, stakeholders, and advocates; (2) those who organize and constitute the broader bureaucratic structure (serving on SILL-created agencies, as Executive Assembly appointed officials, etc.); (3) those in the broader political community who engage with the

lottocratic institutions through participatory mechanisms; and (4) the socially and epistemically powerful individuals and corporations that might have an interest in shaping the views and testimony of all those in the aforementioned groups. These five groups of people, and the interplay among them, will be centrally responsible for the level of sensibility of the lottocratic political system.

In what follows, I provide reasons for optimism regarding the sensibility of lottocratic political institutions, particularly with respect to addressing concerns stemming from ignorance, at least in the comparative assessment with electoral representative systems.

Ignorance matters because an assumption behind sensibility is that there are objective facts—there is something to appreciate (or understand or know) regarding the world as it is, rather than just the world as we believe it to be or as we would like it to be. A related assumption is that there are objective facts about the existence of moral-political problems in a political community, and that a political system ought to be judged in significant part based on how well the system does by identifying problems that actually exist and responding effectively to those problems. A harder issue is whether there is some correct moral ordering of the relative significance and importance of these problems that is determined by facts other than the attitudes of the members of the political community and, if so, how that moral ordering interacts with the views and preferences of the political community. I think there are facts about relative importance that come apart from just whatever the political community's view is about the matter, but that these interact in complicated ways. I take these issues up more in Chapter 15. Here, it is enough just to note that doing well by sensibility requires a system to have reliable mechanisms to notice and identify the moral-political problems that exist, to develop plausible responses to those problems, and to act to implement those responses.

13.1. Addressing the Empowered Ignorance Problem: Learning, Deliberation, Consultation, and Competence Creation Regarding a Single Issue

I argued in Part I that voter ignorance presents deep problems for electoral representative democracy—or, really, for the sensibility of any kind of democracy with which we are familiar. Strategies for addressing the ignorance problem at a society-wide scale are not promising. That can make it seem that robust, egalitarian democratic systems are in trouble. They seem to be either oligarchies or technocracies in disguise, or to involve placing power in the hands of the presently and persistently ignorant, or some bad combination of both.

The lottocratic system aims to remain democratic (rather than oligarchic or technocratic) while also improving the epistemic position of those empowered

to make law and policy. There are several distinct mechanisms by which this is achieved.

First, by randomly selecting some people from the broader political community and giving them significant time in which to learn about an issue through the learning, deliberation, and public consultation phases, the lottocratic system is likely to improve the epistemic situation of the individuals empowered to make law and policy. They will learn more about the topic than what most voters and potential voters know. They will learn more about the topic than even well-informed voters, who are both often highly partisan in their engagement with political issues (leaving many of them in poor epistemic positions) and who often focus on only a few issues. They will likely become more knowledgeable about the topic than most elected representatives, as most elected representatives spend their time on only a few issues, and simply go along with their party for the rest.

Part of this story is simply giving people more time to learn. But a significant part is the single-issue focus. This dramatically lessens the epistemic burden on individuals. This is an “epistemic demand-side” solution. It doesn’t address either the broad ignorance in the political community or the broad ignorance of the individuals chosen, but it does substantially lessen the ignorance of particular individuals with respect to the issue on which they are empowered to help make law and policy. It is close to unimaginable to move individuals into an even modestly well-informed position about all policy issues given the complexity of modern policymaking. But people can learn something substantial about one issue in a few months and eventually years of engagement and education.

A central element of this process is the learning phase, which brings non-experts into extended contact with experts, stakeholders, and advocates who are knowledgeable about a particular issue. Given the complexity of modern policymaking, drawing on actual expertise is essential for having a political system that does well by sensibility. Given the processes regarding the qualification and selection of experts as outlined in Chapter 10, the lottocratic system is better able to draw on expertise in a way that is transparent, not hyper-partisan, and likely to be a substantial improvement over how expertise is used (if it is used at all) in policymaking in electoral representative systems. And the randomly chosen citizens do not just have to passively accept what the experts recommend. They can question those experts, consider how the expert testimony regarding non-moral facts interacts with their own views about relevant moral considerations, and assess their sense of the significance of the problem by drawing on their own values and priorities while considering the expert testimony.

A second, complementary way in which this individual-level epistemic improvement happens is through small group deliberation, at least in those cases in which reflective lottocracy is used. As noted in Chapter 11, there are at least four distinct potential benefits from this kind of small group, reflective discussion. First, it is likely to help randomly chosen citizens with learning and

retention of the material that is presented to them by experts, advocates, and stakeholders. Second, it provides an opportunity for the randomly chosen citizens to learn from each other by sharing relevant evidence and experiences. Third, it provides an opportunity for people to hear the moral perspectives of others, to engage in moral discussion and reflection about the moral-political problem being considered, and to begin developing and evaluating possible responses to that problem in light of this broader perspective. Finally, this kind of reflective discussion with others has the potential to expose people to people from groups and communities that they might not otherwise encounter, to build respect and trust and understanding across social lines, to destabilize background ingroup/outgroup dynamics, and to create a sense of community and shared purpose. There are many benefits to this, but a significant one is epistemic: helping build connections that allow for trust and testimonial exchange and learning to take place across social and other kinds of lines.

A third way in which those making decisions in the lottocratic system might come to be comparatively epistemically better off is through more useful, beneficial engagement with the broader political community. Those randomly chosen to serve will be more demographically representative and, plausibly, will be both more interested in and better at engaging with members of their specific communities to learn about the political issues that are affecting them. And those members of the political community will have reason to believe that the randomly chosen people serving as representatives will actually be open to listening to them and bringing their concerns into the policy conversation. SILL members won't already be dug in on a particular side, nor do they have to worry about just paying attention to the majority or the electorally powerful. Political participation by those in the broader community thus has the potential to be more informative and influential for those empowered to make political decisions.

The single-issue focus, learning phase, extended discussion and deliberation, and beneficial community consultation, as well as the accumulated learning and experience over several years of SILL service, should all serve to make SILL members comparatively more knowledgeable about the particular policy domains they are working on than other members of the political community. And this experience will serve to counteract what SILL members might have come to believe about issues as a result of only glancing or manipulative exposure to the topics via (often biased) corporate-controlled news media, advertisements, and other attempts by powerful individuals to control perceptions and understanding of the issues in question.

It is still possible that those socially and epistemically powerful individuals will attempt to manipulate, capture, and otherwise distort the process in other ways—for example, by affecting which experts end up speaking during the learning phase. This is a concern, even given the strategies for limiting capture and influence in the selection of experts discussed earlier. But there is reason to think the situation

will still be comparatively better than what we have with electoral representative systems, particularly if effective checks on expert qualification and expert selection and other attempts to distort the process can be put in place.

So far, the focus has been on how individuals move from positions of general ignorance about a policy to topic to a position of comparatively more knowledge about that topic. That is one way in which the lottocratic system might lead to improved sensibility and, in particular, to awareness of the problems that actually exist as well as plausible potential solutions. But another significant source of improvement comes not from what happens after people have been selected, but from *who* has been selected.

13.2. The Epistemic Value of Microcosm Representation

“One trouble, it seems to me, is that the majority of the people who rule us, who have our money and power, are lawyers or military men. The lawyers want to talk our problems out of existence. The military men want us to find the bad guys and put bullets through their brains. These are not always the best solutions—particularly in the fields of sewage disposal and birth control.”

Kurt Vonnegut, from “Address to Graduating Class
at Bennington College, 1970”

As discussed in Chapter 6, the “unrepresentative representatives” selected through elections create significant worries that whole categories of people are being largely left out of the central epistemic input to the political system. Elections in modern political conditions lead to the narrow selection of the socioeconomic elite as our political leaders. Elected officials are disproportionately rich, male, white, and employed as lawyers and businesspeople. Our elected legislatures are composed of people who, disproportionately when compared to the population as a whole, are not teachers, police officers, primary caretakers of children, nurses, construction workers, doctors, plumbers, social workers, farmworkers, scientists, single-parents, non-native English speakers, disabled, working-class, openly gay, community college students, welfare recipients, women, Black, Hispanic, atheists, Muslim-American, first-generation immigrants, formerly incarcerated people, formerly homeless people, currently or recently unemployed people, and so on. There are different concerns that arise because of this. Some of those concerns are epistemic, in that they affect the ability of electoral systems to appreciate the world as it is, to identify the moral-political problems that need solutions, and to devise rational, attractive solutions to those problems. This skew in who is in power affects the ability of electoral systems to do well by the epistemic component of sensibility.

There are several distinctive epistemic advantages that attach to microcosm representation, representation such that political representatives have characteristics that proportionately match the characteristics of the broader public, for all or nearly all characteristics that we might consider. These “characteristics” include familiar broad categories like sex, race, class, religion, age, sexual orientation, ethnicity, and so on. But they also include anything else about people that varies across the community: their interest in nature, whether they would turn the trolley in trolley problem cases, whether they like being in charge of other people, how anxious they are about the future, how many books they have read in the past year, and so on. “Matching” in this context just means that if 14 percent of the larger population has characteristic X, then roughly 14 percent of the smaller population of representatives does as well. Short of simply having the whole population take part in political decision-making through fully direct democracy, nothing else does as well at microcosm representation matching as randomly selecting a decently large subset of the population and giving them political power. An additional important benefit of random selection: one achieves “matching” in this way without having to identify or agree upon what categories or characteristics matter—epistemically or otherwise.

There are at least three related, complementary suggestions regarding the epistemic value of microcosm representation. These concentrate on the epistemic value of (a) the distinctive knowledge people have as a result of their particular experiences and associated evidential histories, (b) the distinctive knowledge people have about what is in their interests and what is in the interest of those close to them and how these interests bear on the question of what problems exist and what solutions are attractive, and (c) the different “cognitive styles” and methodological approaches that individuals use to identify and solve problems. The overarching idea is that there is much of epistemic value that is widely dispersed across any large political community, that there is variance across the community in how these epistemic goods and epistemically valuable resources are distributed, and that this distribution is in many cases related to having certain characteristics or being members of certain categories of people. A decision-making group that can draw on all of this will do better than a group that does not—at least at identifying and generating attractive solutions to the moral-political problems that affect the full political community.

Although all of (a)–(c) might provide reasons for seeing microcosm representation as being of distinctive epistemic value, my own view is that the first, (a), provides the clearest case for this. We can see this kind of reason as connected to what has been called “standpoint” epistemology. But we should be clear about what this involves, as there are nearby views and commitments that are more controversial than needed for this basic point.

As discussed earlier, there is an important tradition in what is now called standpoint epistemology that draws attention to the way in which social position

and experience can affect what one comes to know and understand. Many have argued that what one is aware of, what one knows, and what one can explain is partly a function of one's social position.² The knowledge possessed will not be exhaustive knowledge regarding the full causes of oppression and social inequality. It is instead more microscale, situational, social, and emotional, concerning how people do or are likely to behave under various circumstances, how certain actions and events make people feel, what subtle and perhaps largely unnoticed obstacles might exist to limit a policy's effectiveness, and so on.³ Epistemic advantage might be conferred partly by not having been exposed to racist and sexist propaganda and intentional efforts at misinformation, or by having been inclined and better positioned to resist believing the propaganda and misinformation.

There is a controversial, uncharitable construal of the view that suggests that it requires essentialist commitments that all working-class people or all women know X or Y simply in virtue of being a working-class person or a woman. In a more plausible, less controversial construal of the view, it simply requires considering how we come to have the beliefs and knowledge that we have and the evidence and justification that we have for those beliefs, and the way in which this depends almost entirely on the total set of evidence that we encounter, including evidence from the testimony we encounter, the experiences we have and witness, and the education we receive—both formal and informal—which can include both testimony and experience.

Consider, for example, what an aerospace engineer who has worked for Boeing for thirty years knows about how planes work and how that compares with what I, as a philosopher, who has never taken any engineering classes or aeronautical science classes, know about how planes work. It's not some kind of inexplicable magic that the aerospace engineer knows more than I do; it's the result of their years of education (sitting in classrooms, listening to lectures, reading books, working through problem sets, etc.), experience working on designing and modifying airplane design, talking to other aerospace engineers, and so on. Notice, too, that this isn't all a matter of passively being exposed to evidence over time. Much of the relevant experience occurs because of conscious choices made on the part of those who have an interest in aerospace engineering or becoming an aerospace engineer. They have sought out certain experiences, investigated various questions, spent time listening to and working with experts on the topic, and so forth. We are all happy to notice this difference and credit the aerospace engineer with being in a better epistemic position regarding the domain of knowledge of how planes work, even granting them the title of expert with respect to the domain of

² See, e.g., Collins (1990); Harding (1993/2004); Hartsock (1983); Medina (2013); Mills (2007).

³ Iris Marion Young details some ideas in this regard in her book *Inclusion and Democracy*, in which she suggests that people who occupy different social positions "have particular knowledge that arises from experience in their social positions, and those social positions also influence the interests and assumptions that they bring to inquiry" (2002: 114).

aviation (or some narrower domain). We might group some people together in particular categories, with convenient labels, for all kinds of reasons, but we might then also notice that people in some categories have substantial overlap in their epistemic histories regarding experience, education, testimony, and the evidence they have acquired through those histories.

One way of understanding standpoint theorists, going back to the quasi-materialist views of Nancy Hartsock and Patricia Hill Collins, is that just as the total set of evidence encountered by people in the category “aerospace engineer” tends to be different than the evidence encountered by those not in that category—and different in a way that *improves* their epistemic position with respect to a set of questions and problems—so, too, for people in the category “woman” or “Black person” or “Black woman.” People in each of those categories will generally (although not universally) have had some experiences in common, in terms of what is said to them, who says it, how other members of society interact with them, what rooms they are allowed or encouraged to enter and how people react to them once they are inside, what people share with them, what opportunities are opened to them and which are relatively closed off, how many people they know who has had this or that kind of life experience, and so on. There are moments of distinctive education, “consciousness raising,” and sharing of testimony, as when parents of Black children talk to their children about race and racism, police, how they are likely to be perceived in certain situations, why they can’t just behave as white children do in certain contexts. There are also the accumulated small experiences over a lifetime—being looked at a certain way, being taught about particular pieces of history or culture or tradition, seeking out the advice of particular mentors, being spoken over or ignored or stereotyped in distinctive ways, hearing comments made about their qualifications or successes or personal appearance, reading articles and stories about certain topics, studying and taking an interest in certain subjects, and so on. And then, to the extent that certain experiences—being threatened, being sexually assaulted, being harassed, being steered into one line of employment rather than another, being arrested or imprisoned—are more common if one is in one of these categories, that makes it more likely that members of those groups will have themselves had these experiences.

This raises a point stressed by Charles Mills in discussing “white ignorance”: just as the set of evidence encountered by a certain group can put them in an epistemically advantageous position with respect to a domain of knowledge, so, too, a group can be in an epistemically disadvantageous position with respect to some set of questions, because of their distinctive evidential history.⁴ This doesn’t require anything magical or essentialist—just that many people in the category

⁴ Mills (2007).

“white person” have a shared evidential history in certain respects; namely, in the respect of what they learn about racism, what they learn about the history of white and Black people in schools and through testimony, and so on.

We can see important complexities regarding these ideas. Standpoints as attached to categories of this kind are imperfectly drawn and not perfectly uniform. They do not confer category-wide infallibility for members of the group. And they often can be further refined in ways that might be epistemically important for some purposes.

Consider our aerospace engineers. First, there might be some aerospace engineers who actually know very little about how planes work. Maybe they skipped class, cheated on the tests, and got the job because their dad runs the company. Their work is terrible, they get everything wrong, their colleagues have to cover for them, and thank goodness there are redundancies built into the design process. They are in the category “aerospace engineer” but we might call them epistemically deviant cases of aerospace engineers. They don’t know what most aerospace engineers know, because they haven’t had the epistemic history or uptake that most (or many) aerospace engineers have had.

Second, even for serious, skilled aerospace engineers, they are not infallible with respect to their domain of expertise. They may still get questions wrong, they may have false views about factual matters within their domain of expertise, and they may even have systematically false (and systematically worse) views about some topic if most aerospace engineers were taught something during their distinctive epistemic history that turns out to be false.

Third, there might be refinements that—for at least some purposes—we ought to make within the category of “aerospace engineer.” There are, for example, aeronautical engineers (who work with aircraft and flight within Earth’s atmosphere) and astronautical engineers (who work with spacecraft and flight inside and outside of Earth’s atmosphere). They will know some of the same things, but there will also be some things that one group mostly knows, and the other group mostly does not know. And there are further specializations depending on whether people work on aircraft, spacecraft, satellites, or missiles and rockets. If you want someone to speak to an 8th grade science class about flight, almost any aerospace engineer will do. But if you want someone to help advise on a project launching satellites into orbit, you will want an astronautical engineer, if you can find one. Again, there is no mystery here. Astronautical engineers will have gone to lectures, worked on projects, and encountered testimony and other evidence that most aeronautical engineers will not have. So, in addition to there being cases of epistemically deviant members of the broad category, there will also be cases in which we want a narrower, more refined category because of the specific epistemic contribution we need.

A final important point about those *not* in the category. It obviously doesn’t follow that, simply because a person is not an aerospace engineer, they won’t know

any of the things in the domain of aerospace engineer expertise. There might be a hobbyist who studies satellites on the side of their day job as a chef. That person might be as expert regarding this domain as any aerospace engineer—without thereby being an aerospace engineer. This would be somewhat unusual, but it is certainly possible that a person might have become an expert, because they did much of what aerospace engineers typically do in terms of seeking out testimony, evidence, and educational experiences regarding the working of satellites and more general facts and knowledge about astronomical science.

If the story of heightened epistemic competence in a domain is one of epistemic experiences being common to members of a category, then we should be open to the possibility that people outside of that category might have had the same or similar epistemic experiences, or different experiences that have made a similar epistemic contribution. That said, we might also think there are some epistemic histories that are distinctive and rarely shared by members outside of the category. Consider, for example, the evidence one might encounter while being a racialized-as-Black person in all white spaces—the subtle differences in treatment, small comments that might be made or not, small discomforts on the part of members of the group, and so on. It is of course possible that a person might acquire, through extended shared testimony, some sense of what those experiences are like. But it is also possible that what is communicated via testimony fails to get all the detail and nuance right, fails to transfer the forward-looking ability to notice future instances, and misses out on subtle things about the full effects of these experiences.

What is true for aerospace engineers is true for other social categories, too. First, the categories might be quite broad including some who lack the distinctive, shared epistemic history entirely. Second, even members with the shared epistemic history in those categories might not get everything right (and might even get some things systematically wrong). And third, there might be some topics for which a more refined category would do better with respect to that topic. So, very broad categories like “woman” or “Hispanic” or “Black” or even “Black Hispanic woman” will be subject to these same complexities.

Note, however, that if we think there is something epistemically significant about the category generalization in the first place—as in the case of aerospace engineers—acknowledging these three complexities should do nothing to undermine our confidence in the initial generalization or its usefulness. The key is to avoid essentializing or overclaiming what follows from someone being a member of the category, and to notice situations in which there might be divergent members of the category, in which the category should be refined, or in which members of the category may be getting things wrong across the board.

Consider, now, all those largely left out of electoral representative power: the aerospace engineers, teachers, police officers, primary caretakers of children, scientists, single-parents, first-generation immigrants, formerly incarcerated

people, currently or recently unemployed people, and so on. If the above claims are correct, then these categories, and many more besides, are such that members of those categories, as a general matter: (1) know some things that many people outside of the category do not, and (2) know these distinctive things because of parts of their epistemic history that they share in virtue of being members of those categories.

A further claim: this distinctive knowledge is relevant to identifying the moral-political problems that exist in some political community, understanding them in a detailed way, and formulating effective, attractive solutions to those problems. This lends support to the more general view that information, knowledge, and expertise that is needed to do well by the epistemic component of sensibility is widely distributed across all or many members of the political community. If information, knowledge, and expertise relevant to doing well by sensibility is widely distributed in this way, then a necessary condition of doing well by sensibility is that there is an effective mechanism by which to bring that widely distributed information or expertise to bear on the political or collective decision in a consistent and reliable fashion. The arguments of Part I suggest that voting for elected representatives turns out not to be a very good way of doing this. Additionally, it is not accomplished in electoral representative systems in virtue of who is elected, given the skew in elected representatives.

So, there is an initial problem for elected representative systems that select people from only a few of these categories. It is true that, for any piece of information that might be held distinctively by members of a particular category, there are often ways for those outside of the category to obtain that information. With the right consultative mechanisms, a decision-making group that had no members of a particular category—no formerly incarcerated people, for example—could get the information that members of that category might have supplied had they been a part of the group. The problem in practice is that one often doesn't know what one doesn't know, and one doesn't always know what one should know before acting or deciding. Perhaps no one in the group is even talking about a problem or a possible solution. Given the complexity of policy-making and given the many different social positions that people occupy in the modern world, an additional problem is the sheer difficulty of anticipating the many kinds of input that might be relevant and indeed essential. (And this is to set aside, for the moment, whether those in power have any interest in consulting all those whose input might be relevant.) The theory behind elections is that they create an incentive for elected representatives to pay attention to what "the people" are saying about the problems they are facing and to do something to help address those problems. The story told in the first part of the book is that this theory is not working out well in practice. So, by using elections that are disproportionately selecting for a white, male, wealthy, lawyer/businessperson elite, and not selecting for people from all the other many social positions, we are losing out

on much of the available knowledge that is necessary to have a system that exhibits a high degree of sensibility.

Consider, now, how much better lottocratic systems do with respect to getting members from all the categories we could possibly identify into the decision-making process. Without requiring any view about which categories are most epistemically important, random selection ensures that people from all social positions, occupations, educational backgrounds, and other categories will take part in a central, demographically representative way in political decision-making. And mechanisms of well-structured deliberation and engagement with others provide a way for this widely dispersed information and knowledge to come to be known by others.

As noted earlier, there are at least three epistemic rationales on which we should want those empowered to make political decisions to be a genuine microcosm of the broader political community. One is the suggestion that has been the focus so far: knowledge, information, and relevant expertise might be widely distributed across a political community, because people in that community will occupy different social positions and have different experiences and evidential histories that inform their judgments about moral-political problems and proposed solutions to those problems.

A second suggestion—which can be seen as a special case of the first—is that each of us is in a better epistemic position to know about the problems that we and others close to us are facing than those who are not us or are not close to us would be, and that this knowledge is key to doing well by sensibility. And each of us plausibly has a better sense of what is in our interests (what will promote our welfare, utility, autonomy, education, wealth) than other people. Certainly, better than some central planner, autocrat, technocrat, or distant elected official. Better than someone who has never met us, never lived where we live, never believed what we believe, never cared about what we care about. We are not, of course, infallible about what is in our interests. And there are concerns about adaptive preferences, false consciousness, and the like. It is just a comparative claim: each of us has a better sense of what is in our interests, what moral-political problems we face, how serious they are, and so on, than someone who is far removed from us, or who doesn't know us at all. Again, we can simply point to our more detailed evidential history regarding this question. We know what has happened to us, what problems we have encountered, what has worked well, what has made us happy, in more detail than those distant from us. This will also be true with respect to those we have been close to and have been able to observe in some detail: family, friends, co-workers, neighbors.

Even if we aren't all that good at knowing what is in our own interests, we will still be better than some distant, prejudiced member of the socioeconomic elite who has only seen people like us, or people in our situation, on television. There is also a less epistemic, more moral justification for giving us say over what

is in our interest, whether we are accurate or not. But at least some strains of anti-paternalistic thought, going back to at least Mill, incorporate this epistemic claim, too.⁵

This line of thought might suggest direct democracy as an attractive option. But that option is unattractive, for two main reasons. First, because of the non-interest-based considerations that are relevant to appreciating what the world is like—the boring non-moral factual elements of making good political decisions. Second, because of worries about how the mass information provision that would be required is likely to be captured by powerful interests. We need to improve our general epistemic position in various ways, so that we have accurate views about various factual matters that serve as background predicates to sensible political decision-making. How much lead can be in water without it being harmful? What is likely to happen to unemployment rates if we change the provision of health insurance in this way? What is the relationship between longer prison sentences and crime deterrence in socioeconomic conditions like those that obtain in our political community? It is not clear how to accomplish this using mass direct democratic processes.

A plausible next best option, then, is to have people randomly chosen from the political community so that there will be people like us (whoever we are) in positions of political power, along all the dimensions of “likeness” that we can consider. People from similar socioeconomic positions, occupational backgrounds, educational backgrounds, religious communities, racial and ethnic backgrounds, and so on. Although this won’t be perfect one-to-one mapping in every way (there might not be a Cuban American philosopher who grew up in the Seattle area and now has two kids and who lives and teaches in New Jersey and so on), the overall microcosm representation should do comparatively well at bringing in people whose interests are broadly similar to ours, for each of us.

A third epistemic consideration in favor of microcosm representation is that each of us has not only local knowledge and information based on our distinctive epistemic histories and membership in epistemically salient categories, but we also have different cognitive skills, problem-solving styles and methods, and other epistemic virtues and abilities that are relevant to doing well by sensibility. These might come apart from the aforementioned categories (certainly they will come apart from, say, racial categories), but they might still be important. Earlier we examined this consideration when considering the way in which, even since Aristotle, it has seemed attractive to think that a “diverse” group might be better than an individual at figuring something out. On one interpretation, the view is like the distinctive evidential history contribution discussed earlier. Some of us

⁵ At least the anti-paternalistic Mill of *On Liberty*, chapter 4 (1859a).

might know a lot about running a business, others know about educating children, and so on. But on a different or complementary interpretation, we might think not about the specific things we each bring (whether food or evidence or bits of knowledge), but about our distinctive epistemic skills, abilities, methods, capacities, or cognitive styles.

There are different ways of defining these skills and abilities. They might concern whether we have acquired formal or occupational education relating to data analysis and statistics, literary or textual interpretation, scientific methodology, engineering and design processes, business development and management training, and so on. Or they might focus on whether we are skilled at interviewing people, solving logic puzzles, empathetic listening, creative brainstorming, memorization of detailed information, and so on. There are many ways of learning about the world and contributing to noticing, understanding, and responding to extant problems in the world. Skills at these distinct methods are distributed throughout the political community, and, although they may travel together with other categories (it is not implausible, for example, that aerospace engineers might have a similar set of epistemic skills and cognitive styles, which differ, broadly speaking, from, say, those of poets or real estate agents), they do not do so in some simple or uniform way. If group decision-making and problem solving is improved by having a broad range of these epistemic skills present in the group, then there is a case for trying to include such a broad range. Microcosm representation through random selection is one way of making sure that the range of skills present in the broader political community is also present in the group of political representatives.⁶ And we might worry that processes such as elections are not good at bringing people with all kinds of epistemic profiles into power. Those successful in electoral politics will need to have certain common skills regarding self-presentation and self-promotion, projecting as confident and decisive, being attractive or socially powerful in various conventional ways, and so on.

So, there are at least three distinct suggestions regarding the epistemic value of microcosm representation: (a) the distinctive knowledge people have as a result of their particular experiences and epistemic histories, (b) the distinctive knowledge people have about what is in their own interests or in the interest of those closest to them and how that bears on the question of what problems exist and what solutions are attractive, and (c) the different epistemic

⁶ It is, of course, not the only way of trying to achieve a distribution of epistemic skills within the group of political representatives. We might, e.g., do even better by identifying and testing for the relevant skills, and then making sure that epistemically optimal proportions of the relevant skills were present in the group. Doing that, however, requires both having a view about how to identify and test for the skills, what proportion is epistemically optimal, and, if it makes a difference at all, it would cut against microcosm representation, which has epistemic and non-epistemic costs.

skills, methods, and cognitive styles that individuals use to identify and solve problems.

The question of whether a representative microcosm does better than some non-microcosm subset—in terms of sensibility in general and accurately identifying genuine moral-political problems and solutions to those problems—is an empirical question. We have seen reasons to think that a microcosm will be better. This provides a reason to have the default be genuine random sampling, while perhaps regularly considering the question of whether that is doing less well than some alternative oversampling option. If we come to learn that, say, a group comprised of people 60 percent of whom love solving sudoku problems does much better in terms of sensibility than a group comprised of people 30 percent of whom love solving sudoku problems, then that provides a reason to adjust our selection procedures. There might be other considerations of equality and participation, discussed in Chapter 15, that tell against departures from random sampling, with a hard question arising about how those considerations interact with each other. Additionally, there are long-term considerations of the acceptance and stability of the system, and questions about how oversampling a particular set of traits or skills could be justified to the broader political community, if it involved a significant departure from microcosm representation.

Plausibly, doing well by sensibility will not align neatly with any specific category or demographic element, nor even any small number of them. That is partly for the epistemic reasons adduced in this chapter, but also partly for distortion-related reasons discussed in the next chapter. Noticing and responding to extant moral-political problems is a complex, dynamic, iterative, multifarious process. And we may not know what the next big problem is that we will need to confront, who will be on the front lines facing it, what epistemic skill set will be most useful to learning about and addressing it, and so on. Still, the case for pure random sampling and the value of microcosm representation is a largely contingent one, and it might differ in different sociopolitical contexts.

Modifications to the basic lottocratic system are possible. There is no reason that all SILLs and lottocratic bodies must use the exact same selection rules. If a particular SILL—say, the Energy SILL—turned out to require more science or technical background to do well by sensibility than what would ordinarily be present using pure random selection and achieving microcosm representation, it would be possible, for example, to oversample people with undergraduate degrees in STEM fields, or to even have a third of the SILL comprised of people chosen from a pool of people working in STEM fields. But each step away from microcosm representation and true random selection is a step that introduces some potential inequality, some potential distortion (as discussed in the next chapter), as well as concern about skew along dimensions other than the one intentionally selected for. But these remain possibilities to consider and assess.

13.3. Competence

“I was surprised to find so much distinguished talent among the citizens and so little among the heads of the government. It is a constant fact that at the present day the ablest men in the United States are rarely placed at the head of affairs; and it must be acknowledged that such has been the result in proportion as democracy has exceeded all its former limits.”

Alexis de Tocqueville⁷

Lottocratic systems can claim epistemic advantages in relation to electoral representative systems, given their ability to focus on single issues; to draw on expert knowledge; to incorporate and improve the views of SILL members through open, non-adversarial engagement and deliberation with each other and with the broader political community; and to achieve microcosm representation with the advantage of bringing together and drawing on a political community’s full range of local knowledge of interests and problems, evidential backgrounds and standpoints, and epistemic skills and abilities. All this provides some hope that lottocratic systems will do comparatively well by sensibility—their ability to know the world as it is, to know the moral-political problems that are present, and to devise attractive solutions to those problems.

A worry about systems that use random selection is that they will actually be comparatively worse in epistemic terms, because there is no screen for the *competence* of those who are given political power. Worries about competence are often underspecified. They also often assume a generalist legislative structure like that of current elected legislatures and fail to engage in an all-things-considered epistemic evaluation or comparison. Still, it is worth trying to clarify the concern and to consider whether there is a serious worry here.

There are at least three different competence concerns.

One worry that some have—usually expressed only delicately, in side-conversation after the talk—is that randomly chosen citizens would simply be of inadequate intellectual capacity to make epistemically responsible policy. Expressed bluntly: ordinary people aren’t smart enough. There is a concern—felt more powerfully by some than by others—that entrusting policy decisions to a randomly selected body of citizens would be a disaster, much worse than using elected representatives, and that it would be a disaster because of the intellectual (cognitive, general intelligence) limitations of ordinary citizens. Electoral politics may have its problems, but at least those selected must be at least somewhat intelligent, well-educated, and generally competent—or so the thought goes. One

⁷ Tocqueville (1835/1969: ch. 13, part I).

way of developing the worry suggests that even the least intelligent elected official must be above some relatively high threshold of intelligence or intellectual capacity, and this is not the case with those selected via random selection.⁸ There seem to be far too many counterexamples to the first part of this claim to take it seriously. Random selection will let in some people of modest intelligence. Elections also do that. A distinct worry is that the *average* or *total* intelligence level of the group of political representatives will be notably lower if they are chosen via sortition rather than election.

I am never sure exactly how to respond to this worry. We should be wary of the idea of domain general intelligence at work in the background, perhaps, but my initial response is even less concessive. Have you seen the people who are elected? On the other side, have you interacted with ordinary people? It is hard to know what standard of intelligence or competence is being deployed such that those elected typically do well by the measure relative to the general population, whether on average, or (somehow) in total.

The extent to which one is worried about average citizen competence in this sense may well depend on one's life experiences and background. Here's a conjecture: people who have spent much of their time in "elite" institutions tend to think that elites—those who have fancy university degrees, who have attended law school, who can afford to attend fancy fundraisers—are intellectually capable and competent and that others are not. They think that not only do non-elites lack the relevant domain-specific education, but that even if they had had this education, they would not be intellectually capable or competent.

I don't share this worry. Perhaps this, too, is a result of personal history. I grew up attending unexceptional public schools in Washington State. Most of the people who attended my high school did not then go on to complete college or university education. But I am confident that my high school classmates would do just fine serving on a SILL. Indeed, having then attended Harvard for college, I would say that the top third of the students in my unexceptional high school—some of whom did not go on to any kind of college—could have been swapped in for the bottom fifth of the students in my class at Harvard, without any significant difference in general competence or intellectual aptitude, perhaps after a semester or year of adjustment and training to make up some of the difference in previous preparation.

Thinking just in terms of individual intelligence or intellectual capacity as measured by academic education and accomplishment, it is worth noticing that

⁸ Let us leave aside the case of those people with very significant cognitive or intellectual disabilities. There are hard questions of how or whether they ought to be included in the lottocratic system. My inclination is to have them represented in the system by the equivalent of a guardian in the event that they are selected. But the details of this deserve fuller discussion.

many of the most prominent, most explicitly “vetted” elected officials have been thoroughly mediocre or even abysmal students: Ronald Reagan, George W. Bush, Al Gore, John Kerry, John Major, Jeremy Corbyn, Donald Trump, Joe Biden. Many of those who attended fancy institutions did so due to family stature, money, and connections, and many of them did terribly while in those institutions. Whatever it is that helps these people become extremely successful as elected politicians, it is not their academic aptitude. Of course, there also have been prominent politicians who were excellent, accomplished students: Richard Nixon, George H. W. Bush, Margaret Thatcher, Bill Clinton, Hillary Rodham Clinton, Barack Obama, Boris Johnson, Mitch McConnell, Chuck Schumer, Ted Cruz, Dianne Feinstein, Yvette Cooper. There have been many more who were just middling students. And it is of course worth mentioning that in many societies—including both the US and the UK—there is a very strong connection between socioeconomic class and education and academic opportunity, such that we should be very wary of connecting academic attainment or the lack thereof with anything like general intelligence.

An additional point is that the effective intelligence of the group—to the extent that we can make sense of such a thing—is most plausibly understood as not just some kind of “summing up” of the individual intelligence of each member of the group, but is instead a measure of how well the group functions together as an intellectual entity. For the reasons detailed so far,lottocratic groups will likely be considerably more effectively “intelligent” than elected groups, regardless of the exact intelligence levels of the members of the group. And whatever we think of the idea of domain general intelligence, it is clear it is not necessary to be exceptional in that regard to contribute significantly to sensible political decision-making. One might contribute important specific skills, knowledge, or experience without being exceptional in terms of intelligence. For all these reasons, it is hard to take this “general intelligence” competence worry seriously. There is evidence that in some sociopolitical contexts (Sweden, in particular), elections do seem to help political communities to select their best and brightest.⁹ But, on balance, for many actual political communities, this concern about a general intelligence competence difference between electoral representative bodies andlottocratic representative bodies seems misplaced.

A second, distinct competence concern is whether individuals will know enough about political institutions, policy issues, law, economics, science, and so on. The focus of this concern is on acquired knowledge, rather than general intelligence. As discussed at length earlier, citizens don’t know very much about things that might seem relevant to sensible policymaking. If we just choose from that ignorant pool at random, won’t we have a significant problem?

⁹ Dal Bó et al. (2017).

A first point in response is to consider whether elections do any better than random selection at selecting people with this kind of general knowledge competence. There is evidence that suggests elections do not pick out any kind of more-competent-than-average people as representatives.¹⁰

But the main response is that this competence worry assumes a generalist legislative framework, not an issue-specific one. Whatever the merits of these concerns when directed at people randomly chosen to serve on a generalist legislature, they seem misguided when considering the lottocratic system as presented here, for reasons offered in previous sections. The combination of the single-issue focus, learning phase, extended deliberation, and community consultation all will serve to dramatically improve the specific issue competence of SILL members. These concerns also sometimes assume an unduly narrow conception of what knowledge is relevant for policymaking. Much of the discussion so far has been aimed at responding to these misconceptions. If one of the worries is that many highly competent people will “opt out” of serving on lottocratic bodies (as happens in some places with jury service), this can be combatted by offering significant financial incentives to everyone to participate, making it as non-disruptive as possible for people, and so on. There is also the general strategy of improving and better funding broad public education so that even the “worst off” from a competence perspective are relatively competent, particularly with respect to basic skills such as reading comprehension, scientific and statistical literacy, and so on.

A third competence worry, distinct from the previous two, is that, in the absence of elections and the political culture around elections, everyone in the society will know less about politics, and so we should expect that however poorly off people are now with respect to relevant political knowledge, they will be even worse off in a world in which elections have been replaced by lottocratic structures. Again, this concern would be more significant if people were being chosen to serve on a generalist legislature. But a more basic response to this worry is to deny the background presumption that people learn much at all about specific political issues as a result of the political discussion around elections. Some people—not even very many—do learn a lot about electoral politics, particular candidates, the electoral chances of those candidates, and so on. But that is very different than building general competence regarding actual political issues. Indeed, what people get through paying attention to electoral politics and the discussion of issues in that context might actually result in a reduction of competence, as they encounter false and misleading information about a few high salience issues. Additionally, this worry involves a mistaken view about what things are likely to be like with a lottocratic system. There would still be extensive

¹⁰ See Griffin (2013).

political participation on the part of those outside of the SILLs, as people in the broader political community focus their attention on issues that matter to them, work on organizing and advocating in relation to those issues, engage with SILLs through various mechanisms of community engagement and consultation, and so on. All that activity, along with the absence of the bad effects of elections, is likely to improve the competence of citizens in the broader political community with respect to actual moral-political problems and potential solutions to those problems.

In the somewhat unlikely case that our situation was such that competence worries were substantiated and ordinary people (or enough ordinary people) proved incapable of doing well by sensibility, despite the lottocratic structure described above, there are options to consider. One possibility would be to have the SILLs and lottocratic bodies use a variety of selection procedures, perhaps oversampling from some groups to increase relative competence for SILLs focused on more technical topics. A different response would be to set minimum thresholds (e.g., requiring a high school diploma or a college degree or the equivalent) for inclusion in the pool of people to be randomly selected. Each step in this direction undercuts some of the advantages claimed for microcosm representation, introduces potential worries about bias, and introduces worries from a perspective of political equality. I think steps of this kind will, on balance, prove unnecessary and unwarranted. But they remain possibilities to consider as we learn more about the operation of lottocratic institutions in a particular sociopolitical context.

13.4. Political Expertise

There is a distinct kind of competence worry which focuses less on what individual randomly chosen members might know, or how well they will do in terms of general epistemic competence, and more on something we might refer to as their political competence or political expertise. The thought here is that there might be a distinct skill set that is required for politics and that elections help us choose those members of our political community who have that skill set.

Although a prominent question in ancient Greek political philosophy, the question of political expertise or political skill is one that has received little recent philosophical discussion.¹¹ Although we can countenance many different notions of skill or expertise that are, in some sense, “political” or related to politics, we should distinguish (1) *expert political analysts*, (2) *exceptionally effective political actors*, and (3) *normative political experts*.

¹¹ The discussion here draws on Guerrero (2020).

There are many people who are experts on politics in that they have knowledge about political systems and political rules, political history, descriptive political science, political psychology, political communication, and so on. This knowledge might be specific or general, focused on, say, just twenty-first-century New Jersey, or on all of the United States, or all modern industrial democracies. There will be a significant category of people who have engaged in extended research and study of topics such as these, whether in an academic setting or not, and who can be considered political experts in a fairly natural sense. Let us refer to this kind of political expert as an *expert political analyst*.

This sense of political expert is uncontroversial, but also somewhat uninteresting. Even leading expert political analysts in this sense end up with rather narrow domains of expertise. And those who end up counting as expert political analysts seem to lack any pro tanto claim to political authority or to it being a good idea to give them political power. There is something that this kind of expert is lacking.

Here's a hypothesis about what that is: expertise about *what ought to be done, politically*; expertise about what we as a political community ought to be doing, and how we ought to go about doing it. Call a person who is an expert about this a *normative political expert*. It is more plausible that, *if* there were normative political experts, then it might be good to give them more political power and influence. The political expertise competence concern can now be restated: perhaps we choose normative political experts through elections, and we lose this ability if we use lottery selection.

Being a normative political expert is defined in terms of knowing what ought to be done in the political domain. What ought to be done via the political system is a function of the morally relevant purposes of political institutions: those that serve to make political actions and institutions legitimate, morally permissible, morally justified, or even morally required. On this view, possessing normative political expertise is a matter of knowing what ought to be done to achieve these morally significant purposes of political institutions, and acting skillfully to achieve those aims. This is distinct from what is required to be either an expert political analyst (as we have seen) or an exceptionally effective political actor (as I will soon explain).

This view of normative political expertise is, accordingly, contextualist and functionalist. Before saying what is required for normative political expertise, one must fix the institutional context and corresponding institutional roles, identify the legitimating purposes of action in that role, and then ask: what is required of an agent to be successful in acting to achieve those purposes? In doing this, we must be careful to distinguish the morally significant, legitimating, purposes of political systems from other ends to which they might be put.

Consider those people who are excellent at acting within a political system to achieve aims such as personal enrichment, racial domination, successful corporate lobbying, and other non-legitimizing functions of political institutions. We can

refer to these people as *exceptionally effective political actors*. They are effective at getting things done through the system, accomplishing what they want by use of the existing political institutions. They have a kind of skill, but they are not normative political experts.

As discussed earlier, in an electoral context in which there is not meaningful electoral accountability, we should expect powerful interests to identify, groom, and support people who are exceptionally effective political actors, helping them to get elected and then stay in power while doing the bidding of the powerful. Part of their skill will include being good at convincing non-powerful, ordinary citizens that they are on their side. Because of this, in most modern electoral contexts, we shouldn't expect elections to be an effective way of selecting normative political experts. A point in favor of lottocratic systems is that they don't allow for the disproportionate selection of captured but exceptionally effective political actors in this way.

Still, that might leave open the worry that neither electoral nor lottocratic systems do well at identifying and empowering normative political experts. Is there something that is well described as normative political expertise? If so, who possesses it? And what mechanisms might help us select more of those people?

Identifying normative political expertise requires considering who might excel at helping to achieve the morally significant purposes of political institutions through skillful judgment and action. I have suggested that we should embrace a functionalist picture of political institutions, such that their morally significant purpose is to help address and respond to the moral-political problems a particular political community faces. Exactly how they do this will depend on the details of the sociopolitical context and the institutions in question, but will centrally concern how well the system does with respect to sensibility in that particular context. If we accept this view of things, we can say that, as a general matter, normative political experts will be those individuals who would be skillful contributors to the sensibility of a political system within an institutional and socio-political context, while comporting with whatever other moral considerations and limits there might be in the pursuit of sensible responses to moral-political problems.

Political representatives are charged with crafting legislation and policy to help address these problems and achieve these purposes. Representatives face multiple competing norms regarding how they ought to behave, including guardianship moral norms regarding what would be best for the political community, norms concerning what justice requires by way of helping the world's worst off, what is owed to future generations, and so on. And there are different relevant dimensions: equality, welfare, autonomy, and justice, for example. Representatives must consider majority as well as minority interests, to think of the present but also the future, to think of their political community but also the world, etc.

Given this normative complexity, it is no surprise that political expertise has often been equated with a certain kind of *moral* expertise. This is evident in the tradition discussing political expertise going back to Plato. As is well known, in the *Republic*, Plato defends the idea that those with political power should be a certain very particularly educated elite, rather than those who have prevailed in democratic elections. Their claim to rule depends, in large part, on their knowledge of the good and their virtuous moral character.¹² Given the moral dimension of the role of political representative, moral knowledge or moral expertise is an attractive way of construing normative political expertise. But it cannot be the full story.

Given modern policy complexity, moral expertise is clearly not *sufficient* for normative political expertise. Even Plato stressed that practical experience and broad education would also be important. But there is a larger worry that the sheer evidential complexity of enacting laws and policies that will actually address extant moral-political problems will make *epistemic* qualities essential for being a normative political expert.

Consider the significant epistemic burden representatives face to have a plausible view about what ought to be done, politically. It might seem that one would need to be (a) an expert political analyst (an expert about what there is to be known about political science, the subtle workings of political institutions, political psychology, political history); (b) an expert on all of the domains relevant to modern policymaking (broad academic-level domains such as economics, sociology, and history, as well as other relevant domains such as healthcare economics, insurance, financial instruments, environmental science, agricultural science, trade regulation, constitutional law, etc.); (c) an expert on all of the substantial policy proposals; (d) an expert on community members' beliefs and preferences regarding all of these; (e) an expert on the likely effects of these proposals if they were to be implemented... and then, even having a mastery of the entire "descriptive" side of the equation, to also be a moral expert regarding the normative import of these descriptive facts. There might not be any such person in the whole political community, let alone thousands of them to fill all the representative slots.

Rather than being an expert on all these topics, spanning all these domains, it is more plausible that contributing to the sensibility of the system will involve representatives exhibiting epistemic virtues and engaging in certain epistemic practices, in addition to whatever else we might want in terms of moral expertise. For representatives to figure out and to come to know what ought to be done, they will need to do well at exhibiting appropriate epistemic humility and an awareness of where one's knowledge runs thin, appropriate deference to topical experts,

¹² As one of the leading experts on the topic puts it, "In the *Republic*, the philosophers are to rule not in virtue of any peculiarly political knowledge they possess, but rather in virtue of their synoptic and pervasive understanding of the Good." Lane (1998).

broad interest and minimal competence in a range of topics, the ability to gather information about community beliefs and preferences (where this may require empathy, respectful engagement, and more), the ability to discern the reliability of diverse sources of information, and so on.

On this view, significant impediments to being a normative political expert would be arrogance, overconfidence, an unwillingness to rely on others, a propensity to surround oneself with like-minded “yes people” who say what the representative wants to hear, an ideological approach to filtering experts and evidence based on non-epistemic considerations and consonance with the representative’s prior views, a dogmatic reluctance to revise one’s prior views, a dislike and corresponding distrust of those different from oneself, and so on. These are epistemic failings and limitations, and they would undercut the claim of someone who was otherwise a moral expert to be a political expert.

Elections as structured in the United States and many other places do not do a good job selecting elected representatives who possess the relevant epistemic skills. To the contrary. Elections under modern political conditions typically select those who are confident to the point of arrogance, who exhibit very little humility (epistemic or otherwise), who want power over others, who can play most thunderingly and uncompromisingly to their base of hyper-partisan supporters, who excel at vilifying outgroup members (rather than engaging and empathizing with them), and who are incentivized to heighten partisan disagreement and conflict, not to navigate or resolve it.

Thelottocratic setting is different in significant ways, which generates some differences regarding what would constitute normative political expertise. In thelottocratic context, or any single-issue legislative context, the role is to help the institution make sensible decisions to address actual moral-political problems in that specific domain. The role is narrower and more circumscribed than it is for an elected representative making generalist legislative decisions. For that reason, what is required for them to be normative political experts is different.

The single-issue focus, combined with the learning phase and consultation and deliberation phases, makes it more manageable for ordinary individuals to become relatively expert on specific substantial policy proposals, the beliefs and preferences of other citizens regarding these proposals, the likely effects of these proposals if they were to be implemented, and many of the morally relevant considerations in play (as brought out by discussion and disagreement during the deliberation phase). Thus, if we consider the question of normative political expertise as concerning the extent to which individuals are able to help the political system to act in sensible ways to address the moral-political problems that exist, we see that even if individuals are not particularly expert in this regard prior to having been selected, the surrounding institutional scaffolding helps to make those selected into people who possess relatively more normative political expertise than the average person. The SILL members are better placed to help

judge what ought to be done with respect to the narrow problems in their domain than ordinary non-SILL members would be. This isn't anything special about them; it doesn't require us to adopt the view that random selection somehow picks those who possess normative political expertise.

To my mind, this is an important and congenial result. There are some in our political community who have a distinctive blend of epistemic and moral acumen such that it might be particularly good to select those people to make political decisions. But it is exceptionally difficult to use elections or any selection mechanism to reliably choose such people. It is too easy to be deceived and misled on this score. Unlike Plato, I am skeptical that there is any way of creating a distinctive educational program to create such people. I certainly don't think Harvard and Yale and Oxford and law school are such programs. And, unlike epistocrats and meritocrats of various kinds, I am skeptical that there is a test that we could design that would be good at reliably selecting such people, particularly once the details of the test became known.

With random selection, we get a proportionate number of these "natural" normative political experts making political decisions. That is better than in systems—like mass elections—that serve to counterselect for the epistemic and moral acumen that makes for what we might call this system-general normative political expertise. But the main advantage of lottocratic systems is that the background structure is what helps to generate sensible political decision-making in modern political contexts over time, rather than relying on somehow selecting rare, extraordinary individuals to be our "leaders" or experts in this regard.

Lessening Distortion, Improving Agential Performance

The central argument for a lottocratic system as an improvement over electoral representative systems is that, under modern political conditions, lottocratic systems will do better with respect to sensibility than electoral representative systems, and will, as a result, do better at addressing the moral-political problems that we face. Recall that sensibility has two components:

SENSIBILITY: the extent to which a political system consistently (1) appreciates (or understands or knows) the world as it is, particularly the world as it relates to the moral-political problems that exist in the political community; and (2) responds to the world in light of this appreciation.

The previous chapter focused on reasons to think that lottocratic systems will do comparatively well by the first part—the ability to appreciate the world as it is—by addressing background concerns about ignorance. But ignorance is not the only problem. Even with an accurate perception of the world, there is still a question of how an agent or system will act. One important question is whether a given political system does well, in epistemic terms, at identifying moral-political problems and potential solutions to them. A distinct question is whether a political system does well, in agential terms, at acting to respond to those problems and implement those solutions. Here, the concern is about agential *distortion*.

Distortion, in the sense relevant here, concerns distortion in the aims, motivations, and actions of important agents within the system so that, rather than acting to identify and address extant moral-political problems, the system instead works to advance other ends. These might be the ends of furthering the financial and dominance interests of a powerful elite, bringing about enrichment and power for political agents, continuing a program of racial or patriarchal domination and oppression, or a host of other things besides addressing the moral-political problems of the political community. Economists label some behavior of this kind “rent-seeking,” but that is a narrower categorization; for one thing, some of the distortion might involve substantial wealth creation—just not in a way that addresses extant moral-political problems.

Understanding distortion in this way requires accepting that there is a morally proper set of purposes or ends of political institutions, with distortion defined as

departure from pursuit and attainment of those ends. This is another place in which the functionalist, moral realist aspects of the argument are visible and essential. If one thinks that there are no moral considerations in how political agents use their political power nor moral limits on the ends to which they should be aiming—if it all is just *realpolitik* and might makes right—then the idea of distortion or departure from these ends gets no traction. We should not work with an overly restrictive notion of what ends might be morally appropriate nor what moral-political problems require solution nor exactly what solutions are best. We do not want to assume, for example, that the exact platform of some political party is the standard, with departures from that counting as “distortions.” Of course not. But we also should not see it as a matter of anything goes. The distortions I focus on are ones that are uncontroversially moving political systems away from a morally appropriate or legitimating path.

In some cases, it is hard to diagnose whether the departure results from ignorance or agential distortion or both. This is unsurprising, in part because of psychological tendencies to engage in motivated reasoning. Our background motives, preferences, and incentives can affect how we engage with and process evidence, resulting in ignorance in cases where a differently motivated agent might have avoided false belief. While acknowledging the possibility of combined effects, this chapter focuses on examples where it is plausible that distortion plays a central role.

Part I documented several significant ways in which distortion entered into electoral representative systems under modern political conditions. Perhaps the central example concerned the effective capture of elected representatives by the powerful, so that elected representatives act in the interests of those powerful elites, rather than working to address the extant moral-political problems (problems which are often caused by these same elites). Capture results from and is made possible by a number of distinct, intertwining components of the electoral representative system, perhaps most prominently: a lack of meaningful political accountability caused by voter ignorance, ignorance caused in part by elite capture of news media and potential sources of political information, generalist legislative processes enabling policymaking on many issues to remain in the shadows, and non-transparent practices surrounding lobbying and campaign fundraising. But capture is hardly the only source of distortion. Elections heighten and intensify short-term focus and short-term bias. Elections heighten and intensify political division and disagreement, creating distortion through ingroup/outgroup dynamics that shift the political focus to a kind of partisan warfare with victory as the end, rather than cooperative, empathetic moral-political problem identifying and problem solving as the end. Elections select a non-representative elite, with different interests and priorities than the full political community, so that even if they are not captured they are likely to notice and respond to different incentives and concerns.

This chapter considers the question of distortion under the lottocratic system. Part of this discussion draws attention to the ways in which the lottocratic system should eliminate some sources of distortion by eliminating elections and their connection to capture, division, distraction, and elitism. But part of the discussion also involves considering how some of these same distortive threats might reemerge in a lottocratic system, and discussing how those threats might be addressed. I am optimistic that shifting to a lottocratic system would have a significant overall decrease in distortion and a corresponding increase in the sensibility of the political system, at least when compared to electoral systems operating in modern political conditions. But this case must be made carefully, attending not just to the easy-to-notice improvements that might come from eliminating elections, but also considering how those distortive forces might try to reassert themselves in new guises, and how new distortions might arise in the regular operation of lottocratic institutions.

14.1. Capture

Earlier I introduced the idea of “capture” as follows: a political official is captured if they use their position to advance the interests of the powerful, rather than to create policy that addresses the moral-political problems that the political community faces (at least when doing so would conflict with the interests of the powerful). This understanding of capture leaves open the explanation of *why* the political official acts to advance the interests of the powerful rather than working to address the moral-political problems that the full political community faces.

One familiar explanation is that the political official has been bribed or corrupted by the powerful interests; they have made a deal by which the powerful interests reward the political official in exchange for the political official acting on their behalf. Sheldon Adelson provides politicians with financial support so that they fight against the labor unions active at his many Las Vegas properties and casinos. Mark Zuckerberg and Jeff Bezos provide both Democratic and Republican politicians with financial support so that they oppose antitrust legislation that would affect Facebook (Meta, Instagram, Threads) and Amazon. And so on. Capture in this form requires the powerful to make deals with political officials, whether helping them to get and stay in power by supporting their campaign and/or helping to get them favorable press coverage, providing them with various powers and advantages while they are in office through lobbying efforts, or providing them with sinecures or financial benefits. These deals are sometimes explicit, but they are often “wink wink” explicit rather than “formal contractual arrangement” explicit, as they are often illegal or viewed unfavorably. And they are—for the same reason—often shrouded in various forms of plausible deniability. Call this *corruption* capture.

A different explanation for capture is that the political official just genuinely believes that what is in the interests of the powerful is what ought to be done, even if doing that thing in fact results in failing to address the moral-political problems that the political community faces. They might believe this *de re* or *de dicto*. On the *de re* version, they believe that X is the thing to be done, where X also just happens to be in the interests of the powerful. On the *de dicto* version, they believe that the thing to be done is *whatever is in the interests of the powerful*, and in this case that is X. Perhaps they believe that what is good for the wealthiest and most powerful will be good for everyone. Or perhaps they believe in some more elaborate story about the ineffectiveness of political regulation or political intervention. Or they believe in the importance of American leadership in the world (and the corresponding need to spend US \$650 billion annually on the military, with much of that going to fifteen to twenty large military corporations). We can all fill in these other stories. In some cases, the powerful can scour the land looking for true believers of this kind (some of whom will be created simply by being raised in the seats of power, educated in elite spaces, sitting always atop wealth and advantage), and then help to get and keep those people in political power. In other cases, the powerful attempt to shift what people heading to powerful positions believe about various topics or to affect what topics they are primarily concerned with, by creating special societies in “elite” colleges and law schools, grooming candidates through internships and plum staffer jobs, engaging in extended lobbying, creating news organizations devoted to putting forward a distinctive ideological view, funding academic conferences on particular themes and topics, working with churches and other belief-shaping organizations, and so forth. Call capture achieved in this way *ideological capture*.

These are importantly different kinds of capture. Even if we worry about both kinds, it is generally a bad idea to try to regulate or prohibit ideological capture. This is true for many reasons, including considerations of political and intellectual freedom, democratic choice, and freedom of speech, but also for reasons concerning the difficulty of drawing lines, and harder questions about why ideological capture is morally objectionable. Some forms of corruption capture, on the other hand, are considerably easier to regulate and police, doing so does not run afoul of concerns about political freedom and democratic choice (to the contrary), and so they can be sensibly explicitly prohibited and criminalized. One thing to notice: over time, even those who might have been in the “corruption” capture category will morph into “ideological” capture cases, as people rationalize and engage in motivated reasoning concerning why they are doing what they are doing. Both kinds of capture can result in troubling distortion, undermining the sensibility of the political system if enough of the political actors are captured in either of these two senses.

Obviously, if a large proportion of a political community has been ideologically captured, so that they look out for the interests of the most powerful (whether in a

de re or *de dicto* sense), ignore the actual moral-political problems around them, or have completely misguided views about what ought to be done about those problems, then any democratic system is going to be in trouble. A certain kind of Marxist might think that this exact problem is present in modern capitalist societies, where public education and other mechanisms of education and socialization have resulted in an ideologically captured populace that votes in a servile manner to support political officials who do the bidding of the powerful, capitalist overlords. This seems an overly simplistic diagnosis. More deception, misdirection, and duplicity are required on the part of both the overlords and the elected officials than would be required on this version of the story. But we should be concerned about significant levels of broad ideological capture.

A more significant concern is that the powerful can manipulate things to ensure that a high proportion of those selected to have political power are captured, either through corruption or ideology. As discussed, elections open the door to this kind of manipulation. They enable the powerful to identify and support those who are open to being corrupted or those whose ideological inclinations are congenial to the interests of the powerful, so that such individuals are selected through elections, given favorable media coverage, and re-elected.

Lottocratic systems, by contrast, make it difficult for the powerful to ensure that those in political power are captured, at least if not everyone in the political community is ideologically captured. Most straightforwardly, lotteries, if conducted fairly, excel at preventing corruption or undue influence in the selection of representatives.

That is an important “if.” One of the preconditions of much of the argument on behalf of lottocratic systems is that there is genuine random selection of people onto SILLs. If that process is manipulated behind the scenes by the powerful, so that their hand-chosen individuals or groups are significantly over-represented, then we should expect many of the same problems of capture to emerge. There is an easy heuristic for when we should expect trouble. If there is substantial corruption to the extent that we wouldn’t expect the political system to be able to run a regular lottery—where people buy tickets and win, say, \$10 million dollars—fairly, then we shouldn’t expect the lottocratic system to work well, either. Fortunately, there are many political communities in which large sums of money, jury service, school places, and much else of value are allocated via lottery, and in which—although there might be other complaints—there are rarely complaints that the lottery itself is rigged. So, let us assume that the “if” is satisfied. If not, then that’s one of the first things to work on.

With genuine random selection, powerful interests are incapable of supporting their chosen few to enable them to have political power. Since SILL members don’t run for office, there will be no straightforward way for powerful interests to influence who becomes a SILL member or to ensure that the only viable

candidates for political power are those whose interests are congenial to their own. Those deals—explicit or otherwise—are off the table.

When we consider what happens post-selection, there are further anti-capture benefits. Because there is no need for SILL members to raise funds for reelection, it is easier to monitor and restrict members of the SILL to ensure that they are not having contact with or receiving funds from powerful interests either during or after their service. SILL members could be paid a minimum of \$100,000 a year or 1.1 times their yearly income, whichever is greater, up to a maximum of something like \$500,000 a year. By paying SILL members a high salary but conditioning that salary on their not taking money from certain outside sources, this makes the price that would be required to buy off a SILL member much higher and should significantly limit the people who might be interested in taking a bribe (since they have to be willing to risk not receiving a definite high salary each year for a chance at receiving some larger amount, also with the chance of serious punishment). Significant monetary rewards could also be given to SILL members who disclose people or individuals attempting to approach them to influence how they do their work on the SILL.

In discussing lottocracy, Dmitri Landa and Ryan Pevnick (2020) assert:

It is reasonable to suppose, for instance, that [lottocratic] representatives who advance the interests of wealthy groups or individuals while in office will be supported by them afterwards (perhaps, for instance, through lucrative job opportunities)—as a kind of implicit, if rarely provable, *quid pro quo*. With this expectation in place, those selected by lottery will have a strong personal interest in catering to the needs of wealthy and powerful groups—indeed, doing so may well be their best strategy for taking personal advantage of having been selected in the lottery.

This assumes that it will be difficult to monitor or police what lottocratic representatives receive by way of money or “lucrative job opportunities” post-term, but that is something that we already do, quite effectively, for example with people who have served on juries for high-value, high-stakes corporate cases. They assert that this would be “rarely provable,” but this doesn’t seem particularly difficult to do, and indeed is something that is routinely done in monitoring graft and other forms of legal and political corruption.

More significantly, they mistakenly suggest that the “best strategy” for those who are randomly selected but who want to look out for their own “personal advantage” will be to look for these *quid pro quo* deals. But that is false if one both will be paid a significant sum for SILL service *and* can end up forfeiting the very large sum one is being paid for serving as a SILL member if one is found to have taken such a deal, particularly when that is combined with the uncertainty that one actually will be paid by these powerful interests after the fact (it is hard to get

anything solid in writing, etc.) and the significant chance that one might go to prison if the quid pro quo arrangement were detected. If one ordinarily makes \$50,000 a year, and one is being paid \$100,000 for each of three years to serve on a SILL honorably, how much would one have to be promised to be paid to be “bought off” given the chance of forfeiting the \$100,000 a year combined with the possibility that one won’t actually see that money/job and/or might go to prison? I suggest that number is going to be very high. At least \$500,000+ in the envisioned scenario. More if the multiplier salary is higher. That number increases further when the would-be corrupter also must pay their targets a premium not to just turn them in and collect a reward. Considering it from the perspective of the powerful interest considering how best to influence things, when one considers the financial cost, the limited value to the powerful interests (you are just buying one person, for a few years, who might not even be at all effective in advocating on your behalf), the legal risk (if the person you approach decides to turn you in), and the associated PR risk if the attempt comes to light—I don’t see this as a plausible strategy. And there would be few people willing to get involved with that moral shadiness and substantial financial and legal risk to increase their “compensation” from \$300,000 to \$700,000 or whatever, with a very significant chance of \$0 and a prison term. Furthermore, if (counter to expectations) this did come to be a significant problem, one can just adjust the carrots and sticks—increasing the standard yearly SILL pay, increasing the punishment for quid pro quo kinds of deals, and increasing the reward for turning in those who try to circumvent those rules.

A different way of running these deals might be for a specific powerful interest to try to make it known to everyone that they “reward their friends” without making any explicit deals with anyone during their SILL terms. They might simply try to give money and lucrative jobs (etc.) to those who in fact vote for what they want, perhaps making it clear what they want. But these kinds of efforts will be easy to detect, particularly if they are “paying out” to everyone who voted a certain way on a proposal, absent the ability to craft specific deals with specific people. And again, there could be rewards for people who turn in those offering such after-the-fact payments and sinecures. If (counter to expectations) this did prove a significant problem, other options—such as anonymizing votes, so there is no record of who voted for what, or these records are only made public years after the fact—are available. But I doubt anything like that would be required.

The more general point is that there are many ways of restricting methods of corruption capture that are available in the lottocratic context, but which are much harder in the context of mass elections. Much could be done in the mass electoral context to reduce lobbying, to restrict revolving-door politician to industry to politician practices, and to publicly fund campaigns. But there will still be routes to capture and influence through elite control of mass media, affecting who is viable

as a publicly funded candidate, and general limitations imposed by free speech considerations in the context of mass elections. There is an asymmetry here, even if we assume sincere efforts to limit corruption capture in both contexts.

The fact that SILL membership rotates regularly also makes a significant difference. Consider that in the US House of Representatives, although members only serve for two-year terms, the average length of service is more than ten years.¹ And in the US Senate, members serve for six-year terms, and the average length of service is almost thirteen years.² This means that the value of buying off these individual members is considerably higher, particularly those who become virtually unbeatable in elections—coming from partisan, gerrymandered districts with significant incumbency advantages. SILL members will only serve three years. They won't have time to accumulate personal fiefdoms of power and influence. It won't be clear how influential they are likely to be in the bodies of which they are a part. They won't have years and decades to accumulate high-ranking positions in powerful committees because of seniority status, power that they can then use to control and extort all manner of amendments and compromises.

The single-issue legislative structure might seem to create a double-edged sword with respect to capture. On the one hand, SILL members will have limited spheres of influence, making it less valuable to have them in one's pocket. The issue-specific structure also means that there will be fewer issues left in the shadows, where capture and backroom influence is easier. This will make efforts at capture more transparent and provide more places for informed, uncaptured, public pushback against the agenda of the most powerful.

On the other hand, it might seem easier for the powerful—at least those concerned with one main legislative domain—to identify their target and focus their attempts at capture more precisely. This thought, although superficially plausible, is based on a confusion. As discussed earlier, even generalist legislatures have significant issue-specific structure—it just exists at the internal committee, subcommittee, and administrative agency levels. This is largely opaque to the public, but it is well understood both by political representatives and those who seek to capture political officials to further their own interests. Agribusiness conglomerates know which legislative committees and subcommittees to lobby, which representatives and agency officials to attempt to capture. So, too, for the fossil fuel, defense, biomedical, tech, tobacco, and insurance industries, among others. The comparative absence of shadows and backrooms in which to make deals, as well as people with whom to make them, suggests that lottocratic systems will be less vulnerable to corruption capture than generalist electoral systems—even despite the issue-specific focus.

¹ Glassman and Hemlin (2010).

² Glassman and Hemlin (2010).

The foregoing considerations suggest that attempts at capture will not predominantly come through direct attempts at corruption of SILL members. But there are still other routes about which to worry.

In an electoral political environment, the easiest and most cost-effective route of influence for powerful interests is to capture elected—but basically unaccountable—political representatives directly, through mechanisms of corruption capture described above. This is what we see in many modern political contexts. This route is arguably the least expensive: no mass advertising or mass opinion influence necessary. And it is the most effective, being both reliable and fine-grained. One can see exactly how the captured official is behaving, and one can influence, lobby, and support that person in doing very specific things with respect to crafting and supporting (or not) specific legislation and regulations, rewarding them contingent on actual performance.

The second easiest route of influence for powerful interests—not available in every electoral context—is for there to be a very particular issue up for direct democratic decision, so that the powerful interests can focus their attention on that one moment of democratic choice and spend what is necessary to affect mass opinion on that issue. We see this with ballot initiatives, popular referenda, and other mass democratic political decisions.

The third and least efficient route of influence is to affect the mass opinion of citizens to get them to vote for a particular candidate, *X*, where *X* is then expected to do the bidding of the powerful. This route lacks the fineness of grain of influencing referenda, although there is the corresponding breadth of scope benefit if a powerful interest has many different desired legislative objectives. And there is the real possibility that *X* will be either unable or unwilling to bring about the desired legislative outcome, even if they do get elected. This route can take the form of directing support toward one candidate or toward a broad political party. This latter method is more efficient than candidate-specific efforts, as it allows for influence across many elections and for many offices all at once. When it works to support the interests of the powerful over those of everyone, and to elect candidates who will act in that way, it results in a form of ideological capture, although the “ideology” involved is typically thin. “Republicans don’t care about the poor,” “Democrats want to take away your freedom and tax every penny you make,” “Republicans support free markets and free markets are essential for freedom,” and similar things.

Those are three main routes to capture in electoral environments. All are more efficient than pursuing either corruption capture or ideological capture of SILL members in a lottocratic environment. As discussed above, direct corruption capture will be difficult, inefficient, and cost prohibitive. A more broad-based effort to achieve ideological capture—trying to affect mass opinion so that any randomly chosen citizen would be likely to support legislation in the way desired by the powerful—will also be comparatively inefficient and ineffective.

Consider, first, what we might call the *information retention* limitation. As discussed, the average member of the political community—whether a potential voter or a potential SILL member—is not tracking the details of political issues closely. This makes it difficult to affect their views on the details of political issues prior to their random selection—not because they have countervailing views, but because they simply are not paying attention. Even if they do take note of some advertisement or social media campaign, it is unlikely to provide them much detailed guidance—through either information or value-shaping—when it comes to creating and supporting specific legislation once working in a SILL. This information retention problem can be bypassed in the context of electing a representative, since one can get people to support one’s desired candidate by changing people’s views with respect to a candidate’s character or likability. This is much harder to do with specific issues, particularly if those issues are complex and unsexy—insurance regulation, agribusiness policy, financial instrument regulation, carbon emission limitations, and so on.

Second, there is the *countervailing information* limitation. In the lottocratic system, whatever views a person randomly chosen to serve on a SILL had with respect to some issue upon being selected, it is likely that being exposed to expert presentations and extended discussion of that issue will come to affect those initial views. This is particularly likely if those initial views were not connected to central beliefs or values for that person but were instead the product of mass advertising efforts. Of course, advertising can seep into us in difficult-to-detect ways. And there might be some effective efforts to get broad value-based shifts regarding beliefs about the general role of government and its qualities and capacities. But these more general, amorphous messages will also run more squarely into both the previous lack of detail problem and the detailed countervailing views that randomly selected people will encounter when hearing from experts, activists, and stakeholders during the learning phase and community consultation phase, and when deliberating with other SILL members.

It seems unlikely that efforts at capture will take the form of either direct efforts at corruption capture of SILL members, or indirect efforts at ideological influence of all the potential people who might be chosen as SILL members. Instead, those efforts will come most prominently in efforts to affect the substantive discussion and presentations during the learning phase, and secondarily through efforts to affect the structure and bureaucratic operation of the SILL system.

An obvious route to possible capture of lottocratic institutions is through powerful interests influencing who is identified as a qualified expert and who is selected as an expert to speak. This is a serious concern. As suggested in Chapter 10, there are at least three distinct possible mechanisms to be concerned about. The first is the manufacture of pseudo-experts as a way of corrupting, distorting, and effectively capturing the political process. Given that most SILL members will not be experts themselves, they might be influenced by these

pseudo-experts and will have a hard time detecting their “pseudo” standing. A second mechanism is the possibility of genuine experts being bought off by powerful interests, so that these genuine experts say things that don’t reflect their actual views—whether engaging in outright lying or various forms of misdirection and deception by omission. A third mechanism is the cherry-picking of experts who have minority, divergent views in their expert community, and who are selected only because their views align with the interests of the powerful. And their divergence from most experts on the topic isn’t apparent to the non-expert SILL members.

There is no institutional design solution that completely obviates concerns about capture through manipulation of experts. But there are several responses which, in tandem, might help.

First, the learning, deliberation, and community consultation phases bring in three distinct categories of speakers: experts, advocates, and stakeholders. Each group would have a distinct route to being qualified and selected to speak. In every case, they must disclose the basis of funding and other forms of support that they are receiving, in addition to other potential conflicts of interest. Those who have extensive ties to industry will generally be slotted into either the advocate or stakeholder categories. This gives them a chance at having influence, but it also means that those hearing them will be able to take what they say with a grain of salt, consider responses to their opinions and presentations, and all of this will be done with significantly greater transparency than what we see with the current process of using experts in legislative decision-making, backroom lobbying by industry specialists, and so forth.

Even with these three categories, attempts might still be made to influence expert qualification or selection, so that people effectively captured by powerful interests—or hand-picked by those interests because of their congenial viewpoints—would be overrepresented. There are several responses here. First, as discussed in Chapter 10, there could be institutional mechanisms that lead to the creation of expert databases, with the experts who speak at any particular SILL being chosen at random from this pool of experts. Second, if there are non-political hurdles to becoming an expert in a particular field (advanced degrees from nationally accredited educational institutions, peer-reviewed publication, and so on), and if the expert identification processes happen in part by the accredited community of experts nominating or certifying some individuals as candidate database-included experts for the SILL process, then capture would require not just buying off an individual, but an entire field. This isn’t impossible, but it does become very difficult and very expensive. There is a worry about the politicization of expertise. But this is a battle that is necessary for any political system, whether lottocratic, electoral, or technocratic.

As suggested above, this provides reason to create institutional support to aid us as non-experts in reasonably relying on experts. Creating a database that requires those in the database to disclose sources of funding, potential biases,

and conflicts of interest; to list exoteric and esoteric records of expert success, expert qualifications, and epistemic integrity; to have those listings regularly reviewed and audited by other members of the expert community; and to have experts then drawn at random from that database—this is one such institutional strategy. There are others.

The suggestions above are not foolproof. The advantage here regarding capture is a comparative one. The claim is not that no efforts at capture will be made in alottocratic system, nor that no efforts at capture will be successful. The claim is only that we can do comparatively better with respect to capture than under the current electoral representative system. In thelottocratic system, it will be transparent who is speaking to the group, on what basis, and what conflicts that person might have. There will be opportunities for those who disagree with the experts, advocates, or stakeholders to voice their disagreements and to raise questions about possible conflicts of interest. The views expressed will have to be filtered through the views of ordinary citizens, rather than simply being written into law via lobbyists, white papers, and captured politicians. There will be a chance for extended discussion and engagement with the ideas and arguments presented. And all of this will be done with close, public attention to specific issues, rather than taking place in the shadows.

A distinct source of concern about capture and undue influence of the powerful comes not from the outside speakers—experts, advocates, and stakeholders—who might engage with SILL members, but in the structuring of those engagements, discussions, and phases themselves. There are two distinct concerns here.

One concern is that, despite the discussion of institutional details and structures in this book, what actually will be implemented as a “lottocratic” system will be some captured, manipulated, jumbled mess. Perhaps the discussion facilitators and drafting assistants will be bought off, with no mechanisms in place to monitor or limit this. Perhaps experts will not be randomly chosen from an independent database of experts, and instead industry agents select every expert. Perhaps industries will block the creation of SILLs covering areas where they would prefer to remain entirely unregulated. More generally, we might worry that the same powerful interests that I describe at length in Part I will not allow something even modestly effective at preventing capture to be implemented. In any transition from electoral representative democracy tolottocracy, these powerful interests will ensure that they have control and influence to shape regulation and policy outcomes to their liking.

This is a significant concern, particularly given the “non-ideal” perspective that has informed the arguments of the book. I will consider it in detail in the final chapter of the book, Chapter 17, when I take up the question of “how to get there from here.” I want to postpone that discussion, however, because it is important to first get clear on what at least might be an attractive, effective anti-capture system, could we put it in place.

A second concern is that even if there are rules in place regarding SILL members, experts, advocates, and stakeholders; thoughtful anti-capture process around how they are selected; and anti-corruption and disclosure rules governing them; there might still be additional sources of capture and resultant distortion. On this scenario, this occurs not at the beginning, but over time, as powerful interests seek to control and contort the lottocratic system and its policy outputs in other ways.

The main worries in this vicinity concern the design and modification of the lottocratic structural framework and the stability and entrenchment of the lottocratic bureaucracy. Recall that one implementation of lottocracy would incorporate substantial use of structural assemblies—permanent parts of the institutional structure tasked with specific responsibilities. For example, one plausible set of such structural assemblies might include:

- Topics Assembly: a standing structural assembly charged with determining (a) whether new standing SILLs are needed, (b) whether two or more SILLs should be brought together to address a political problem that straddles two policy areas, and (c) whether there is a concern about overstepping topical jurisdiction that ought to be certified for consideration by a court.
- Learning Phase Assembly: a standing structural assembly tasked with overseeing the development of rules and processes governing the creation and management of the database of experts, the selection mechanisms by which experts, advocates, and stakeholders are qualified in their various categories and chosen to speak, and potential revisions to the rules governing those elements of the learning phase.
- Deliberation Assembly: a structural assembly charged with developing and examining the rules and procedures that govern the discussions of SILL members in their various phases of operation, including during the learning, deliberation, and community consultation phases.
- Budget Assembly: a structural assembly charged with considering funding and budgetary requests based on SILL policy proposals, informed by legislative/policy scoring judgments made by an independent body of experts and broad community opinion on general budget priorities obtained through various community consultation mechanisms.
- Rules and Ethics Assembly: a structural assembly charged with developing and examining the ethical rules and procedures that apply to SILL members and those who work for and within the SILLs.
- Staffing Assembly: a structural assembly charged with overseeing the hiring, training, and monitoring of various staff—legislative drafters, discussion facilitators, community consultation event organizers, budget and accounting experts, and so forth—who assist in the running of the lottocratic institutions.

These structural assemblies have significant power and, if it were easy to capture them or to affect who was on them in certain ways, this would be a significant concern. As discussed earlier, there are different ways in which structural assembly members might be selected. Having them be composed of randomly chosen citizens would be one means of addressing the worry about capture. But some of these roles might be difficult for people with no political background or relevant experience. And it might be difficult to structure a “learning phase” for these structural assemblies that would be adequate to the task because of the generality of these roles and the lack of relevant experts.

A more attractive option, also useful for reducing or even eliminating concerns about capture, might be to create a pool of veteran SILL members—people who had served at some point on a SILL—and to have the members of the structural assembly drawn from that pool. By employing randomly chosen veterans oflottocratic institutions, we might bring some of their specific knowledge of thelottocratic process and working on a SILL into the discussion of the relevant issues in the structural assembly. With mechanisms of this sort in place, the structural assemblies could be relatively insulated from capture in the same ways that the SILLs are.

The Rules and Staffing structural assemblies could also help to forestall worries about long-term, experienced, knowledgeable bureaucrats being captured and being able to subvert the plans and work of the relatively short-term, amateur SILL members. These concerns might be particularly significant for the bureaucratic staff assisting with moderating and structuring deliberation and discussion, the drafting experts brought in to assist SILL members in the details of the legislative drafting process, and the accountants and auditors and others involved in the technical work of scoring and assessing the budgetary impact of legislative proposals. If those people were handpicked by the powerful with the aim of subverting effective, sensible policymaking on the part of SILL members, this would be a significant problem, particularly since these subverting efforts would be difficult to detect and address. But the structural assemblies can make this considerably more difficult. They can prevent capture through selection and monitoring of staff. And they can prevent the bureaucrats from obtaining too much power over time in an area. Consider, for example, the possibility of having staff rotate through different SILLs, covering different substantive areas, so that industry can’t easily influence or buy off individual long-term people just in the SILL that most concerns them. The technical expertise of the bureaucratic staff—whether concerning legislative drafting, budgeting and auditing, or discussion facilitation—is not topic specific, so there is no reason to have them stay in the same SILL for more than a few years. Rotating them regularly makes it expensive and risky for powerful interests to try to capture them, keep them quiet about these illegal efforts, and so on.

The preceding is an example of a capture-related concern that might seem to be a distinct worry for lottocratic systems, but which I believe has a straightforward institutional design solution. One difficulty in considering a new kind of political system is that it is hard to know what should worry one the most, and what responses to those worries might emerge and succeed. The most one can do is to consider and respond to those worries that we can think of, and to pay attention to what new problems might arise post-implementation. I say more about this kind of vigilance and observation in Chapter 17. For now, I hope only to have drawn attention to considerations that suggest that lottocratic systems will fare better than electoral representative systems when it comes to capture. The heart of this case is centered on the removal of mass elections—along with the ignorance and enshadowed policymaking they permit, and the corruption capture they incentivize—and the replacement of elected representatives with the regular rotation of ordinary, randomly chosen citizens through the halls of power. If this works to reduce both corruption and ideological capture, this would produce a significant reduction in distortion and a significant relative improvement in the sensibility of the political system.

14.2. Short-Term Bias, Emotional Manipulation, and the Absence of Distorting Electoral Incentives

Another significant reason we might expect to see comparative sensibility from lottocratic institutions is that they eliminate electoral incentives and the distortion they encourage. Since lottery-selected individuals do not have to worry about reelection or being able to claim credit, they can take a longer term view and implement good ideas that might not bear fruit until further down the road. Similarly, the absence of electoral pressures makes it possible for lottery-selected individuals to implement policies that might be clearly good policy for addressing a moral-political problem, but which would be hard for elected officials to implement because of fears about high salience, emotionally resonant negative outcomes that might be used against them.

14.2.1. Short-Term Bias

Elections lead elected officials to focus on those problems for which they can get or claim short-term credit for addressing or for which they will be punished electorally if they fail to address them, and to ignore those problems with a longer horizon or those solutions for which it is harder to get credit. Indeed, it is worse than that, since elected officials have incentives to compete to give us short-term, highly visible benefits, and to manipulate us into disbelieving anyone who would

have us concentrate on longer term problems. Electoral incentives encourage those who want to obtain and maintain political power to distort the epistemic environment, even making it seem sensible to do little about a catastrophic problem like anthropogenic climate change.

People in general are already prone to distortion in our thinking about the long term. We engage in some rational discounting as a result of expected value calculations in which our uncertainty about long-term consequences leads to a decrease in the expected value of actions whose benefits are further away.³ But we are also susceptible to irrational discounting as a result of psychological biases, including excessive optimism and over-estimation of individual capability, perceived invulnerability to risk, cognitive dissonance avoidance, and asymmetries in attention to distant events due to differences in vividness and sensory awareness.⁴ These biases distort our thinking even without electoral incentives entering the picture. Electoral incentives make things worse, however, and elected officials have powerful incentives not to try to “correct” these irrational tendencies with fuller perspective or better information.

Our political institutions should help those making political decisions to consider long-term consequences and to evaluate the evidence relevant to both the short-term and longer term consequences of policy decisions. Political institutions should help those with power to implement, justify, and explain policy decisions that help address moral-political problems with longer time horizons.

Lottocratic institutions are well placed to do that. Those selected do not have short-term incentives bearing down on them. They have the chance to learn about longer term problems in detail, to hear from experts about those problems, and to discuss and deliberate about their implications. They have an opportunity to hear about how those concerns will affect those people most prominently affected by them or by their descendants, and to implement policy targeted at addressing those concerns. And they include people from all social positions, so that there isn’t a situation where those most likely to be adversely affected by something like climate change—those least well positioned to avoid the worst effects—are largely disempowered.

14.2.2. Emotional Manipulation and Distortion

Lottery-selected individuals are also insulated from a different kind of distortion, familiar from the world of criminal justice, immigration, and defense and national security policy. Elected officials live in fear of putting in place even good solutions to real moral-political problems, if those solutions also include risk of high

³ Jacobs and Matthews (2012).

⁴ Johnson and Levin (2009).

salience, negative, and emotionally charged outcomes—outcomes that are likely to then be used against a person when running for reelection. This results in, for example, counterproductive “tough on crime” political rhetoric and policy—often racially inflected—that results in mass incarceration accompanied by still-high crime rates. Elected politicians and prosecutors fear that doing anything more creative, and more likely to actually address crime, leaves them electorally vulnerable.

The most salient example, still significant in the minds of many, is the case of William (incorrectly called “Willie” in a series of political advertisements) Horton and the effect on Michael Dukakis’ presidential campaign in 1988. Horton was an African-American prisoner in Massachusetts at the time that Dukakis was governor of Massachusetts. In 1986, Horton was released from prison on a weekend furlough program and he fled, failing to return as required by the program. A year later, in 1987, Horton raped a woman and violently assaulted her fiancé before being captured and reincarcerated, where he remains today. Dukakis didn’t create the furlough program through which Horton escaped, although he did support it as a means of criminal rehabilitation. In his presidential campaign, a group aligned with Dukakis’ opponent, George H. W. Bush, ran a political advertisement that focused on the case of Horton, used racial imagery and charged language to scare and generate powerful emotional responses, and suggested that Dukakis was not sufficiently tough on crime. The ad was widely viewed, and many see it as having played a decisive role in the 1988 presidential election. Lee Atwater, Bush’s campaign strategist, said “If I can make Willie Horton a household name, we’ll win the election.”⁵ He proved to be right. This example is much discussed as an example of race-baiting, dog-whistle political advertising, as well as an example of the pathologies of electoral politics around crime and criminal justice. This is a US, criminal justice example. But there are similar examples concerning immigration and refugees in Europe and the US, terrorism and Islamophobia and security policy in the US and around the world, and more.

The point isn’t just the policy in a particular case—whether weekend work furloughs for incarcerated people are a good idea or not, for example. The point is the role of a certain kind of emotionally charged, often racialized, political discussion that happens around elections, and the way in which fear of being on the wrong end of this emotional manipulation drives the behavior of elected officials and those who are considering running for elected office. These concerns are intensified by the fact that those most affected by the bad policy are often politically disempowered, as in the case of those most affected by mass incarceration, racialized policing, draconian sentencing laws, and anti-immigrant legislation. Or they are excluded from the political process entirely, as in the case of those

⁵ Baker (2018).

seeking to emigrate to a political community or those who are affected by militaristic activity overseas. So there is little electoral “check” on this kind of emotional manipulation, if done in these targeted ways.

A similar story can be told with respect to terrorism, defense, and military policy.⁶ Defense and military policy, like criminal justice policy, only easily moves in one direction—ratcheting up to provide more security, spending more money. It is low cost, electorally speaking, to do the same or to do more, whereas it can be high cost to do less. Emotional appeals to fear and security push in the direction of spending more on safety and security. The human cost is paid by others, either noncitizens (living in countries miles away) or politically disempowered citizens within the political community. This is particularly true given our post-conscription military era, where members of all classes are not equally likely to serve in the military. The financial cost is paid by most of us, but that has less emotional resonance, particularly in a low-information context such as the defense and military one, in which it is obscure to the public what level of defense spending is necessary and what is wasteful. Issues of confidentiality and general issues of voter ignorance make it so that the only electoral benefits that elected officials can obtain in this realm are (1) being seen as doing whatever is possible—overprotecting, if necessary—to prevent a high salience, public attack, or at least not being seen as having in any way impeded such prevention; (2) being seen as pushing for aggressive policy, which plays well for the fear and other emotional reasons described above; and (3) doing what is financially beneficial to those special interests most active in this arena—defense contractors and those who produce military and surveillance technology. This tends to result in distortion rather than sensible policy that responds to the actual moral-political problems that exist.

Emotion is not always trouble in politics. Emotions can be epistemically useful. They can be important guides and indicators regarding crucial features of the world. But they can also be used to distort broader consideration of moral-political problems, by focusing us on highly salient but also rare events, enabling those who would like to lobby for certain outcomes (as in the case of high monetary value national defense policy) to use our fear against us. Or they can be used to distract and divide the political community by keeping our attention on certain things (immigrant caravans, Willie Horton, etc.) rather than others. This is particularly easy in electoral politics. Our attention span is limited, we are broadly ignorant of most issues, and elected officials have every incentive to generate powerful emotional responses that push in their favor and against their electoral opponents.

What this means in practice is that certain political options are much riskier for elected official to implement or advocate for. These electorally perilous options

⁶ Discussed more in Guerrero (2018).

include decreasing spending on national defense, policing, and incarceration; reductions in how punitive the criminal justice system is or appears to be; increases in the number of refugees or immigrants allowed into a political community; and so on. Elected officials compete to be further away from these policy options than their opponent. Importantly, that is so *regardless* of the wisdom of the policy options. For example, even if the evidence regarding crime reduction and cost supported shorter prison sentences; expansion of alternatives to incarceration (such as drug courts and mental health treatment); more educational, vocational, and rehabilitative programming in prison; and more support for reentry programs; elected officials are going to be wary of implementing those changes. It is too easy for them to be framed as being “soft on crime” or for a single supercharged incident to doom their electoral chances.

People randomly chosen to serve on SILLs do not have electoral fears and pressures bearing down on them. They can consider the full cost-benefit picture for some policy idea, informed by careful study of expert judgment on the topic, and make decisions that are in line with what is recommended by that more extended reflection and examination. People can and will bring their own fears and concerns into the discussion, but those can serve an appropriate epistemic role, not simply pushing people around as a result of manipulative and misleading emotional appeals and political advertisements. Those who are most affected by issues like racialized mass incarceration and endless foreign wars will have a voice in the deliberations and discussions. People don’t need to fear being painted by their political opponents as “soft on crime” in the next campaign cycle.

In addition to not facing these distinctive electoral fears, members of lottocratic bodies also have time to hear from experts and advocates during the learning phase and to engage in discussion and deliberation, all of which contributes to engagement with moral-political problems that moves past superficial emotional response and manipulation in soundbites to consider some of the difficult decisions that might need to be made.

Although SILL members don’t face reelection concerns, they will return to the communities of which they are a part, and they will face social pressure and potential social sanction depending on what they do while working for the SILL. That creates some kinds of pressure, certainly. And there will be a natural and appropriate expectation that former SILL members explain and justify their decisions to their communities. Importantly, however, this can take many different forms, including involving more extended and detailed explanations than are possible in a thirty-second political advertisement or a combative twenty-second candidate debate format. Some who have done this work in citizens’ assemblies have then written opinion pieces or even longer reports explaining the basis of their decision. And even when the decisions are based on complex empirical evidence in support of a particular policy choice, that evidence is presented, described, and processed by non-experts in a way that non-experts

can understand, rather than being some kind of technocratic deliverance handed down by an elite cadre of specialist experts.

14.2.3. Distortion or Responsiveness?

I have suggested thatlottocratic decision-makers, unlike elected officials, won't be subject to distinctive electoral competition fears and pressures, and so they will do better at avoiding distortion in which political problems they address and how they address them. But there's a question of why it counts as *distortion* in cases in which most people are in fact currently (because of the advertisements) concerned with, say, Willie Horton and work furlough programs. Why does inaction in response to climate change count as *distortion* if most people aren't, at least currently, all that worried about climate change? Isn't this just responsive government?

Distortion is measured relative to an objective standard regarding the moral-political problems that actually exist in a political community. What those problems are might themselves be sensitive to preferences and interests of members of the political community. For example, food supply problems might be different for a group with a shared background commitment to veganism. But if a political community has a substantial majority that is deathly afraid of gremlins and blame them for their food supply problems—and there are in fact no gremlins causing any problems there or anywhere else, because there are no gremlins—then policymaking devoted to the “gremlin problem” will count as distortion from the perspective of sensibility, even if it also constitutes responsive policymaking. And if there is a significant emergency problem that most of the community is unaware of, and if there is no effective mechanism by which they can be made aware of it, and so they ignore the problem, this, too, will count as a problem for sensibility, although one more connected to ignorance than distortion. Sensibility is a reality-based standard. If a political community has pervasive, entrenched, false beliefs, no political system that does well by responsiveness will also do well by sensibility.

Fortunately, our situation is usually not so dire as this. There is a complex interaction between the political structures and the broader society so that some political systems can help to draw attention to and correct for significant false beliefs. Other political systems lack the ability to do this. As discussed in the previous chapter, one advantage claimed for lottocratic political systems is that they help address background ignorance even in a world of complex modern policymaking. Sensibility concerns getting things right, in terms of acting to address genuine moral-political problems. One of these problems might be that half of the population believes that gremlins are the source of their problems. But a sensible response to that problem is not to enact an extensive gremlin patrol,

developing expensive anti-gremlin weapons, and so on—even if doing so would constitute a *responsive* set of policies. Rather, a sensible response attempts to understand, engage, and alter the false gremlin beliefs that are affecting the political community. Sensibility and responsiveness can come apart. There are hard questions of political morality that arise when they do, which I take up in Chapter 15.

A second response is to point out that, fortunately, these stark conflicts are rarer than one might fear. For most political problems, people have almost no opinions or views at all. When people do have opinions about political matters, they are often not deeply held views, but rather something superficial and thinly integrated into the person's overall worldview. The common situation—at least in modern political communities—is not a conflict between what sensibility would require and some deep-seated, grounded, community preference pointing in the other direction. The common situation is either having no relevant preferences or views, or only thin preferences or views—often the product of a recent news media soundbite, campaign rhetoric, or political advertisement.

If we are dealing with either no beliefs and preferences or shallow beliefs and preferences, it will be impossible or inappropriate to measure responsiveness in reference to what people currently believe or prefer. Instead, we will need some other means of giving people a chance to form well-supported beliefs and to have policy preferences that are in line with these more grounded beliefs, given their values. Thelottocratic mechanisms allow ordinary citizens who are serving on SILLs to develop deep, informed views and opinions, and, through engagement with them via community consultative mechanisms and other forms of broad community participation, they can share those views with those in the community who were not selected for the particular SILL. In these cases, if members of the broader community either have no opinions or adopt the opinions of their co-citizens serving on SILLs, there is no conflict between sensibility and responsiveness.

In many cases that involve emotional manipulation or distortion, what is going on is much closer to a no opinion or only shallow opinion case, rather than a deep conflict. Consider, for example, the apparent conflict between (a) the belief that we should have a “tough on crime” politician who wants to lock people up for as long as possible and impose a regime of punitive post-incarceration collateral consequences and (b) the belief that we should spend money on educational and rehabilitation programming and opportunities for reentry transitional programs for those who are currently in prison. Plausibly, behind both beliefs is the deeper preference or concern that we reduce crime as much as possible—within at least some set of reasonable parameters. This is the deeply held end ideal: to live in a safe, crime-free political community. Acting to achieve that is to act in a genuinely, deeply responsive way. The conflict between (a) and (b) is simply a conflict over the best means by which to achieve this. Lottocratic systems will enable citizens to

learn enough about this question—and specific strategies for reducing crime, including those described in (a) and (b)—to have an informed opinion about the best means to this end, as well as information about the tradeoffs and costs involved in pursuing that end. That is not true in an electoral, soundbite-driven low-information context where the focus is on generating powerful emotional responses in one electoral direction or another.

Other examples have a similar structure. There might be general agreement about the ideal end, but disagreement (often based on misinformation and distortion due to emotional appeals) about the best means to achieve that end. Consider the ends of full employment and elimination of poverty, availability of affordable housing, effective responses to drug and alcohol addiction, security from terrorism. It is often possible to agree on the importance of these ends and the need to address these moral-political problems, even if there is disagreement about the best route to achieve them. That disagreement itself is often created by emotional, rhetorical appeals amid electoral battles that float free of the best empirical evidence. This evidence and these disagreements are much more effectively worked through with lottocratic structures than through the echo chamber media discussions in the midst of partisan electoral warfare.

When we consider responsiveness, then, we should be attending not primarily to responsiveness to thinly supported policy preferences that are the product of electoral rhetoric, but to deeper, more stable beliefs, values, and preferences concerning the ends toward which those policy preferences are pointing: safety, health, well-being, housing, security, education, and so on. Policymaking that leads us away from these things fails both by the lights of sensibility and of responsiveness and will often be the result of distortion introduced by capture or electoral incentives. Lottocratic policymaking can help us pursue these ends in an empirically informed, responsive way, without those distortions.

14.3. Reduced Ingroup/Outgroup Dynamics and Destabilized Political Identities

Another significant source of distortion in many political communities results from what I referred to as vicious partisanship. People sort themselves into partisan political teams as a result of their participation in elections, they distrust and discredit those on the other team, they vilify those on the other side, and this results in a divided political community that is incapable of working together to identify and respond to the urgent moral-political problems that affect the political community.

One result of this troubling division and ingroup/outgroup sorting is epistemic: undermining the ability of those on opposing sides to learn from each other, rely on each other, or draw on the same epistemic sources. It also affects what each side

is interested in learning more about, which problems they notice and which they ignore, and how they structure inquiry and attention.

But another result of this hyperpartisan engagement with political life is to alter and distort the action taken by political institutions. Some of these agential effects are the result of epistemic effects. Unsurprisingly, the epistemic effects have downstream consequences regarding what problems electoral representative political systems attempt to address, due to each side's differing beliefs about which moral-political problems are most urgent. Which problems are attended to and worked on changes dramatically depending on which side is in power. There are also distorting effects that result not from differences in belief, but from affective differences with respect to how concerned members of each side are with those moral-political problems that are predominantly the concern of the outgroup. When there is a sharp division between As and Bs in some political community, the As might have different beliefs than the Bs about what the major moral-political problems are. But they also just might not care about those problems or be moved to address them, perhaps because they see those problems as predominantly affecting the Bs, and they don't care as much about the welfare of the Bs.

The suggestion in Chapter 4 is that this is not simply a result of genuine, *ex ante* disagreement in the political community—whether epistemic disagreement about what is true or moral disagreement about what is preferable or most valuable. There might be genuine disagreement along factual and moral lines. Indeed, politics is needed precisely because of disagreement about what ought to be done, about what is most urgent, about how to solve problems even when all agree they need to be solved. But part of the sensibility of a political system is how it helps us work through our disagreements and act even in conditions of disagreement. Electoral systems are failing by this measure. Electoral competition sorts us into teams, we participate in political life in a way that is structured by those social identities, we distrust and vilify those on the other team, and this accentuates and accelerates our disagreements. We need to work through our disagreements, but not like this. What we see now is simply a fragile kind of turn taking at dominating those with whom we disagree. And this results in significant distortion in how the political system acts to address the extant moral-political problems in the political community.

Lottocratic institutions improve the sensibility of political systems in the face of disagreement in part simply by eliminating electoral competition and the attendant distorting partisan dynamics that competition introduces. Rather than viewing issues through partisan lenses or focusing our attention on the character and personality of the other side's candidates for office, there is an opportunity to consider issues on their own in detail. This enables action to be taken on genuinely significant moral-political problems, rather than fighting endlessly with our partisan opponents and reinterpreting every issue in partisan terms.

And if lottocratic institutions make it possible for us to move beyond elite capture and control of political institutions, then we may see other benefits in terms of ingroup/outgroup dynamics. If part of the story of our division is a story of manufactured conflict, where the most powerful members of society keep us from working together by creating this sense of two teams (and handing each team a set of policy positions and political candidates that are basically agreeable to the most powerful), then lottery-selection might be a way of taking back real democratic control.

The single-issue focus enables action on problems on which there is significant background agreement—such as many of the significant ends discussed in the previous section. This is easier once we clear away the superficial or manufactured disagreement that is an artifact of electoral competition and sociopolitical identity conflict. Moving from a generalist legislative process to a single-issue legislative process opens places for us to identify issues on which we agree, moving us out of the situation where all attention is concentrated on those issues which most deeply divide us. Elected officials exploit these divides and encourage us to focus just on issues that exacerbate existing social tensions. This makes it much harder to work together to solve problems and to respond appropriately to the problems we face.

Even for those issues where there is real disagreement—and there certainly will be such issues, even absent electoral competition—the microcosm representation and extended deliberation and engagement with those on the other side of an issue is likely to improve the quality of decision-making. As discussed in Chapter 11, deliberation of this kind has already been significant in helping political communities work through deep conflicts over highly charged issues like abortion and same-sex marriage, enabling action that reflects a more considered view than what is possible without this kind of reflective engagement across lines of disagreement.

14.4. Representative Representatives and Representative Agents

In addition to avoiding distortion produced by capture, short-term electoral incentives, emotion-driven rhetorical appeals during electoral campaigns, and the partisan divisions created and amplified by elections, perhaps the simplest way in which the lottocratic system promises to lessen distortion is by having a genuinely demographically representative group of people in political power. Those people will bring with them the full and proportionate range of beliefs, values, preferences, and concerns that are present in the political community. This has implications for knowledge and ignorance, because of what differently situated people know. But it also has striking implications for which moral-political

problems are actually going to be addressed, because of what differently situated people care about and are moved to do.

Elected legislatures tend to be disproportionately wealthy, male, and from elite educational and professional backgrounds. If there is racial or religious or other social hierarchy or stratification, elections overselect from those at the top of the hierarchy. Even leaving aside concerns about capture, their sense of the world and of the moral-political problems that need to be addressed is going to be biased by their own experiences as (for the most part) wealthy, white, men from backgrounds as lawyers and businesspeople and members of the social and educational elite. Even if they know about the problems of others, they will not have experienced those problems intimately or personally, with a sense of desperation or hopelessness. All of this affects what they are likely to do with their political power. For many elected politicians—not all—it is, or soon becomes, a complex game of keeping and acquiring more power and influence. These are, after all, people who have sought out power. Some may do so to address problems they care deeply about. Others may have less benign initial motives. But for many involved in electoral politics, the electoral game, and the endless moral compromises it requires, crowd out whatever problem-solving motives they had when they sought out power. The elected class is non-representative even when they walk into office, and they steadily become more so over time as their power and position becomes less and less like the rest of us.

Contrast this with those in political power in a lottocratic system. They have not sought out this power. (Lottocracy does well by G.K. Chesterton's suggestion that "all real democracy is an attempt... to bring the shy people out."⁷) They won't be able to keep it for more than a few years no matter what they do. They will return to their ordinary lives as citizens once their terms are finished. And those ordinary lives encompass the full spectrum of lives and experiences of the political community. What they were worried about before coming into power—raising a child as a single parent while working double-shifts to make ends meet, finding good schools and child care for their children, securing stable housing, helping their brother re-enter society after spending time in prison, keeping their small business open, putting healthy food on the table, paying for their medical treatments, making the environment sustainable for their children and grandchildren, revitalizing their town in response to factory closings, caring for their elderly parents—will be largely the same as the concerns they will have on the other side. This fact will affect and animate how they spend their time in power. It will affect what they bring to the discussion from an epistemic vantage point, and it will affect what problems they focus on, the intensity they bring to solving them, and their concern to actually find solutions.

⁷ Chesterton (1911).

These are not people who want to just use their power to *pretend* to address people's problems so that they can get reelected. These are not people who will be inclined to *manufacture* and *invent* problems that they can pretend to solve or which they can use to harm electoral opponents or consolidate their own electoral support. Failing to address the actual moral-political problems that exist results in actual harm to and continued difficulty for many of the SILL members and the people they care about. Having more of a genuine stake in addressing real moral-political problems is a significant way in which the lottocratic system helps to reduce distortion and improve sensibility.

Lottocracy, Democracy, Legitimacy, and Political Morality

15.1. Legitimacy, Democracy, and Political Morality

Given the arguments of the previous chapters, the lottocratic system might seem promising at noticing and responding to the moral-political problems of a political community. Lottocratic systems might seem preferable to electoral democratic systems in terms of addressing both ignorance and distortion concerns. From a broadly outcome-focused, functionalist perspective focused on sensibility and problem solving, lottocratic systems might seem an improvement over electoral representative democracy—at least under many modern sociopolitical conditions.

Even so, some might still worry that lottocracy runs afoul of other, non-outcome-related considerations. These are sometimes voiced as the worry that lottocracy is not *democratic*. But that charge is ill-defined and underspecified. I will argue that, once it is clearly defined, it is inapt. Still, concerns in the vicinity deserve discussion. Lottocracy breaks with electoral representative versions of democracy in significant ways, and those give rise to important questions. I will work up to considering the question of whether lottocracy is a form of democracy, or is adequately democratic, by first considering components of that question, or variants of that question, depending on one's background views regarding how to understand or define *democracy*. I will suggest that a system is democratic to the extent that it does well by four dimensions of political morality: political equality, political participation, respect for and protection of the rights of body and mind (rights of life, bodily integrity, physical liberty, speech, thought, and association), and responsiveness. In discussing these, I will present the political values in question, how they might present a concern for lottocracy, and what I make of that concern. Discussion of political participation and the related value of political accountability will bring out that there is an additional dimension of evaluation that is important—the moral accountability of those empowered as political actors. Finally, political systems should be evaluated based on the outcome-related value of political sensibility. These last two considerations, although very important for the ultimate assessment of a political system, do not bear on the question of how democratic the system is. That judgment is a function of the four dimensions of value that I discuss at length in this chapter, and it is a scalar

judgment (“more or less democratic”), rather than a threshold (“yes/no”) judgment, as the four values can be realized or instantiated to a greater or lesser degree by a political system in a particular sociopolitical context.

Another question for lottocratic systems is whether they are *legitimate*. This question, like the question concerning whether they are adequately democratic, is also ill-defined and underspecified. Legitimacy is perhaps an even more obscure concept than democracy within political philosophy. Much of the historical and contemporary discussion of political legitimacy has focused on questions about what we might call “macro” legitimacy—focusing not on determining when particular political actions were legitimate or morally permissible or morally justified, but rather on when the state (in general) or large-scale political systems (states, governments) were legitimate.¹ This “macro” question is often motivated by noticing that political action is backed by coercive force—something that typically is morally impermissible and requires special moral justification. (Some of this discussion has blended the question of legitimacy and questions of political obligation, concerning a duty of citizens to obey the law.) This question is framed as if it were a question of when the existence of a state is morally permissible, but implicit in this framing is the idea that a state is an entity that can and will act and will act backed by coercive force.

When we are considering not very general questions about “the state,” but more particular questions concerning specific kinds of political systems, we might ask a somewhat different question:

QUESTION OF LEGITIMATE SYSTEMS: what are the moral considerations, if any, that restrict or otherwise affect which political systems and political structures can morally permissibly be implemented and deployed (regardless of whatever instrumental, functional advantages of those political systems if they were to be implemented), given that those systems will operate backed by coercive force?

This question will be the focus of our attention. Here, the concern might be that lottocratic systems are not among the legitimate—morally permissible—options when we are considering what political system to implement or have. On one picture, the only political systems that are not morally objectionable are those that

¹ As A. John Simmons writes (2000: 739–40; emphasis added), “The project of ‘justifying the *state*’ is one that we tend to associate with the great political treatises of the seventeenth and eighteenth centuries, and especially with those of the philosophers in the social contract tradition, such as Hobbes, Locke, or Kant.” Thomas Nagel (1995: 33) notes that “the task of discovering the conditions of legitimacy is traditionally conceived as that of finding a way to justify a political *system* to everyone who is required to live under it.” In an important essay on legitimacy, Allen Buchanan concludes that “where democratic authorization of the exercise of political power is possible, only a democratic *government* can be legitimate” (2002: 689; emphasis added). David Estlund contends that “[a] *state* or *kind of state* is legitimate only if its coercive enforcement of law can be justified on a basis that is acceptable to all possible qualified points of view” (2008: 41; emphases added).

are legitimate, and we are only morally permitted to use political systems that fall within the circle of legitimate options. Seen this way, there appears to be a sharp boundary, a threshold, that marks the legitimate systems from the other political systems. But, given the elements that I will suggest go into the legitimacy assessment, this sharp threshold conception of legitimacy is inapt.

Instead of that picture, we ought to understand legitimacy as a spectrum concept, and ask where lottocratic systems fall on that spectrum. Perhaps there are no bright lines, but there are still significant moral reasons in favor of political systems that fall well within the circle, rather than those that are far from that circle. Even with a scalar conception of legitimacy, there are still important differences between a system that is highly legitimate and a system that is barely legitimate or even right in the middle of the spectrum between completely illegitimate and maximally legitimate. The argument I will offer is that under modern political conditions, lottocratic systems are no less legitimate than electoral representative systems, and they are arguably more legitimate than those systems.

Arguing for this conclusion, and defending the spectrum, scalar conception of legitimacy requires defending a view of what legitimacy consists in. The view I will defend is that a political system is more legitimate to the extent that it does better by two measures: (1) the extent to which there is an individualized moral justification of the system to those living under the system and (2) the extent to which the system is democratic. I say more about individualized moral justification in the discussion of political minorities in Chapter 16. In this chapter, I argue that a system is democratic to the extent that it does well by four dimensions of political morality: (a) political equality, (b) political participation, (c) respect for individual pre-political rights, and (d) political responsiveness. Thus, on my view, the full legitimacy analysis involves considering how a political system does in terms of individualized moral justification, political equality, political participation, respect for individual pre-political rights, and political responsiveness. All of these are to be assessed as scalar, spectrum measures, rather than as on-off thresholds, which explains why the resulting legitimacy assessment is a scalar measure as well.

A full account of political morality also owes answers to the following questions:

- How do the four values relating to assessments of how democratic a system is relate to each other? Should one take precedence over the others in our assessment? Do they all get weighted equally? Are there minimums that must be met for each of them, or is somehow a “total score” across the four enough?
- How does the individualized moral justification condition relate to the democratic condition in assessing the overall legitimacy of a system? Are

they each separate but weighted equally? Is one ultimately reducible to the other? (I will suggest “no” in the next chapter.)

- How do assessments of whether a system is legitimate or democratic interact with other moral concerns, such as the overall sensibility of the system? Should we prefer a more legitimate system even over a less legitimate system that is significantly better in terms of sensibility? Does legitimacy operate as a distinct, lexically prior constraint on what systems can be considered as morally permissible options?

I will leave these important questions aside in this book. They are orthogonal to our main questions: whether lottocratic systems are adequately democratic and legitimate, whether lottocratic systems are comparatively equal to or better than electoral representative systems with respect to these values, and whether lottocratic systems are comparatively better in terms of overall sensibility (a question addressed at length in the preceding chapters). I argue that under modern political conditions, lottocratic systems do as well or better than electoral representative systems with respect to each of these six elements: individualized moral justification, political equality, political participation, respect for individual pre-political rights, political responsiveness, and overall sensibility. I also argue that lottocratic systems do well by all these six elements in a non-comparative sense. There is no concern with respect to the legitimacy or democratic standing of lottocratic systems that should give us pause in either the comparative or non-comparative assessment. That leaves us to consider the question of the system’s sensibility and outcome-related results directly, so that if the previous two chapters have been convincing, this establishes a powerful case for lottocracy, at least under certain sociopolitical conditions.

In the rest of this chapter, I take up the four dimensions of political morality relevant to whether a political system is democratic, consider how lottocracy does by way of those dimensions, and make the case that these are plausibly connected to democracy in the way I suggest. I argue that lottocratic systems can do well by these conditions—comparatively well vis-à-vis electoral representative systems, and even non-comparatively well simply in terms of satisfying these conditions. The point is not to argue at length for these conditions, but to offer a philosophically refined depiction of ideas in the vicinity. Someone might reject and argue against one or more of these conditions, perhaps on their way to defending some form of epistocracy or technocracy or something else entirely. Someone might offer a different interpretation of these or other conditions, arguing that lottocratic systems do not fare well by these other conditions. But, in engaging in this debate, it is important that the conditions be independently plausible and attractive—not just that they are uniquely satisfied by electoral representative systems.

15.2. Political Equality

One of the main advantages claimed for electoral representative systems is that everyone (or almost everyone) is politically equal, in this sense: everyone (or almost everyone) gets a vote, and the votes each count equally. Epistocratic, technocratic, oligarchic, monarchal, and dictatorial political systems are alike in violating this kind of political equality. Those systems differ in how and why they depart from political equality, but it is plausible to see this as a significant mark against them, whatever the reason for it. Indeed, many see political equality not just as a moral disadvantage of those systems, but as a moral consideration that operates as something like a constraint—ruling out those systems that fall afoul of it—or at least a very strong pro tanto moral consideration against a political system. Making the full case that there is (or is not) such a constraint is outside the scope of my project. Instead, I want to consider whether there is a plausible version of a principle of political equality that is satisfied by electoral representative systems, but not by lottocratic systems.

There seems to be a natural worry: in electoral representative systems, there is something—namely, the egalitarian vote—that we can point to as encapsulating and instantiating a commitment to political equality. In lottocratic systems, there is no exactly comparable thing. Some people will be chosen at random, others will not. Those others will be left out, treated differently, left relatively politically powerless in an important sense that might worry some committed to political equality. One challenge that might be raised for lottocratic systems of government: don't they—like oligarchic, monarchal, or technocratic systems—violate norms of political equality, given that some people will have different levels of political power (based on whether they are randomly chosen or not), and many of us will have no say at all in the selection process or the policy decisions that are made? In what follows, I try to make this worry and similar worries more precise, and then examine them.

Consider this candidate principle of political equality:

(1) **EQUAL SAY (AD HOC)**: a political system does well by political equality to the extent that each person in a political jurisdiction is given an equal, actual say in (a) the process by which the political institutions govern; or (b) the selection of those individuals who will run the political institutions, if there is such a selection process.

With a few qualifications, electoral representative democratic systems might do well by this condition. Lottocratic systems will not. The “actual say” qualification is important to prevent systems that give no one any say in the selection of political representatives—such as lottocratic systems—from satisfying this condition through what we might call “null” satisfaction.

What should we make of this condition?

One thing to notice (I've made it hard to miss) is that EQUAL SAY (AD HOC) is an ad hoc principle, combining two different ideas of political equality: having an equal actual say in (a) the process by which the political institution governs *or* (b) the selection of those individuals who will run the political institutions, if there is such a selection process. It is plausible that the (a) condition is the more significant of the two from a perspective of political equality. But electoral representative democratic systems fare poorly if we focus on actual equal say conditions alone. Related to this, we might ask: is this the conception of political equality that we care about?

Consider a different principle of political equality:

(2) EQUAL CHANCE: a political system does well by political equality to the extent that each person in a political jurisdiction has an equal chance to determine which political actions will be taken by the governing political institutions.

This principle is one that lottocratic institutions do well by (at least given some qualifications and if we consider chances over an extended period, and perhaps use lottery voting within the SILLs). But electoral representative institutions do poorly by this principle. Elected representatives have a much greater chance of determining what political actions will be taken than others. And some people have a much greater chance of becoming an elected representative than others.

It is not obvious that we should prefer EQUAL SAY (AD HOC) to EQUAL CHANCE as a principle of political equality. Perhaps neither is a condition of political equality. We could also endorse a view of political equality on which both were important dimensions of evaluating political equality.

I mention these two conditions at the outset to draw attention to the fact that it is not just lottocratic systems that might seem to conflict with a substantive commitment to political equality. Any representative system has equality-related questions to answer. We shouldn't let our familiarity with electoral representative systems cause us either to give them a pass or to contort our thinking about political equality so that we develop a bizarre test of political equality that those systems—and perhaps only those systems—can pass. It is worth considering what the ideal of political equality amounts to, before considering how various systems (and perhaps particularly various representative systems) might do tolerably well by the lights of that ideal.

Call those individuals who have a role in (collectively or individually) determining what political action will be taken by a political institution, *determiners*. Let *substantive participation* refer to participation that is based on one's actual beliefs, preferences, and values, so that if one's beliefs, preferences, and values were different in certain ways, one would participate differently, so that the

contribution that one's participation would make would also be different. Now consider four conditions:

(3) **EQUAL RIGHT TO PARTICIPATE**: a political system does well by political equality to the extent that each person in the political jurisdiction has an equal right to participate substantively in determining what political actions will be taken by that political institution.

(4) **EQUAL POWER**: a political system does well by political equality to the extent that each person in the political jurisdiction has equal power to determine what political actions will be taken by that political institution.

(5) **EQUAL RIGHT TO ATTEMPT TO BE A DETERMINER**: a political system does well by political equality to the extent that each person in the political jurisdiction has an equal right to enter the process or competition by which individuals are chosen as determiners.

(6) **EQUAL RIGHT TO PARTICIPATE IN CHOOSING DETERMINERS**: a political system does well by political equality to the extent that each person in the political jurisdiction has an equal right to participate substantively in choosing the determiners.

Notice, first, that a natural way of understanding the demand that everyone should have an "equal say" on some matter is as requiring a combination of (3) and (4). Everyone has an equal right to participate and that participation is equally influential or powerful in determining what is done. This contrasts significantly with **EQUAL SAY (AD HOC)**. Notice also that systems that employ representatives to make decisions do not do well by conditions (3) or (4). I do not have the same right as Representative Alexandria Ocasio-Cortez to participate in debates or votes or subcommittees in the House of Representatives. I certainly don't have the same power that she does to determine what the House of Representatives will do.

Some representative systems do well by conditions (5) and (6). Most electoral representative systems will satisfy these conditions, at least if we modify the conditions to more closely match the electorate as defined in most modern political systems (leaving out non-citizens, those who are currently incarcerated, those who are under 18, etc.). Note, however, that neither of these require anything in terms of an equal *chance* of becoming a determiner (they are compatible with only the social elite having a significant chance of becoming a determiner). Nor do they require anything in terms of equal *influence* in terms of who is chosen as a determiner (they are compatible with fifteen billionaires who control media empires having a dramatically outsized influence in who is actually chosen as a determiner).

From a perspective of political equality, (3) and (4) are plausibly more central and significant than (5) and (6). The move from a system that does well by (3) and

(4) to a system that only does well by (5) and (6) is justified, if it is, on grounds unrelated to—and in significant tension with—political equality. The typical justification offered is outcome-related: direct democratic institutions that might satisfy (3) and (4) simply do too poorly from an outcome perspective. Given that principles of political morality do not require direct democracy—or at least this would be a highly revisionary view in need of substantial defense—it is plausible that neither (3) nor (4) exhausts our ideals of political equality nor serves as a constraint on institutional design or choice.

This is striking and worth reflecting upon. Perhaps the simplest idea of political equality is that of an equal right to participate in the direct decision-making of the political system and to do so with equal power to influence the outcome. No representative system does well by this standard. By definition, all citizens who are not representatives will lack the right to participate in determining what political actions are taken. Representatives will have this right. The lottocratic system, as a system that uses representatives (in at least the sense of having some who have substantial political power that most do not have), also does not satisfy these conditions, at least if (3) and (4) are being evaluated at a relatively brief moment in time.² A lottocratic system might, under the right conditions, do better by (3) and (4), if the measure of equality is taken diachronically, including significantly more than just at a moment in time. More on that in a moment. But for any particular action, taken by any particular SILL, only those selected to serve have a right to participate in determining the action.

Electoral representative democracies generally do well when measured by these two conditions:

(5) **EQUAL RIGHT TO ATTEMPT TO BE A DETERMINER:** a political system does well by political equality to the extent that each person in the political jurisdiction has an equal right to enter the process or competition by which individuals are chosen as determiners.

(6) **EQUAL RIGHT TO PARTICIPATE IN CHOOSING DETERMINERS:** a political system does well by political equality to the extent that each person in the political jurisdiction has an equal right to participate substantively in choosing the determiners.

The lottocratic system does well by (5), but arguably not (6). Everyone has a right to have their name put in the hat. But no one has a right to participate substantively in choosing the determiners. On one way of understanding “having an equal right to participate substantively” it implies (a) that everyone has this positive right

² Both participation and power are intertwined with causal influence over time in ways that make “instantaneous” measures of a right to participate or political power obscure at best, and possibly simply incoherent.

and (b) they have that right equally. There is an interpretation of (6) on which we allow for “null” satisfaction—rejecting the implication that anyone, let alone everyone, has a positive right to participate substantively in choosing the determiners. On that interpretation, lottocratic systems also do well by (6), since everyone is equal in having no right to participate substantively in choosing the determiners. But that interpretation is perhaps at odds with the spirit of (6).

Note that, as defined, (6) requires only an equal right to *participate* substantively, not an equal right to participate substantively *and with an equal amount of influence* with other citizens. (6) could be satisfied even though citizens vary widely in how much actual influence they have in affecting who is chosen as a determiner. This should trouble us, if we are genuinely committed to the ideal of political equality. Although we are used to thinking of “one person, one vote” as the hallmark of political equality, we should attend more explicitly to how the agenda and the voting choices are established and defined, and how the votes themselves come to be directed and cast for particular options. We should attend, too, to the inequality of power and influence that comes with being a representative and the inequality that comes with the possibility of disproportionately influencing representatives to act in certain ways.

Let us use *formally choosing the determiner* to refer to the narrower, formal moment of making a collective choice to select a determiner through an election or other formal selection mechanism. Let us use *process of determining who is the determiner* to refer to the entire extended process by which a person is elevated from being just one of the mass of citizens to being the candidate eventually chosen via an election.

Consider this condition:

(7) EQUAL RIGHT TO PARTICIPATE + EQUAL INFLUENCE IN DETERMINING THE DETERMINERS: a political system does well by political equality to the extent that each person in the political jurisdiction has an equal right to participate substantively, and with an equal amount of influence as all other citizens, in the process of determining who will be the determiners.

Ordinary electoral representative systems do not do well by this condition. Consider the extended process by which candidates for political office are funded, brought to public attention, given media platforms to explain their views and qualifications, and eventually put on the ballot and voted for. As discussed at length in Part I, individual citizens will have an unequal ability to influence the process of determining the determiner—even if all have the same rights to participate in doing so—because they have greater resources, more rhetorical talent, community esteem, more information, and so on. In any system that (a) has some subset of the population selected to serve as determiners and (b) has this selection operate by the free choices of individuals, there

will be a significant gap between equal formal power and what we might call equal political influence.

Note that the lottocratic system arguably does better on this condition, but only if we allow satisfaction through null satisfaction. All citizens have an equal right—that is, no right—to participate in the process of determining the determiners. This is not a trivial result. One equality-related advantage of lottery selection is that it can help to screen off unequal influence.

With some modifications, we can, however, offer another condition that electoral representative systems do well by but which the lottocratic system does not:

(8) POSITIVE RIGHT TO PARTICIPATE, SUBSTANTIVELY, AND WITH AN EQUAL AMOUNT OF FORMAL POWER, IN FORMALLY CHOOSING THE DETERMINERS: a political system does well by political equality to the extent that each person in the political jurisdiction has a right, and an equal right, to participate substantively, and with an equal amount of formal power, in formally choosing the determiners.

This condition adds a component—a positive right to participate—which is derived from considerations of autonomy, not equality. It also restricts consideration of full political influence, limiting consideration only to *formal* power and *formal* choice of the determiners. Electoral representative systems will often satisfy this condition (though things like disproportionate voting power in the US because of the Senate and differential state population violate it). Indeed, this condition can seem to *require* something like an electoral representative system. What should we make of this fact?

Discussions of political equality often begin with something like the following line of thought. Political equality is the idea that, for purposes of making political decisions, all people are of equal moral worth, entitled to equal respect and equal consideration of their interests. This does not mean that they are all equally talented, wise, powerful, good, agreeable, or deserving. Indeed, we know that they are not. Political equality requires that political institutions should treat all people *as if* they are equal, at least in certain respects, and for certain purposes. A common way of concluding this line of thought is with the suggestion that each person should have an *equal say* in determining what we do together, politically. But the use of representatives is already a step away from the ideal of giving each person an equal say. Another, more general way of trying to capture the idea of having an equal say is a condition we've previously encountered:

(4) EQUAL POWER: a political system does well by political equality to the extent that each person in the political jurisdiction has equal power to determine what political actions will be taken by that political institution.

Straightforwardly, electoral representative systems do not do well by this measure. Representatives have considerably more power than the rest of us, and a few of us will have much more power than the rest of us, due to our greater ability to influence the views and attitudes of others.

There are systems that do well by this measure. For instance, a lottery voting system.³ In the simplest version of such a system, everyone in the political jurisdiction would vote on what political action ought to be taken, and one of those votes would be drawn from a hat and be treated as decisive. In such a system, the circumstances in which one determines what political actions are the same for all (having one's vote be the one pulled from the hat), and those circumstances are equally likely to obtain for all citizens. This is one way of understanding what equal power would require in a political context, although it is not the only such way. For reasons relating to sensibility and other outcome-focused considerations, this mass lottery voting political system would not be attractive, and I shall leave it aside.

How does the lottocratic system do with respect to (4) EQUAL POWER? If the numbers work out right (number of people serving on SILLs, number of people in the polity), and if we interpret (4) EQUAL POWER as measuring power in a temporally extended way, so that what matters is one's total political power over a lifetime, a lottocratic system does fairly well by this condition. The numbers are more likely to work out well in this regard if SILLs are used not just at the federal level but also at the state, county, and municipal levels. If the lottocratic system uses a majority vote process internally along with deliberation and discussion, then although each citizen has an equal chance of serving on a SILL, each citizen does not have equal power, because each citizen does not have an equal chance of having her attitudes or actions make a difference. Some will be better at persuading others of their views, for example. This might be balanced out if the lottocratic system is a quiet lottocracy, with little open discussion and deliberation. But there are costs to having a quiet lottocracy. And it's not obvious that the way to think about political power and political equality is by measuring political power over one's lifetime.⁴ It's worth noting, however, how almost all versions of lottocracy do much better regarding (4) EQUAL POWER than any electoral representative system.

Here is another interpretation of political equality that the lottocratic system does very well by, unlike electoral representative systems:

(9) EQUAL CHANCE OF BEING A DETERMINER: a political system does well by political equality to the extent that each person in the political jurisdiction has an equal chance to be a determiner, if a subset of determiners is chosen.

³ Saunders (2012).

⁴ Surely, some interval of time must be specified to assess the equality of political power in a political community. Cases get complicated quickly on almost any option, and that's perhaps particularly true for any option short of looking at political power over a lifetime, or expected political power over a lifetime, or something in that vicinity.

Given modern sociopolitical conditions, we might assume that for functionalist, instrumental, sensibility-related reasons, political systems must employ representatives who will act as determiners. If we assume this, then doing well by (9) should be a central concern of political equality. Here, we see what is remarkable about lottocracy from a perspective of political equality, particularly in comparison with electoral representative democracy. If representatives are going to be employed, there can be no more explicit commitment to genuine political equality than to give each person a literally equal chance of being a representative. It is implausible that a concern for political equality requires that one subscribe to (1) EQUAL SAY (AD HOC), rather than principles such as (9) EQUAL CHANCE OF BEING A DETERMINER or (4) EQUAL POWER. If anything, these latter principles give a more apt expression of the ideal of political equality.

Those of us who have grown up with electoral representative democratic systems in the background, and who know only authoritarian fascism as an alternative, may have come to overvalue thin formal political equality, and to ignore vast differences in terms of equal influence, equal power, and equal chance of being a determiner that exist in those contexts. Perhaps more are worried about this now, as more people have become dissatisfied with our electoral representative systems.

The lottocratic system excels at making an explicit public commitment to political equality, and to the idea that we all can and should play a significant role in participating in political life. Rather than being concerns for lottocratic systems, ideals relating to rights of participation and political equality should motivate taking lottocracy even more seriously—even setting aside any instrumental advantages.

Many plausible rationales for the importance of political equality incline in the direction of lottocracy. Consider, for example, the suggestion that what really matters with political equality is that no invidious comparisons are being made among the people of a political community, in terms of who should have political power.⁵ What constitutes an “invidious” comparison is contested, but given that the lottocratic system doesn’t use comparisons among citizens as a reason to put some in power over others, it does well by these lights. That contrasts with justifications of electoral representative systems that suggest that elections are a way of selecting “our best and brightest” to govern. It also contrasts with electoral representative systems in that, whatever the justification offered for those systems, they result in people with a certain socioeconomic profile being disproportionately represented in power—a situation which it is reasonable to describe as both offensive and unfair, and, in that way, invidious.

⁵ Estlund (2008).

Or consider the suggestion that the value of political equality should be understood as a commitment to the principle that no members of the political community should be in a position of “ruling over” other members of the political community.⁶ Whatever we think of such an idea and whether electoral representative democracy is compatible with it—particularly as that form tends to be practiced under modern political conditions—it is satisfied by the lottocratic system, which guarantees regular random rotation through power, with no “political class” who comes to lord power over others.

Others suggest that the commitment to political equality is grounded in the importance of expressing “the respect owed to persons as equals in their possession of a basic capacity for a sense of justice,” as Joshua Cohen describes the Rawlsian view.⁷ If all people have certain attributes—a capacity for a sense of justice, dignity, moral autonomy—and in that sense are all “equals,” then one suggestion is that all people should be treated as fully equal citizens in the political system. The lottocratic system, by powerfully suggesting that all citizens are equally fit to serve as political representatives, does well by expressing the respect owed to persons as equals “in their possession of a basic capacity for a sense of justice” or in terms of anything else.

These foundational ideas suggest a more general principle of political equality:

(10) **EQUAL FUNDAMENTAL RESPECT:** a political system does well by political equality to the extent that it is compatible with, and indeed expresses and constitutes, a foundational commitment to the fundamental respect owed equally to all members of the political community, so that no invidious comparisons among citizens are made and no one rules over or dominates anyone else.

This kind of principle leaves open exactly how it is to be fulfilled, what constitutes invidious comparisons, what constitutes “ruling over” or “dominating” others, and what the basis is on which all members of a political community are owed respect equally (whether this is a simple matter of individual human dignity, something more complex like Rawls’s “possession of a basic capacity for a sense of justice,” or something else). One might argue that satisfying (10) **EQUAL FUNDAMENTAL RESPECT** is only possible if a system satisfies (4) **EQUAL POWER** or (9) **EQUAL CHANCE OF BEING A DETERMINER**. But one might also be more pluralistic in how systems can do well by this requirement.

Given the concerns detailed in Part I, electoral representative democracy does not do well by (10) **EQUAL FUNDAMENTAL RESPECT**. But there is a compelling case that the lottocratic system might do well by the terms of (10) **EQUAL FUNDAMENTAL RESPECT**. That case is made in large part by noticing the significant ways in which a

⁶ Kolodny (2014a, b).

⁷ Cohen (2003: 97).

commitment to equal respect is built into the mechanism of empowering people chosen at random from the political community. We can see this more specifically by noticing how well lottocratic institutions do when considering principles of political equality like (4) EQUAL POWER or (9) EQUAL CHANCE OF BEING A DETERMINER.

Despite this, some may still feel that the lottocratic system is missing something that is present in the more familiar electoral representative democracy. Perhaps what is missing is not related to equality, exactly, but to something more like a right to a role for all members of the political community to influence politics. With elections, everyone has a right to vote. Even if that is compatible with wildly high levels of political inequality, perhaps there are other important components of political morality that are captured by mass elections, components that are missing with lottocracy. In the next sections, I consider several such ideas, including a right to participation in politics, a right to self-government, the importance of accountability, and a right to responsive political institutions. I conclude by considering and responding to a concern that envelops concerns about both equality and participation, again raised from the perspective of all those not selected, suggesting that lottocracy requires a distinctive and troubling kind of deference to those randomly selected.

15.3. Participation and Self-Government

One commonplace regarding democracy is that it is a system of government that is “of the people, by the people, and for the people,” in Abraham Lincoln’s famous formulation. This is a beautiful but confounding phrase.

Going back at least to the America chronicled by Alexis de Tocqueville, robust, energetic, vigorous participation in political life has been hailed as a centerpiece of electoral representative systems of government. In stark contrast to authoritarian, repressive political systems, there are many channels for political participation—most notably voting, but also protesting, petitioning, speaking, writing, assembling, organizing, seeking out political office, creating and working within political parties, donating money and time to electoral campaigns, donating money and time to political issues and causes that one cares about—and robust protections of those channels. In some sense, this is what people mean when they speak of government “by the people” or when they reference the ideal of self-government.

For most of us who have grown up in electoral representative political communities, these participatory activities are seen as essential parts of political life and political engagement. For those who grew up in repressive authoritarian regimes, it is exactly these activities that were missing, forbidden, punished. These activities are seen as deeply intertwined with real, free *elections*. Almost all political activity is structured around electoral campaigns, candidates for elected

office, and speech and political organization around getting people elected and affecting candidates' platforms, along with protesting, petitioning, and lobbying those who have been elected and threatening them with electoral consequences.

This raises a worry about lottocratic systems of government. Without elections, and with selection of political representatives happening through a lottery, what will happen to political participation? If we are not one of the relatively few who are chosen, what are the rest of us to do? How will our views and values not be ignored by those relatively few who are chosen? We might worry that lottocratic political systems will do poorly with respect to various interests, principles, and rights relating to participation. Consider, for example:

PARTICIPATION: a political system does well by the significant moral interest in substantive participation and self-government to the extent that (a) there are channels for all ordinary citizens to participate substantively in political life, (b) these channels are protected as a matter of right, and (c) the participation of ordinary citizens within these channels significantly causally affects what political actions are taken and does so in a way that corresponds to the substantive nature of that participation.

This specification of the value of participation contains three distinct subparts, each of which is important to ensure that participation is not just for show, not just tolerated by those in power until it threatens their power, and not just a matter of being able to participate in public political performance of a kind that doesn't reflect the real views and values of those in the political community.

The quality and extent of opportunities for political participation are far from perfect within electoral representative contexts like those in the United States. Indeed, there is a question whether many electoral representative democratic systems do well by PARTICIPATION. Most modern electoral representative democracies do well enough by both (a) and (b). Protections of freedom of speech, petition, assembly, as well as rights of voting, running for office, and other electoral rights serve to satisfy these conditions.

But serious questions can be raised about (c). That is one of the central conclusions of Part I, particularly the arguments concerning elite capture. It is striking that most people in the US and other "advanced" democracies are largely politically inactive in terms of doing any petitioning, writing, organizing, assembling, protesting, creating and working within political parties, and so forth. Many do not even bother to vote.⁸ There are hard questions about why this is so, but it may be less from apathy and more from a sense that it makes no difference, that condition (c) is not satisfied. In the US, the suggestion that "the system is rigged

⁸ Even in a record year for turnout, only 61% of people of voting age voted in the 2020 United States presidential election. Turnout is often below 50%. See Desilver (2021).

against people like me” is one embraced by people on both the left and the right of the political spectrum. One way of understanding this complaint is that one’s participation doesn’t make any difference or doesn’t significantly causally affect what political actions are taken. The argument advanced in Part I of the book provides reason to think that they are not wrong about this.

Suggesting that electoral representative democracy fails to do well by PARTICIPATION does not help the defender of lottocratic systems avoid a similar concern. But it might help calibrate expectations with respect to what is required to do well by this condition, if one thinks that modern electoral representative systems do well enough to count as “democratic.” That said, I think lottocratic systems can satisfy even a high bar in this regard.

What should we say about lottocracy and PARTICIPATION? Let me begin with a note of uncertainty. Although I’ve said something about many central details of one version of a lottocratic system, the shift in political culture and the forms of participation that would attend the widespread use of lottocratic institutions and the elimination or significant reduction in electoral institutions is hard to anticipate. The precise details or even broad contours of political participation within an electoral context were not fully anticipated prior to electoral systems becoming commonplace. The founders of the United States had no inkling of the huge role that political parties would play, for example, nor could they know the significant role that television advertising and social media engagement would come to take on. Similarly, it is hard to know exactly what forms political participation might come to take within a lottocratic political context. It will take some time before the different avenues of political participation and involvement in a lottocratic system would be developed, implemented, and refined. The details will depend, too, on the process and extent of the adoption of lottocratic elements. Political participation will look very different if there are lottocratic institutions at municipal, county, state, and federal levels of government. It is an open empirical question exactly what forms political participation might take and how lottocratic institutions might be modified in light of concerns or successes on this front. What follows is a conjecture about what things might look like, what structures might be in place—and in place as a matter of right—and how political participation might be transfigured. But it is just a conjecture. Much might be done to affect participation in lottocracy, for good and for bad.

That said, there are reasons to think the lottocratic system will do quite well in terms of the conditions set out in PARTICIPATION.

First, and perhaps most notably, there will be many brand new substantial channels for ordinary citizens to participate in political life. Completely opening a door that is currently closed to almost everyone, citizens might be randomly chosen to play the hugely significant role of serving as a SILL member. If lottocratic institutions were in place at the federal, state, and municipal levels, the odds that a person might serve on one would start to be significant.

For example, I am a resident of New Jersey, a state with a population of almost 9 million people, with more than 6 million people over the age of 18. A state of that size might have a state-level structure with SILLs, at least a couple Structural Assemblies, and a somewhat smaller number of Executive Assemblies. We might also imagine that there would be county-level and municipal level lottocratic bodies, perhaps with more of a multipurpose function. In New Jersey, there are twenty-one counties, along with four municipalities with more than 100,000 people over the age of 18. Let's imagine a system on which all counties and all relatively large municipalities would have one lottocratic assembly each, with 250 members serving on each lottocratic assembly. These county and municipal lottocratic assemblies might not need to meet as long or as regularly as state or federal-level bodies, as there would be both fewer issues to consider and somewhat greater familiarity with those issues on the part of ordinary people. (This is quick and artificial; they might have more complex subdivisions and organization, with five such divisions, with fifty people serving on each or whatever, but let's assume the total number of randomly chosen people serving is 250.) We can then do a rough calculation of the odds that a New Jersey resident would have at being chosen during their lifetime to serve at the federal, state, or county/municipal level.

Federal Level SILLs, Executive Assemblies, and Structural Assemblies

20 SILLs each with 450 members = 9,000 people

5 Structural Assemblies each with 200 members = 1,000 people

15 Executive Assemblies each with 450 members = 6,750 people

16,750 people

State Level SILLs, Executive Assemblies, and Structural Assemblies

20 SILLs each with 200 members = 4,000 people

2 Structural Assemblies each with 100 members = 200 people

5 Executive Assemblies each with 200 members = 1,000 people

5,200 people

County/Municipal Level Lottocratic Institutions

25 SILLs/Executive Assemblies (one for each county/municipality) each with 250 members = 6,250 people

So, as a resident in a county with a lottocratic institution, in a state with lottocratic institutions of the above size, my chances of serving on a lottocratic body would be something in this ballpark:

$16750 / 210,000,000$ (population of 18+ in US) = .00008 chance each year

$5200 / 6,000,000$ (population of 18+ in NJ) = .0009 chance each year

250 / 260,000 (population of 18+ in Mercer County, NJ) = .001 chance each year

total chance = .00198 per year

.00198 chance per year, each year for 60 years (18 to 78) = 0.1188 = 11.9% over a lifetime

This number should be divided by three if those institutions are having people serve for three years. That would result in a roughly 4% chance of being randomly chosen to serve at one of the three levels in one's lifetime.

Now, a roughly 4% chance of serving on a lottocratic institution is not a high chance, but it is not nothing, either, particularly given that if one did serve, it would be for a three-year role (on the model as I've been setting it out), and it would be serving in a role that is politically significant. Indeed, it is a much larger role in political life and political participation than the vast majority of us will ever have living under electoral representative democracy. And the United States is a huge, highly populous country. One's odds would go up considerably if the various denominators were smaller. There might also come to be yet more lottocratic institutions, or more people working in them, than suggested above. On the other hand, the odds would go down if lottocratic institutions were not as widely used.

Whatever the details of the chances of being selected end up being—whether .01% or 1% or 10%—one might still worry that, if that is the *only* chance for political participation, then that is both not enough and still objectionably limited just to the lucky. We should have many more people involved in participating in politics, and we should all be able to do so, if we want to do so.

That is why it is crucially important that there would be many other avenues for political participation in a lottocratic system. Serving as a representative on a SILL or other lottocratic body is only one way in which ordinary citizens might participate in political life under lottocratic systems, just as serving as an elected representative is only one way in which ordinary citizens might participate under electoral systems. There still will be many of the exact same avenues of influence: protesting, petitioning, speaking, writing, assembling, organizing, creating and working within political parties and organizations, donating money and time to political issues that one cares about.

Instead of concentrating this activity around influencing electoral representatives, electoral candidates, and the political parties to which candidates and representatives belong, much of this activity would be focused on influencing specific SILLs and SILL members, for example, during the agenda-setting phases, learning phases, and community consultation phases. Without elections, we should expect the focus of participation to be on issues and policy, rather than on people and personalities. The exact way in which this will develop is hard to anticipate, but there are some general things we can say about how this participation might go.

Some will participate as experts, activists, or stakeholders, or as a representative of an activist group or stakeholder group, who will speak to SILL members during the agenda-setting or learning phases. Many more people might participate by attempting to influence experts, activists, and stakeholders through a variety of formal and informal means. During the community consultation phase, one might meet with SILL members, speak to them via a range of consultation mechanisms, and organize community opinions and views which would then be presented to SILL members in a variety of forms. One might organize with others to petition SILLs to take up specific problems and to advocate for specific responses to those problems. One might also attempt to affect broad popular opinion on issues that one cares about, thereby altering ordinary citizens' beliefs on these topics, and thus the beliefs of those who might be randomly chosen. One can follow the work and deliberation of those SILLs one is most interested in, pay attention to the policy discussions as one might to the candidates running for office, and get involved when it seems important to do so. Depending on the detailed agenda-setting and budget-setting processes, there might be mechanisms for broad political participation in the manner of "participatory budgeting" systems in Porto Alegre and elsewhere, as discussed in Chapter 9 and Chapter 12.

So, although the precise form participation will take might be different than what we see with elections, there would still be a wide variety of essential forms of political participation available to all members of the political community. Condition (a) is satisfied: there would be channels for all ordinary citizens to participate substantively in political life. Broad community political participation with lottocratic representative systems could be very much as it is with electoral representative systems.

There is a question concerning how disagreement and conflict will be managed in the absence of electoral participation, partisan identification, and the regular counting of votes that we see in electoral democratic systems. An important thought here is that democratic participation isn't just about providing epistemically valuable input; it also is a way of working out our social and political disagreements, coming to live with those disagreements, and managing conflict in a stable, transparent, and peaceful way.⁹ At the center of this in electoral democratic systems are political parties, where we align with our side, count our number in comparison to theirs, and (if things are going well) live with defeat when they outnumber us at the polls. As argued in Part I of the book, my view is that electoral participation is actually *creating* conflict that wouldn't otherwise exist; structuring that conflict in dangerous us versus them, ingroup/outgroup, comprehensive ways; and serving to distract our attention from thinking about and working on the moral-political problems that we face. But one might doubt

⁹ For a powerful statement of this view, see Waldron (1999).

this claim about manufactured conflict, particularly for a particular sociopolitical context. There might be deep, background group conflict across a wide range of issues that is independent of elections and would exist and persist even in the absence of elections. And surely there is always going to be some significant level of disagreement and political conflict in any large political community. If that is the case, we should ask: what in the lottocratic system will help manage and resolve this kind of conflict and disagreement?

Answering this question requires consideration of the nature of the conflict and disagreement. Consider first a case in which it is politically substantive, concerning a specific political issue: how high the tax rate should be, how open or closed the immigration policy should be, whether drug use should be decriminalized, whether to implement a carbon tax, how extensive the social welfare provisions should be. One attractive thing about the lottocratic system is that it doesn't flatten all these disparate issues into one or two "us versus them" sites of conflict. If one has strong views about these issues, one can get involved in addressing and engaging the relevant SILL and the community from which SILL members are drawn in the ways described above. Our background conflicts about these issues will come into the SILLs as a result of genuine microcosm representation, so that the views on an issue will be represented in SILLs in rough proportion to their number in the general population. The deliberative structure of SILLs provides a site at which conflict over issues can be thoughtfully, respectfully, substantively engaged. Those interested in the issue who are not SILL members can observe and provide input into that process, and they can see its results in terms of how much support each side ends up with within the lottocratic bodies. This won't eliminate background disagreement, but it should help each side understand the other side better. Understanding doesn't always result in view change, of course, so we should still expect some people to feel like they have won, and others to feel that they have lost, just as we see with elections. Is that a problem?

There is a general social psychological question of why political losers accept their losses. This question arises in electoral systems just as it does for lottocratic systems. One old reason that some might point to in electoral contexts is that it is a matter of numbers and actual physical strength. In crude Hobbesian terms, one sees that one is outnumbered, and one then decides not to resort to violence, thinking that one will lose in physical conflict, too, just as one has lost in electoral conflict. But surely whatever the appeal of that line of thinking at some imagined point in human history, that is not what motivates acceptance of electoral losses in most modern cases. For one thing, losing a close election, in which only 40–50% of the population even participates, gives one no reason to think that one's side wouldn't win a physical confrontation. One side might know that the non-voting population is likely to side with them. One might know of one's side that they are better equipped to engage in physical confrontation—physically stronger, better trained (with more ex-military), better armed, and so on.

More plausibly, what motivates acceptance of electoral losses is some combination of general acceptance (in psychological, sociological terms) of the system, and a belief that the system is a morally good (fair, just, egalitarian, etc.) way of deciding what to do in the face of disagreement. In ideal cases, people accept the system because they believe it is a morally good way of deciding what to do in the face of disagreement. But it often might be as much a matter of socialization and familiarity and early propagandistic civic education. History and local political tradition also are powerful factors, as one sees losers become winners and then back again the other way over time, with stability and relatively peaceful transition persisting even across significant conflict and disagreement.

If the arguments in this book are sound, we should expect that these same kinds of considerations will apply in the lottocratic context, so that people come to work out their disagreements and to accept lottocratic losses in the same way and for the same reasons that they accept electoral losses. Indeed, the moral considerations—concerning fairness, transparency of reasoning and justification of policy decisions, commitment to equality of all throughout the process—in the lottocratic system are plausibly even more compelling. And the losses in the lottocratic system are less devastating and comprehensive, because of the issue-specific focus, making it easier to accept them. Additionally, the losses go less to one's core social identity than they do in contexts in which elections have created deep partisan divisions. When one loses in a particular lottocratic battle, one has many of the very same mechanisms of channeling participation to work toward a future victory that one has in the electoral context: trying to inform and change political opinion on an issue, trying to get more people to support one's side of the issue, trying to develop a more convincing case for one's view and to get better at making that case to neutral parties or even current opponents.

If the conflict is not largely substantive, but is instead something closer to pure group conflict—racial, religious, ethnic, or some other kind of pure “us versus them” dynamic—neither elections nor lottocratic mechanisms will do very well at managing the conflict. If the group sizes are comparable, we should expect regular rotation through positions of domination as well as instability, political violence, and non-acceptance of the results by the losers. If the groups sizes are imbalanced, we should expect the majority to dominate and ignore the minority. It is hard to address conflicts of these kinds, but at least with the lottocratic system there might be more direct, personal contact, and there is empirical reason to think that engaged deliberation with others in this way might make a positive difference. But if the division is sharp enough, we should also expect the deliberation quality and conditions of respect to deteriorate. These are difficult sociopolitical contexts to manage, and no systems will work well. Consociational mechanisms might help (if they can somehow be implemented). It might also be necessary to allow or enable division and dissolution of the political community if doing so is practicable given geographic segmentation. The important point is that there is no reason

to think that mass elections will be better than lottocratic systems in these contexts, and there are many reasons to think they will be worse.

Returning to the initial questions regarding PARTICIPATION, it is important that these avenues of participation would be protected as a matter of right, doing equally well by condition (b). The very same First Amendment rights of association, speech, press, assembly, and petition could be in place. These rights could be protected constitutionally, just as they are under electoral representative systems. Citizens would also have protected rights to be part of the pool of people from whom the randomly chosen representatives would be chosen. And, once a process of qualifying and selecting experts, activists, and stakeholders to speak during the agenda-setting phase and learning phase were in place (such as those discussed in Chapter 11), those, too, could be enshrined as a matter of right (subject to some appropriately limited mechanisms of modification). The community consultation mechanisms, once developed in detail, would also provide additional avenues for participation that would be protected as a matter of right. The details are important, but it is not the place to try to work them all out here.

As with any political system, there are tensions between the value of maximal participation and participatory rights, on the one hand, and worries about capture or distortion by the most powerful members of the political community, on the other. If the most powerful, well-resourced members of the political community are allowed to speak as long and as loudly as they want to, and to do so to anyone and everyone at every position in society—including those serving as representatives—in whatever manner they like, this will have repercussions for the sensibility of the political system. Accordingly—just as with electoral representative systems—it may be important to have some limits on the timing, extent, and nature of political participation. As discussed in Chapter 14, there will need to be rules that limit the kind of payments and other forms of influence that members of the political community can make to SILL members. There will be similar rules that regulate the expert qualification and selection process. Depending on how the strategies of the most powerful develop, there might need to be further rules governing attempts at political influence. But this is the reality in any political system.

In my view, considering PARTICIPATION and nearby principles actually provides a powerful case for lottocracy. A main reason for this concerns condition (c)—the requirement that participation of ordinary citizens significantly causally affects what political actions are taken. Far from being an isolated group of quasi-technocratic bodies making decisions away from the rest of us, I expect that SILLS would become lively focal sites of broad political engagement and discussion. And that engagement and discussion, rather than being something of an entertaining sideline distraction, would be centrally connected to what actually gets done. Unlike in modern electoral systems, in the lottocratic system, ordinary citizens being politically active is very likely to causally affect what specific political actions

are taken. If elected representatives are captured or insulated from meaningful political accountability, as argued in Part I, then ordinary citizens often find themselves speaking to people with closed ears. By contrast, randomly selected citizens working on SILLs will be comparatively open to hearing from others. And many of those randomly selected will be from the groups most affected—unlike with electoral representative democracy. And the move away from elections will lead the participation to be more focused on issues and policy, not electability and personality. All of this might be expected to increase the interest in political participation and lead to a *more*, rather than less, engaged citizenry. If you are concerned about a moral-political problem, there is a clear path for you to bring that problem to the attention of political representatives who might actually listen to you.

Consider, too, how the randomly chosen members of the SILL, in working through the ideas they encounter during the learning phase and through deliberation with other SILL members and the broader community, will be working through ideas, information, opinions, and preferences—but doing so just as ordinary, non-expert, non-specialist citizens. This process is one that can—at least in most cases—be observed by everyone else in the political community. They can, if interested in a topic, come to understand what is being done and why in a way that is typically impossible now. SILL members, ordinary people, will work to explain the options and ideas they are considering during the community consultation phase. This, in turn, can result in a better-informed citizenry who can then participate in politics while having a clearer sense of what is being considered and why these options have risen to the top, and can meaningfully engage and participate if they choose to do so. The possibility of real, informed, detailed, effective political participation is opened up in a way that is largely foreclosed in electoral representative systems.

The foregoing considerations suggest that lottocratic institutions will do well by PARTICIPATION. Lottocratic political communities are likely to involve vigorous but healthier political debate and civic engagement. Removing elections will plausibly make political participation less pathological, more purposeful, and perhaps even more robust. Far from a mostly passive citizenry powerlessly watching (or not watching) a few people do all the work, I expect there will be significant, influential two-way communication between current SILL members and other members of the political community.

15.4. Accountability and Responsiveness

This brings us to another kind of worry (which I will suggest is really two distinct worries) that one might have about the lottocratic system. One might ask, first, in the absence of elections, what in the lottocratic system ensures that there will be

political accountability? Second, in the absence of elections, what ensures that political representatives will act in a responsive way? These two questions can seem like different ways of asking the same thing; it is important to see that they are not.

On one way of understanding these questions, they suffer from a presupposition failure. Elections in modern political contexts do not ensure either adequate political accountability or responsiveness. Indeed, that is perhaps the central problem with electoral representative systems. Still, moving beyond the comparative point: will lottocratic systems be any better? Will lottocratic systems do well by these considerations in a non-comparative sense?

I will argue that, although political *responsiveness* is an important component of political morality—indeed, it is plausibly a central component of democracy—political *accountability* is not. Accountability, at least as it is commonly understood, has only derivative importance; it is only important in political contexts in which a principal-agent relationship is created. It is sometimes important as a mechanism by which to secure political responsiveness, but it is not the only way to generate responsiveness, and it is not important independent of that instrumental role.

There are many different things one might mean by “accountability” in the political context. Here are two central ideas:

PRINCIPAL-AGENT ACCOUNTABILITY: *being accountable to*—a political system does well by principal-agent accountability if the agents within that system can be effectively held to account for what they do by those who are their principals (the agents are effectively causally restrained, constrained, and otherwise indirectly controlled by their principals).

I take this to be the primary idea people have in mind when they talk about political accountability or “electoral” accountability. And it is this that people seem worried about with lottocratic systems. There is also another idea that often travels along with this first:

MORAL ACCOUNTABILITY: *being morally accountable for*—a political system does well by moral accountability if the individual actors within that system act responsibly given their role and the power that comes with it, acting in morally appropriate ways in response to the moral considerations that are at stake in their decisions.

This is a distinct idea, however. Because of our familiarity with elections and the principal-agent structure they create, some assume that robust principal-agent accountability is required to secure moral accountability. But that is not true, as I will argue in a moment.

Another point of confusion is that some have assumed that robust principal-agent accountability is required to do well by the value of responsiveness.

RESPONSIVENESS: political outcomes are responsive to the extent that they substantially track what the people living in the political jurisdiction believe, prefer, or value, so that if those beliefs, preferences, or values were different, the political outcomes would also be different, would be different in a similar direction, and would be different *because* the beliefs, preferences, and values were different.

Responsiveness is an important component of political morality. I will argue that doing well by **RESPONSIVENESS** is one central measure of whether a political system is democratic and whether a political system is legitimate. But principal-agent accountability is not essential in every case, in every system, to do well by responsiveness. Thelottocratic system can do well by both moral accountability and responsiveness without principal-agent accountability, or so I will argue.

Let us assume for a moment that this argument is successful. A question remains: is principal-agent accountability—the idea of being accountable to—still morally important?

In institutional systems that set up principal-agent relationships, principal-agent accountability is important. Whenever there is an agent who is *to act on behalf of* one or more principals, there is an important question of what will ensure that the agent does in fact act on behalf of the principals. One possibility is for agents to be in some way accountable to their principals. Perhaps the principals get to decide whether to hire, fire, or renew the agent. Perhaps the principals get to evaluate and grade the decisions of the agent and the agent's performance. Perhaps the principals have some mechanism of sanctioning the agent through reductions in compensation or social punishment of one kind or another. Electoral accountability is of the hiring and firing kind. As suggested in Part I, it doesn't work well under many modern political conditions, because principals often lack the information needed to make these hiring and firing decisions in principled, informed ways.

But not all institutional power-sharing arrangements, uses of "representatives," or instances of acting for others create or constitute principal-agent relationships in which one person is *to act on behalf of* some specific other person or persons in the distinctive principal-agent way. People often act on behalf of others without those actions constituting a principal-agent relationship. The motorist who stops to help someone whose car has broken down by the side of the road. The person who forgoes the party to help her friend move. The consumer who buys an electric car, rather than a gas-guzzling SUV, thinking of climate change and the suffering of future generations. The undocumented immigrant who decides to speak up on behalf of undocumented immigrants, representing their interests to the school

board. None of these constitute principal-agent relationships, even if they involve people acting on behalf of others, or even speaking on behalf of others.

Nothing is lost by there not being a principal-agent relationship within some institutional structure—they don't have non-instrumental value. They can be instrumentally useful and perhaps even instrumentally necessary in some contexts. But they have no final value. It is not good if the world contains more principal-agent relationships in the way that it is good if the world contains more love or friendship. If an institutional arrangement doesn't involve principal-agent relationships, the absence of principal-agent accountability—by itself—is no mark against that arrangement.

Lottocratic political systems do not involve principal-agent relationships. SILL members and other lottocratic representatives are not the agents of particular principals. They have not been chosen by some set of principals to represent those principals. SILL members are not chosen by some group of people to serve as their agents in the SILLs. To the extent that SILL members are to think about and act on behalf of others, it is not fundamentally different from how all of us as moral agents should think about and act on behalf of all of humanity (and all sentient creatures). They do not have constituents to whom they are accountable in the principal-agent accountability sense.

I belabor this point only because it is important to get clear on exactly what the worry regarding lottocracy might be. Having made clear it should not be about the absence of principal-agent accountability per se, we can now return to consider two distinct but related worries; namely, that lottocratic institutions and lottocratic representatives will do poorly (1) in terms of moral accountability and (2) in terms of responsiveness. These worries are related.

Moral accountability in the political context concerns whether individual actors within a political system will act responsibly, take accountability for what they do while in political office, act in morally appropriate ways in response to the moral considerations that are at stake in their decisions. How well SILL members will do in this regard requires thinking both about the moral task they are confronted with, as well as how able and likely they are to discharge that task in a satisfactory or even excellent way.

As discussed, the moral task for SILL members is different from the task that confronts elected representatives. Several distinct moral norms shape the moral task of elected representatives: norms of fidelity, deference, and guardianship, in addition to more familiar general moral norms. Elected representatives have been authorized, through a vote, to have distinct powers and abilities. These new powers and abilities come with new moral responsibilities and obligations: elected representatives must use them in a way that is sensitive to the norms of fidelity, deference, and guardianship, in addition to more general moral norms. They must use them in this way *because* of how and why they came to have the powers that they now have.

When people are chosen at random to serve on a SILL, the story is different. They were not selected to have that role by particular people who believed anything in particular about them or authorized them in particular to have the role. They didn't promise anything to anyone. They will have new powers and abilities. And there are moral norms that affect how they discharge those powers and abilities. But they are different than the norms that govern elected representatives. There are no norms of fidelity. They didn't campaign for the role. There are no norms of deference to particular subparts of the group. They are not chosen to represent a particular place or group of people. They might themselves identify with various groups and social identities, but that is irrelevant to how they came to have the new powers and abilities they now do.

That certainly doesn't mean that SILL members should be indifferent to the views of the general public, or to the views of those communities they identify with in particular. But it does alter the way in which those things matter. They matter because of the norms that do apply to SILL members as they do to elected representatives: norms of guardianship (doing what they think would be best) and more general moral norms. These norms require SILL members to think about what would be best—for themselves, the people they are closest to, their political community, the world now, and the world to come—and to use their own moral judgment to figure out how to weigh and prioritize those considerations and others. When the broader group has valuable knowledge and information relevant to the political problems, they should seek out and draw on that knowledge. But that is different than deferring to some subgroup of constituents.

Importantly, it is common knowledge between the SILL members and the broader public that there is some significant *epistemic separation* between them. It is this epistemic separation—and not just the fact of empowerment through selection, or some attendant principal-agent dynamic—that generates distinctive guardianship norms that apply to SILL members. (Recall the analogy offered regarding the plane crash.) SILL members will have learned things that are relevant to responding well to the moral considerations present in deciding what moral-political problems to address and how to address them. This includes facts about the details of particular problems, about how those problems affect people at different positions in the community, about what a microcosm of the community thinks about those problems, about what experts see as important, and so on. Most members of the political community will not know about these things. This epistemic separation is relevant to the SILL members who are trying to decide what to do, particularly in considering how much weight to place on the opinions of those who are not a part of the SILL (and who they know lack information they now have). The broader community sometimes will not have any views at all about the issue. And SILL members might know that the general public does not have all the relevant information. SILL members should think of their role as requiring them to use their own judgment and think about what

would be best, given what they know—both about the problems at hand, but also about what the interests and issues of the broader group are. Improving their knowledge in this regard will often require listening to others and engaging in broader consultation.

So, the moral task for SILL members, by which their moral accountability ought to be assessed, is how well they respond to the full set of moral considerations that bear on their decisions regarding which moral-political problems to address and how to address them. These considerations require SILL members to think about and gather evidence regarding what would be best—for themselves, the people they are closest to, their political community, the world now, and the world to come—and to use their own moral judgment to figure out how to weigh and prioritize those considerations and others. This is an importantly different task than merely acting to maximize the well-being of one's constituents, for example.

Having identified this task, we can ask: how able and how likely are SILL members to discharge that task in a satisfactory or excellent way? Will they act in morally accountable ways? Will they do so consistently? What will ensure that or at least make that tolerably likely? Answering these questions requires us to think about agents in particular institutional contexts, and to consider both the “who” and the “why” of the agents who will occupy these roles in thelottocratic system. There are at least two important dimensions to consider. First, there is the question of who the people are who will be empowered in the political system, what are their background values, to what extent do they act in morally accountable ways in their ordinary lives. Second, there is the question of what new incentives and disincentives will the people empowered in the political system have as a result of having the political power that they do. In short: who are they going in and what does the system do to them once they are there?

To the question of who they are, the answer is simple: they are us. Going into their SILL service, they will include the same mix of morally virtuous and morally vicious people, people who are broadly morally accountable and not, people who are good at attending to and responding to the genuine moral considerations that are present (and not), as the broader political community of which they are a part. They will include people committed to the same range of moral views and moral values as the broader political community and reflecting those views in proportionate number within the SILLs. Unlike with representatives in electoral systems, the SILL members will not have sought out this power over others, nor will they embody the typical skew of elections in selecting the social elite. Whether this kind of genuine representativeness is a good thing (either comparatively or absolutely) from a perspective of moral accountability turns on what the full political community is like in this regard, as well as how good elections are at selecting people who do well at acting in morally accountable ways. I will suggest that in the comparative assessment, random selection will do better than electoral selection at selecting representatives who will do well by moral accountability.

One way of assessing this question is by considering a model of what is happening with elections, where instead of principal-agent relationships structured by mechanisms of control and “sanction,” elections instead (or in addition) are concerned with the “selection” of “good types.” This theory provides an instance of something like the view that elections help us choose the best among us with respect to the task of doing politics well and in a morally accountable fashion. If this view were correct, it would provide some support for the suggestion that elections are better than random selection at selecting morally accountable representatives. In the classic work setting out this view, a “good type” of representative from the perspective of an individual voter is a representative who (a) has policy preferences similar to those of the voter, (b) is honest and principled, and (c) is sufficiently skilled at working within the institution to advocate effectively for those shared policy preferences.¹⁰ For the purposes of assessing moral accountability, we should add an additional condition: (d) that the representative is good at attending to and responding to the genuine moral considerations that are present. Adding this condition departs from an account focused just on the narrow-interest perspective of a particular voter. The thought on this model is that a voter attempts to pick a good type of representative and then that representative will act based on their own internal motivations in a way that results in good outcomes for voters. This removes or at least reduces some of the worries about principal-agent accountability. The problem, however, is that the model relies on a fiction: that elections are a good, reliable, consistent way for us to pick “good types” in this sense.

Given the discussion in Part I, it is no surprise that elections under modern political conditions do poorly at enabling people to select representatives who do well by (a), (b), (c), or (d). One problem is that most people have no or only very thin policy preferences over many issues, making (a) hard to measure or evaluate. A further complication is whether similarity in (a) is supposed to be somehow similarity between the views and values of a particular voter and the views and values of all the representatives, taken together or in terms of their overall summative effect; or just a particular representative, who will be *that voter's* representative. As an individual voter, one would obviously prefer the former. But that is not what one will get through elections. The most one can hope for is that the group of representatives, taken together, will have policy preferences that are similar to those of the group of citizens, taken together. As will be discussed in discussing “responsiveness” later, there are complexities in how these should be “taken together.” But leave that aside for now.

The bigger problem is that—due to capture, lack of information, and the distortions and manipulations of the news media information ecosystem—voters

¹⁰ Fearon (1999: 59, 68).

are simply not in a position to select good types, and indeed they may not be presented with even any options on the ballot who do well by (a)–(d). Instead, we end up with representatives that are good at pretending to have policy preferences that are similar to those of a large number of voters, who are good at pretending to be honest and principled but who are actually more duplicitous than the average person, who are skilled at advancing their own interests and the interests of those to whom they are beholden, and who are not particularly adept at or interested in responding to the full moral considerations that they encounter.

Notice, however, how comparatively well selection by random selection does by (a)–(d). By using random selection, the (a) condition, alignment between the political community and political representatives with respect to policy preferences, is about as good as it could be, given heterogeneity of political preferences within the political community. The (b) condition, focused on honesty or trustworthiness, is likely to be comparatively better than with elections, as there is no element of the selection mechanism that incentivizes deception or a willingness to misrepresent one's opinions in the way that there is with elections. So, although there is nothing that will lead representatives to be better than average with respect to honesty, there is at least nothing that will incline them to be worse than average. The (c) condition, concerning skill in advocacy for those political preferences, might seem to do worse with random selection—the people chosen aren't knowledgeable about the detailed rules of legal or political institutions, for example, in the way that elected officials might be. But if the (c) condition is interpreted in line with the notion of political expertise defended in Chapter 13, there is a case to be made that random selection again at least does no worse than electoral mechanisms. And random selection indeed does considerably better if the full score on this front is determined not just by whether the representative possesses some expertise or skill, but also by whether they use that knowledge and skill to advocate for shared political preferences. Given the failure of elections to secure representatives who do well by (a), the fact that those representatives might be “skilled” just makes them skilled at advancing their own interests or the narrow interests of those powerful interests that control them. Considering the (d) condition, the ability to attend and respond to the general moral considerations that are present, random selection is definitely no worse, and potentially significantly better. Those randomly chosen would be as good as we are in general, to start. That might already put them ahead of those who seek out power through elections. And they would come in without an agenda and with their ears relatively open. As argued in Chapter 11, this creates significant potential for reflective lottocratic deliberation to enable SILL members to come to have improved views about the moral considerations that are present and how those considerations bear on the problems and solutions they are confronting.

The argument so far has suggested that—in terms of the moral accountability of the people who are coming in—we should favor random selection over election of

our political representatives. But that is focusing just on who people are when they walk in the building. The case for the relatively better moral accountability of SILL members in comparison to elected representatives is even stronger once we consider the incentives each group faces and the distortions those incentives introduce. As discussed in Chapter 14, many of the distortions introduced by elections will be absent in the lottocratic context. SILL members are less likely to be just outright captured. They don't have to court votes from a broadly misinformed public. They aren't thinking of working for any narrow special interests. They don't have to worry about advancing the interest of a specific constituency regardless of the broader effects of doing so. SILL members can consider the relevant moral issues directly. And while they will doubtless think about how different problems and solutions would thwart or satisfy their own political preferences and align with their own values, they can also listen and consider how those problems and solutions would affect others, and act accordingly. The random selection of SILL members helps to screen off many influences that would be in the direction away from acting in light of the moral considerations actually present.

There are elements in the lottocratic system—random selection, relatively high financial compensation combined with close monitoring for graft and corruption, regular rotation—that attempt to reduce the opportunities to capture and to increase the cost of trying to capture, thereby reducing the presence of inappropriate or distorted financial self-interested incentives on the part of SILL members. This leaves them relatively open in how they think about their role and what they ought to do. In the examples of citizens' assemblies that have been conducted, the evidence is that those involved have generally paid attention, taken the task seriously, reflected and engaged about the different options, and come to sensible judgments that are supported by reasons that they are able to articulate.¹¹ Participants in citizens' assemblies have found the experience rewarding and report feeling more connected to the political system and to their co-citizens after having participated.¹² It is possible that SILL members could just seek to implement whatever policy would be best for them, personally. But this would be surprising. Decades of political science suggests that most people vote altruistically or sociotropically—thinking about what would be best for the political community as a whole, not just whatever is in line with their own material self-interest.¹³ It's possible that something about the lottocratic situation would alter this behavior, but, particularly if we are attentive to concerns about corruption and mechanisms of direct capture, it is hard to see what that would be. Those participating in SILLs will have much more available information and knowledge about the effects on

¹¹ See Warren and Pearse (2008) and Gastil and Knobloch (2020).

¹² See Warren and Pearse (2008); Herath (2007); Gastil and Knobloch (2020).

¹³ See, e.g., Sears and Funk (1990); Kinder and Kiewiet (1981); Chong et al. (2001).

others than voters standardly have, in addition to having extended engagement with others in making the decision. I hold out optimism for the ability of people to work with and care about others, and to make decisions that reflect that concern. The available evidence—including citizens' assemblies that have taken up difficult and controversial topics like abortion and same-sex marriage—suggests that the optimism is appropriate. Given that SILL members will be drawn from an entire political community, random selection will, of course, select some people who will attempt to act in ways that are immoral, or which flagrantly disregard the full moral significance of their role. The comparative point is key: at least the selection mechanism doesn't select for people like this, unlike (arguably) elections.

One concern about lottocratic systems is that they will struggle with accountability in comparison with electoral representative systems. I have suggested that this is either misguided (if understood in terms of principal-agent accountability) or untrue (if understood in terms of moral accountability). There remains a distinct question, apart from considerations of moral accountability: the question of responsiveness.

Recall the basic idea of responsiveness:

RESPONSIVENESS: political outcomes are responsive to the extent that they substantially track what the people living in the political jurisdiction believe, prefer, or value, so that if those beliefs, preferences, or values were different, the political outcomes would also be different, would be different in a similar direction, and would be different *because* the beliefs, preferences, and values were different.

One way of understanding the importance of **RESPONSIVENESS** is to see it as a way of measuring or tracking the extent to which the causal efficacy clause, clause (c) of the **PARTICIPATION** requirement, is realized in practice. That clause requires that the participation of ordinary citizens within channels of participation significantly causally affects what political actions are taken and does so in a way that corresponds to the substantive nature of that participation. In this way, **RESPONSIVENESS** can be seen as importantly connected to values such as collective self-government, political freedom, political autonomy, and non-domination, among other labels that have been given to this dimension of political morality.

RESPONSIVENESS is a multifaceted, complex idea. Let me briefly mention a few of the complexities worth considering more fully, even if not here. First, the people living in a jurisdiction will not have uniform beliefs, preferences, or values—so there is a question of whether and how these are to be aggregated or measured to assess responsiveness. This becomes particularly contentious as we encounter stable majorities and minorities in a political community, something that will be taken up in the next chapter. Second, for many political issues, many people will not have any beliefs or preferences regarding that political issue. There are options here other than just assuming there is no question of responsiveness in these

cases—imputing implicit or tacit beliefs and preferences, based on other views or based on their actions. But those options are complex and contestable. Third, even for a particular individual, beliefs, preferences, and values may tell in different directions and be more or less significant along a number of dimensions. How should centrality, intensity, stability, confidence, internal coherence, etc., interact with the content of beliefs, preferences, and values? Fourth, there are epistemic issues involved in knowing what people believe, prefer, and value. Do we attribute beliefs, preferences, and values based on self-reports, explicit testimony, scientific polling, their actions, and what rational reconstruction reveals, or some combination of these? Fifth, beliefs, preferences, and values change over time, and can be influenced by political decisions (among other things). Do we measure responsiveness at a time? At which time? Over some period? How long?

These all combine to make it difficult to know what it is to be doing well by RESPONSIVENESS, how to operationalize and measure RESPONSIVENESS, and how to think about “substantial tracking.” There are many choice points, which generate many conceptions or measures of responsiveness that we might care about.

Even despite this complexity, we might ask: how willlottocratic systems secure substantially responsive political outcomes, given that there is no principal-agent accountability structure? The answer is to point to the details of thelottocratic system design, including the causally efficacious forms of political participation discussed above. And when those participation mechanisms are combined with two further facts—the fact of broad moral accountability of SILL members and the fact of genuine microcosm representativeness of SILL members—we should expect substantially responsive political outcomes to ensue.

Consider how SILL members, constituting a generally morally accountable microcosm of the political community and thinking about particular moral-political problems and what ought to be done about them, will act. They will sometimes consider the effects on people other than themselves and those they know and care about. But they will also think about their own situation and the situation of those they care about. Importantly, this is still a route to bringing about responsive results, as they are demographically representative of the full political community. As noted earlier, the lottery selection and attendant microcosm representation secures alignment between the political community and the SILL members with respect to beliefs, values, and policy preferences that is about as good as possible. If SILL members vote based on their conception of their own interests, or on their own interests and the interests of those closest to them, and we aggregate those votes, that is likely to generate substantially responsive policy outcomes.

The relation of responsiveness to other values of political morality is complicated. In whatever way responsiveness is defined, bringing about responsive outcomes can conflict with bringing about outcomes that are morally good or morally

best. All that is required is that the people in the political jurisdiction have beliefs, values, and preferences such that being responsive to them would require acting in ways that are not morally good or are morally suboptimal. Depending on how bad those outcomes would be, this can suggest that responsiveness should simply give way or be deprioritized. Similarly, focusing on bringing about responsive outcomes can conflict with acting in line with sensibility. All that is required is that the people in the political jurisdiction have beliefs, values, and preferences that lead them to be out of touch with how the world actually is, or to be unable to act effectively in response to how things actually are. Finally, depending on the aggregation mechanism used, there can be significant worries about achieving responsiveness in a way that results in a permanent situation of domination of political minorities. This is an issue that I take up in Chapter 16.

This suggests that RESPONSIVENESS, however it is defined and measured, will be at most one consideration among others, and that it should not be given strict priority over other political values. Some substantial level of responsiveness is important, both as evidence of causally effective participation and popular control and for independent reasons concerning self-government. But perfect or complete responsiveness is neither required nor ideal.

15.5. Deference and the Popular Will

The basic idea behind using political representatives suggests that we should expect and indeed embrace some gap between what we would get with perfect responsiveness and what we will get through use of political representatives. To the extent that we embrace the use of representatives—whether on epistemic or other grounds—we should also thereby tolerate and even embrace some difference between what political outcomes are sought and brought about by those representatives and what we might prefer if asked to respond just based on our current knowledge and understanding (which we do and should acknowledge to be comparatively more limited).

There is a worry, however, that this difference between what the representatives decide and what “the people” might prefer—perhaps along with other factors—requires an objectionable kind of *deference* on the part of those not serving as representatives. Lafont suggests that lottocratic structures require objectionable deference, which she describes as “blind” deference, with those not serving on SILLs required to “blindly” defer to the decisions of SILL members.¹⁴ It is worth considering this concern in more detail.

¹⁴ Lafont (2020: 127).

Lafont begins by acknowledging that “all representative democracies” require citizens to defer to the political decisions of others.¹⁵ She writes: “It is an essential feature of political representation that those represented *defer* to their representatives. However, they are not supposed to do so *blindly*. Some level of *control* over the representatives must be kept by those they represent in order for the latter to count the former as *their* representatives at all.”¹⁶ She worries about several kinds of political systems, including lottocratic ones, on the grounds that they constitute objectionable “shortcuts” that require “blind” deference: “The expectation that citizens give up control over political decision makers by *blindly* deferring to the majority recommendations of a random group of citizens, whatever they are, is quite worrisome indeed...”¹⁷ She suggests that lottocratic forms of government are “defective from the point of view of the democratic ideal of self-government” because they are systems in which it is not “essential that citizens be able to identify with the policies to which they are subject and endorse them as their own.”¹⁸ The issues here are complex and subtle; it is worth considering them carefully to better understand the concern about deference that Lafont takes to apply to lottocratic systems, but not to electoral representative systems.

Lafont is explicit that deference is also required in electoral representative systems, but that deference in that context is not (or at least not always) objectionable. From her discussion, we can identify four distinct conditions of what appropriate or acceptable deference requires on her view:

- (1) *control* over the representative(s) to whom we are deferring;
- (2) *identification* with the *representative(s)* so that I see them as “my” representative;
- (3) *identification* with the *policies* the representatives implement;
- (4) *endorsement* of the *policies* the representatives implement.

If these four conditions are satisfied, then on Lafont’s view, deference will not be “blind” or otherwise objectionable. She suggests that electoral representative systems can satisfy these conditions, but that lottocratic systems cannot. I will argue that this is only true if we shift our interpretation of these conditions, using one interpretation when considering electoral representative systems, and a distinct interpretation when we consider lottocratic systems. Without this equivocation, electoral representative systems and lottocratic systems either both can satisfy these conditions, or they both fail them. But I also am wary of these conditions as conditions of appropriate deference. More on that below.

Consider, first, the control condition—the suggestion that to avoid “blind” deference we must have “control over the representatives” to whom we are

¹⁵ Lafont (2020: 8). ¹⁶ Lafont (2020: 127; italics in original).

¹⁷ Lafont (2020: 128; italics in original). ¹⁸ Lafont (2020: 162).

deferring. On a natural reading of this condition, it seems far too strong. Even in the best functioning, most ideal electoral democracy, after an individual has been elected, none of us individually nor even a group of us collectively have any *control* over what they do during their term. This cannot be stressed enough. We might attempt to *influence* those elected by telling them what we think, petitioning and organizing, threatening them with future electoral consequences, and so on. But none of this amounts to *control* in any intuitive sense. We are told that “we the people” control elected officials as part of civic propaganda in an electoral representative democracy, but that isn’t literally true. If control in this strong sense is required to avoid objectionable, “blind” deference, neither electoral nor lottocratic systems will meet the test.

So, let us focus on a sense of “control” as “influence.” First, note that as an ordinary individual, I have no control over my elected representative—not even the somewhat attenuated control of being able to influence them based on my future electoral choices. I am just one voter out of millions. Even if we focus on potential to influence possessed by some “we”—even if I am a member of a very large group, thousands or even millions of people—if we remain in the minority, I (and we) plausibly have no influence over my (our) elected representative. Given the arguments of Part I, even those of us in the majority in a political community have little or no influence over our elected representatives. And, as discussed earlier when discussing PARTICIPATION, if we weaken “control” to mean something like “collectively have some substantive causal influence over,” then lottocratic systems will fare no worse than most modern electoral systems and might do considerably better, once we factor in the relatively lower levels of capture and the relative openness of the ears of SILL members.

Consider, next, the suggestion that appropriate deference requires that I see the person to whom I must defer as someone that I identify with, so that I see them as *my* representative. On one “thin” reading of this condition, it would require only that I can identify who is serving as my representative in the sense that I can identify which individuals are currently serving as representatives or senators from New Jersey. So, my US senators (as of this writing) are Robert Menendez and Cory Booker. But on that thin reading, lottocratic systems do just as well. All those selected to serve as SILL members will be identifiable as being from particular jurisdictions in this sense. Anyone who had an interest could find their names.

There is a “thicker” reading of “identification” on which it is not just about being able to identify the person, but to “identify with” them as my representative in some more substantive way. In this thicker sense, there is some kind of requirement that I like my representative, that I believe they have good moral judgment and moral character, that I trust them, that I believe they have my interests in mind and that they are an effective advocate for those interests, and so forth. On this thicker reading, it will be very common for those in electoral

representative systems not to identify with their representative, not to see them as “their” representative at all. That will certainly be the case for those who disliked and did not vote for the winning candidate. But it will also often be the case even when the person you voted for won. One might still not “identify with” the person in this thicker sense. Does that mean that we see only “blind” deference in all those cases? Plausibly, no. And there doesn’t seem to be any in principle reason to expect that we will see more of this thick “identification with” in the electoral context than in the lottocratic one. To the contrary, the many distorting factors that lead elections to select elites also serve to reduce the likelihood that the rest of us will “identify with” those who have political power in electoral systems.

Many of the same points can be made with respect to the requirements that we “identify with the policies to which [we] are subject” and “endorse them as [our] own.” Thinly, I can tell you which policies have been passed by “our” government, rather than by the government of some foreign country. But that is very far from *identifying with* or *endorsing* those policies. Often, I will not know what the policies are. Almost as often, I will not see those policies as “mine” in a substantive way. They are not policies that I favor, that I think are morally best or even morally good, that I believe will be best for our political community or for the world. I do not “endorse” them in a deep, informed way. I often will not know very much about them, nor will I understand the reasons they have been put in place. I might actively oppose them. Even in those somewhat rare cases in which I do endorse the policies, I am aware that there are millions in my political community who do not. Does that mean that what we see in these cases is problematic, “blind” deference? Plausibly, no. And at any rate, it is hard to see much difference between electoral representative systems and lottocratic systems on this score. Indeed, the fact that ordinary people are involved in lottocratic decision-making seems to increase the chance that ordinary citizens might understand and endorse the policies that are enacted. But more on that in a moment.

What we should conclude from considering these conditions is that we need more plausible conditions for when deference to political representatives counts as problematic or appropriate. Deference in the political context concerns allowing the views of others—namely, a representative or group of representatives—to substitute for one’s own in contributing to political decision-making. As suggested above, the basic premise of using representatives is that we are going to defer to them about what we ought to do, politically. We fully expect to tolerate and embrace significant differences between what political outcomes are sought and brought about by those representatives and what we might presently prefer if asked to respond just based on our current knowledge and understanding.

Importantly—and here we might see plausible conditions required for morally appropriate deference—our deference to political representatives is not *unqualified* or *irrevocable*. It is not unqualified, because there are legal, constitutional, ethical, and other systemic limits that restrain and constrain what political actors

can do. It is not irrevocable, because we reserve the right to modify or change the system that currently empowers some rather than others, as well as the systemic limits that constrain what they can do. We also reserve the right to protest and even engage in civil disobedience in cases in which we view a political decision as outside of some realm of permissible or tolerable political disagreement. All of this would be true under a lottocratic system just as it is under an electoral system. Lafont might seem to be suggesting that in electoral contexts it is not irrevocable for the additional reason that we might stop deferring to *this particular person*, by voting them out. But, given that we must vote someone in to replace them, it might seem that our ongoing deference to *some representative or other* is still required, absent systemic change. In that way, it is no different than lottocratic systems, which also do not require irrevocable or permanent deference to particular individual representatives.

When is deference appropriate? When is it objectionably “blind”? There are at least two distinct grounds of appropriate deference. First, we might defer for instrumental outcome-related reasons, either to experts or to people who have distinctive knowledge or epistemic advantages with respect to a specific domain, or to procedures or institutional arrangements that tend to produce good results. In these cases, we defer because we believe that doing so will bring about better results. Second, we might defer to people or groups for non-outcome-related moral reasons, because they have special standing to have their say win out in this case, or out of respect for those individuals. In this second case, for example, we might defer to our parents on some matter, even if we think they have a bad view of things. Or we might defer to the family of the deceased about how to mourn and memorialize their lost family member, even if we think this is not a good decision for other reasons. These are two broad families of appropriate grounds for deference. On this picture, then, deference is appropriate (a) if there are instrumental or moral reasons to defer, (b) if we believe that there are such reasons, and our belief is epistemically justifiable; and (c) if we choose to defer not unthinkingly but based on our (reasonable) views about the presence of such reasons. On this view, our deference should always be at least somewhat conditional, rather than unqualified or irrevocable, as it might be that certain contemplated actions would clearly depart from or undercut any instrumental or moral reasons to defer. Note that this account does not require that we can control those to whom we are deferring, nor does it require that we identify with the person(s) to whom we are deferring, nor with their decisions.

Plausibly, the reason to defer to political representatives—in either the electoral or lottocratic context—is that doing so will bring about better outcomes than not using representatives. The instrumental reasons that justify using representatives at all will be the reasons that make deference appropriate. There are two issues worth being careful about, as both can be the source of confusion. First, some who extoll the virtues of electoral representative democracy can end up confusing

instrumental, outcome-based reasons to defer to elected legislatures *in general*, for non-outcome-related, moral reasons to defer to *specific* elected officials, based on those officials possessing some special moral standing (like the family of the deceased, or like one's parents). But that kind of deference is unwarranted. Simply being a winner of an election does not confer special moral standing in that sense. Second, the question of deference on instrumental grounds must be framed at the right level. The question to ask is not about whether deferring to this *specific* elected official or this *specific* legislature is going to bring about good results. One might often be in a position to see that the results will not be good in this specific instance. One will often believe this to be the case, when one's side loses a policy vote or an election. Importantly, in the political case, our deference should not be grounded in retail judgments about individuals or policies, but wholesale judgments about the full political system that empowers representatives and enables them to enact policies. That is why the Lafont-inspired conditions sketched above do poorly at discerning appropriate and inappropriate deference. And this is why we shouldn't see our deference to or acceptance of the system hinging on specific elections or policy votes. For one thing, the very premise of a representative system suggests that we will be in a poor epistemic position to extend or withhold our deference in this kind of micro-level, retail way. But an additional key point is that our deference must be compatible with our knowledge of the deep disagreement in our political community, and the way in which we are unlikely to agree with or endorse much of what is decided. The key here is to see the value in deference to the system as a whole as a sensible way to go forward together, even given (and indeed perhaps because of) our deep disagreements.

Leaving aside the question of under what circumstances our deference is appropriate, there is the further issue of whether we have *control* over the decision to defer to this system, or whether we are *forced* to defer to this system. Note that this question is distinct from the suggested "control" condition above, in that it affects not control over the individual representative, but control over the decision to have this system be the governing system at all. Questions of this kind bring us headlong into issues of individual consent as a requirement of legitimacy or political morality, as well as to questions of system choice, "dead hand control" and entrenched constitutionalism, the relevance of hypothetical consent or "normative" consent, and other issues regarding the extent to which our volition affects several concerns in political morality. I will take up some of these issues in the next two chapters, but here I want to stress only that there is nothing new or distinctive posed by lottocratic systems as opposed to electoral representative systems. In each case, we can ask how or whether individuals are given the opportunity, individually or collectively, to choose or to consent to the system, and how this might happen either initially or in an ongoing, iterated way. Although the details of that process will vary from place to place (depending on the specific situation, legally and otherwise), we must imagine some morally permissible process by

which a specific community would choose to embrace and implement a lottocratic system. As with any system, there might be serious objections to it simply being forced on a group of people—via philosopher’s fiat, as it were. I take up these issues of morally permissible transition and system choice in Chapter 17.

Setting aside those issues, we can ask, could it be appropriate for people to defer to a lottocratic system, on the instrumental kinds of grounds sketched above? Plausibly, yes. People might well be convinced by the arguments in favor of lottocracy made to this point. They could understand and accept that lottocratic systems do not use either a “sanction” principal-agent accountability model, or a “selection” model where the full citizenry votes to select representatives, but see that there is a “selection” mechanism within lottocratic systems, random selection, and it is implemented precisely to do well by what matters in selection, helping to ensure that representatives (a) have policy preferences, values, beliefs, etc., that are similar to those of the citizenry; (b) are honest and principled; (c) are sufficiently skilled at working within the institution to advocate effectively for those policy preferences; and (d) do well at attending to and responding to the genuine moral considerations that are present. They could see and agree that lottocratic selection does better at (a)–(d) than electoral selection mechanisms, so that the broader citizenry can see SILL members, collectively, as *their* representatives, even though SILL members have not been directly or personally chosen by them, nor are the SILL members the individual or personal representatives of any particular constituency or citizens. The deference to the lottocratic system and the SILL members it empowers that results is not “blind,” because the design of the selection mechanism was not “blind.” If the general public embraces lottocratic institutions, they can do so because of these compelling reasons. We shouldn’t be surprised if the broader public defers to lottocratic decision-making; not “blindly” at all, but actually in a much more informed, clear-eyed manner than what we see with deference to electoral representative decision-making.¹⁹ The reason the political community might defer to lottocratic judgments, and embrace lottocratic institutions, comes from the design of the system and the success of the argument that lottocratic selection does well by (a)–(d), and, in particular, does better by (a)–(d) than any other system that uses representatives. Additionally, as discussed in the previous discussion of participation, the broader public does *not* have to just defer to the decisions of the SILL, “blindly” or otherwise. There are many potential points of broad public influence of a particular SILL and of future SILLs. Deference on the part of an individual or a political community is no more required here than it is with systems of electoral representation. If one is

¹⁹ Warren and Gastil (2015) theorize this relationship as one of “facilitative trustees,” where the randomly chosen citizens can be worthy of a kind of limited broad public trust because they are agents who are relatively “high in competence, but *low* in motivated reasoning, thus increasing the chances of interest convergence.” They are generally imagining the randomly chosen citizens providing an information supplement, rather than making decisions directly, but the basis for trust is similar.

convinced by the earlier arguments that capture would be lessened with a lotto-crat system, one will arguably be able to have even greater influence than most of us have under an electoral representative system.

There are other ideas—distinct from PARTICIPATION, MORAL ACCOUNTABILITY, and RESPONSIVENESS—that have been touted as normatively important. One of these is the “general will” or the “popular will” as a metaphysical idea. This idea might seem to be a way of rejecting the suggestion that we must defer to others, if, for example, we are all somehow part of the general will, or if the general will is importantly distinct from any specific person’s individual will (so that there is no specific person or persons to whom we defer). The idea of the general will is usually coupled with the suggestion that political systems should be controlled by or governed by the general will, in the same way that we might see it as morally important that an individual agent be governed by (metaphysically controlled by; her actions caused by) her own will. This idea is obscure even in the individual case. What is an individual’s will? How does it relate to her beliefs and preferences? How does it relate to intention and volition? In what sense can it govern or control her actions?

But if the will is somewhat obscure in the individual case, it is hopelessly so in the political case, particularly if interpreted as something other than PARTICIPATION and RESPONSIVENESS and similar ideas. There is nothing metaphysically real that can support the “will” talk in the case of the “general will” or “popular will.” There is no general belief, general desire, general intention, or general volition. There are, at most, many individual beliefs, desires, intentions, and volitions. We can aggregate these in various ways and for various purposes, but they don’t constitute a coherent will that could be involved in governing anything. (And there are many results in social choice theory—such as Arrow’s impossibility theorem—that suggest serious problems for any view that would claim that there is some metaphysically special “will” that we can find through an aggregation mechanism.) As discussed at length in Part I, for almost all political issues, there simply isn’t enough public knowledge for there to be anything substantive to add up at the individual level into any kind of “general will” with respect to that issue. Most people never come to have any beliefs or preferences about the vast majority of issues.

Some write as if elections alone can help to form or crystallize a general or public will. But there’s nothing about the electoral mechanism that is promising or distinctive in that regard. It is not as if we live in direct democracies where we all vote on every issue, thereby coming to some “majority will” view on each topic. Even those of us who participate in elections remain largely ignorant about almost every issue that elected officials will be involved with. Perhaps some of these come to attention and prominence as we watch debates in the legislature or among other political officials. But we could see this same kind of “will formation” in the observation and popular discussion of issues as they are considered and discussed

in the SILLs. One test then would be if the decisions taken by the elected officials or SILL members correspond with this newly formed broader public view, but that is just the test foregrounded by consideration of RESPONSIVENESS. If the general will is just the majority opinion or majority preference on some topic, then in those rare cases in which there is anything well-described as the “majority opinion” on a topic, we can see whether the system conforms to the general will by seeing how it does by way of RESPONSIVENESS. The idea that there is a metaphysically distinctive, normatively significant “general will” is a tissue of confusions, possibly dangerous in the hands of those who would claim to know or be in distinctive command of the “general will.” We would be better off leaving this idea behind in favor of more precise normative ideas such as PARTICIPATION and RESPONSIVENESS.

15.6. Individual Rights

The values of political morality identified above—concerning equality, participation, moral accountability, and responsiveness—have focused on how political systems operate, how people are empowered and how decisions are made, as well as some of the ways in which those decisions either do or don’t reflect the broad views and interests of the full political community. These are important components of what makes a political system democratic and are arguably important moral components of how political systems can operate legitimately. That said, they don’t directly address a distinct source of concern about political institutions; namely, the threat they might pose to individual rights beyond those rights concerned with political participation and political power. These rights include what we can call the rights of body and mind: rights to life, bodily integrity, physical liberty, movement, speech, association, and thought. They might also include preventative rights—rights that help prevent infringements along these dimensions, including rights to privacy, due process, and perhaps some rights to property.

There are difficult questions about the precise limits and contours of these rights, as well as their foundational justification. There may be a partially instrumental justification that connects these rights to some of the above concerns regarding equality, participation, and responsiveness: without these rights of body and mind, these explicitly political values are either impossible to realize or contorted, just as democracy itself would be impossible. But there are also arguably pre-political, pre-institutional foundations for these rights, emanating from basic facts about the kinds of creatures we are and the moral status that we possess. These moral rights independently limit the kinds of institutions we may morally permissibly build and how those institutions may permissibly operate.

For example, a simple majoritarian direct democracy might do relatively well by the political values of equality, participation, and responsiveness, but still flout these non-political individual rights by passing legislation that limits where members of political minority groups can go, who they can talk to, what they can say, and even (once the technology enables it) what they can think. Or such a system might give powers to police and prosecutors to arrest and detain and imprison people arbitrarily or based on their race or religion. There might be a political community that applies laws equally to all members, but where those laws violate individual rights regarding whether to get married or have children, whether to attend particular religious ceremonies, and so on.

Much has been written about the details of these rights, their foundations, what they limit and prohibit, and how best they can be respected and protected. I will leave those details underspecified, suggesting only that there is a moral demand on political systems in this vicinity. We can capture it with something like the following:

INDIVIDUAL PRE-POLITICAL RIGHTS: a political system is legitimate only if there are substantial and broadly effective protections in place to limit political infringement of individual rights regarding life, bodily integrity, physical liberty, movement, speech, association, and thought.

In many modern electoral representative democracies, the mechanism for ensuring substantial and broadly effective protections comes in the form of a bill of rights or some other constitutionalized, enumerated list of rights that are interpreted and protected by an unelected, constitutional court. Mechanisms of this kind effectively take certain political options off the table, or make them much more difficult (e.g., requiring supermajorities rather than simple majorities), by constitutionalizing certain rights and having those constitutional rights defended by a strong form of judicial review or other norms or practices of political restraint. In one of the more familiar mechanisms, constitutional courts—such as the United States Supreme Court—scrutinize legislation and other political action to make sure that it does not infringe on these enumerated individual rights and, if it does so, then that legislation or political action will be overturned or otherwise impeded. There are other mechanisms that might be used to the same basic effect.

Given the contextualist functionalist picture defended in Chapter 1, it will come as no surprise that I am a contextualist regarding the concerns specific political systems will pose to individual rights in a particular sociopolitical context, and a functionalist regarding which mechanisms will effectively limit political infringement of individual rights in that context. Constitutional courts with strong judicial review are one option, but they are by no means the only option, and there will be contexts in which they might not be effective, and others in which they might not be necessary.

Lottocratic systems could exist with detailed bills of rights in place. Lottocratic decisions and legislative enactments of SILLs could be subject to constitutional review by a constitutional court for individual rights violations in the same way that the decisions of an elected legislature could be. I expect that in many sociopolitical contexts that would be an effective mechanism by which to satisfy the INDIVIDUAL PRE-POLITICAL RIGHTS condition. Under many circumstances, I would expect the lottocratic system to be able to use such constitutional courts even more effectively, as they could employ better, less majoritarian, less politicized mechanisms for appointing judges to such courts. Consider, for example, a judicial appointment system that worked through a dedicated Executive Assembly, comprised of, for example, two-thirds of people chosen at random from the political community, and one-third appointed to the role (perhaps by those same two-thirds, or perhaps by a distinct Structural Assembly) as a result of having extensive experience in law, whether as retired or practicing judges, lawyers, or others involved in the legal profession. This Executive Assembly could generate lists of potential nominees, hear from experts about their qualifications and backgrounds, and then make decisions about whom to appoint in light of that information. One advantage would be to reduce highly partisan political influences, partly by removing some of the ingroup/outgroup background. But another advantage would be to make it more plausible that the full range of legal and political concerns regarding the protection of individual rights would be reflected, rather than just those concerns of the socioeconomic elite or of the political majority.

Although much else might be said, there is no reason to think that lottocratic systems will do worse at avoiding infringement of individual rights than electoral representative systems, and some reasons to think they might do better.

15.7. Democracy, Legitimacy, and Lottocracy

Many believe that there is a tight, near-conceptual connection between democracy and political legitimacy. A similar, familiar thought: the only good kind of political system, and the only legitimate kind of political system, is a democratic political system. These commonplaces don't amount to much without more content as to what it is for a political system to be a democracy. A central suggestion of the book is that the political imagination has been unduly limited by seeing only electoral representative systems and direct democratic systems as instances of democracy.

In this section, I draw together the previous discussions and suggest that doing well by the components of political morality that I have identified is necessary and jointly sufficient for a system to be democratic. Given what I have argued, that would imply that fully lottocratic systems, in at least some contexts, are democratic systems. Whether or not I am successful in persuading readers that doing well by these conditions is necessary and jointly sufficient for a political system to count as

a democracy, I hope to have at least clarified the lines of debate and disagreement. For those who feel that lottocratic systems are still missing something important about democracy, they ought to identify what condition it is that lottocratic systems don't satisfy, to make the case that this is a necessary element for a system to count as a democracy, and to offer an argument why that condition is normatively significant.

Dictionary definitions are rarely helpful for philosophical understanding of a concept as rich and complicated as *democracy*, but they can be helpful as evidence of consolidated public understanding of a concept. Consider, for example, the Merriam-Webster definition of democracy:

(a) government by the people

especially: rule of the majority

(b) a government in which the supreme power is vested in the people and exercised by them directly or indirectly through a system of representation usually involving periodically held free elections²⁰

On the one hand, this is familiar. On the other hand, what a mess!

Note, first, the relatively expansive (a) definition with the added "especially" that is in direct tension with the idea of "government by the people." Rule of the majority is government by *most* of the people, not government by the people. Leave that aside. Government "by the people" remains underspecified: by them, how, exactly?

The (b) definition is more precise, but with clouds of imprecision throughout. What is this quasi-mystical "supreme power"? What is it for it to be "vested" in the people? Does that mean the people *have* it? Who are "the people"? All of them, together? Everyone? Everyone who lives in a place? What does it mean to "exercise" this power? Is it to *use* the power? To use it to do *anything*, or to do some *particular* thing, such as creating law, governing, etc.? The definition explicitly contemplates both direct democracy and indirect democracy, with the latter "usually" involving periodically held elections, but without specifying what might still be democracy, although not of the "usual" kind. Perhaps Merriam-Webster is, quite surprisingly, leaving open the use of sortition and lottocratic systems as dictionary definition democracy, even on this more precise definition.

The *Oxford English Dictionary* suggests something similar to the (b) definition: "A system of government by the whole population or all the eligible members of a state, typically through elected representatives."²¹ Again, "by the whole population" leaves a lot underspecified, as does "typically through elected representatives."

²⁰ "Democracy." <<https://www.merriam-webster.com/dictionary/democracy>>.

²¹ *Oxford English Dictionary*, US and UK dictionaries, accessed at <<https://www.lexico.com/definition/democracy>>.

In both cases, “democracy” is understood in a superficially descriptive—rather than evaluative—sense, purporting to delineate a kind of political system based on who has power in that system and how that power can be used. There is no claim that democracy is good, or uniquely legitimate, or that it best exemplifies political equality or political liberty. That superficial descriptive character is somewhat misleading, however, as one thinks about how the details might be filled in. “By the people” and “exercised by them” both require further specification, and there are ways of filling in the details that would seem incompatible with a system of government constituting a democracy.

I will not set out an argument offering sociolinguistic evidence for this conclusion, but I think our ordinary concept of democracy can be filled in by understanding democracy as connected to doing well by political equality, political participation, respect for individual pre-political rights, and the outcome-related value of responsiveness. So, I suggest, a democracy must do well by these components of political morality, restated now to focus on their role as central measures of whether a system is democratic:

EQUAL FUNDAMENTAL RESPECT: a political system is democratic in part to the extent that the system operates in a way that is compatible with, and indeed expresses and constitutes, a foundational commitment to the fundamental respect owed equally to all members of the political community, so that no invidious comparisons among citizens are made and no one rules over or dominates anyone else.

PARTICIPATION: a political system is democratic in part to the extent that (a) there are channels for ordinary citizens to participate substantively in political life, (b) these channels are protected as a matter of right, and (c) the participation of ordinary citizens within these channels significantly causally affects what political actions are taken and does so in a way that corresponds to the substantive nature of that participation.

INDIVIDUAL PRE-POLITICAL RIGHTS: a political system is democratic in part to the extent that there are substantial and broadly effective protections in place to limit political infringement of individual rights regarding life, bodily integrity, physical liberty, movement, speech, association, and thought.

And a democracy must do well by the value of responsiveness.

RESPONSIVENESS: a political system is democratic in part to the extent that it generates substantially responsive political outcomes, where political outcomes are responsive to the extent that they substantially track what the people living in the political jurisdiction believe, prefer, or value, so that if those beliefs, preferences, or values were different, the political outcomes would also be different,

would be different in a similar direction, and would be different *because* the beliefs, preferences, and values were different.

I believe that these together do well at matching common understanding of the ordinary concept of democracy, although I'm not too concerned about that—partly because I'm skeptical that there is any one such concept. Our ordinary use allows for differential emphasis across these political values. These elements, taken together, illustrate what the commitment to government “by the people” and “for the people” amounts to, but it also illustrates that within our common view of democracy there are further moral considerations regarding how democracies may make decisions, how they may treat those living within them, how they may pursue various policies, and what laws they may permissibly enact.

These elements also capture and reflect what has been the concern of those who defend democratic institutions on largely non-instrumental, proceduralist grounds, say, because they help to realize the value of equality and relating to each other as equals through participation in fair, non-hierarchical procedures²² (EQUAL FUNDAMENTAL RESPECT) or because they do this while also bringing about outcomes that sustain and are compatible with social equality (EQUAL FUNDAMENTAL RESPECT and RESPONSIVENESS).²³ Similarly, the conditions focusing on participation and respect for individual pre-political rights capture and reflect the views of those who put more of a premium on political liberty and political autonomy and see this as a core element of democracy.

Those who have advocated views in this vicinity will have more specific ideas about how to fill in these conditions: what “equal respect” requires, what it means for no one to “rule over” or “dominate” others, which specific rights are protected, how to balance and define non-infringement of specific rights, when (if ever) individual rights can be waived or voided, what causal effects from participation are adequately “significant,” how to understand and define responsiveness, and so on. There are also questions about whether these conditions should be combined or disaggregated, whether satisfaction of one presupposes satisfaction of another, and whether some are more important (primary, central) than others. There remains much left to figure out, argue about, and clarify.

These are four plausible necessary elements for a political system to count as a democratic political system. Some evidence for this: consider a political system that fails to satisfy one or more of these conditions. That failure alone would seem to constitute a reason to believe that the system wasn't a democracy. This is why people say that having too much money in our elections (threatening EQUAL FUNDAMENTAL RESPECT, PARTICIPATION, and RESPONSIVENESS) threatens our

²² See Anderson (1999); Beitz (1990); Brighouse (1996); Christiano (2010) Griffin (2003); Kolodny (2014a, b); Viehoff (2014); Waldron (1999); Wilson (2019).

²³ Some of the previous views, as well as Klein (2022).

democracy. Or having a grossly unequal public education system is a threat to our democracy. Or the way in which slavery, or Jim Crow law, or racialized mass incarceration is incompatible with democracy: all threaten all four of these elements.

This contrasts with two other important components of political morality, which, for all their importance, are not seen as constitutive of or intimately connected to democracy:

MORAL ACCOUNTABILITY: the extent to which individual actors within a political system act responsibly given their role and the power that comes with it, acting in morally appropriate ways in response to the moral considerations that are at stake in their decisions.

SENSIBILITY: the extent to which a political system consistently (1) appreciates (or understands or knows) the world as it is, particularly the world as it relates to the moral-political problems that exist in the political community; and (2) responds to the world in light of this appreciation.

The first of these is focused on how well a political system does in more general moral terms (extending beyond what the people in the political community believe and prefer). The second is focused on how well it does in epistemic and agential terms.

On my view, the full picture of normative political morality concerns at least seven dimensions: political equality, political participation, respect for individual pre-political rights, political responsiveness, moral accountability of those empowered as political actors, political sensibility, and individualized moral justification. The first four of these are intimately, constitutively connected to the extent to which a political system is *democratic*. On one construal of the view, doing well by all four elements is required to count as a democratic system at all, and beyond that further evaluations can be made about *how* democratic a system is. An alternative picture makes it entirely scalar throughout. Whether a political system is *legitimate* is in part a function of the extent to which it is democratic, in part a function of the extent to which there is an individualized moral justification of the system to those living under the system. All these components are ones that a system can do better or worse by, suggesting that political legitimacy is a spectrum, not a threshold concept. How well a political system does by any of them can only be evaluated in particular sociopolitical contexts, so legitimacy judgments are context relative. In some sociopolitical contexts, doing better by one dimension might mean doing worse by another dimension, limiting the level of political legitimacy it is possible to attain.

Questions of political legitimacy are tied to questions of the moral permissibility of political action, the moral force of those actions taken by political officials

(including legislative officials), the moral permissibility of non-compliance or intervention to thwart political activity, and a host of other issues concerning the morality and moral significance of political power. If a system does well by political legitimacy, there is a stronger *pro tanto* moral justification of the actions of political officials, there are stronger moral obligations to support those political systems in various ways, and there may be wider moral latitude on the part of political officials to act in sensible ways in response to moral-political problems that exist (more as guardians or trustees, rather than mere delegates). Thus, considerations of sensibility—although central to the evaluation of the merits of a political system—are not independent of judgments of legitimacy. Generally speaking, systems that do well by legitimacy will be able to do better by way of sensibility in ways that do not result in violations of moral rights and other moral prohibitions. More legitimate systems have more in the way of moral authorization to act to address extant moral-political problems. More should be said about the details of these connections, but a full discussion is outside the scope of this project.

The argument to this point has been that lottocratic systems do comparatively better in terms of sensibility, and they do as well or better than electoral representative systems in terms of the factors relevant to democracy and legitimacy. The one such factor that has yet to be considered is that concerning individualized moral justification.

This factor is familiar from discussions of necessary conditions of political legitimacy, although not always framed in these terms. So, political philosophers have proposed conditions like Rawls's "Liberal Principle of Legitimacy":

Our exercise of political power is fully proper only when it is exercised in accordance with a constitution the essentials of which all citizens as free and equal may reasonably be expected to endorse in the light of principles and ideals acceptable to their common human reason.²⁴

It is plausible that something like this—requiring that there be some individual rational path to endorsement of the system—will be a condition of legitimacy. I will take up these ideas at greater length in the next chapter.

Here's a not particularly controversial thought: if a political system does well by the six dimensions of political morality identified above—(a) political equality, (b) political participation, (c) respect for individual pre-political rights, (d) moral accountability of those empowered as political actors, (e) political responsiveness, and (f) political sensibility—then these further "endorsement" conditions will be satisfied, too. On the cheap, as it were. That isn't guaranteed, but the very things

²⁴ Rawls (1993: 137).

that go into whether endorsement of a system would be rational or reasonable for individuals, or whether citizens can reasonably endorse the political system, are tied to these (a)–(f) conditions. One might maintain that, given this, we should just skip these further conditions and point to those things that would make endorsement rational or reasonable or whatever. In the next chapter, I will argue that, even if these conditions are well satisfied, there might be further complications concerning the case of consistent political minorities, for whom the possibility of rational or reasonable endorsement might still seem an open question.

Returning from questions of legitimacy to our question regarding democracy, if the four components I have focused on are together the measure of the extent to which a political system is democratic, and if the foregoing arguments that lottocratic systems do well by those components (both comparatively and non-comparatively) have been successful, then this suffices to show that lottocratic systems do, at least in those cases, count as instances of democracy. This strikes me as unsurprising, given the history of democracy, and given the basic lottocratic commitments that are revealed in selecting political representatives at random from the entire political community. I hope to have made that basic intuition somewhat better supported and more precise.

Lottocracy and Political Minorities

There is a way of writing about democracy which can float free of what has happened in our world, in many of the places that have considered themselves democracies, with respect to political minorities and in particular racial and ethnic minorities. This work touts the importance of “the people” and giving “the people” power and voice, worrying about whether each person is empowered to vote by right, and so on, while acting somewhat as if “the people” are a homogeneous mass. “The people” in this story generally stand in opposition to “the elites”—evil king and queen or oligarchic overlord or colonial aristocratic types. That a significant part of the world’s injustice has been perpetrated by electoral democratic majorities—perhaps with various strategies to limit or entirely disenfranchise racial and ethnic minorities—can seem a side detail on these views.

Various responses have been made to this concern. Many identify ways in which these electoral democracies have fallen short of being “true” or “genuine” democracies.¹ In some cases, this story is evident in how these systems have done poorly by components discussed in the previous chapter, running afoul of equality, rights of participation, or failing to do enough to protect other individual rights. Consider cases in which Black Americans were disenfranchised through racially prejudicial voting requirements, or in which Japanese Americans were forced into camps during World War II simply due to their ethnic ancestry.

This chapter considers the worry that even if a system does well by the four democratic elements identified in the previous chapter—EQUAL FUNDAMENTAL RESPECT, PARTICIPATION, INDIVIDUAL PRE-POLITICAL RIGHTS, and RESPONSIVENESS—there might still be substantial concerns about the situation of political minorities. That is particularly the case if the way in which EQUAL FUNDAMENTAL RESPECT and PARTICIPATION are satisfied is through a process like electoral representative democracy that consistently empowers a political majority.²

¹ Lani Guinier suggests that this is and has been the situation regarding the United States as a result of African-Americans in the United States constituting a perpetually tyrannized minority within the context of electoral majoritarian politics. See Guinier (1995: 2–6).

² A distinct possible lesson of this chapter is that, contrary to the suggestion in the previous chapter, perhaps EQUAL FUNDAMENTAL RESPECT is not satisfied simply in virtue of doing well by EQUAL SAY (AD Hoc) or similar principles in certain contexts—particularly, those that have stable majority and minority groups. Although stated in different terms, this can be seen as one lesson of the work of Guinier; Howard McGary, who argues that “[a]ny viable account of how to achieve democratic equality

There is a different response to concerns about majoritarianism and the situation of political minorities, discussed briefly in Chapter 11. The turn to “deliberative democracy” in the 1970s and onward was motivated in part by recognition of the majoritarian, at least nominally “democratic” rise of Naziism and the majoritarian subjugation and oppression of racial minorities in the United States through the post-Reconstruction, Jim Crow era into the 1960s. Deliberative democratic theorists argued that mere voting and aggregation of preferences is not enough to merit the label “democracy,” and that systems operating in this way failed to constitute a “legitimate public order” that “could be justified to all those living under its laws.”³ One response is to note how principles of political equality and individual rights can be violated under majoritarian systems, and to argue that “democracy” is absent when this occurs. A distinct idea, advocated for by deliberative democrats, is to suggest that mere voting and mere majorities were not enough, that more work and more judgment had to sit behind votes and preferences, and that a certain morally distinctive kind of discussion and deliberation among co-citizens had to take place to bring the political community to decisions that all members could endorse.

Although I embrace the requirement of individualized justification of political institutions, as will become apparent, there have been two significant problems with the deliberative democratic tradition: (a) requiring something like consensus in political decision-making, which is unrealistic and normatively unattractive; and (b) not having an institutional form that can realize the deliberative democratic values while operating at realistic scale of modern political systems (factoring in problems concerning political ignorance, policy complexity, and so forth). Many deliberative democrats gave up on the consensus ideal or refined the normative demand in some fashion. But (b) remains a concern.

The aim of this chapter is to clarify the concern about political minorities and the demand for individualized political justification as a component of political legitimacy, and to make evident how the lottocratic system does well by that demand, while also constituting a system that could work at realistic scale given the background conditions of modern politics. I then argue that lottocratic systems have the potential to do considerably better than electoral representative democracy with respect to the situation of political minorities, whether racial, ethnic, or ideological minorities.

in the U.S. must address group domination” (2003: 96); and Danielle Allen, who writes, “Majority rule is nonsensical as a principle of fairness unless it is conducted in ways that provide minorities with reasons to remain attached to the polity. The central feature of democratic politics is therefore not its broad definition of citizenship or its ultimate dependence on majority rule, but rather its commitment to preserving the allegiance of all citizens, including electoral minorities, despite majority rule” (2004: p. xix).

³ Chambers (2003: 308–9).

16.1. The Individualized Requirement

Consider a situation in which a particular electoral representative system does well by EQUAL SAY (AD HOC). Let us also assume that a political system does well by the requirement of EQUAL FUNDAMENTAL RESPECT if it does well by EQUAL SAY (AD HOC), and so the system under consideration does well by that requirement. Finally, imagine that the system also does relatively well by PARTICIPATION, INDIVIDUAL PRE-POLITICAL RIGHTS, and RESPONSIVENESS. On the account provided in the previous chapter, and indeed on most views about democracy, such a system will count as doing well qua democracy.

Although such a system might count as democratic, we might still have significant concerns. The end of the last chapter suggested that there might be requirements of political legitimacy relating to individual endorsement. Here is one statement of such a condition:

INDIVIDUAL ENDORSEMENT: A political system is legitimate with respect to a person living under the system, X, only if X could reasonably agree to live under the system—while in possession of basic information about the system and X's and others' situation under the system—and not just because alternatives to the system are all particularly dire.

This condition leaves open the question what proportion of people living under a system (all, a majority, some?) must be such that the condition is satisfied vis-à-vis them for the system to count as legitimate. Let us leave those questions aside.

INDIVIDUAL ENDORSEMENT is presented as a necessary condition of political legitimacy, interpreted as a relation that holds between a political system and an individual. On my view, we should see conditions like INDIVIDUAL ENDORSEMENT as a heuristic, useful for seeing whether a distinct, more foundational demand of political morality is satisfied, namely:

INDIVIDUALIZED MORAL JUSTIFICATION: A political system is legitimate with respect to a person living under the system, X, only if there is a moral justification of the political system and its political actions (backed by coercive force) with respect to X in particular—there is a moral justification of the system vis-à-vis X even and especially in light of X's particular circumstances (including X's beliefs, values, social position, etc.).

By a "heuristic" I just mean that it can be epistemically helpful to consider whether INDIVIDUAL ENDORSEMENT is satisfied as a way of seeing whether this individualized moral justification condition is satisfied.

Some who embrace so-called contractualist views might balk at understanding conditions like INDIVIDUAL ENDORSEMENT as a mere heuristic. INDIVIDUAL

ENDORSEMENT might seem closely tied to contractualist commitments that focus on individual agreement and consent as a source of normative authorization, but this is misleading. It is an individualized requirement of political morality, but it is not a subjectivized, consent-based requirement of political morality. To see the concern about political minorities clearly, and to avoid undue subjectivization, it is important to explain this point more fully.

16.2. Contractualism and Individualized Justification

When we are concerned with majoritarian political systems trampling over individuals who are members of minority groups, it might seem that the only alternatives confer something like a minority veto over political decision-making, so that the system must operate by consensus agreement. One problem is that, just as the majority can be racist, Nazis, or otherwise objectionable, a minority group can also be racist, Nazi, etc., in withholding support or exercising a veto. We want to take minority and individual difference and individual interests seriously, but we don't want a racist (etc.) veto.

One response to this concern from those who find consensus or full consent views attractive is to simply rule out some individuals as “unreasonable” or “irrational” or otherwise irrelevant to the question of whether there is consensus, universal acceptability, etc. The problem with this approach is that this move either (a) undermines the point of moving to an individualized approach or (b) threatens to confuse what might have been a metaphysically significant fact (the fact of actual agreement, consensus, etc.) with something that is at most an epistemically useful heuristic (the fact that, hypothetically, all people with certain moral views would agree). Because contractualist thought has been so significant in the history of political philosophy, and because I believe that it has obscured the problem of political minorities, it is worth expanding on these remarks further.

We begin with a question: why is it morally permissible for states and agents of the state to act with or backed by coercive force, when this is not morally permissible outside of the political context? This is a classic question of political legitimacy. One familiar answer to this question suggests that it is morally permissible if all those living under the state *consented* to this arrangement. That is: actual consent is necessary and sufficient for political legitimacy. Why? We as individuals have various rights to have our beliefs, preferences, and values—and our actions that emanate from those—determine what we do and what others do to us. In many cases, the fact that we *consent* to something—because of what we believe, prefer, and value—transforms what would have been morally impermissible to something morally permissible. Perhaps consenting to living under political systems is like this.

Call these “actual agreement” views. Here is a simple version of such a view:

A political system PS is legitimate if and only if, for each person S living under the system, S actually consents to living under PS.

Four things to note about this view: (1) it sets out actual consent as solely necessary and sufficient for legitimacy, (2) the object of consent is *living under a political system*, (3) legitimacy is wholly present or wholly absent depending on whether there is unanimous consent, (4) this consent must be present from everyone “living under” the political system (whatever that is specified to mean). All four parts of this view raise questions.

First, a basic worry: many people don’t seem to have actually consented to the political systems under which they live, and that is true for every extant political system—including (the worry goes) many that seem to be legitimate. Some people do explicitly consent, if, for example, they move to live under a new system and consent to the new rules. And some people do consent tacitly, because of the attitudes they possess concerning the political system under which they live. And some people would consent, if asked, even if they haven’t even thought about the question. But many people have not consented, tacitly or otherwise, and it is not clear that they would do so if asked. Does this mean that no extant political systems are legitimate? Or does it mean, instead, that this is not the proper test of political legitimacy? Many think the latter. Furthermore, there are hard questions about whether normatively significant consent is even possible. For one thing, we usually think that a person can consent to X only if there is a sufficiently robust sense in which they have other options. “Your money or your life?” is not a way of obtaining people’s money consensually. And the options for individuals living under political systems are often quite limited.

A different worry, about the sufficiency of consent, concerns cases in which a person does consent to some state of affairs, but they do so irrationally or on the basis of false beliefs or misguided reasons. In some cases, this will nullify consent altogether. In others, it seems plausible to say that, although there is consent, that isn’t sufficient to license certain kinds of actions.

At a more conceptual level, there is a question of what one is consenting to—which relates to the moral upshot of political legitimacy assessments. What exactly is the PS to which one either consents to live under or not? Is one consenting to a particular political system, which empowers a particular set of political officials, so that everything they do in their official capacity is morally permissible? To particular political actions, so that those actions are morally permissible? Here, there is an inclination to shift from thinking in terms of *consent* to thinking in terms of *contract*, where there would be a relatively specific and detailed agreement that one signs on to, the kind of thing that might specify the relevant powers, duties, rights, responsibilities, and so forth in some detail. But

it is even more apparent that we don't actually agree to or sign this imagined contract.

There is also the question of whose consent is relevant: the consent of everyone living in the jurisdiction and subject to its laws, of all citizens or lawful permanent residents, of a majority of those people, etc.?

Perhaps most important for our purposes, there are questions of whether what matters is consent, or the reasons for consenting or refusing to consent. What if people refuse to consent, but because they are racist, sexist, or anti-Semitic, and the political system isn't adequately racist, sexist, or anti-Semitic by their lights?

These concerns put pressure on the idea that actual consent of everyone is both necessary and sufficient for legitimacy, or even that it is necessary or sufficient for legitimacy. Here, a philosophically interesting response is made: maybe actual consent isn't required. Maybe all that is required is that consent or signing the relevant contractual agreement would be *rational* for each person living under the political system.

This response, although a shift away from actual consent, continues to have us focus on the specific interests, beliefs, and values of each person, and ask: given those interests, beliefs, and values, would it be rational for this person to agree to this arrangement? The focus shifts from actual consent, agreement, or contract to hypothetical consent, agreement, or contract. But the focus remains on specific individuals, real people with distinctive beliefs, preferences, and values. We are to hold fixed those beliefs and values, and ask: for this candidate political system or proffered social contract, would it be rational for a person with those beliefs and values to consent or agree to this contract? Call these "potential rational agreement" views. For example:

A political system, PS, is legitimate if and only if, for each person S living under the system, it is rational for S to agree to live under PS, given S's distinctive beliefs, preferences, and values.

Different accounts are offered as to why living under a particular kind of political system might be rational for everyone. On a Hobbesian story, the state is needed to prevent the war of all against all that would otherwise transpire. On a different story, political systems might be needed because there are collective action problems that we must solve, given our specific values and ends, but which we can only solve through something like a state. Or it might be just that the benefits of cooperation as organized through a state vastly outweigh the costs of living under a state, so that for each of us it comes out as rational to sign up for the state.

It is worth stressing how different a normative basis "potential rational agreement" is from "actual agreement." In one way, they are similar: both focus on the distinctive and idiosyncratic actual beliefs, preferences, and values of actual people. But in another way, they are very different: the fact that I have consented

or agreed to something is uncontroversially treated as morally significant across a range of contexts. The fact that it would be rational for me to consent or agree to something is typically not seen as morally significant—at least not by itself. It might fend off one objection to a certain way of treating me—that I couldn't even rationally agree to be treated in this way, or that if I did so, I must be making a mistake. But that fact isn't morally transformative by itself. The fact that it would be rational for me to undergo some surgery, to have sex with someone, to vote for a particular candidate, to sign a contract, or to make a promise typically has little moral significance. And that is true even if it is the only rational thing for me to do, given my beliefs, values, and preferences. If the claim is just that these acts are among the options that it would be rational for me to take, the moral significance is even smaller. It certainly is very different than actually offering my consent to surgery or sex, casting my ballot for a candidate, or signing a contract.

For that reason, it is more plausible to treat "potential rational agreement" as merely a *necessary* condition for legitimacy, with other conditions that must be satisfied as well before a system is legitimate:

A political system, PS, is legitimate only if, for each person S living under the system, it is rational for S to agree to live under PS, given S's distinctive beliefs, preferences, and values.

Obviously, something must be said about how we are to assess whether it would be rational for a person to agree to live under a political system. One significant choice point is between accounts of what we might call *thin* rationality and *thick* rationality, or between *bounded* rationality and *ideal* rationality, or *subjective* and *objective* rationality.

On thin, bounded, or purely subjective accounts, we take an agent, S, close to how S actually is—in terms of S's actual beliefs, values, and preferences—along with S's actual cognitive limitations, incoherence, inconsistencies, false beliefs, and so on. We then ask whether it would be rational for S to agree to live under a political system.

On thick, ideal, or objective accounts of rationality, we try to "clean up" what is going on with agents epistemically and in terms of prudential, instrumental reasoning, so that their theoretical and practical reasoning more closely approximates various ideals. The more one moves toward idealized agents, the further one moves from potential *actual* consent.

So, we might have versions of the potential rational agreement condition that required "potential thin rational agreement" or "potential thick rational agreement."

Even just as a necessary condition of political legitimacy, there is still trouble for any potential rational agreement view, whether thin or thick. I will focus on a cluster of problems that come from the possibility of bad beliefs, preferences,

values, and subjective reasons. There are at least two different dimensions of badness: bad because false, and bad because morally objectionable (the latter might be a subset of the former).

Consider a person who is a committed, conscious racist or Neo-Nazi, living under a political system that treats people of all races equally, according them equal political power, equal dignity and consideration, that makes systematic efforts to promote and sustain this kind of equality, and so on. Given that person's actual beliefs, preferences, and values, it might not be rational for them to agree to live under this kind of political system. But that—the worry goes—doesn't seem to undermine or threaten the legitimacy of the political system. And we could tell similar stories about people who are sexist, who have religious views that condemn those who are not believers and require them to be relegated to inferior status, and so on. These beliefs needn't be unsupported by their evidence or unwarranted epistemically; it might be that they were raised in such a way so that the only evidence they encountered on the subject led them to these conclusions, that the people they trust all have similar views, and so on. It is at least an open question whether a person could have such morally bad beliefs in a way that is epistemically warranted.

Or consider someone with false non-moral beliefs. Perhaps they are deeply and thoroughly committed to the view that pathogens don't exist, based on further false non-moral beliefs about the "medical science-industrial complex" and the fabrication of decades of evidence as a way of keeping power, accruing wealth, and so on. Again, as in the moral case, these beliefs needn't be unsupported by their evidence or unwarranted epistemically. It might be that the only evidence they encountered on the subject led them to these conclusions, that the people they trust all have similar views, and so on. Still, we might think that if a political system is committed to protecting people against harmful pathogens, providing them health care, treating drinking water, and so on, it is odd to count the fact that it might not be rational for a pathogen denier to agree to the political system to count against the system's legitimacy.

There is some small value in taking seriously the actual beliefs, values, and preferences that people have, even in cases where they are as misguided as these are. The problem for contractarian or contractualist or potential agreement focused approaches is that they put too much weight on this kind of consideration—or they would be committed to doing so, anyway, if they went in for either kind of potential rational agreement view. This is true both in the case of political morality and in the case of interpersonal moral theory. In both cases, it seems that we have *agreement-independent* moral commitments that make it so that political systems and systems of moral rules cannot be morally undermined by (say) the objections of virulent racists, Nazis, etc.

There are responses. One is to suggest that, if we think in terms of thick, ideal, or objective rationality, we will "idealize away" the problem of bad beliefs,

preferences, and values. Think of Kantian views which suggest that it is always irrational to behave immorally. Or a “fully informed” idealized agent view on which we imagine what an agent would prefer if she were fully informed about all the non-moral facts. Or a response that says racism and sexism are always the manifestation of irrationality of one form or another.

One worry about these responses is that they are implausible, given plausible views about rationality. This seems correct about, say, the Kantian view, or the “racism is always irrational” view. We can imagine a set of epistemically justified beliefs, values, and preferences (given a particular situated agent’s actual evidential and social history), conjoined with various circumstances in the world, so that these together make these bad views, preferences, and actions that might be taken based on those views and preferences rational for the individual. It seems a distortion of the concept of rationality to suggest that this is impossible, or even that it is unlikely to be true of any actual people.

A second worry is that any account of rationality and rational agreement that would always say otherwise—so that all people with bad views are always irrational in holding and acting on them—will require moving far away from actual agents and anything like their agreement or consent. It is hard to see any remaining connection to considerations of voluntarism or autonomy that might have motivated the consent-based approaches and their contractualist or contractarian descendants.

The next step in this story involves the shift in contractualist or contractarian views from a focus on “actual” or “rational” agreement of all actual people to “reasonable” agreement. These are better described as “moralized” agreement views.⁴ Why? Because each of them starts with extra-contractual, agreement-independent *moral* commitments, which are then used to filter and structure the agreements that matter morally.

The details of these moral commitments vary, but they might include things such as the following:

- *fair cooperation*: there is a moral requirement to cooperate with others on fair terms;
- *no invidious discrimination*: all people have a moral right not to be treated worse than others solely because of their race, gender, sex, sexual orientation, disability status, intelligence (or etc.);

⁴ This is a broader category than what David Estlund refers to as “normative consent”—the view that in some cases we have a moral obligation to consent to some authority, and that non-consent in those cases is rendered “null” because of this moral obligation. It is broader because it concerns not just authority and not just instances in which consent is morally required, but Estlund’s discussion very helpfully brings to the fore the truly moralized nature of contractualist views in this vein. See Estlund (2008: 117–35).

- *autonomy*: all people, regardless of more specific facts about them, have a moral right to pursue lives that they find meaningful and valuable, and to do so in accordance with their own conscientiously formed views about what is good and meaningful;
- *moral epistemic humility*: the nature of morality is such that the deep questions of morality, value, and meaning are difficult to answer and the correct views about those questions are underdetermined by available empirical evidence;
- *toleration*: there is a moral requirement to tolerate the expression and acceptance of diverse views about the good and the valuable, if they are formed conscientiously;
- *non-imposition*: there is a moral requirement not to impose one's own views about the good and the valuable on others.

Different contractarian and contractualist views that invoke the idea of “reasonableness,” or “qualified” or “reasonable” views will subscribe to different specific moral commitments. The key point is that these moral commitments do not arise from actual consent or rational agreement—they instead serve to structure and delimit a *moralized agreement context* so that the agreements reached from that context have a certain kind of moral standing or moral significance.

There are three conceptually distinct moralized agreement kinds of views. Let us refer, generically, to the moral commitments of a moralized agreement view as M1, M2, and M3. (Of course, in actual examples, there might be more or fewer such commitments.) These commitments can enter into contractualist or contractarian theories in several ways.

MORALIZED PEOPLE: the only people whose agreement or non-agreement matters for political legitimacy (or settling on the moral principles to govern interpersonal interactions, etc.) are those who are themselves committed to M1, M2, and M3. Imagine a bargaining table or town hall meeting to which only those committed to M1, M2, and M3 are invited.

MORALIZED CONTEXT: the agreement or non-agreement of all people matter, but the process is set up so that all people are forced or altered to be committed to M1, M2, and M3. Imagine something like the original position, where factors deemed to be morally irrelevant or possibly prejudicial—such as one's race, class, gender, sexual orientation, and so forth—are stripped away, and in which unanimous agreement is required, leaving one in effect committed to M1, M2, and M3.

MORALIZED REASONING: the agreement and non-agreement of all people matter, and the process can be somewhat realistic, with people appearing pretty much as they are, but the only reasons and considerations that can be entered into discussion or used as the basis of argument or justification are those that are consistent with or supportive of commitments M1, M2, and M3.

Moralized contractualist and contractarian pictures will go different directions here, combining both distinct background moral commitments and distinct focus on moralized people, contexts, and/or reasoning. Consider, for example, Rawls in *Political Liberalism*, when he offers the liberal principle of legitimacy: “Our exercise of political power is fully proper only when it is exercised in accordance with a constitution the essentials of which all citizens as free and equal may reasonably be expected to endorse in the light of principles and ideals acceptable to their common human reason.”⁵ This statement of the view suggests that there will be at least a requirement of moralized reasoning (“in the light of principles and ideals acceptable to their common human reason”) and perhaps also a limit on whose agreement or endorsement matters (just those who are “reasonable” in their offering or withholding of endorsement).

David Estlund defends a “necessary condition on the legitimate exercise of political power,” namely, “that it be justifiable in terms acceptable to all qualified points of view (where ‘qualified’ will be filled in by ‘reasonable’ or some such thing).”⁶ Again, we might interpret this either along the moralized people or moralized reasoning dimensions. The important point is that a distinction will be drawn between the qualified and the unqualified. Estlund doesn’t say much about how to draw this distinction, or which of the specific M1, M2, and M3 commitments we should look for in drawing the distinction. But he does suggest that the only alternative is something like an “actual acceptance” view, according to which political justifications must be actually acceptable to all—a suggestion he finds absurd. That is not the only alternative, however, a point we will come to soon.

There are many other examples of and refinements to moralized agreement views that we might consider, but the details are not essential. The point is to note the sharp turn away from actual consent or agreement or potential rational agreement toward something more moralized. One way of making this apparent is to focus on the extent to which the views in question take seriously the actual evidence, options, and ends of particular agents when considering potential agreements or contracts about moral or political rules and regulations. Consider Table 16.1; this oversimplifies things, but it should give something of the general picture.

What should we make of this shift from actual consent to potential or hypothetical rational agreement, to hypothetical moralized agreement? There are two significant dimensions to this shift. The first concerns the move from rationality to reasonableness, or, as I’ve framed it, the move from actual consent or potential rational agreement to *moralized* agreement. The second concerns the move from *actual* consent or agreement to *hypothetical* consent or agreement.

As indicated in the chart, consent and rationality are relatively subject-sensitive, agent-relative, and agent-centered, whereas moralized agreement and norms of

⁵ Rawls (1993: 137).

⁶ Estlund (2008: 41).

Table 16.1 Potential agreements about moral or political rules and regulations

	Consent— Actual Agreement	Thin Rationality— Potential Rational Agreement	Thick Rationality— Potential Rational Agreement	Reasonableness— Moralized Agreement
Evidence	<i>Entirely</i> sensitive to and contingent upon the actual evidential position of the contracting subject	<i>Significantly</i> sensitive to and contingent upon the actual evidential position of the contracting subject	<i>Modestly</i> sensitive to and contingent upon the actual evidential position of the contracting subject	<i>Not</i> significantly sensitive to or contingent upon the actual evidential position of the contracting subject
Options	<i>Entirely</i> sensitive to and contingent upon the actual options that the contracting subject believes are available	<i>Significantly</i> sensitive to and contingent upon the actual options that the contracting subject believes are available	<i>Modestly</i> sensitive to and contingent upon the actual options that the contracting subject believes are available	<i>Not</i> significantly sensitive to or contingent upon the actual options that the contracting subject believes are available
Ends	<i>Entirely</i> sensitive to and contingent upon the actual ends of the contracting subject	<i>Significantly</i> sensitive to and contingent upon the actual ends of the contracting subject	<i>Modestly</i> sensitive to and contingent upon the actual ends of the contracting subject	<i>Not</i> significantly sensitive to or contingent upon the actual ends of the contracting subject

reasonableness are relatively subject-insensitive and uncentered. To know whether a person would actually consent to some state of affairs or would be rational in agreeing to some contract, one must know quite a lot about that person. In particular, one must know what the person believes, prefers, and values, what evidence they possess, what they take their options to be, and what they endorse as ends.

On the other hand, on at least some accounts of what it would be reasonable for a person to agree to—such as the Rawlsian account—one might not need to know almost anything about specific people. Many of the accounts end up focusing on something close to a generic person, or a person in only the most abstract outlines. (A version of this concern is raised by Jean Hampton, who says that “there is no theoretical reason to posit more than one party in the original position.”⁷) These

⁷ Hampton (1980: 334).

views fall on a spectrum, with some being more “agent-centered” in this sense, and others being more uncentered.

One way of understanding the difference here can be clarified by borrowing from debates that have taken place under the heading of Bernard Williams’s “internal” and “external” reasons—where “agent-centered” reasons would be aligned with “internal” reasons, and uncentered reasons would be aligned with “external” reasons. On actual consent or rational agreement views, we are interested in whether a person has internal reasons to agree to the contract or the system of rules—reasons that actually motivate the person, or might motivate them, if certain non-moralized counterfactual conditions obtain. On reasonable or moralized agreement views, we are interested in whether a person has internal *or* external reasons to agree to the contract or the system of rules, or perhaps only whether they have external reasons.

There might be complications here and views that make trouble for this simple way of understanding the distinction. But it brings to the fore how different these two pictures really are at a normative level.

First, the consent/rational agreement views need not take a stance on there being any external reasons at all. And so they certainly needn’t endorse any particular set of external reasons, any particular set of moral commitments M1, M2, and M3 that correspond with various external reasons. Nor need they endorse any potentially controversial set of external reasons, claims about the force of external reasons for particular agents, and so on.

Second, the consent/rational agreement views can offer a clear picture of how the contractualist picture makes sense as a conception of political legitimacy. If we understand political legitimacy as a concern about what makes the use of coercion morally permissible, and if we understand the use of coercion as a concern primarily because of the way in which it undermines or threatens individual autonomy, then a focus on actual consent or the *internal* reasons an individual possesses for agreeing to a political system makes a certain kind of sense.

This is particularly true if we are focused on individualized moral justification vis-à-vis members of the political community that are in the political minority. Presumably, when concerned about this dimension of political legitimacy, we ought to be concerned with people’s actual distinctive beliefs, values, and preferences. Those in the majority should also be wary about bias and distortion in our assessment of things like what is “rational” or “reasonable,” or which specific moralized elements should be incorporated.

If we are focused on external reasons as well as internal ones, it becomes less clear what point there is to thinking about agreement or contract at all. If a reason is just external for an individual, then it won’t be the basis on which that person consents or agrees to some political system or system of rules. And it will require endorsing substantive moral commitments which are, by hypothesis, not ones that correspond with internal reasons of the subject in question. The point is not that

we should be wary of external reasons—I think exactly the opposite. The point is to register how significant a moral shift has transpired in the move across the spectrum from subject-sensitive, agent-centered “consent and rationality” views to subject-insensitive, agent-neutral, uncentered “reasonableness” views.

A second significant shift is in the parallel move from actual agreements and contracts to hypothetical agreements and contracts. This shift is required if one wants to bring in some external reasons (the ones connected to specific moral commitments M1, M2, and M3) as relevant in every contracting scenario. Otherwise, external reasons will not factor in or be the basis of actual agreements if they do not correspond with internal reasons of the potential contracting agents. What this means, however, is that the normative significance of “consent” or “agreement” or “contract” in the story changes dramatically. Ronald Dworkin put this point forcefully in his initial writing in response to Rawls: “hypothetical contracts do not supply an independent argument for the fairness of enforcing their terms. A hypothetical contract is not simply a pale form of an actual contract; it is no contract at all.”⁸ This is not just a point about the metaphysics of contracts. It is also a point about the source of moral reasons. In the standard, normal case of actual contracts, the contract isn’t just *evidence* of moral or other kinds of reasons; it is itself the *source* of reasons. And similar things could be said about consent.

This is a familiar point, and there is a familiar response. As Samuel Freeman writes: “A short answer to this objection...is that agreement in the original position is heuristic; it is a thought experiment designed for purposes of self- and political clarification.”⁹ We might characterize the difference this way. Actual consent and contractual agreement is *metaphysically* important: it alters the moral reasons, requirements, and permissions that exist. Hypothetical or potential consent or contractual agreement is *epistemically* important: it can help us see what moral reasons, requirements, and permissions already exist.

Putting the difference this way brings to the fore at least three significant dangers with “moralized” hypothetical agreements. First, we can think that we are doing something metaphysical when we talk of agreements and contracts (even hypothetical ones), when in fact we are not. So, there is potential for confusion. Second, we can think we are learning or discovering something about the moral facts through the hypothetical agreement framework, when in fact we are building those moral facts into the framework. So, there is more potential for confusion or misdirection. Third, we can think that we are doing something that is morally non-committal, that doesn’t require taking a substantive view about the moral facts, and which respects the actual diversity of beliefs on various topics of political and interpersonal morality. In particular, we might think that we are doing something that respects each individual and their views,

⁸ Dworkin (1975: 17).

⁹ Freeman (2007: 27).

including members of the political minority. But we are not doing this. When we opt for hypothetical contract or agreement views that build in moral commitments via a notion of “reasonableness,” we are taking what may be controversial moral positions and embracing them as true. As with a commitment to external reasons, this needn’t be an objection to the approach. But it does undercut one motivation for working through a contract framework—the motivation to let the various intersections of actual agents’ internal reasons do something normatively and metaphysically significant via agreement and contract.

Because of the problem of bad beliefs, values, and preferences, actual agreement or actual consent conditions of political legitimacy are implausible, or at least significantly revisionary. They would allow non-agreement to undermine legitimacy, even when that non-agreement was based on (for example) racist, sexist, incredibly selfish, or wildly misguided views. (A similar worry is raised against reasons internalism: that these views undergenerate reasons—providing negative verdicts about the existence of reasons in cases in which intuitively there are reasons—simply because agents lack the right beliefs, values, and attitudes.) This consideration shows that contractualist and contractarian theories are misguided as foundational normative theories, if they operate in an actual consent or actual agreement or even thin potential rational agreement mode.

It is a mistake, however, to respond to this concern by retaining a contractualist framework but going in a *hypothetical* and *moralized* direction. The contract framework is metaphysically inert when made to be purely hypothetical. Its usefulness as an epistemic or heuristic device is undermined or at least substantially limited when it is moralized. Furthermore, there is significant potential for confusion about both points, given the familiar roles of *actual* consent, agreement, and contract. Finally, the subject-sensitive, agent-centered, morally neutral features of contractualist frameworks that might incline one toward non-moralized, actual agreement views all disappear or at least significantly attenuate when one goes in for “reasonableness” or moralized agreement views.

But the right response is not to retreat to the implausible actual agreement views. Instead, we should abandon the quasi-contractualist framework entirely, and just be straightforward about what we take to be the correct moral commitments, the truths about political legitimacy and morality that we have been building into our moralized “reasonableness” frameworks.

Here, the worries that attracted some to contractualism and contractarianism might seem to reassert themselves. What about the fact that people have different and contradictory views about political morality and the good, and that it is reasonable for them to have these views, given the fact of reasonable pluralism? Isn’t there an obligation of non-imposition, or moral epistemic humility, or respect for individual autonomy? How can we just impose our views on others? Don’t we owe people a justification that they can understand and accept, by the

lights of their own moral and comprehensive views? What do we owe to those in the political minority among us?

A first response is that the moralized hypothetical contract views don't address these worries, for the reasons mentioned earlier. But a second, more significant response serves as something of an error theory, helping to explain why these contract-based views—even the moralized and hypothetical ones—might have seemed, and continue to seem, appealing.

My diagnosis is that there are two distinct but important senses of “justification”—and that these have been conflated by those who are drawn to contractualist or contractarian views. Rawls, Scanlon, and others drawn to contractualist or contractarian models have been centrally concerned with whether we are able to justify our political institutions, political actions, and interpersonal interactions *to* other people, particularly to those people who will be most affected by those institutions and actions, and particularly to those people who might be subject to coercion or harm by those institutions and actions.

This is right. Individualized moral justification is required, but in this sense: there must be a true moral explanation of why this is the way the system is, and a moral explanation of why what is done by and through the political system *to us* is morally permissible or morally required. And that is true for members of the political minority, just as it is for the rest of us. Because of our moral status as persons with certain kinds of interests and rights, there must be an answer to various *why* questions. Why is the state structured this way? Why is it morally permitted to act backed by coercive force? Why can these state officials do these things to me? Why is this action morally permissible? And so on. And those answers must include or point to genuine moral reasons. The reasons cannot be merely causal or historical or social or legal. (Here I reveal, but do not defend, a robust commitment to a certain kind of moral realism.)

Furthermore—and this is where Rawls, Scanlon, and others are getting something right—the justification that is offered must respect and register differences amongst people in what they believe, value, and prefer. In this sense, we might talk about the need for a justification to each person, a justification that comprehends each person's distinct views and values. Importantly, however, that fact is derived from moral considerations of autonomy, equality, and respect for persons. The *reason* that justifications must respect and register these differences stems from the true conception of morality and the moral rights of persons—not from the nature of justification. That is, the content of the true moral reasons that serve to justify various institutions, actions, and so on must be person-sensitive in various ways, because of other facts about morality.

But there are also limits to this person-sensitivity—limits given by further moral truths concerning individual rights against invidious discrimination, domination, disrespect, and rights to equality, autonomous living (insofar as is compatible with respecting the rights of others), concern for their welfare, and so on. I might offer

a justification that offers a true moral explanation of why, for example, it is morally permissible for a person to trespass on your property if necessary to save someone's life. If your views are such that even incredibly small setbacks to your interests count more than the loss of someone else's life, you will not *accept* this explanation or find it compelling. But that is no strike against it qua explanation or qua justification. That is where contractualist theories that rely on "reasonableness" and "qualified" viewpoints might well be incorporating true moral commitments; there are moral principles that do affect the nature and structure of moral justifications, the limits of autonomy, and the way in which my rights are limited by yours.

This makes it clear why individuals do not have anything like a veto over whether some action, institution, or rule is justified; and it makes evident why whether people agree or contract (hypothetically or otherwise) to some set of institutions or rules does not directly affect whether those actions, institutions, or rules are justified. Justification is owed to each person, but it needn't be a justification that each of those people accepts. It needn't even be a justification that each person could accept, if they were (thinly or thickly) rational.

This issue gets confused in the contractualist and contractarian traditions, however, because "justification," like "explanation," has two significant, but significantly different, senses. On the first sense, the one endorsed above, a justification just is a true moral explanation of some moral fact. As suggested, true moral explanations of many of the relevant moral phenomena in political morality will include person-sensitive features, because autonomy interests and rights are part of the true moral view. But that is because of the truth about morality, not because of the nature or success conditions of justification *in this sense*.

But on the second sense, the one that I think has generated significant confusion, a justification is a certain kind of speech act or communicative act, and for it to be successful, it is necessary but not sufficient that it be true; it must also be both understood and accepted by the person to whom it is offered.

Here it might be instructive to consider the case of explanation. There is a sense in which a successful explanation should be sensitive to a particular dialogical context. If Juan is trying to explain something to Mark, Juan should think about what Mark already believes and knows, about how he responds to various kinds of evidence, and so on. This is a conception of a successful explanation as a successful kind of speech act, as successful communication.

There is also this sense of justification, and it can alter the kinds of considerations one can offer, or even who can offer them—sometimes for reasons having to do with effective communication, sometimes for reasons having to do with interpersonal morality. Perhaps you can't offer that justification to me, because of various features of our relationship, or because you are someone who routinely flouts the relevant moral principle, or whatever. And perhaps I shouldn't offer this justification to you, because I know that your views will make it impossible for you

to accept what I am saying, and will, if anything, just serve to offend or confuse you further. There is this sense of justification.

But each of us is not owed a successful justification in this sense, or at least not as a central requirement of political legitimacy. I agree with what David Enoch says in discussing public reason accounts of political morality and the demands they make regarding “justification to”:

[V]ery plausibly, it’s a good thing to engage people (roughly speaking) on terms that they can accept, pretty much as they actually are ... When other things are equal, a political arrangement is better to the extent that it manages to justify itself to the relevant constituency, to the extent that its justification is accessible to its subjects pretty much given their deeply held beliefs, principles, reasons. We can give a deeper story for why this is so—I would give one in terms of autonomy, but perhaps there are other possible stories. The crucial thing is that for whatever deep reason, there’s something to be said for justification-to, or something similar to it. Note that on this suggestion nothing about justification-to is a necessary condition for legitimacy. Rather, it’s yet another political desideratum, yet another item on the list of significant factors counting in favor of a political arrangement.¹⁰

It is a good thing when we can offer people a justification that is both true (a successful justification in the first sense) and potentially acceptable to them (a successful justification in the second sense), given their own deep views and values. But what matters primarily, morally speaking, is the first thing. And if we must choose between acting or designing political arrangements in a way that admits of only one of the two kinds of justification, we should care about the first sense, not the second sense.

Individual-level moral justification is required, which requires that there is a true moral explanation of why what is done is morally permissible, required, impermissible, and so on. But we should understand that as requiring that each individual is owed a moral explanation that applies to them and that includes them—including all morally relevant aspects of them, including their individual beliefs and values.

That is reflected in principles like INDIVIDUALIZED MORAL JUSTIFICATION. On a proper understanding of political morality, this might well involve reference to things that matter to them in a distinctive or idiosyncratic way. But that is very different than requiring that they accept the true moral explanation that makes certain political actions morally permissible or impermissible. And it is very different than saying that whether principles of political morality are true or not

¹⁰ Enoch (2015: 138).

depends in a constitutive or direct way on what we—whether rational, reasonable, or otherwise—agree to.

That is why the relevant, more basic principle of political morality that is connected to individualized justification is this:

INDIVIDUALIZED MORAL JUSTIFICATION: A political system is legitimate with respect to a person living under the system, X, only if there is a moral justification of the political system and its political actions (backed by coercive force) with respect to X in particular—there is a moral justification of the system vis-à-vis X even and especially in light of X's particular circumstances (including X's beliefs, values, social position, etc.).

This principle doesn't require acceptance or agreement. A limitation of that condition, however, is that it provides little guidance as to when it is fulfilled. This will be filled in by substantive moral argument, such as the kind offered in the previous chapter. But it might often be useful, as a heuristic, to ask the question suggested by principles like **INDIVIDUAL ENDORSEMENT**. If a person couldn't reasonably agree to live under a system, that is some (defeasible) reason to be skeptical that there is a moral justification of that system to that person, even in the "true moral explanation" sense of justification articulated above.

16.3. Political Minorities and Individualized Moral Justification

If we accept **INDIVIDUALIZED MORAL JUSTIFICATION**, we may encounter significant problems for the legitimacy of electoral and direct democratic institutions in common real-world circumstances. We can see this when we consider whether it could be reasonable for various political minorities to agree to live under those institutions under various conditions.

Consider cases in which **EQUAL SAY (AD HOC)** is satisfied, but also the system operates by a principle of decision through *aggregation*. Each individual "say" is made commensurable (typically in the form of up or down votes) and then counted equally in an aggregative process, with the final decision—or final selection of a decision-maker, in the case of single-member district representative systems—made being the one that had the greatest number of individuals calling for it. **EQUAL SAY (AD HOC)** combined with aggregation will create a significant problem in political communities in which there is a *majority/minority split*: a situation in which there are (at least) two sets of individuals that satisfy these conditions:

MINORITY: a set of individuals (a) that have similar interests, political preferences, beliefs, and values; (b) whose interests, political preferences, beliefs, and values are

largely different from those of the Majority set; and (c) whose number is substantially less than half of the members of the political community.

MAJORITY: a set of individuals (a) that have similar interests, political preferences, beliefs, and values; (b) whose interests, political preferences, beliefs, and values are largely different from those of the Minority set; and (c) whose number is more than half of the members of the political community.

There might be more than one Minority set in a political community, although there cannot be more than one Majority set as defined here.

Minority sets are defined so that the cleavage between the Minority and Majority—whatever its source—will be of the “segmental” rather than “cross-cutting” variety.¹¹ Differences and disagreements between the Majority and Minority will be aligned along multiple dimensions, including many of the most salient political issues.¹² As Arend Lijphart notes, such “cleavages may be of a religious, ideological, linguistic, regional, cultural, racial, or ethnic nature.”¹³

If there is such a majority/minority split in a political community, and if EQUAL SAY (AD HOC) is conjoined with a principle of decision through aggregation, then members of the political minority might not be able to reasonably endorse the political institution that operates via this method. Why? Here are six grounds that, especially taken together, might block reasonable endorsement of such a system (which points to serious questions about whether INDIVIDUALIZED MORAL JUSTIFICATION is satisfied):

(1) IGNORABILITY: the views of members of the Minority can always be ignored without political or other kinds of costs to the Majority.

(2) NO CONSIDERATION: the views and interests of members of the Minority will be given no or little consideration, even when there is no conflict with the Majority.

These focus on engagement with and recognition of Minority views and interests. IGNORABILITY focuses on the possibility that the Majority could, if they so chose, ignore the Minority’s views and interests entirely. The thought is that members of

¹¹ The term “segmental cleavage” comes from Eckstein (2015: 34).

¹² Thus, we are imagining a situation precisely unlike the one that James Madison hoped would exist so as to reduce the concerns about majority domination. As he wrote in *Federalist Papers* No. 51 (1788), concerning the proposed federal republic of the United States: “the society itself will be broken into so many parts, interests, and classes of citizens, that the rights of individuals, or of the minority, will be in little danger from interested combinations of the majority... The degree of security... will depend on the number of interests... and this may be presumed to depend on the extent of country and number of people comprehended under the same government.” In segmented societies, this “multiplicity of interests” mechanism of checking majority power will not work: there is a majority whose interests combine in a largely uniform direction.

¹³ Lijphart (1977: 3–4).

the Minority could not reasonably endorse a system that allowed the Majority's preferences to determine whether Minority views and interests were engaged with at all. NO CONSIDERATION is not about what it is *possible* for the Majority to do within the political system, but about what is *likely* to happen with respect to consideration of Minority views and interests within the political system.

(3) LOSE ALL CONFLICTS: the members of the Minority will always lose if there is a conflict with members of the Majority.

(4) POWERLESSNESS: members of the Minority have no effective political power.

(5) TOO LITTLE POWER: members of the Minority have less political power than would be required by proportional equality of political power, even taking into account their smaller number.

These focus on the political power, or relative political power, of members of the Minority. For all five of these concerns, we might see them as affecting the justificatory burden for the individualized moral explanation that will be owed to members of the Minority as to why the system must be designed or implemented in this way.

(6) BAD OUTCOMES: the interests of the members of the Minority will not be advanced or realized and/or the preferences of the members of the Minority will not be satisfied.

This final category focuses on facts about the outcomes of the political system. Importantly, the claim of BAD OUTCOMES is not just about one political loss or even a few political losses. It is more systematic and comprehensive. It is important to note, however, that it is compatible with it also being true that the interests of the Majority are also not advanced by the political system (the explanation why the Majority's interest were not being advanced would be different, however).

These grounds might operate in tandem with each other; others might be shown not to apply, or not to apply in every instance. Some of these might be reframed as complaints relating other conditions of political morality already discussed. Members of a Minority group might object that the political system is not *responsive* to their beliefs, values, and preferences—it is too busy being solely responsive to the Majority. They might object that their *participation* is not causally efficacious, because those in power know they can listen only to the Majority and be just fine electorally and otherwise. They might object that they are not being shown equal fundamental respect through EQUAL SAY (AD HOC) conjoined with decision through aggregation, because of the way in which it fundamentally disempowers members of the Minority.

When we consider SENSIBILITY, we see a similar concern: if we focus on the moral-political problems that most significantly or only affect members of

the Minority, it is plausible that a system that operates via electoral democratic majoritarian, aggregative mechanisms is likely to do poorly by SENSIBILITY with respect to those problems. This is a way of understanding the complaint of BAD OUTCOMES. This will also set an upper bound on the sensibility of an electoral democratic system that has significant Minority groups living under it.

Once we have identified that some members of the political community constitute a Minority in this sense, and will be consistent losers in electoral majoritarian systems, we might already register concerns about responsiveness, effective participation, equal fundamental respect, and sensibility. This goes beyond merely realizing that some people will be political losers in some cases. The systematic and structural losing is different and has different consequences. These concerns are intensified when we see the Minority group as one that has also been the victim of historical injustice and oppression.

Even if arguments could be made regarding responsiveness, participation, equal fundamental respect, and sensibility, there might still be a concern about individualized moral justification. Consider, first, our heuristic: what could make it reasonable for a person to agree to live under a political system that operated in ways that systematically ignored them and those who share their interests and many of their views, that was set up in ways that ensured their political defeat, that left them effectively powerless, that didn't even let them win on occasion or when the issue was one that most significantly affected them, that brought about bad outcomes for them and those who they care most about? If we were to try to offer an individualized moral justification to each member of the Minority, what would it be? Let us consider some answers to those questions.

16.4. Political Minorities and Electoral Democratic Responses

There are several responses that might be made as to why, despite the above list of possible objections, there might nonetheless be an individualized moral justification vis-à-vis members of the Minority in support of a political system that operated by EQUAL SAY (AD HOC) + aggregation. Some of these begin by considering alterations of simple majoritarian electoral democratic systems.

Consider, first, the *constitutional* response: take certain political options off the table or make them more difficult (e.g., requiring supermajorities), by constitutionalizing certain rights and having those constitutional rights defended by a strong form of judicial review, so that the Minority is protected from certain kinds of Majority legislative encroachment.¹⁴

¹⁴ See Fiss (1976).

This might be a necessary step to allow reasonable endorsement from members of the Minority, although we might ask why members of the Minority should trust that the constitutional limits will be properly set and policed by a constitutional court.¹⁵ But even if this step were effective in that regard, it is unlikely to be sufficient (on its own) to provide an individualized moral justification. Even if there is a constitutional line drawn that limits what the political machine can do, the Majority is still in complete control of steering the machine within those limits. All six of the above concerns would remain. What moral justification could be offered to individual members of the Minority for this situation?

The second response attempts to provide an answer to this question. This response, the *fairness* response, offers this line of reasoning:

(1) Members of the Minority and members of the Majority are both part of a group, G.

(2) The members of G disagree about whether to do X.

(3) In the face of group disagreement about whether to do X, the only fair thing to do is to abide by EQUAL SAY (AD HOC) + aggregation.

Therefore, (C) The members of G should take a vote and do what the majority prefers.

The problem with this line of reasoning is that both (1) and (3) can be denied.

Sometimes an individual can deny (1). A member of the Minority, call her Mindy, might reasonably argue that she is not a part of the group. Of course, from a certain metaphysical perspective we can create a group out of any collection of objects: Mindy, Jorge, Martin, a Belgian waffle, and the Eiffel Tower. But if this is all that is meant by “being a part of a group” then the conclusion doesn’t follow, even with the story filled in. Being part of the group must have more than mere nominal significance if the above argument is to work. Much could be said about the grounds on which it is appropriate to treat some collection of people as a normatively significant group in the way required for this argument.¹⁶ We might, for example, consider the extent to which members of the proposed group have benefitted from their association with other members of the group, share affinities or other feelings of shared identity with each other, or have consented to be part of the group. The problem is that for many actual political societies, we will be able to identify individuals who do not benefit from their association with others in that system, who did not consent to be part of the group, and who do not feel a part of this group in any significant sense. Indeed, this will often be the case when there is a minority group that is a consistent loser in democratic politics.

¹⁵ For discussion, see Doerfler and Moyn (2021).

¹⁶ See Simmons (1981: 57–100) and Nozick (1974: 88–119).

A second problem with the above line of reasoning is that it is not clear why, in the face of disagreement, the group must act at all. This is one way of denying (3). One might argue that in the face of group disagreement about whether to do X, the group should simply refrain from doing X. There are two thoughts behind this response. First, there may be no reason why *the group* must act, qua group. If those in the Majority want to do X and can do X without coercing the Minority into helping them, then they should do that instead.

But perhaps X is something that can only be done if all members of the polity work together, or if some are barred from working at cross-purposes with the others. If that is the case, then the second thought is relevant: given what's been said so far, there is no reason why any action needs to be taken in the face of disagreement. Why do anything as a group unless there is agreement about what to do?

There are responses to this question. The main response is this one: even though the group disagrees about whether or not to do X, the question of whether to do X is a question that is *in need of resolution*. Although the above argument may not work, perhaps it can be made to work by adding a premise:

(2A) The members of G need to resolve the question of whether to do X.

But there might be substantial disagreement about whether (2A) is true—indeed, the Minority might disagree with the Majority on this point. Why should there be a system in place that always operates as if agreement of this sort is present? Additionally, this appeal to the need for resolution is straightforwardly an appeal to instrumental considerations, rather than considerations of fairness. We will turn to arguments of that sort below.

For the sake of argument, assume that the members of the Minority and Majority do comprise a normatively meaningful group and that there is agreement among members of the group that the group will need to regularly act as a group to address a wide range of issues that all agree are in need of resolution. Even when these conditions are satisfied, the fairness line of reasoning can be contested.

There is another way of denying (3): to deny that in the face of group disagreement about whether to do X, the only fair thing to do is to abide by EQUAL SAY (AD HOC) + aggregation. One might deny that *aggregation* is an important component of fairness. One might, for example, simply have all individuals cast a vote, put all ballots in a hat, and then have the decision made based on the content of a randomly drawn ballot. This method, often described as lottery voting, is non-aggregative.¹⁷ Given that only one ballot is chosen, and the others do not count at all toward determining the content of the decision, it is plausible

¹⁷ For a discussion of lottery voting and equality, see Saunders (2010: 148–77).

that lottery voting does not satisfy the requirement that each individual be given an equal say. Lottery voting does, however, satisfy the following condition:

EQUAL CHANCE: a political system does well by political equality to the extent that each person in a political jurisdiction is given an equal chance to determine which political actions will be taken by the governing political institutions.

There is no reason to think that we should prefer **EQUAL SAY (AD HOC)** to **EQUAL CHANCE** as a principle of political equality. There are reasons to think the reverse, as discussed in the previous chapter.

One thing to note is that **EQUAL CHANCE** makes a very significant difference if there is a Minority group as defined above. Many of the potentially objectionable grounds dissipate if **EQUAL CHANCE** is satisfied through, say, lottery voting. The views of the Minority cannot be ignored, and those views might well be given consideration by all, and discussion by all, since in every case there is some chance that those views will determine which political actions are taken. It would not be true that the Minority would lose all conflicts, be powerless, or have disproportionately little power. Indeed, over a long enough run, lottery voting would ensure something close to rough proportionality of political power.

There is a question about what outcomes would result from something like a lottery voting system. This is where problems arise: lottery voting is not a real competitor because it is likely to lead to bad outcomes. One objection is that it might lead to dangerous, fringe views carrying the day. This will depend in part on the details of the lottery voting mechanism.

A second, more significant objection is that a lottery voting system is generally impractical, so that the results of any such system would be bad for everyone. Why? First, it is not realistic that voters could cast ballots for every political issue that needed to be decided. Second, there are still concerns about voters being adequately well informed about political issues to make good decisions directly. Third, even if voters did vote on every measure that needed to be decided, there would be worries about how the options were framed. For many political issues, getting to a point of crafting some measure that could then be the subject of an up-or-down vote itself involves a great deal of political effort. Although perhaps acceptable from a perspective of equality, lottery voting systems fail by other measures of political morality, particularly those concerned with the outcomes generated by the system.

This suggests another response, the *hybrid-instrumentalist* response: perhaps a system that satisfies **EQUAL SAY (AD HOC)** and works via aggregation, although one in which members of the Minority have potential grounds to object, is also one in which members of the Minority are better off than they would be under any other kind of system that satisfies requirements of political equality. This argument is similar to arguments that purport to demonstrate that we should use

systems of political representation rather than direct democracy through popular referenda. The move from a direct democratic system to a representative system is justified, if it is, on grounds unrelated to political equality. The justification is instrumentalist: direct democratic institutions do poorly from an outcome perspective.

But it is not true that members of the Minority who are consistent losers under an electoral representative system that satisfies EQUAL SAY (AD HOC) and operates via aggregation are instrumentally better off than they would be under any other system that satisfies requirements of political equality. Making this case in full requires considering alternative political systems that might do better.

First, consider those kinds of electoral representative systems that are dominant in the United States. These systems satisfy EQUAL SAY (AD HOC) + aggregation in one way, through the use of single-member, geographic districts where representatives are chosen via plurality voting (one winner is chosen; all get one vote; the winner is the person who receives the most votes). This kind of system is a disaster for Minority political power.¹⁸ In a district with a Majority/Minority split, the winning representative need only act to please those in the Majority for purposes of re-election, and there is no realistic hope of those in the Minority ever having an individual who shares their views and interests represent "their" district. Thus, even in a system in which there is some formal political equality, the result might be legislative bodies populated entirely by members of the Majority. This would be the case if, for example, each district had the same Majority/Minority split.

Under this kind of system, all six concerns are likely to remain. This kind of system is unlikely to lead to good outcomes for members of the Minority. This is plausible for interest-politics considerations, but also for epistemic reasons. If Minority views and interests are not represented in the process of political decision-making, we should not expect that the decisions made will regularly be ones that are responsive to or good for members of the Minority group.

One response to this problem is to have a similar system but one in which we draw the legislative districts aiming to create "majority-minority" districts through a kind of "racial (or ethnic, linguistic, etc.) gerrymandering." By drawing some districts in which members of the Minority outnumber other groups, this makes it more likely that members of the Minority will be elected to the legislature. This might help with both IGNORABILITY and NO CONSIDERATION, at least insofar as having members of the Minority in the legislative body itself would at least allow for the Minority perspective and interests to be presented and discussed (depending on the details of legislative rules and procedures).

¹⁸ As Larry Diamond puts the point, "If any generalization about institutional design is sustainable...it is that majoritarian systems are ill-advised for countries with deep ethnic, regional, religious, or other emotional and polarizing divisions" (1999: 104).

There are, however, problems with this response. The first problem is that it is not clear that members of the Minority should be satisfied with having some members of their group in the legislature, if the legislature is still dominated by members of the Majority, and if the legislature operates by majoritarian voting rules. There will at least be Minority voices in the legislative conversation, but there still seems to be a concern with LOSE ALL CONFLICTS, POWERLESSNESS, TOO LITTLE POWER, and BAD OUTCOMES. This worry can be expressed as a concern that, although creating majority-minority districts increases descriptive representation for members of the Minority, it might not improve substantive or effective representation for members of the Minority.¹⁹

A second concern, raised by Lani Guinier, is that the supposed benefits of Minority representation achieved through majority-minority districts rest on unfounded assumptions. She argues that in the context of American racial politics, each of these assumptions is false: (1) that elected Black officials are authentic representatives of the Black community; (2) that their election mobilizes Black political participation; and (3) that election of Black officials reduces electoral polarization by transforming cross-racial contact from the anonymity and ignorance of the ballot box to the intimacy and expertise of the legislature.²⁰ Her argument, based on empirical observation, is that a kind of tokenism results, and that there will be even less reason than before for members of the Majority to seek out support from members of the Minority—whether in the electoral or legislative context. This suggests that having members of the Minority in the legislature will not be sufficient even for addressing IGNORABILITY and NO CONSIDERATION.

A final concern—to my mind, the largest concern—is that this kind of response requires highlighting and entrenching those cleavages that presently exist within a political community, and, in some cases, requires an individual who identifies as a member of the Majority or the Minority to make the characteristics salient for that identification relatively essential and immutable to their sense of self, or at least their sense of political identity. The viability of this strategy turns on the ability of those drawing districts to identify which individuals are in which group, which in turn requires having certain relatively fixed markers of group identity. It also will lead individuals to mobilize their political efforts along these lines of division and identification. Call this the *division entrenchment problem*. How worrying this is depends, of course, on the nature of and explanation for the existing segmental cleavages. But this will often be a significant concern.

These are deep concerns with single-member district electoral representative systems like those in the United States, even when supplemented with majority-minority districting efforts. Are there really no better systems that both respect

¹⁹ For empirical support for this concern, see Lublin (1999).

²⁰ Guinier (1995: 41–70).

political equality and do better by Minority interests? To assess that question, let us now consider alternatives to single-member district systems.

One alternative is systems with multi-member electoral districts employing proportional representation.²¹ There are a variety of such systems, but the basic components they share is that there will be multiple representatives elected from each district and the slate of representatives chosen will be roughly proportionate to the views of the electorate. For example, there might be a district that is composed of two groups: 70% Majority and 30% Minority. Assume electoral turnout mirrors this division. If there are ten representatives elected from this district, seven would be members supported by the Majority, and three would be members supported by the Minority. There are a variety of mechanisms by which this can be achieved, but I will leave aside discussion of those details here.

For the six problems posed by a Majority/Minority split, systems of proportional representation seem clearly superior to single-member district systems. First, there is likely to be proportional representation of members of the Minority, and this occurs without it being necessary to gerrymander districts. This might improve the situation with respect to both IGNORABILITY and NO CONSIDERATION although, as before, there are questions about whether greater representation in the legislature will translate into actual discussion and consideration of Minority views. Second, the division entrenchment problem is lessened, if not eliminated, since the specific divisions that are politically relevant are not entrenched and can shift over time.

Still, proportional representation systems run into several difficulties. The first is that these systems don't do much to address the problems stemming from lack of power. The number and extent of the segmental divisions in a particular society will determine how significant this problem is. In a political society with a Majority and a single Minority, split 80/20, it will be a significant problem. In a more complex political society, split 50/30/20, this problem may be less pronounced.

A second, familiar problem is that in systems of proportional representation, descriptively proportional representation may lead to substantively non-proportional power. Members of the Minority may come to have too much power, relative to their number. This might provide the basis for objection from the perspective of members of the Majority, or from the broader political community. Consider, for example, a situation in which there is a three-way division, so that proportional representation yields a 45/45/10 split between the three groups. In such a situation, the Minority represented by the 10 will have an outsized influence, as each of the groups represented by the 45 will compete for the support of the 10. Call this the *disproportionate power problem*. The extent to

²¹ As Stein Rokkan notes, "It was no accident that the earliest moves toward proportional representation (PR) came in the ethnically most heterogeneous countries" (2009: 57).

which this is troubling will depend on the nature of segmental divisions within a political community.

Proportional representation systems face a bind. Most actual political communities will face either the problems of POWERLESSNESS and LOSE ALL CONFLICTS, or the disproportionate power problem. And both give us reasons to worry about the outcomes that will be produced by the system. What is needed is proportionate *power*, to go along with proportionate representation. But if representatives serve on bodies that operate by simple majoritarian procedures, proportionate representation will be either not enough or too much, depending on the sizes of the relevant groups.

One response is to add structural features that might help mitigate the above problems regarding too little or too much power. These “consociational” features focus on establishing mechanisms of power sharing and mechanisms that protect group autonomy.²² In addition to proportional representation, there are several different structural mechanisms identified with consociationalism. One is the use of executive power sharing in broad coalition cabinets, which then operate by consensus decision-making. Another mechanism is the use of legislative voting rules that at least in some cases require “parallel consent” (an overall majority of votes and a majority of the members of each “recognized” group) and “weighted majority” support (e.g., 60% support of all members and 40% of the members of each “recognized” group).²³ In some cases, there may even be an explicit veto authorized for members of Minority parties with respect to certain issues.

A third mechanism for societies with geographically concentrated subgroups is a federal system with many powers—particularly related to education and culture—delegated to the sub-units of the federation and removed from the auspices of the federal government. This helps to address some worries that Minority members might have, simply by removing the threat of domination over those areas.

There are concerns about consociational systems, however. One is that it is difficult to design power-sharing mechanisms in ways that avoid the disproportionate power problems. Those who defend consociational systems often have in mind a normative ideal of operating by consensus, so this problem may have less resonance with them. But such a consensus model of democracy has significant problems. One set of worries concerns the difficulty of political action, the concern about status quo bias, and, in our terms, the attendant worries about political sensibility.

A related worry is that consociational systems, if they give too much weight to individuals in minority groups, conflict with norms of political equality. Some individuals will have disproportionate power and thus these systems may fail to

²² Lijphart (2004: 97).

²³ See McGarry and O’Leary (2004).

satisfy conditions of equal power or equal influence. Individuals may also have formally unequal power. Parallel consent and weighted majority voting rules are, effectively, a way of weakening the vote of those in the Majority.

A third problem is that consociational systems do particularly poorly with respect to the division entrenchment problem. They require explicit and even constitutional definition of specific groups (including identification and membership conditions in those groups), and they may require making the boundaries of these groups both rigid and politically salient.²⁴ This might be all that can be done in conditions of deep division and rivalry, and systems of this sort are useful as transitional systems, but they remain non-ideal for these reasons.

16.5. Political Minorities and Lottocracy

So, to recap: for political communities with a Majority/Minority division, single-member district electoral representative systems are particularly problematic, proportional representation systems might be an improvement, and consociational systems might be an additional improvement. But all these versions of electoral systems face significant concerns. Can we do better?

I will now suggest that lottocratic political systems might be considerably better than electoral political systems with respect to the IGNORABILITY, NO CONSIDERATION, LOSE ALL CONFLICTS, POWERLESSNESS, TOO LITTLE POWER, and BAD OUTCOMES concerns, while also doing well with respect to proportionate power and avoiding the division entrenchment problem.

For the discussion here it is important to note that there are at least two different routes that the lottocratic system could go in terms of how policy was enacted. One would be to use a simple majority vote of the members of a SILL. Another possibility would be to use an internal lottery voting mechanism, where all 450 members would cast a ballot for a particular proposal, and then some subset of the 450—say, forty-five ballots—would be chosen at random, with the vote of the majority of those forty-five randomly chosen ballots determining the outcome. Call the first possibility *lottocracy with majority voting*; call the second possibility *lottocracy with lottery voting*. In what follows, I will focus on lottocracy with majority voting, although there might be particular cases of Majority/Minority division which would recommend lottocracy with lottery voting.

What should members of a Minority make of lottocratic systems?

We should begin, first, by noting that lottocratic institutions will do well at getting a proportionate number of members of the Minority into legislative

²⁴ See Lijphart (2007: 275–87).

institutions over time. A lottocratic system will achieve broadly descriptive, proportional representation—along whatever dimensions one might consider—over the long term, simply through the use of lottery selection. And it does this without having to identify certain distinguishing characteristics as important, without having to entrench certain groups as politically significant, and without thresholds or quotas. So, the lottocratic system does well with respect to the division entrenchment problem, while still achieving proportional representation. This, by itself, is a significant mark in favor of lottocratic institutions. But, as noted in considering other political systems above, mere presence and representation isn't sufficient, without more.

In the lottocratic system, there are structures to help provide that "more." Consider the questions of engagement and potential responsiveness to Minority political views, such as the concerns raised *IGNORABILITY* and *NO CONSIDERATION*. As just mentioned, note first that there will be a broad, genuine microcosm of people in the rooms of legislative power. They will be focused on one domain of political issues, including, perhaps, issues that many of those in the room do not have any particularly strong views about prior to being selected. Those selected to participate will not be professional politicians, nor will they be focused on playing to electoral pressures and majoritarian sympathies. There will be extended processes of deliberation, discussion, and engagement, and those processes will be structured to ensure that all voices are heard, and all perspectives are represented and respected. Because those chosen will not be hardened career politicians, this provides some reason to think that they will be relatively more open to hearing the views of the opposite side—whether that is the Majority or the Minority. This will be particularly true for political issues which attract less attention and which might affect the Minority community more than the Majority. There will be a greater opportunity for Minority voices to be heard, and less reason for members of the Majority to ignore those voices. And, if elections are no longer generating us/them, ingroup/outgroup division in the background, there will be fewer aligned factions going into the discussions. The lottocratic system will not by itself address all background issues of bias against the members of the Minority, if there is such bias. But it might do a lot to put non-professionals in a room together to talk about those issues for an extended time. This is very different from the basic political dynamics that one sees in a legislature composed of people elected by and representing the Majority, and people elected by and representing the Minority.

One can imagine how this might make a difference to how or whether moral-political problems that predominantly affect members of a political Minority might be addressed. Consider, for example, the political minority comprised of people, predominantly Black and Hispanic, who have been affected by policies of redlining and racial discrimination in housing and lending practices, creating racially segregated, densely populated urban neighborhoods, which have also been

devastated by overcriminalization, racialized and ineffective policing, underfunded public education, mass incarceration, and cycles of poverty, homelessness, and violence. Under electoral representative systems, people from these communities are dramatically under-represented, they are frequently demonized and made scapegoats by those in power, and their genuine moral-political problems, as well as possible solutions to those problems, are ignored (or worse).

In a lottocratic system, a proportionate number of people from those communities would serve as political representatives, and there would be an opportunity for their views and opinions to be heard. Moral-political problems that affect them could be brought to the SILLs for consideration and discussion. They and the other SILL members would not be beholden to a broader electorate who had none of these problems and indeed had only media-manipulated perspectives on them. There are many potential solutions that constitute “low hanging fruit” in terms of being significant improvements, things any sensible political system would do, that currently are not being done only because of the political disempowerment of those most affected combined with the effective capture of elected officials by special interests who stand to benefit by keeping things as they are. (Indeed, many benefit as the direct result of the exploitation of members of these communities). These include things like reforming practices around bail and pre-trial confinement, eliminating or lessening various fines and fees, eliminating for-profit operations around phone calls and other means of communication for those being held in jail or prison, regulating the practices of check-cashing and payday loan operations that have managed to capture legislators and create carve-outs to laws that protect wealthier people even in higher risk contexts, implementing consumer protection law around banking and overdraft fees, improving water quality and trash collection and other public services in poor communities, better regulating landlords and enforcing landlord-tenant law that is often evaded or unenforced, and so on. Many of these problems are not addressed under electoral representative politics because those most affected by them are electorally disempowered and outnumbered, and they are not problems that get the electoral spotlight, enabling powerful interests to buy off elected officials and extract resources from these marginalized and vulnerable communities.

There is no guarantee that lottocratic institutions would always do better for political minorities than electoral representative systems. But there is reason to think that lottocratic systems will do considerably better than electoral representative systems when it comes to moral-political problems that (a) predominantly affect a non-elite political minority; (b) don’t cost the broader political community all that much to address, and might even reduce costs from crime and social support programs; (c) are best characterized as suffering from inattention more than fundamental disagreement; and/or (d) exist as problems in large part as a result of capture by the powerful and exploitation of the vulnerable. Under a

lottocratic system, these problems will get more direct attention, be less vulnerable to captured policymaking, and will be made better known to members outside of the political minority through mechanisms of representation, deliberation, and consultation. How many problems and which problems fit these criteria will vary depending on the specific political community. Importantly, they can include political minorities that emerge as a result of historical racial or ethnic injustice, but also ones that exist as a result of geographic location and population density or the lack thereof, class and economic vulnerability (in contexts where there is an economic underclass that is also a political minority), or groups that have divergent religious commitments or beliefs about economics and social organization. Not every problem faced by political minorities will be more effectively addressed by lottocratic institutions, but many of them will be, and that would make it considerably easier to offer a genuine individualized moral justification to members of the political minority.

With respect to issues of power within the political system—LOSE ALL CONFLICTS, POWERLESSNESS, TOO LITTLE POWER—there are also reasons that the lottocratic system would be an improvement. First, when we consider informal power and influence, there is, as suggested above, greater potential for members of the Minority to make their case effectively to the Majority. That is true both for members of a Minority who are SILL members and for members of a Minority who are not, but who have an interest in the issue and work to influence the SILL via speaking as experts, advocates, stakeholders, and through community consultation mechanisms. There is reason to expect that members of the Majority on the SILL—as relatively uninvested amateurs, who don't have constituents to whom they are obligated, nor downstream electoral dynamics to consider—will be more open to considering Minority views and making compromises. There may be issues on which the Majority/Minority split is less pronounced, or even non-existent; the single-issue focus allows such issues to be identified and for policy to be made that would be good for members of both groups. So, moving away from elections may make a significant difference to effective, informal forms of Minority political power.

Second, when considering formal political power within political institutions, the lottery means that there will be roughly proportionate SILL member representation over time, something that is never the case in electoral representative systems. There might even be some instances in which the particular SILL has more than proportional members of the Minority, or even something close to a majority of Minority members. These statistically aberrant results wouldn't happen all the time, and so disproportional power won't be an overall problem. But they would happen occasionally, in line with roughly a proportional amount of political power for the Minority—something that doesn't happen in SMDP systems or proportional representation systems that function via majority aggregation.

Third, related to the single-issue focus of the lottocratic structure: if all legislative powers are contained within one institution, divisive issues may dominate, leading to divided politics along Majority and Minority lines—even with respect to topics and issues for which there is no reason for division along those lines. By disaggregating the legislative function, one hope is that, in at least some policy areas, the normal Majority/Minority division may have less or even no significance. By eliminating elections, the need to be aligned on all issues with existing party structures and institutional power is eliminated. So, even if political minorities lose some conflicts, they won't lose all conflicts, and they might not lose those which are most important to them.

The foregoing reasons, along with the general improved sensibility arguments made in previous chapters, suggests that BAD OUTCOMES will also be less of a problem for members of the Minority under the lottocratic system. Both through more extensive and fair consideration of the problems that affect them, and through greater levels of direct influence and power, members of political minorities are likely to be able to do considerably more to steer the ship in sensible directions. These and the general reasons offered in favor of lottocratic systems should help secure sensible political responses to actual political problems, including those that affect political minorities.

It is plain how the lottocratic system brings members of the Minority into the political process, they are comparatively more likely to receive a fair hearing, and they will regularly have political power in proportion to the size of the Minority group. When considering whether there is an individualized moral justification of the political system with respect to members of the Minority group, one can—at least in many cases—see how the lottocratic system works to the benefit of all its members, helping to solve the moral-political problems that affect all of them, even those who are members of the Minority.

How effective lottocratic systems will be in responding to problems of political minorities will depend on many factors, and there might be circumstances in which normal lottocratic systems won't serve Minority interests particularly well. But it is hard to envision circumstances in which they wouldn't be at least as good, if not better, than electoral representative systems for addressing Minority interests. In some cases of deep-seated prejudice, or long-standing historical injustice, ordinary lottocratic structures might not be enough to counteract extant biases and disadvantages. There are institutional mechanisms that might be used to improve the process and outcomes for Minorities in those circumstances (including statistical oversampling and using internal lottery voting mechanisms), but these require departing from some of the normative desiderata set out above. That might be morally appropriate, but it also might be important to see those institutions as only transitional. One option in this regard includes using lotteries in which certain Minority groups are oversampled, so that a disproportionate number of members of the Minority are selected. This could be done

for all SILLs, or only for certain issues. It could also be done to achieve SILLs or subcommittees within SILLs that have a majority of members who are members of the Minority.²⁵

16.6. Legitimacy, Political Morality, and Lottocracy

Bringing together the discussion from this chapter and the previous one, a fuller picture of political morality emerges. There are concerns of political morality that are distinct from questions of the outcomes that political systems bring about. There are also concerns of political morality that concern the evaluation of the outcomes that the political system brings about, what the political system does, what functions it helps to maintain or achieve within the political community.

On the view offered here, a political system does well by legitimacy to the extent that it does well by INDIVIDUALIZED MORAL JUSTIFICATION and the four components of democracy, EQUAL FUNDAMENTAL RESPECT, PARTICIPATION, INDIVIDUAL PRE-POLITICAL RIGHTS, and RESPONSIVENESS. Legitimacy is a scalar value, a function of all five of these measures. The precise weighting and measurement of these metrics is an important issue. One might say some gestural, vague things: perhaps a system must do decently well by all four of the democratic components to be aptly described as a democratic system; it is not possible to do incredibly well by one of these components and very poorly by the other three and still merit the label “democratic.” But these details need not detain us here. Under most modern political conditions, lottocratic systems will do just as well or better by all these metrics than electoral representative systems. And lottocratic systems do well by these metrics, even leaving aside the comparative question.

Turning to consider the outcomes brought about or significantly affected by a political system, the broadest evaluative measure here concerns what I have called political sensibility:

SENSIBILITY: the extent to which a political system consistently (1) appreciates (or understands or knows) the world as it is, particularly the world as it relates to the moral-political problems that exist in the political community; and (2) responds to the world in light of this appreciation.

As noted earlier, sensibility includes both an epistemic and agential dimension. Many values and ideals discussed under the heading of political morality will be subsumed under SENSIBILITY. Consider justice, for example. People discuss many different things under the heading of justice, but two central topics concern issues

²⁵ Gerken (2005) provides some discussion of when and why this might be appropriate in her discussion of “second-order” diversity.

of the fair distribution of resources of various kinds within a community (distributive justice); and issues that focus on making sure that criminal wrongs are properly defined, prevented, and, when not prevented, responded to, perhaps via a system of legal process and legal punishment (criminal justice). Whether and how these concerns arise in a political community will vary depending on facts concerning resource-availability and scarcity, the existence of historical injustice and unfairness, education and other opportunities, the social and moral values and dispositions of the members of the political community, and much else. They might be similar under a broad range of sociopolitical conditions, but they might not be, and they won't be identical across societies or within societies across time. A sensible political system will do well at identifying the specific moral-political problems that exist along these lines and at identifying and implementing morally attractive solutions to them. And sensible political systems will be able to update and modify the understanding of and response to the moral-political problems over time. One component of this, because moral considerations are always present, is moral accountability:

MORAL ACCOUNTABILITY: the extent to which individual actors within a political system act responsibly given their role and the power that comes with it, acting in morally appropriate ways in response to the moral considerations that are at stake in their decisions.

There are cases in which this can extend beyond the ordinary parameters of sensibility; namely, those cases in which political actors must also have in view moral considerations that are not related to moral-political problems that exist within their political community, but which might affect those outside of that political community, either at other places or at other future times. As political systems have expanded in scope, size, and power, their extraterritorial effects and general global interconnectedness have expanded as well, raising these broader moral considerations in ways that interact with domestic considerations in complex ways. I take up some of these issues more directly in the next chapter.

The arguments to this point have suggested that lottocratic systems will, under certain common modern political conditions, do better than electoral representative systems with respect to SENSIBILITY and MORAL ACCOUNTABILITY, and they will be at least as good as electoral representative systems with respect to EQUAL FUNDAMENTAL RESPECT, PARTICIPATION, INDIVIDUAL PRE-POLITICAL RIGHTS, and RESPONSIVENESS. Lottocratic systems will also do at least as well as electoral representative systems with respect to INDIVIDUALIZED MORAL JUSTIFICATION, and will be considerably better than electoral representative systems in contexts in which there are stable political minorities. This implies that lottocratic systems will be no worse than electoral representative systems in terms of being democratic and legitimate, at least on my specification of those ideas. Given their improved sensibility, this provides what is to my mind a robust argument in support of lottocratic systems.

Getting There from Here

“I cannot conceive how any man can have brought himself to that pitch of presumption, to consider his country as nothing but *carte blanche*, upon which he may scribble whatever he pleases.”

Edmund Burke (1790)

Perhaps the arguments so far have been persuasive. I might have persuaded you that a lottocratic system is a potentially attractive option when compared to an electoral representative system, at least when considering those systems as existing with background sociopolitical conditions like those found in many modern political communities. If we had a magic button and could replace some electoral representative systems with lottocratic systems by pressing that button, perhaps we should. (Perhaps, but probably not. More on that in a moment.)

But I have offered no pathway from where we are—whether in the United States or elsewhere—to implementing a lottocratic system. There are important practical and strategic questions about how this might be accomplished—how to build support around the idea; how to build off the extensive work already done to create citizens’ assemblies and other political bodies using randomly chosen citizens; how to prevent the most powerful (with possibly the most invested in the current system) from blocking or distorting any lottocratic developments. Whether to start small at municipal or county or state governments before looking to national governments; whether to start first in newer democracies, rather than old ones like the United States; how to bring about the necessary constitutional changes; and so on. I have ideas about these things, but I am a philosopher, not an organizer or strategist. I will say something more about these issues later in the chapter, but these are the thoughts of an amateur.

Before taking up those strategic questions, I want to raise epistemic and ethical issues that arise when contemplating, encouraging, and pursuing radical political change. This book has taken more than ten years to write. I don’t take the ideas lightly, nor have I pursued them solely as a philosopher’s thought experiment, intended only to test our ideas of political morality or our conception of democracy. But the history of the twentieth century is in large part a history of the dangers involved in moving from ideas and thought experiments to political experiments. Of course, some of these ideas were horrifying; it is no surprise that what followed was horrifying. But inadequate attention has been paid to the question of how we may permissibly attempt to move from one political system to

a very different political system. These issues are fundamentally moral, but they are deeply intertwined with epistemic considerations, or so I will suggest.

Even with some of the worldwide push for citizens' assemblies and significant institutional democratic reform, I have little confidence that there will ever be a significant movement toward introducing lottocratic systems of government at the scale I consider most extensively in this book. What hubris would it be to think otherwise? So, even though this chapter is framed as considering the question of how we might get from here to there—with *there* being a lottocratic system of government—I hope that what I say is of more general interest. Who knows what revolutions are in our future?

17.1. The Ethics and Epistemology of Radical Political Change

The issues I consider here arise for all radical political change.¹ One might use this phrase to cover many things. I want to restrict the discussion to large-scale change to significant legal and political institutions. I will leave aside radical policy changes that take place within the basic political structure—legalizing drugs, for example. Some examples of what I have in mind: abolition of prison and/or police, the nationalization of a significant percentage of private businesses and industries, opening borders and eliminating immigration restrictions, creation of a world government, moving from electoral representative democracy to a lottocratic system of government. These changes count as radical because of the magnitude of the departure from the institutional status quo.

In considering these ideas, we should be concerned with whether they are good ideas. But there are also distinct, difficult questions concerning the transition from where we are to where the radical political change would take us. These questions have not received enough attention, particularly outside of the questions of when violence or mass civil disobedience might be morally permissible. Those questions—although important—strike me as rather specific issues that emerge for consideration only late in the day. So, too, for other more abstract questions regarding whether and when the goodness of ends can justify troubling means.

I concentrate on four concerns that arise when contemplating and pursuing radical political change. Although they concern the ethics of political transition and radical political change, they are deeply intertwined with epistemic considerations. Indeed, the ethical considerations can be seen as generating moral requirements to cultivate certain epistemic habits and to engage in certain epistemic practices while pursuing radical political change. These ethical and epistemic issues are also of strategic importance. How people and groups pursue radical political

¹ Some discussion here draws on Guerrero (2021a).

change affects whether enough others sign on to the effort, whether the movement can bring new people in and engage their ideas and concerns productively, or whether the effort fragments, falters, eats its own, and alienates, frustrates, and eradicates potential allies.

Those contemplating and pursuing radical political change encounter at least four distinctive ethical concerns. These concerns will not all be raised equally in every case. Nor does radical political change alone implicate these concerns; they can arise, often in less extreme guises, even with relatively ordinary political action. But radical political change will often bring them to the foreground.

17.1.1. Uncertainty

First, radical political change raises concerns about the moral permissibility of acting under conditions of uncertainty. We are generally not morally permitted to act in ways that have a significant probability of causing serious harm. But radical political change almost always involves both significant uncertainty and a significant probability of causing serious harm. Call this the problem of *uncertainty*.

We should be significantly uncertain about what will result from efforts at implementing a radical political change. We should usually have relatively high credence that our implementation efforts will fail or be contorted into something different than anticipated. Even if the radical political change is implemented, there will still be substantial uncertainty about what will result from the change. This uncertainty is generated simply by the complexity of the changes contemplated—how many people and institutions they affect, how those people and institutions will respond to the changes—and the epistemic difficulties of forecasting in complex social, legal, and political domains.

Those contemplating radical political change should inform their views about the precise radical political change they are advocating for in light of serious engagement with the social sciences. Much of the book has attempted to do that, bringing political science, social psychology, media studies, economics, and other empirical fields to inform both the criticisms of electoral representative systems and the arguments in support of lottocratic systems. But these fields are still in their infancy, and we should be appropriately modest about what they can offer by way of guidance and prediction. Even extensive engagement with this empirical work will still leave significant uncertainty about how things will turn out, what changes will turn out to be significant improvements, which slightly different options might have radically different results, and so on.

Attached to the empirical uncertainty about what results will attend the radical political change, but going beyond it, there is uncertainty about the moral preferability of those results compared to ones that might have been brought about through no change or some other significant change. I have offered

arguments and reasons to think that a lottocratic system would bring about better results than our current electoral representative systems, and that they would do well by other criteria of political morality. But it is impossible to anticipate everything that might happen in the transition to a lottocratic system, in the details of its implementation, and in the effects of such a system if it were to be implemented. Our epistemic limitations in this regard are considerable. “Uncertainty” might seem to dramatically understate things.

And the uncertainty is not just about whether a lottocracy will do better or much better; whether we will be safer or much safer; etc. We should be uncertain, too, about whether the contemplated radical political change will actually result in great harm. Even in those rare, terrible sociopolitical conditions that are such that one is reasonable in being certain that almost any alternative will be morally preferable to the status quo, there is still significant uncertainty about the best way forward, as well uncertainty regarding the possibility of failure, reprisal, and backlash.

This is not meant to be counsel of despair or an argument toward inaction. Inaction comes with its own risks and potentially devastating consequences. Although we must be attentive to uncertainty and the genuine moral harm our actions risk, that doesn’t require inaction. Instead, it requires us to engage in certain epistemic practices and to proceed in our pursuit of change in particular ways.

17.1.2. Consent

Second, radical political change has the potential to affect many people in powerful ways, and to do so in ways that typically would require consent—or something like it—on the part of those most affected. This demand is further complicated by the importance not just of bare consent, but informed consent, a demand made more difficult by the uncertainty and epistemic complexity of radical political change. Call this the problem of *consent*.

In cases in which our actions will cause or are likely to cause harm that individuals have at least a pro tanto right or moral entitlement against, there is a moral requirement that we have the consent of those who would be harmed by our actions. Pro tanto wrongful harms come in a wide variety, but will include things that one might impermissibly do to cause another’s physical body, things that they care about, or things that they have rights over (such as property or ideas) to be destroyed or taken from them or made worse off in significant ways. It will usually be morally impermissible to act in a way that causes or risks causing wrongful harm to a person. In some cases, having that person’s consent can transform the harm from wrongful harm to not wrongful. Consent is sometimes sufficient to transform wrongful harm to non-wrongful harm. A distinct view

maintains only that consent is necessary; there might be yet other conditions that must be fulfilled before an otherwise wrongful harm becomes non-wrongful.

Many people currently live in decently functioning electoral representative political systems in which they have a reasonable standard of living; some social safety net; modest protection of basic rights and liberties; and so on. If one acts in a way that makes (or poses a significant risk of making) things significantly worse for people by radically altering the political system, they might rightfully object to this. They might well have a *pro tanto* moral entitlement not to have these harms inflicted upon them. These cases become more complicated if their being well off is the result of others being exploited. Tyrants, colonizers, and white supremacists have no moral entitlement to their current powers or advantages. If they are harmed in losing those, those are non-wrongful harms. They give rise to no *pro tanto* moral prohibitions, nor is there a moral demand for their consent. But many cases are not like this. In those cases, if one can secure consent to pursue this kind of radical political change, that plausibly makes some relevant difference to the moral situation, even if only satisfying a necessary condition for the action to not constitute causing or risking wrongful harm.

There are important questions about this requirement for consent. There is a question of numbers: who and how many must consent? It is not—cannot be—that every possibly affected individual must consent. Unanimity requirements are implausibly strong and give too much weight to the status quo. But those who are potentially wrongfully harmed by the radical political change must be considered and engaged, and their non-consent does weigh against the pursuit of radical political change, even if the non-consent of each person or even of small numbers of people does not count decisively against those actions.

There is a question of timing: when is consent required? At what point in the pursuit of radical political change is consent required? When a few people are sitting in a backroom somewhere discussing the idea for radical political change? When flyers are being handed out and meetings convened? When people are marching or fighting in the streets? When a new constitution is being drafted, approved, and voted upon? There is a related question of the proper object of consent. Are people consenting to a specific proposal for change? To being governed by particular political institutions?

There are no easy answers here. Those pursuing radical political change should see consent as a regulative moral demand in the background, such that they should be sensitive to the moral considerations that ground the demand for consent, and this sensitivity should result in aiming to secure as broad a consent basis as possible. The precise demand changes as the movement proceeds, crystallizes, expands, and begins taking concrete steps—steps that start to create genuine harms and the possibility of significant wrongful harm; steps that create genuine political institutions or proto-institutions. Those involved in pursuing radical political change should be seeking out the consent of those likely to be most

wrongfully harmed by the change if things go badly. More generally, they should be concerned to seek out the consent of all those who will be affected by what might be brought into existence by the radical political change.

As the demand changes, the question of how to register and track consent arises. There are formal procedures in place in most political jurisdictions that set out how institutions can be changed from within the system. Most extant political systems include rules governing significant institutional changes (e.g., Article V of the US Constitution). It will often be important to work through those systems to pursue institutional change, although those seeking radical political change do not always have to work through such rules. For one thing, the rules might be set with too much of a default in favor of the status quo. Even in cases in which radical political change is not pursued through extant formal structures, it will almost always be important to explain why one is not doing this, if one decides against it.

Consent is normatively significant only if it is informed. But there is a question of how much people must know about what they are consenting to for the consent to constitute adequately informed consent. As with the general demand for consent, exactly what information is available will depend on how far along the pursuit of radical political change is. But as more becomes known and clear, it is essential that this be communicated to those likely to be affected.

17.1.3. Sensitivity

Radical political change, to be effective and ethically attractive, must be pursued in a temporally extended way that is sensitive to relevant facts on the ground, including facts about how the movement for change is progressing, how it is affecting people's lives (for good and bad), and whether a change in course or plan might be required. Maintaining temporally extended sensitivity and epistemic responsiveness is ethically essential, but also difficult, given movement dynamics, the tendency to movement zealotry, and motivated reasoning. Call this the problem of *sensitivity*.

Many pursuing radical political change—Robespierre, Lenin, Fidel Castro—have done poorly in this regard. It can seem that the more radical the political change, the greater the confidence and apparent certainty of those arguing for it, and the less open people become to counterargument and counterevidence.

There are various explanations for this. One is a possible transmutation from certainty regarding the moral case that change of *some kind* is needed into certainty about a *particular* change or set of changes. A second explanation connects with earlier themes concerning ingroup/outgroup dynamics and social identity theory. Those advocating for radical political change are also subject to these ingroup/outgroup dynamics, and a significant part of a person's identity can become connected to membership in a group pushing for a specific radical

change. These group identities often structure other aspects of one's life, affecting where one works, what media one consumes, who one is friends with, who one engages with on social media platforms, and so on. This can have two distinct but reinforcing effects. First, it rigidifies an ingroup/outgroup identity centered around the commitment to the need for radical action to address the shared object of moral concern. Second, over time, it creates a distorted epistemic environment. Members of the ingroup demonstrate ingroup commitment and loyalty by condemning the outgroup, loudly proclaiming their commitment to the views of the ingroup, and by putting pressure on moderates within the ingroup. One can prove one's bona fides by being increasingly extreme and unwilling to compromise or to entertain doubt regarding the proposed changes. Ingroup membership results in distrust of the outgroup. This distrust affects who we listen to and credit as testifiers, who we see as peers in cases of disagreement, and who we seek out as experts. All of this makes it difficult to remain appropriately sensitive to facts on the ground over time, particularly facts about the effects of our efforts on those in the outgroup.

Although there are starting to be more people involved in pushing for use and expansion of sortition, citizens' assemblies, and other sortition-based political institutions, there is nothing like a cohesive movement or ingroup. There are many organizations working on these issues: the new Democracy Foundation, the Equality by Lot online community, James Fishkin's Center for Deliberative Democracy, Democracy Without Elections, The Sortition Foundation, G1000, DemocracyNext, Center for New Democratic Processes, David Schecter's Democracy R&D group, the French Citizens Convention for Climate, and so on. But these do not yet resemble anything like a revolutionary political movement. And no group has been arguing for and trying to implement a more expansive political change such as the one I've argued for. In considering how we might get there from here, we must expect that, along the way these group dynamics might emerge and raise worries about distortion and inadequate sensitivity to the consequences of reforms. These psychological and social pressures are unlikely to be significant at the very beginning, when ideas for radical political change are first being generated, proposed, and discussed in relatively open, academic, or preliminary settings. But we should expect them to come to the fore when actions start being taken to organize and mobilize behind specific ideas.

17.1.4. Respect

Those pursuing radical political change are often drawn to or pushed toward a "with us or against us" mentality that can result in vilification, distrust, disrespect, and disregard or discounting of the moral interests of those who are opposed to the radical political change. This can further contribute to insensitivity, if

outgroup members are distrusted and their testimony is ignored or discounted. It can imperil the broad political support needed for change and the satisfaction of the full demand for informed consent. It can also, distinctively, result in morally objectionable action toward or discounting of the interests of those in the outgroup. Call this the problem of *fundamental respect*.

Increased extremism and insensitivity has epistemic consequences, but also moral consequences, generating conditions of inadequate moral respect for those not in the ingroup, and particularly for those opposed to the radical political change.

In line with this, it is not uncommon to see proponents of radical political change accompany their efforts with calls for violence against those who stand in the way, a tendency to suggest that one's opponents have forfeited a right to moral respect, a tendency to discount the moral costs to those who oppose the radical political change (even when those costs constitute wrongful harms), and a tendency to disregard the moral demand for consent or even engagement on the part of those who are currently outside of the ingroup.

A fourth concern, then, for those pursuing radical political change is how to take steps to ensure that fundamental respect for all—even outgroup members—is maintained, even in the face of disagreement and opposition.

17.2. Best Practices for the Revolution

What can be done to address these four concerns about radical political change?

Consider a proponent of radical political change who holds on to some doubt about the proposed course of action, who remains open to listening to dissenting voices, who continues to consider evidence that suggests things aren't going as hoped or expected, who is open to the possibility that their view of the moral preferability of this radical political change is incorrect or incomplete, and who understands that there may be legitimate grounds for doubt and even belief that alternative paths would be better. Call such a person an *open* revolutionary.

Contrast an open revolutionary with someone who is certain that the course of radical political change they prefer is correct, who condemns those who ask questions or dissent (whether ingroup comrades or not), and who ignores or dismisses any evidence that would challenge their view of either the results of radical political action or the moral preferability of that action. Call such a person a *closed* revolutionary.

An empirical conjecture: closed revolutionaries will be considerably more likely than open revolutionaries to cause wrongful harm and to engage in violations of moral rights while conducting their revolutions (while falsely believing that these violations are morally permissible and even morally obligatory); to disregard concerns about the moral importance of broad consent; and to do poorly at securing lasting, stable attractive political change.

We should expect that closed revolutionaries will do poorly over time from an epistemic vantage point, as they fail to gather evidence appropriately and to update on the evidence they encounter. They will be inadequately epistemically modest regarding their appropriate levels of confidence. They will be inadequately sensitive to changing facts on the ground and to the actual effects of implementing their ideas for reform. These epistemic failures are likely to translate into moral failures as closed revolutionaries act based on their warped epistemic perspectives. Closed revolutionaries will be prone to disregard the moral costs of revolution if those costs fall on those whom they perceive to be outgroup members and opponents of their morally justified cause. They will come to lack fundamental respect for their opponents and to have moral concern for them even across their disagreements.

This empirical conjecture, and the foregoing considerations that suggest that those pursuing radical political change might often end up as closed revolutionaries, also helps to explain what might otherwise be puzzling: why do so many radical movements start off with humanitarian, egalitarian, democratic ideals and yet end up being implemented in hierarchical, anti-democratic ways, with authoritarian leaders, repressive surveillance states, and horrifying body counts constituting their most significant legacy? One sees this in the grave moral miscalculations closed revolutionaries make regarding whether the ends justify the means as well as whether this particular—violent, murderous, oppressive, anti-democratic—means is required to achieve the desired end. But one also sees it, more modestly, in the way that many argue and advocate for their cause, the way they mock and sneer at those who don't see things the way they do, and the way they might support leaders and parties who even they acknowledge (at least at first) are awful on other things because they share their view regarding their revolutionary cause.

We should want our movements for radical political change to be open ones, made by open revolutionaries. There might be some tactics or practices—perhaps actually implemented by some morally successful radical actors before us—that help to nourish and sustain appropriate uncertainty; that help to maintain appropriate evidential responsiveness over time; that help sustain trust and appropriate engagement with testimony even across lines of disagreement; that help put the brakes on radical political action in contexts in which the available evidence regarding potential results and the moral preferability of that action doesn't (yet) support that action; and that do all this without thereby imperiling radical political action through uncertainty and attendant paralysis. These are worth thinking about more explicitly.

Two sets of practices seem essential: (1) practices that help to combat the ingroup/outgroup dynamics discussed above so as to maintain appropriate levels of certainty, sensitivity, and respect; and (2) practices that acknowledge but also attempt to reduce the uncertainty that it is appropriate to have about both the

likely results of radical political action and the moral preferability of that action (by obtaining more evidence), in part so that it becomes possible to secure informed consent as changes are considered and implemented.

Although specific contextual details might alter exactly what form these practices should take, a variety of rules (norms, guidelines, standards) might help destabilize and weaken the epistemically troubling pressures that can otherwise form within ingroups, particularly ingroups comprised of people who share a radical political vision. Here are five suggestions, beginning with what is perhaps the most important.

SUGGESTION 1: inculcate respect of members of the outgroup as a core ingroup norm

Every group has its own internal norms and expectations for members of the group—who we are, what do we stand for, what do we expect of each other. There are pressures to create sharp divisions between the ingroup and the outgroup and to see distrust, punishment, vilification, and even suffering of members of the outgroup as untroubling or even desirable and appropriate. But if a group has an explicit internal group commitment to respect, even and perhaps especially for those who are or are perceived to be members of the outgroup, that can make a significant difference to the intensity of the documented social psychological effects of ingroup/outgroup division.

Respect of a person requires, at least, that they not be seen as morally insignificant, that costs to them are treated as real costs, that they are treated as genuine epistemic agents who merit at least attempts at engagement and who can be sources of knowledge about at least some topics, and that general moral constraints apply to them as they do to other persons. What is needed is for the commitment to respect of all persons—and a relatively thick notion of respect—to be such a core part of the ingroup identity that one cannot remain part of the ingroup while flouting or derogating it.

For those pursuing radical political change in a committed democratic direction, such as the case I've made for lottocracy, the value of fundamental moral respect, even for those in various outgroups, should be a core value. It can be seen as animating the foundational ideas of political morality discussed in Chapters 15 and 16—political equality, rights to substantive and effective political participation for all, respect for individual pre-political rights, political responsiveness, political sensibility (with respect to the problems faced by members of the political community, including members of minority groups), and individualized moral justification. Still, similar things have been true, too, of other movements for radical political change. Maintaining these commitments, even across deep disagreement and division, is not easy. We might worry that ingroup/outgroup dynamics are powerful enough to block or contort our adoption of these norms,

so that even if we endorse them in theory, we will find some reason that they don't apply in our own case (*"our* outgroup opponents are particularly awful and unreasonable..."). This provides a reason to embrace a different kind of suggestion, one more focused on what we do and with whom we do it, rather than anything more abstract.

SUGGESTION 2: encourage, cultivate, and maintain relationships with outgroup members

This is importantly different than the recommendation just to engage with or have "contact" with outgroup sources, ideas, or media. The suggestion from the work of Diana Mutz and others in the general political context is that, to hear and have respect for people on the other side, it is essential to engage in "cross-cutting discussion" with "mixed political company," but to do so with people with whom one has some mid-level social connection, rather than close friends or family.² One needs to have these discussions and disagreements with people one knows and is friendly with, but through "weak social ties": co-workers, people with whom one plays the occasional game of pick-up basketball, neighbors with whom one has semi-regular conversations, and so on. As argued earlier, one such context might be created by the extended engagement of people randomly chosen to serve together on a SILL. Ideas in this regard were elaborated in the discussion of the value of reflective deliberation, so they connect naturally to one of the important elements of the lottocratic system, and we might hope that those drawn to lottocratic systems or similar ideas will already be inclined to support something like this second suggestion already. By having ties with people who are not ingroup members, we continue to see even those who disagree with us about the need for radical political change as people with interests, epistemic agency, and moral rights.

The suggestions discussed so far are aimed at weakening the intensity of the "closing down" psychological effects of group social dynamics. But we can also take more explicit steps and embrace more explicit epistemic practices and norms.

SUGGESTION 3: introduce epistemic practices—such as red-teaming or anonymous pre-discussion registering of views—that discourage groupthink and enable open discussion and disagreement to flourish

There are common difficulties across many social epistemic contexts: classrooms, corporate boardrooms, newsrooms, revolutionary strategy meetings. These include social pressure to agree with those with power, pressure to be agreeable

² Mutz (2006).

and get along, anxiety about looking foolish or immoral, and, as discussed above, pressure to remain within the ingroup and to make evident the intensity of one's ingroup bona fides. These can result in groupthink, extremism, and contribute to the creation and continuation of echo chambers.

There are practices that can help lessen these effects. Red-teaming, alternative analysis, or devil's advocacy, in which some members of a group are explicitly tasked with raising objections, questions, counterarguments, and generally trying to poke holes in and challenge the group view or plan, can be very effective in this regard. These practices create space for dissenting voices and counterarguments to be offered and for hard questions to be raised without thereby encouraging the inference that those making those arguments or raising those questions are less committed to the group cause or are being unfriendly, contrarian, or unsupportive. The lively although relatively young discussion about different ways of introducing sortition has been conducted in academic venues, online blogs, seminars, and other discursive spaces in which many of these practices are standard. So, this suggestion will be familiar. More difficulty might emerge as specific ideas or proposals begin to get broader political traction.

Although some groups—faculty departments, radical political organizations, activist movements—might be tempted by rules that require consensus agreement before acting, these rules actually force artificial conformity, suppress dissent and presentation of counterevidence, amplify the effects of hierarchical relations and demands for ideological purity, and require the group to act more certain than they are or ought to be, given their epistemic position. This will be intensified in cases in which there are powerful moral reasons to think inaction—simply accepting the status quo—is unacceptable. Learning how to move forward as a group, even in the face of internal disagreement, is essential. This provides reason to embrace the next suggestion.

SUGGESTION 4: treat ingroup consensus agreement and decision-making as undesirable and concerning

When considering a complex decision such as which radical changes to implement, the evidence will be complicated and will likely suggest different paths as optimal. We should both expect disagreement and that disagreement might persist even after discussion and deliberation. Consensus group judgments—particularly as the group grows larger—provide evidence that worrying social dynamics are driving the result.

The foregoing suggestions have focused on protecting epistemically appropriate sensitivity to evidence, despite concerns about social psychological dynamics and ingroup/outgroup divisions. This gives us a better chance to be open revolutionaries and to have epistemically appropriate views. But this might seem to leave us in a different kind of trouble: a place of doubt-ridden paralysis and inaction. We don't want to let our appropriate uncertainty turn into an entrenched status quo bias.

Uncertainty regarding what will result if radical political changes are pursued and regarding the moral preferability of some specific course of action is epistemically appropriate in large part because we have such limited evidence about what will happen in the future. This lack of evidence is amplified in cases in which the actions we are contemplating are both broad in likely causal effects and significantly unprecedented.

This suggests two natural responses. The first is to start small, so that the complexity of the changes introduced and the attendant complexity of the effects of those changes are somewhat more limited. The second is to make the radical political actions less unprecedented, by creating and observing smaller scale precedents. Both suggestions motivate the use of small-scale “experiments” in the direction of radical political change prior to broader political action.

SUGGESTION 5: start with relatively small experimental actions in the direction of one’s radical political cause, observe and gather relevant evidence, and gradually scale up

Given the perceived moral urgency of radical change, it can be difficult to move slowly and cautiously. Perhaps this is the revolutionary moment! It might not always be easy or even possible to start with small-scale experimentation. But it often will be.

In some cases, there will already be similar examples in the world that one can learn from. One can study those and draw on relevant social scientific work, consider questions relating to the relevant similarities and differences, and so on.

But with many proposed radical political changes, there is no precedent, no closely analogous example. In those cases, to generate relevant evidence, one must conduct something like observational studies or controlled experiments. There is a lot known about how to do these well in other contexts; much less has been said about how to do them in the political context.

In some cases, sub-units of large political federations can serve as “laboratories” of experimentation. Famously, Justice Louis Brandeis suggested that “a single courageous State may, if its citizens choose, serve as a laboratory; and try novel social and economic experiments without risk to the rest of the country.”³ These are not as careful as the controlled experiments one sees in scientific and medical fields; nor are they likely to emerge to test ideas for radical political change—at least not initially.

For would-be radical reformers, there should be explicit discussion about what evidence already exists regarding their ideas and how to test those ideas to improve the evidence base with which they are working. This requires several

³ *New State Ice*, 1932, 285.

things. First, there must be people serving as institutional designers, conceptual engineers, norm architects, legislative drafters, and so on, who have concrete suggestions regarding different ways of implementing radical political changes, which often begin rather underspecified. Second, there must be contexts in which experimentation can take place and the specified changes can be introduced. Third, the experiment must be allowed to continue for an adequate, experimentally appropriate amount of time. Fourth, there must be observation, study, and discussion of the results of the introduced changes, ideally conducted by people trained in relevant qualitative and quantitative methods. Fifth, there must be discussion and consideration of the limits of the experimental study, including questions regarding the external validity of the experiment as one considers expanding the changes to larger and larger contexts.

There are epistemic and moral pitfalls throughout every step of this process. Perhaps most significantly, there is a question of who will sign up to be part of the experiment, whether it will be possible to obtain informed consent in the way that we would expect and require in other contexts of experimentation, and how self-selection or self-nomination might affect the external validity of the study.

If one starts small, this makes it easier to have people who are willing to take part. But it might also mean that those who take part are different than the broader society, at least in terms of being excited about this revolutionary change. That might affect the ability to learn about how things would go under other conditions. Still, if an experiment does poorly even under those conditions, that provides strong reason to reject the idea.

The smaller scale and limited duration of these experiments mean there will be questions about how they will scale up and what effects they might have in the longer term. The evidence available through experiments of this sort will be suggestive but limited. This provides reason to continue to monitor and evaluate over time, just as in the case of medical interventions.

As in the context of social science research more generally, it can be hard to isolate and test the effects of a particular political change, and it can be particularly hard to do this while considering how those results might differ under somewhat different conditions. There are methods for attempting to do this, but they are imperfect and limited. The point is not that uncertainty will be eliminable, only that it might be possible to reduce it, at least modestly.

There are worries about whether those evaluating the results of the experiments will be biased in favor of seeing them as supporting their idea. These worries arise with medical and scientific research, too, as individual researchers often have financial and professional incentives to find positive results. One way of addressing this worry is through having independent researchers, disclosures of funding, and elaborate systems of peer review. Something similar might be possible in the context of radical political experimentation as well, perhaps relying on the existence of networks of social science researchers and others who might be well placed

to help observe and discuss the results of these experiments in epistemically responsible ways.

Starting small scale and gathering evidence through experimentation are also vital both for bringing along skeptical outsiders and for getting informed consent to the radical political change from the broader community. There might be some uncertainty about exactly what steps they will follow, but those who would make significant changes that would dramatically affect others have an obligation to consider those effects, and, in cases where it is possible, to bring people along through their agency and agreement.

17.3. The Path to Lottocracy

The preceding sections have focused in a general way on the perils of pursuing radical political change, as well as possible strategies for responding to concerns about insensitivity to evidence, ingroup/outgroup dynamics, and inadequate attention to moral requirements of respect and consent in the pursuit of radical change. In this section, I offer some thoughts about how we might move from where we are now to a world in which we see some lottocratic political systems, informed by the discussion of the concerns and lessons from the previous two sections.

A part of the background situation in many modern political communities is significant socioeconomic inequality, combined with a pronounced interest on the part of the most powerful to control political institutions to evade regulation and distort political outcomes in their favor. This concern about elite capture is one of the core concerns with electoral representative systems, as discussed in Part I. We should also expect attempts by the most powerful to capture lottocratic institutions. My largest concern in this regard, discussed earlier, is that the most powerful will attempt to distort outcomes by exerting influence with respect to the expert selection and the learning phase, although I have suggested ways in which capture of this kind could be made more difficult.

But there is an even simpler option for the most powerful: simply block any political change in the direction of lottocratic institutions or in any direction away from the elite-friendly status quo. If political reform in a lottocratic direction starts to look like a possibility, and if the elite correctly perceive lottocratic institutions to be a threat to their control of politics, then we should expect the elite to do what they can—controlling media representation of lottocratic reform in an effort to affect public opinion, distorting implementation processes, sabotaging fledgling lottocratic institutions, and so on—to prevent lottocracy from being implemented.

It is a fool's errand to attempt to predict too precisely how exactly significant radical political change might take place, particularly over a twenty-five- or fifty- or hundred-year time-period, or longer. But it is helpful to consider some possible paths in that direction, so that one can see some possibility of change on the horizon.

One attractive path to a lottocratic system at the large scale defended in this book would begin with small, incremental, experimental steps, as discussed in the prior section. Political institutions that have randomly selected people playing a central role are still relatively untested. Institutions with the specific elements of the lottocratic structure described in the book—involving agenda-setting, learning phases, community consultation, and the power of direct implementation—are untested. There are many questions about how they will work: how to conduct the random selection to ensure it is done fairly and transparently; how best to design the structures for presentations, discussions, and deliberation in the learning phase; how to bring in experts and how to determine who counts as an expert; how best to do agenda-setting and community consultation; how to proceed with direct implementation and oversight; how to promote general understanding and acceptance of these institutions. There are many choice points and options. I argue for certain ways of doing things, and I offer some reasons for doing things that way, but there is much to learn about how things work in practice. We should try out many ways of doing things and monitor and observe what works, what doesn't, what might be altered and improved. Ideally, this might be studied and observed in the way that other experiments are, by people with the relevant distance and training. But we should be appropriately modest about how controlled these experiments can be. There will be many complex differences between political contexts. And there are also questions of external validity as we contemplate expanding the scope, scale, and power of these institutions. But we can also monitor some of that as the scope expands.

Some of this implementation and experimentation has already been taking place around the world, as there have now been hundreds of experiments with citizens' assemblies, citizens' juries, deliberative polling, and other mechanisms that bring randomly selected people into political roles. Many of these have been observed and studied by social scientists and others. There are important differences between these institutions and full lottocratic institutions, but this kind of experimentation with institutional forms and powers is useful for gathering evidence and building a broader foundation of understanding to reduce some uncertainty about how lottocratic institutions might work in practice.

A second reason to start with small, incremental steps is to build broad public comfort with randomly chosen citizens playing substantial roles in political life, and to make lottocratic, sortition-based forms of political institutions better known to members of the public. A central ambition for this book is to help expand the political imagination, so that some non-electoral institutional options might come to mind and be taken seriously. Writing a book is one way (if people read it). Having a familiar institution that operates in a sortition-based, lottocratic mode is an even better way. We should want people to be able to ask and thoughtfully consider the question—why should we use elections for this office, rather than sortition, or perhaps something else? When there are significant

moments of frustration with how institutions are functioning (think of Occupy Wall Street, Black Lives Matter, frustration around the lack of gun control reform in the United States, sympathy from both Trump's supporters and Sanders's supporters concerning elite control of politics, etc.), rather than simply trying to get different people in those institutions—electing someone new—we should also want people to have some sense of other options. And it would be considerably better if those options were both familiar and somewhat tested, so that their strengths and weaknesses for a particular political context might be somewhat well understood. The places in which citizens' assemblies have been used in a central way have also resulted in bringing the basic idea of sortition into view. There is some danger that people will assume that all sortition-based systems will function in the way that a particular local example functioned. That creates concerns about badly designed lottocratic institutions creating unfavorable views. But that, too, is something that can be overcome with observation, discussion, and reform of future institutions.

A third reason for the incremental approach is simply that it is easier logistically and politically to implement smaller institutions and to make smaller institutional changes. Perhaps the single hardest case for implementing a lottocratic system is the one I consider in the book: completely replacing several prominent institutions of the Federal government of the United States—a vast, deeply entrenched, massively powerful, highly prominent, institutionally stable, moderately high-functioning political system. Almost anything else would be easier. There are many ways of taking small steps.

One set of small steps might involve introducing one-off lottocratic institutions that are only temporary, rather than permanent. These might come into existence as a result of creation through a popular referendum vote, obtaining enough signatures to put the institutional proposal (with a corresponding detailed remit or jurisdictional mandate for the proposed lottocratic body) on a public ballot for approval. They might be created by elected legislative bodies as one-off institutions with the power to create and enact legislation directly or to propose legislation that might then be put to a referendum vote or considered by the elected legislature. Elected representatives might be happy to turn some political problems over to one-off lottocratic bodies as a way of avoiding taking any political heat on controversial “third-rail” topics. Alternatively, legislation could be put in place so that one-off lottocratic institutions would be automatically created if some “triggering condition” were reached—perhaps, say, if the elected legislature fails to do something by a certain point in time, or if some objectively measurable indicator (economic, public health, etc.) reached a certain level. In all these cases, there would be questions about the duration, funding, power, etc., of the one-off institution. But this would be one way to introduce lottocratic mechanisms and have them become more familiar.

A second, “small step” way to introduce lottocratic institutions that more closely resemble the lottocratic system defended in the book is to introduce lottocratic governing structures in smaller jurisdictions or at more local levels of government: cities, municipalities, townships, counties, and so forth, or perhaps in smaller states, provinces, and so on. The number and structure of SILLs and SILL members might differ, as a result of these smaller political subunits having different areas of jurisdiction and focal moral-political problems, but many of the basic structures could remain the same. These could begin with SILLs just covering some of the areas of governance of the political sub-unit, perhaps expanding to cover more over time, eventually resulting in the entire municipal or county government being governed lottocratically. This is similar to how electoral reform has taken place in the United States and elsewhere, as smaller jurisdictions experiment with, say, ranked choice voting.

A bigger, still somewhat small step would be for a larger political unit either to add a lottocratic chamber (as discussed in Chapter 8) alongside extant electoral legislative chambers, or to create a SILL to cover one specific policy area, even if the system remained otherwise electoral. Lottocratic institutions within predominantly electoral representative systems could have direct implementation powers or serve an advisory or oversight role. As discussed in Chapter 8, I worry about the problems discussed in Part I continuing to affect political decision-making even on the lottocratic side of a “hybrid” system, but these might be important transitional steps to take in some political contexts.

Small steps in the direction of lottocratic institutions needn’t be confined to the political realm. Lottocratic structures could be used within the context of employment governance as a way of implementing “workplace democracy.”⁴ Within the specific employment context of colleges and universities, lottocratic governance structures might be a plausible way of administering faculty governance, as well as a way of equitably distributing the power and burden that comes with serving in administrative or governance roles. So, too, with parent-teacher organizations that do a significant amount of work to make K-12 public schools flourish. The specific contexts might require institutional refinement or variation, perhaps specifically considering the way in which compensation, time, and power interact in complex ways with accountability and opportunity for engaged participation. But the basic mechanism of random selection into temporary, rotating, governance or leadership roles could remain constant. Experiencing lottocracy at these levels might both generate familiarity with that basic idea, as well as allowing observation and learning to help inform how those institutions might be used in different sites and at different scales.

This brings us to a fourth reason to begin incrementally. Once various lottocratic institutional forms have been tried and tested at smaller scales, and once

⁴ Anderson (2017) and Frega et al. (2019).

people have become more familiar with lottocratic institutions and have witnessed how well they have functioned (on the assumption that they have worked well), that might establish a foothold for the use of lottocratic institutions more broadly. It also would make it more difficult for powerful elites to deceive the public about the nature and efficacy of lottocratic institutions. If lottocratic institutions are unfamiliar, it is easier for the powerful to influence and mislead the public about what they are and how they are likely to work, as well as to contort and distort them during the implementation phase (if they manage to make it that far). Lottocratic institutions might not yet be on the radar of the powerful if the initial steps have only been small and local ones. This “thin end of the wedge” strategy works best if the thin end—small, incremental steps—goes first.

If incremental steps have been taken, either within a political jurisdiction or in jurisdictions from which one might draw inspiration and guidance, it becomes possible to contemplate taking larger steps in an informed way, and in a way that goes through the consent of the broader public. Many federations, nation-states, states, provinces, and so on have specific mechanisms for institutional reform, often requiring onerous, costly steps such as obtaining large numbers of signatures to have a reform appear on a referendum ballot or to call for a constitutional convention to consider constitutional reform. Steps such as these become easier—and on better epistemic and moral footing—if taken after extensive ground-level, local work has been done to create and use lottocratic institutions in smaller ways.

I should be clear: I don’t expect this to happen at the Federal level of the United States government in the near term, nor in the long or even very long term. That case remains one of the most difficult to envision, partly because of the size and long duration of the United States, partly because of the power held by those who have captured significant parts of that system, and partly because the United States Constitution is particularly, excessively difficult to change.

But there are many places that have already made significant use of randomly chosen citizens, as discussed in Chapter 8. And many others that might. Focusing on the United States, state-level constitutions are easier to amend, often are revisable through regularly scheduled constitutional conventions, and so it is easier to imagine some states embracing lottocratic structures or lottocratic elements. Around the world, there are many relatively young democracies or even states that are not yet democratic but are moving in that direction, and many of those might be positioned to implement substantial lottocratic elements or even a full lottocratic system, particularly after years or decades of more incremental steps have been taken.

There are many political contexts in which one-person, one-vote majoritarian elections are an unattractive or infeasible way of implementing democracy. In Part I, I argued that some of these include contexts in which the size and scale result in substantial ignorance, reduction in meaningful accountability, and capture or domination by the elite and those with the power to control the systems of mass media and mass information. In the previous chapter, I presented and detailed the

worry about minorities in majoritarian systems. In political contexts in which both of these are concerns, but in which there is also a powerful case for democratic political institutions and a need for sensible response to actual moral-political problems, lottocratic institutions might be an attractive alternative. I focused on the case of the United States, but it is worth noting that these concerns arise in many other political contexts as well.

One of those contexts is the context of multinational or international or world politics. Multinational or international federations and organizations—including, for example, the European Union and the African Union (along with the European Parliament, Council of the European Union, and the Pan-African Parliament), and the United Nations (along with the World Health Organization, International Monetary Fund, and other specialized agencies of the UN)—often struggle with questions of legitimacy, democracy, transparency, and concerns about elite capture.⁵ They are often structured so that dominant parties and elites in the member-states get to determine who serves as representatives in these institutions, and in those cases, or even in cases in which there are elections to choose member-state representatives, there are serious concerns about ignorance, majority domination, elite capture, and lack of accountability. It would be potentially transformative and ameliorative to have some lottocratic institutions instead of—or alongside of—those other kinds of multinational and international political institutions. One obvious advantage is that random selection enables something that looks genuinely democratic without requiring mass elections over huge geographic territories, which presents serious logistical difficulties, expense, and concerns about ignorance and meaningful accountability.

Finally, and perhaps at the furthest, maximalist point along the path which began incrementally small and politically local, it is worth considering (a) the democratic, legitimacy, and sensibility-driven demand for world government and (b) the possibility of attractively implementing world government via lottocracy. This is not a place to make an argument in full for either (a) or (b). I will say only a little.

In support of (a), it is worth pausing on the fact that many of the moral-political problems faced by any nation-state political community are intertwined with what is being done elsewhere: regulation of trade and business, environmental protection and sustainability of natural resources, war and terrorism and conflict, global health and pandemic response, the quality and proliferation of information and misinformation, the development and regulation of potentially dangerous technology, and much else. For those of us living in the largest nation-states, our political choices affect people and sentient creatures everywhere on the globe. Recalling the plane crash example from Chapter 9, our global situation is in many

⁵ See Kumm (2004).

ways like that of finding ourselves as the survivors of a plane crash. Those of us now living on Earth are facing various imminent catastrophes, including mortal threats resulting from climate change, global pandemics, and the threat of world nuclear war. We didn't choose this group of people to face these predicaments with, but we are all we have. Earth is a bigger island, but our current global interconnection means that our choices affect each other in equally profound ways. On many plausible principles of political inclusion, those affected in these dramatic ways should have rights of participation, we should be concerned about whether their individual pre-political rights are respected, we should evaluate the political system in part based on whether it is responsive and sensible in how it affects those who are so dramatically affected, and so on. Perhaps this should even be done in a political equality respecting way, so that all those affected have equal influence or consideration or both. When we consider whether a person "lives under" a political system for the purposes of considering whether that system satisfies conditions of individualized moral justification, there is a plausible (although not unassailable) case that those significantly affected by a system should count as "living under" a system, even if they are not immediately bound by the laws issued by that system but are instead affected by it in other ways. There is much to argue about here.⁶ But it often feels that the resistance to taking these demands of global inclusion seriously is driven more by the practical implications of doing so, rather than by the philosophical case on behalf of exclusion.

Those practical implications are significant, particularly if the suggestion is that implementing worldwide democracy—a democratic world-state—is a requirement of principles of political morality given the actual level of global influence and interconnection that exists in the twenty-first century. Any such system would have to exemplify some kind of federalism, with significant powers delegated to political sub-units (plausibly connected to some of the former nation-states and sub-units of those nation-states). But even so the scale of the federal issues would be vast—genuinely global. Concerns about electoral representation in a global democracy abound, but foremost among them is certainly the problem of ignorance and the corresponding concerns about the lack of meaningful accountability and elite capture. If the concerns detailed in Part I apply at the scale of the United States, they are amplified tenfold when we imagine a global electoral representative democracy. The problems and issues are both more complicated and often more remote, attending to different possible solutions would be correspondingly much more difficult, it would be very hard to monitor what one's representative was actually trying to do or what they ought to be trying to do, those chosen as

⁶ We might consider various limiting principles on who "counts" for the purposes of the immediate assessment of these concerns of political morality. Attempts in this vein have been made, although my own view is that they have largely been unsuccessful in heading off the basic concern. For discussion, see Goodin (2007).

representatives would have little incentive to work together and would be very difficult to hold accountable, and so on.

On the other hand, in support of (b), it is perhaps somewhat more imaginable how a lottocratic world democracy might work. For example, there could be five issues that were within the primary jurisdiction of the world government—e.g., international trade regulation, global health, pandemic readiness and response, war and terrorism, environmental protection and natural resource use—and SILLs could be created that brought together 10,000 randomly chosen people in each SILL. These SILLs could be empowered either to create treaty agreements or policy statements directly, or to serve as an advisory body to inform the decision-making of the existing international institutions. There are many huge issues with global lottocracy, too, of course (one can take all the issues at the nation-state level and intensify them considerably, while adding in new concerns besides). There are issues of how everyone could be entered in the relevant database, whether that process and the random selection could be conducted fairly, whether the judgment of this body would be taken seriously by other world powers, whether levels of education and competence would be adequate, and so on. (Some who live in countries that currently have outsized, objectionably undemocratic influence over others, and who are used to world dominance through imperialism, colonialism, and militarism of various kinds, might also object to turning over power in a more democratic fashion, but those worries might be significantly less morally compelling.) But if we imagine such a world democratic structure coming into existence not now, but instead after fifty or more years of experimentation with lottocratic institutions, along with continued increases in interconnection, education, technology and communication infrastructure, reform toward democracy and shared conceptions of individual rights, and so on, it might be at least imaginable how this could be an attractive way of addressing the democracy deficit problem at a global scale, helping us to learn about each other and the problems we face, and to see paths forward for working together.

17.4. Wild Hope

“Democracy is a kind of religion, and we are bound not to admit its failure.”

William James (1911)

Political institutions—even vast, powerful ones—can and do change. We know that. But it is a hard and unclear process, with few rules or certainties. And it requires acting in concert with others over a long time. I have said a few things about some of the difficulties one is likely to encounter along the way and offered a few thoughts about how one might lessen or avoid some of those difficulties.

My hope in writing this book has been twofold. First, to offer an appropriately foundational diagnosis of what I take to be the origin of many of the problems in large modern political communities like the United States—the significantly insensible, largely unresponsive, divisive, short-termist, functionally elitist system, driven by the perhaps surprising culprit of elections. For any specific political community, there will be other culprits as well. Racism, sexism, and xenophobia have a long history almost everywhere. Many put blame in the general direction of “capitalism” and powerful private corporations, and part of the story I tell does involve socioeconomic inequality and capture by elites. But there is a significant institutional, political critique that is distinct from the criticisms we might raise about any particular system of economic production. One reason it is important to see this difference is that it is largely through the political system that we come to have the economic system we have. The rules, laws, and regulations that govern private property, contracts and economic transactions, markets and price controls, advertising and transparency and fraud, labor and workplace organization, environmental protection, social welfare and economic benefit programs, taxation, and all those elements that together determine whether a system is “capitalist” or “socialist” or “communist” or something else are the output of a political and legal institutional system, and they are changed or sustained by those systems. It is, of course, vital to see that the operation of the political system will be dramatically affected by the extant economic system and how it affects the knowledge and power of those living under the system. But it is equally vital to see that there are two partners to this dance, and they are intertwined in complex ways. It is not a simple story of one always in the lead position. I have focused on the political institutional side of things because the full extent of the problems resulting from electoral representative systems has not been adequately appreciated. Some blame significantly unregulated capitalism for the problems we face (or the problems we are not facing) but have not pointed clearly enough to why it is that the version of capitalism we have is missing so much of the regulation they deem essential. And there are many problems—stemming from electoral elitism and inattention to non-elite issues, political divisiveness, electoral short-termism—that are primarily the result of our systems of electoral representation, not our economic systems, or at least not just our economic systems.

Once these institutional problems are in view, it might feel hopeless. If all that is required is to get better people in elected office, the path and the rules of the game have been clearly set out for us. If elections themselves are a significant part of the problem, and if the problems run deep so that campaign finance and media reform and so on are unlikely to be real solutions, what can one do?

That’s where the second hope of the book comes in: to introduce an institutional alternative to elections that looks genuinely attractive, even considering the large scale of modern political communities and even being attentive to considerations of political morality. There are many obstacles to putting such a system in

place. And there are many concerns about the details of the system I present and defend. Here it becomes clear that the second hope has two parts. One is to put forward an interesting alternative system worth taking seriously and maybe even trying out—even if cautiously, incrementally, experimentally. But the second is to encourage you to think: hey, I don't think that will work, but what about this . . . We need to expand our imagination regarding political and legal institutions. We need to think institutionally, not just electorally.

For many readers of this book, you will be reading it from a position of significant comfort—at least relative to most of the current inhabitants of Earth, let alone those who might inhabit what is left of Earth in one hundred or two hundred years. I write it from such a position. I live in a peaceful, quiet neighborhood. My wife and I have good, stable jobs that we enjoy. My daughters receive an excellent public education. The air and water are clean. There are lovely parks and forests and fields nearby. Trash disposal, indoor plumbing, electricity, and other utilities are so consistent as to generally escape notice. Food is abundantly available and affordable given our household income. My loved ones and I can get medical care and medicine if we need it, and we can trust that it will be as good as the care available almost anywhere in the world. I have spent very few days of my life afraid that bullets or missiles or bombs will kill someone I love. But I also know that I can drive twenty minutes or an hour and find many people and families for whom none of those things are true. And I imagine that it is true for many of my readers. And many readers might themselves not be as fortunate in these basic ways as I am. That shouldn't be the case. There are many reasons why it remains so. Not all of them are to be put at the door of our political institutions. But it should give us significant pause in thinking about how well our institutions are performing. And that is to focus only on the immediate provision of basic services and contemporary quality of life in incredibly affluent places. We can do better.

A democratic political community needs to see reasons for hope and optimism about our future living together—but reasons that are supplied not by turning away from or ignoring the deep and serious problems in our societies, including racism, sexism, xenophobia, and deep and pervasive socioeconomic inequality. Devastating criticisms of existing political and legal institutions and political leaders abound but are accompanied by fatalistic death-march pessimism, cut-throat win-at-any-costs pragmatic cynicism, or servile, authoritarian savior worship—all always accompanied by understandable frustration and rage. For many, even those living in the wealthiest countries in the world, there is a constant feeling of only barely keeping our heads above water. Too soon, that will become more literal than metaphorical in coastal lands around the world.

Thinking of water, we might recall one of the great images in philosophy, that of Neurath's boat:

We are like sailors who on the open sea must reconstruct their ship but are never able to start afresh from the bottom. Where a beam is taken away a new one must

at once be put there, and for this the rest of the ship is used as support. In this way, by using the old beams and driftwood the ship can be shaped entirely anew, but only by gradual reconstruction.⁷

Many large political changes have happened quickly and dramatically, through revolution and violence. Our current institutions, problematic as they are, mostly do not merit violent revolutionary response. This can make us feel stuck with and within them, even as we can see that we are sinking. But we don't have to go down with the ship. Let us hope—and do what we can to make good on that hope—that we can build a new kind of boat while still at sea. The alternative—starting afresh from nothing—is more romantic, easier to envision. But new beginnings of that kind are possible only after violence, misery, apocalypse. Let us build something new gradually, still afloat, using old beams—political representatives, participation, equality—in new ways. To do nothing, to rest with what we have, is to rest content with corrosion and increasing levels of disrepair. We need to believe in each other again. We need to care about all of those who are affected by what we do and do not do. We are too connected to each other to do anything else. We are the only ones who can save us.

⁷ Neurath (1921).

References

- Abernathy, P. M. (2018). *The Expanding News Desert*. Chapel Hill, NC: University of North Carolina Press.
- Abizadeh, A. (2021). "Representation, Bicameralism, Political Equality and Sortition: Reconstituting the Second Chamber as a Randomly Selected Assembly," *Perspectives on Politics*, 19/3: 791–806.
- Achen, C., and Bartels, L. (2016). *Democracy for Realists: Why Elections do Not Produce Responsive Government*. Princeton: Princeton University Press.
- Ackerman, B. (2000). "The New Separation of Powers," *Harvard Law Review*, 113: 633–729.
- Ackerman, B., and Fishkin, J. (2005). *Deliberation Day*. New Haven: Yale University Press.
- Ahlstrom-Vij, K. (2022). "The Case for Modelled Democracy," *Episteme*, 19/1: 89–110.
- Allen, D. (2004). *Talking to Strangers: Anxieties of Citizenship since Brown v. Board of Education*. Chicago: University of Chicago Press.
- Allport, G. (1979). *The Nature of Prejudice*. New York: Basic Books.
- Alschuler, A. W., and Deiss, A. G. (1994). "A Brief History of the Criminal Jury in the United States," *University of Chicago Law Review*, 61/2: 867–928.
- Althaus, S. L. (2003). *Collective Preferences in Democratic Politics: Opinion Surveys and the Will of the People*. Cambridge: Cambridge University Press.
- Amar, A. R. (1984). "Choosing Representatives by Lottery Voting," *Yale Law Journal*, 93/7: 1283–1308.
- Andersen, V. N., and Hansen, K. M. (2007). "How Deliberation Makes Better Citizens: The Danish Deliberative Poll on the Euro," *European Journal of Political Research*, 46/4: 531–56.
- Anderson, E. (2011). "Democracy, Public Policy, and Lay Assessments of Scientific Testimony," *Episteme*, 8/2: 144–64.
- Anderson, E. (2017). *Private Government*. Princeton: Princeton University Press.
- Anderson, E. S. (1999). "What is the Point of Equality?," *Ethics*, 109/2: 287–337.
- Andreou, C. (2006). "Environmental Damage and the Puzzle of the Self-Torturer," *Philosophy and Public Affairs*, 34: 95–108.
- Ansolabehere, S., de Figueiredo, J. M., and Synder Jr., J. M. (2003). "Why is There so Little Money in U.S. Politics?," *Journal of Economics Perspectives*, 17/1: 105–30.
- Anzuldúa, G. (1987). *Borderlands/La Frontera: The New Mestiza*. San Francisco: Aunt Lute Books.
- Arendt, H. (1973). *On Revolution*. Harmondsworth: Pelican Books.
- Aristotle. (1905). *Politics*. Oxford: Clarendon Press.
- Baker, P. (2018). "Bush Made Willie Horton an Issue in 1988, and the Racial Scars are Still Fresh," *New York Times*, December 3.
- Baldwin, J. (1993). *Nobody Knows my Name: More Notes of a Native Son*. New York: Vintage International.
- Balkin, J. M. (1995). "Populism and Progressivism as Constitutional Categories," *Yale Law Journal*, 104/1935: 1935–90.
- Ballantyne, N. (2019). "Epistemic Trespassing," *Mind*, 128/510: 367–95.
- Bannock, C. (2019). "'Transparency and fairness': Irish Readers on Why the Citizens' Assembly Worked," *The Guardian*, January 22.
- Barabas, J. (2004). "How Deliberation Affects Policy Opinions," *American Political Science Review*, 98: 687–701.
- Barnett, A., and Carty, P. (2008). *The Athenian Option: Radical Reform for the House of Lords*. Exeter: Imprint Academic Press.

- Bartels, L. (1996). "Uniformed Votes: Information Effect in Presidential Elections," *American Journal of Political Science*, 40/1: 194–230.
- Baumgaertner, B. (2014). "Yes, No, Maybe So: A Veritistic Approach to Echo Chambers Using a Trichotomous Belief Model," *Synthese*, 191/11: 2549–69.
- Begon, J. (2015). "What are Adaptive Preferences?," *Journal of Applied Philosophy*, 32: 241–57.
- Beitz, C. R. (1990). *Political Equality*. Princeton: Princeton University Press.
- Bell, D. A. (2015). *The China Model: Political Meritocracy and the Limits of Democracy*. Princeton: Princeton University Press.
- Benkler, Y., Faris, R., and Roberts, H. (2018). *Network Propaganda: Manipulation, Disinformation, and Radicalization in American Politics*. New York: Oxford University Press.
- Berman, R. (2019). "The Most Unrealistic Proposal in the Democratic Presidential Primary." *The Atlantic*, May.
- Bishop, B. (2009). *The Big Sort: Why the Clustering of Like-Minded America is Tearing us Apart*. New York: Mariner Books.
- Black, L. W. (2008). "Listening to the City: Difference, Identity, and Storytelling in Online Deliberative Groups," *Journal of Public Deliberation*, 5/1: 1–35.
- Bouricius, T. (2013). "Democracy through Multi-Body Sortition: Athenian Lessons for the Modern Day," *Journal of Public Deliberation*, 9/1: 1–19.
- Boyd, K. (2019). "Epistemically Pernicious Groups and the Groups Trapping Problem," *Social Epistemology*, 33/1: 61–73.
- Brams, S. J., and Fishburn, P. C. (2007). *Approval Voting*. 2nd ed. New York: Springer.
- Brennan, J. (2016). *Against Democracy*. Princeton: Princeton University Press.
- Brewer, S. (1998). "Scientific Expert Testimony and Intellectual Due Process," *Yale Law Journal*, 107: 1535–1681.
- Brighouse, H. (1996). "Egalitarianism and Equal Availability of Political Influence," *Journal of Political Philosophy*, 4/2: 118–41. Buchanan, A. (2002). "Political Legitimacy and Democracy," *Ethics*, 112/4: 689–719.
- Buchstein, H., and Hein, M. (2011). "Randomizing Europe: The Lottery as a Political Instrument for a Reformed European Union." In Delannoi G. and Dowlen O. (eds) *Sortition: Theory and Practice*, 119–55. Exeter: Imprint Academic Press.
- Burke, E. (1790). *Reflections on The Revolution in France*. London: James Dodsley, Pall Mall.
- Burks, D., and Kies, R. (2019). "A Gradualist Path toward Sortition." In Gastil J. and Wright E. O. (eds) *Legislature by Lot: Transformative Designs for Deliberative Governance*, 259–78. London: Verso.
- Burnheim, J. (1985). *Is Democracy Possible?* Berkeley, CA: Berkeley University Press.
- Callenbach, E., and Phillips, M. (2008). *A Citizen Legislature*. Exeter: Imprint Academic Press.
- Calvert, R. (1985). "The Value of Biased Information: A Rational Choice Model of Political Advice," *Journal of Politics*, 47: 530–55.
- Camp, E. (2017). "Perspectives in Imaginative Engagement with Fiction," *Philosophical Perspectives*, 31/1: 73–102.
- Canclini, N. G. (2001). *Consumers and Citizens: Globalization and Multicultural Conflicts*, tr. G. Yúdice. Minneapolis, MN: Minneapolis University Press.
- Carney, D. R., Jost, J. T., Gosling, S. D., and Potter, J. (2008). "The Secret Lives of Liberals and Conservatives: Personality Profiles, Interactions Styles, and the Things they Leave Behind," *Political Psychology*, 29/6: 807–40.
- Carson, L., and Martin, B. (1999). *Random Selection in Politics*. Westport, CT: Praeger Publishers.
- Center for Medicare and Medicaid Services. (2020). "National Health Expenditures 2020 Highlights." Washington, DC: Center for Medicare and Medicaid Services. Retrieved from <<https://www.cms.gov/files/document/highlights.pdf>>
- Chalmers, P. (2018). "How 99 Strangers in a Dublin Hotel Broke Ireland's Abortion Deadlock." *The Guardian*, May 9.
- Chambers, S. (2003). "Deliberative Democratic Theory," *Annual Review of Political Science*, 6: 307–26.

- Chesterton, G. K. (1911). *Wit and Wisdom of G. K. Chesterton*. ed. F. Chesterton. New York: Dodd, Mead & Co.
- Chong, D., Citrin, J., and Conley, P. (2001). "When Self-Interest Matters," *Political Psychology*, 22/3: 541–70.
- Choudhry, S. (2007). "Constitutionalism in Divided Societies," *I-CON*, 5/4: 573–5.
- Christiano, T. (2010). *The Constitution of Equality: Democratic Authority and its Limits*. Reprint ed. Oxford: Oxford University Press.
- Churchill, W. (1947). Speech in the House of Commons. *Hansard*, vol. 444, November 11. London: Palace of Westminster, House of Commons.
- Cochran, Naomi J. (2019). *The Truth about Everything—in 3500 Words or Less* (independently published), ISBN: 1706188048.
- Cohen, J. (1989). "Deliberation and Democratic Legitimacy." In Matravers D. and Pike J. E. (eds) *Debates in Contemporary Political Philosophy: An Anthology*, 342–360. New York: Routledge.
- Cohen, J. (2003). "For a Democratic Society." In Freeman S. R. (ed.) *The Cambridge Companion to Rawls*, 86–138. Cambridge: Cambridge University Press.
- Collins, H., and Evans, R. (2007). *Rethinking Expertise*. Chicago: University of Chicago Press.
- Collins, P. H. (1990). *Black Feminist Thought*. Boston: Unwin Hyman.
- Converse, P. (1964). "The Nature of Belief Systems in Mass Publics." In Apter, D. E. (ed.) *Ideology and Discontent*, 206–61. New York: Free Press.
- Converse, P. (1970). "Attitudes and Non Attitudes: Continuation of a Dialogue." In Tufte, E. (ed.) *The Quantitative Analysis of Social Problems*, 168–89. Reading, MA: Addison-Wesley.
- Converse, P. (1975). "Public Opinion and Voting Behavior." In Greenstein, F. I., and Polsby, N. W. (eds) *Handbook of Political Science*, 75–169. Reading, MA: Addison-Wesley.
- Converse, P. (2000). "Assessing the Capacity of Mass Electorates," *Annual Review of Political Science*, 3: 331–53.
- Crosby, N., Kelly, J. M., and Schaefer, P. (1986). "Citizens Panels: A New Approach to Citizen Participation," *Public Administration Review*, 46: 170–178.
- Crouch, C. (2004). *Post-Democracy*. Cambridge: Polity Press.
- Dahl, R. (1989). *Democracy and its Critics*. New Haven: Yale University Press.
- Dal Bó, E., Finan, F., Folke, O., Persson, T., and Rickne, J. (2017). "Who Becomes a Politician?," *Quarterly Journal of Economics*, 132/4: 1877–1914.
- Derks, B., and Scheepers, D. (2018). "Neural and Cardiovascular Pathways from Stigma to Suboptimal Health." In Major, B., Dovidio, J. F., and Link, B. G. (eds), *The Oxford Handbook of Stigma, Discrimination, and Health*, 241–64. New York: Oxford University Press.
- Desilver, D. (2021). "Turnout Soared in 2020 as Nearly Two-Thirds of Eligible U.S. Voters Cast Ballots for President." Washington, DC: Pew Research Center. Retrieved September 6, 2022, from <<https://www.pewresearch.org/fact-tank/2021/01/28/turnout-soared-in-2020-as-nearly-two-thirds-of-eligible-u-s-voters-cast-ballots-for-president/>>
- Dewey, J. (2016). *The Public and its Problems*. Athens, OH: Ohio University Press.
- Diamond, L. (1999). *Developing Democracy: Toward Consolidation*. Baltimore: Johns Hopkins University Press.
- Doerfler, R., and Moyn, S. (2021). "The Ghost of John Hart Ely." SSRN Scholarly Paper, Rochester, NY.
- Dowlen, O. (2008). *The Political Potential of Sortition: A Study of the Random Selection of Citizens for Public Office*. Exeter: Imprint Academic Press.
- Downs, A. (1957). *An Economic Theory of Democracy*. New York: Harper & Brothers.
- Duverger, M. (1963). *Political Parties: Their Organization and Activity in the Modern State.*, tr. B. North and R. North. New York: John Wiley & Sons.
- Dworkin, R. (1975). "The Original Position." In Daniels, N. (ed.) *Reading Rawls*, 16–52. New York: Basic Books.
- Dworkin, R. (1995). "Constitutionalism and Democracy," *European Journal of Philosophy*, 3: 2–11.
- Eckstein, H. (2015). *Division and Cohesion in Democracy: A Study of Norway*. Princeton: Princeton University Press.

- Economist Intelligence Unit. (2016). *Democracy Index 2016*. London: Economist Intelligence Unit. Retrieved from <<http://www.eiu.com/Handlers/WhitepaperHandler.ashx?fi=Democracy-Index-2016.pdf&mode=wp&campaignid=DemocracyIndex2016>>
- Elster, J. (2003). "The Market and the Forum: Three Varieties of Political Theory." In Matravers, D., and Pike, J. E. (eds) *Debates in Contemporary Political Philosophy: An Anthology*, 325–41. London: Routledge, in association with the Open University.
- Engelstad, F. (1989). "The Assignment of Political Office by Lot," *Social Science Information*, 28: 23–50.
- Enoch, D. (2015). "Against Public Reason." SSRN Scholarly Paper, Rochester, NY.
- Esckridge, Jr., W., Frickey, P., and Garrett, E. (2002a). *Cases and Materials on Legislation: Statutes and the Creation of Public Policy*. 3rd ed. St Paul, MN: West Academic Publishing.
- Esckridge Jr., W. N., Frickey, P. P., and Garrett, E. (2002b). *Legislation: Statutes and the Creation of Public Policy*. Eagan, MN: West Group.
- Estlund, D. (2011). "Human Nature and the Limits (if any) of Political Philosophy," *Philosophy and Public Affairs*, 39/3: 207–37.
- Estlund, D. M. (2008). *Democratic Authority: A Philosophical Framework*. Princeton: Princeton University Press.
- Evers-Hillstrom, K. (2019). "State of Money in Politics: The Price of Victory is Steep," *Open Secrets*. Retrieved from <<https://www.opensecrets.org/news/2019/02/state-of-money-in-politics-the-price-of-victory-is-steep/>>
- Fanon, F. (1967). "Letter to the Resident Minister." In *Toward the African Revolution*, tr. H. Chevalier. New York: Grove Press.
- Farrar, C., Fishkin, J. S., Green, D. P., List, C., Luskin, R. C., and Paluck, E. L. (2010). "Disaggregating Deliberation's Effects: An Experiment within a Deliberative Poll," *British Journal of Political Science*, 40/2: 333–47.
- Fearon, J. D. (1999). "Electoral Accountability and the Control of Politicians: Selecting Good Types versus Sanctioning Poor Performance." In Przeworski, A., Manin, B., and Stokes, S. C. (eds) *Democracy, Accountability, and Representation*, 55–97. Cambridge: Cambridge University Press.
- Ferejohn, J. (1990). "Information and the Electoral Process." In Ferejohn, J., and Kuklinski, J. (eds) *Information and Democratic Processes*. Champaign, IL: University of Illinois Press.
- Ferejohn, J., and Kuklinski, J. (eds). (1990). *Information and the Electoral Process*. Champaign, IL: University of Illinois Press.
- Festinger, L. (1957). *A Theory of Cognitive Dissonance*. Stanford, CA: Stanford University Press.
- Fiorina, M. P. (1981). *Retrospective Voting in American National Elections*. New Haven: Yale University Press.
- Fishkin, J. (1995). *The Voice of the People: Public Opinion and Democracy*. New Haven: Yale University Press.
- Fishkin, J. (2011). *When the People Speak: Deliberative Democracy and Public Consultation*. New York: Oxford University Press.
- Fiss, O. M. (1976). "Groups and the Equal Protection Clause," *Philosophy and Public Affairs*, 5/2: 107–77.
- Fleming, T. (2011). "'Pay for Play' Scandal at the Better Business Bureau Leads to Consumer Mistrust of the Business Rating Organization," *Loyola Consumer Law Review*, 23: 445–58.
- Fontelo, P. V., and Hawkings, D. (2018). "Wealth of Congress: Ranking the Net Worth of the 115th." *Roll Call*. Retrieved from <<https://rollcall.com/wealth-of-congress/>>
- Frankena, W. K. (1973). *Ethics*. 2nd ed. Englewood Cliffs, NJ: Prentice Hall.
- Fraser, R. (2021). "Narrative testimony," *Philosophical Studies*, 178: 4025–52.
- Freeman, S. (2000). "Deliberative Democracy: A Sympathetic Comment," *Philosophy and Public Affairs*, 29/4: 370–418.
- Freeman, S. R. (2007). *Justice and the Social Contract: Essays on Rawlsian Political Philosophy*. Oxford and New York: Oxford University Press.
- Frega, R., Herzog, L., and Neuhäuser, C. (2019). "Workplace Democracy: The Recent Debate," *Philosophy Compass*, 14/4: e12574.

- Gastil, J., and Knobloch, K. R. (2020). *Hope for Democracy: How Citizens Can Bring Reason Back into Politics*. New York: Oxford University Press.
- Gastil, J., and Wright, E. O. (2019). *Legislature by Lot: Transformative Designs for Deliberative Governance*. London: Verso.
- Gataker, T. (1619/2008). *The Nature and Use of Lots*. Cambridge, MA: Imprint Academic Press.
- Gerken, H. (2005). "Second-Order Diversity," *Harvard Law Review*, 118/4: 1099–1196.
- Gilens, M. (2012). *Affluence and Influence: Economic Inequality and Political Power in America*. Princeton: Princeton University Press.
- Glassman, M., E., and Hemlin, E. (2010). "Average Years of Service for Members of the Senate and House of Representatives, 1st–111th Congresses." Washington, DC: Congressional Research Service.
- Global Web Index. (2019). "Flagship Report 2019: Social." Global Web Index. Retrieved from <<https://www.gwi.com/hubfs/Downloads/2019%20Q1%20Social%20Flagship%20Report.pdf>>
- Goldman, A. (2001). "Experts: Which Ones Should You Trust?," *Philosophy and Phenomenological Research*, 63/1: 85–110.
- González-Ricoy, I., and Gosseries, A. (eds). (2016). *Institutions for Future Generations*. Oxford: Oxford University Press.
- Goodin, R. E. (2007). "Enfranchising All Affected Interests, and its Alternatives," *Philosophy and Public Affairs*, 35/1: 40–68.
- Goodwin, B. (1992). *Justice by Lottery*. Chicago: University of Chicago Press.
- Green, T. A. (1985). *Verdict According to Conscience: Perspectives on the English Criminal Trial 1200–1800*. Chicago: University of Chicago Press.
- Greenstein, S., and Zhu, F. (2012). "Is Wikipedia Biased?," *American Economic Review*, 102/3: 343–8.
- Griffin, C. (2003). "Democracy as a Non-Instrumentally Just Procedure," *Journal of Political Philosophy*, 11: 111–21.
- Griffin, D. (2013). "Citizens, Representatives, and the Myth of the Decision-Making Divide," *Political Behavior*, 35/2: 261–87.
- Grofman, B., and Norrandar, B. (1990). "Efficient Use of Reference Group Cues in a Single Dimension," *Public Choice*, 64: 213–27.
- Guerrero, A. A. (2017a). "Living with Ignorance in a World of Experts." In Peels, R. (ed.) *Perspectives on Ignorance from Moral and Social Philosophy*. New York: Routledge, Taylor & Francis Group.
- Guerrero, A. A. (2017b). "Political Functionalism and the Importance of Social Facts." In Vallier, K., and Weber, M. (eds) *Political Utopias: Contemporary Debates*, 127–50. New York: Oxford University Press.
- Guerrero, A. A. (2018). "Defense and Ignorance: War, Secrecy, and the Possibility of Popular Sovereignty." In Finkelstein, C. (ed.) *Sovereignty and the New Executive Authority: Ethics, National Security, and the Rule of Law*, 309–44. New York: Oxford: Oxford University Press.
- Guerrero, A. A. (2020). "A Theory of Political Expertise." In Fridland E. and Pavese C. (eds) *The Routledge Handbook of Philosophy of Skill and Expertise*, 445–459. New York: Routledge.
- Guerrero, A. A. (2021a). "Doubt and the Revolutionary," *Midwest Studies in Philosophy*, 45: 423–56.
- Guerrero, A. A. (2021b). "The Interested Expert Problem and the Epistemology of Juries," *Episteme*, 18/3: 428–52.
- Guerrero, A. A. (2021c). "The Promise and Peril of Single-Issue Legislatures," *Georgetown Journal of Law and Public Policy*, 18: 837–70.
- Guerrero, D. (2004). "The Root of Corporate Evil," *The Internal Auditor*, 61/6: 37–40.
- Guinier, L. (1995). *Tyranny of the Majority: Fundamental Fairness in Representative Democracy*. Reprint ed. New York: Free Press.
- Haack, S. (2008). "Of Truth, in Science and Law," *Brooklyn Law Review*, 73: 563–86.
- Hacker, J., and Pierson, P. (2011). *Winner-Take-All Politics: How Washington Made the Rich Richer—and Turned its Back on the Middle Class*. New York: Simon & Schuster.

- Hampton, J. (1980). "Contracts and Choices: Does Rawls have a Social Contract Theory?," *Journal of Philosophy*, 77/6: 315–38.
- Harding, S. (1993/2004). "Rethinking Standpoint Epistemology: What is 'Strong Objectivity?'" In Harding S. (ed.) *The Feminist Standpoint Theory Reader: Intellectual and Political Controversies*, 127–140. New York: Routledge.
- Hartsock, N. (1983). "The Feminist Standpoint: Developing the Ground for a Specifically Feminist Historical Materialism." In Harding S. and Hintikka M. (eds) *Discovering Reality: Feminist Perspectives on Epistemology, Metaphysics, Methodology, and Philosophy of Science*, 283–310. Dordrecht: Kluwer.
- Hayek, F. (1945). "The Use of Knowledge in Society," *American Economic Review*, 35/4: 519–30.
- Hayek, F. (1982). *Law, Legislation, and Liberty: A New Statement of the Liberal Principles of Justice and Political Economy*. London: Routledge.
- Herath, R. B. (2007). *Real Power to the People: A Novel Approach to Electoral Reform in British Columbia*. Lanham, MD: University Press of America.
- Hong, L., and Page, S. E. (2004). "Groups of Diverse Problem Solvers Can Outperform Groups of High-Ability Problem Solvers," *Proceedings of the National Academy of Sciences of the United States of America*, 101/46: 16385–9.
- Inequality.org. (2021). "Wealth Inequality in the United States." Retrieved from <<https://inequality.org/facts/wealth-inequality/>>
- Issacharoff, S., and Karlan, P. S. (1998). "The Hydraulics of Campaign Finance Reform," *Texas Law Review*, 77: 1705–38.
- Jacobs, A., and Matthews, J. S. (2012). "Why do Citizens Discount the Future? Public Opinion and the Timing of Policy Consequences," *British Journal of Political Science*, 42/4: 903–35.
- Jacobs, L. R., Cook, F. L., and Carpini, M. X. D. (2009). *Talking Together: Public Deliberation and Political Participation in America*. Chicago: University of Chicago Press.
- Jacobs, L. R., and Shapiro, R. Y. (2000). *Politicians don't Pander: Political Manipulation and the Loss of Democratic Responsiveness*. Chicago: University of Chicago Press.
- James, C. L. R. (1956). "Every Cook Can Govern: A Study of Democracy in Ancient Greece; Its Meaning for Today," *Correspondence*, 2/12.
- James, S. C. (2005). "The Evolution of the Presidency: Between the Promise and the Fear." In *The Executive Branch*. Oxford: Oxford University Press.
- James, W. (1911). "The Social Value of the College-Bred." In W. James, *Essays, Comments, and Reviews*, 106–114. Cambridge, MA: Harvard University Press.
- Jamieson, K. H., and Cappella, J. N. (2008). *Echo Chamber: Rush Limbaugh and the Conservative Media Establishment*. Oxford: Oxford University Press.
- Jetten, J., Hogg, M. A., and Mullin, B.-A. (2000). "In-Group Variability and Motivation to Reduce Subjective Uncertainty," *Group Dynamics: Theory, Research, and Practice*, 4/2: 184–198.
- Johnson, D., and Levin, S. (2009). "The Tragedy of Cognition: Psychological Biases and Environmental Inaction," *Current Science*, 97/11: 1593–1603.
- Johnson, M. (1993). *Moral Imagination: Implications of Cognitive Science for Ethics*. Chicago: University of Chicago Press.
- Joshi, H. (2020). "What are the Chances you're Right about Everything? An Epistemic Challenge for Modern Partisanship," *Philosophy, Politics, Economics*, 19/1: 36–61.
- Justwan, F., Baumgaertner, B., Carlisle, J. E., Clark, A. K., and Clark, M. (2018). "Social Media Echo Chambers and Satisfaction with Democracy among Democrats and Republicans in the Aftermath of the 2016 US elections," *Journal of Elections, Public Opinion and Parties*, 28/4: 424–42.
- Key, Jr., V. O. (1966). *The Responsible Electorate: Rationality in Presidential Voting, 1936–1960*. Cambridge, MA: Belknap Press.
- Khader, S. J. (2011). *Adaptive Preferences and Women's Empowerment*. Oxford: Oxford University Press.
- Kinder, D. (1998). "Opinion and Action in the Realm of Politics." In Gilbert D. T., Fiske S. T., and Lindzey G. (eds) *The Handbook of Social Psychology*, 778–867. Boston: McGraw-Hill.

- Kinder, D. R., and Kiewiet, D. R. (1981). "Sociotropic Politics: The American Case," *British Journal of Political Science*, 11/2: 129–61.
- Kingston Citizens' Assembly on Air Quality. (2020). Kingston upon Thames: Involve. Retrieved from <<https://www.kingston.gov.uk/downloads/file/419/rbk-citizens-assembly-on-air-quality-full-report>>
- Klein, S. (2022). "Democracy Requires Organized Collective Power," *Journal of Political Philosophy*, 30/1: 26–47.
- Knobloch, K., and Gastil, J. (2022). "How Deliberative Experiences Shape Subjective Outcomes: A Study of Fifteen Minipublics from 2010–2018," *Journal of Deliberative Democracy*, 18/1: 1–16.
- Knobloch, K. R., Gastil, J., and Reitman, T. (2015). "Connecting Micro-Deliberation to Electoral Decision Making: Institutionalizing the Oregon CIR." In Coleman, S., Przybylska, A., and Sintomer, Y. (eds) *Deliberation and Democracy: Innovative Processes and Institutions*, 21–40. New York: Peter Lang.
- Kolodny, N. (2014a). "Rule over None I: What Justifies Democracy?," *Philosophy and Public Affairs*, 42/3: 195–229.
- Kolodny, N. (2014b). "Rule over None II: Social Equality and the Justification of Democracy," *Philosophy and Public Affairs*, 42/4: 287–336.
- Korsgaard, C. (1983). "Two Distinctions in Goodness," *Philosophical Review*, 92: 169–95.
- Kuklinski, J., and Quirk, P. (2000). "Reconsidering the Rational Public: Cognition, Heuristics, and Mass Opinion." In Lupia, A., McCubbins, M. D., and Popkin, S. L. (eds) *Elements of Reason: Cognition, Choice, and the Bounds of Rationality*, 153–182. Cambridge: Cambridge University Press.
- Kumm, M. (2004). "The Legitimacy of International Law: A Constitutionalist Framework of Analysis," *European Journal of International Law*, 15/5: 907–31.
- Lafont, C. (2020). *Democracy without Shortcuts: A Participatory Conception of Deliberative Democracy*. Oxford and New York: Oxford University Press.
- Landa, D., and Pevnick, R. (2020). "Is Random Selection a Cure for the Ills of Electoral Representation?," *Journal of Political Philosophy*, 29: 46–72.
- Landemore, H. (2013). *Democratic Reason: Politics, Collective Intelligence, and the Rule of the Many*. Princeton: Princeton University Press.
- Landemore, H. (2020). *Open Democracy: Reinventing Popular Rule for the Twenty-First Century*. Princeton: Princeton University Press.
- Lane, M. S. (1998). *Method and Politics in Plato's Statesman*. Cambridge Classical Studies. Cambridge: Cambridge University Press.
- Latimer, T. (2018). "Plural Voting and Political Equality: A Thought Experiment in Democratic Theory," *European Journal of Political Theory*, 17/1: 65–86.
- Leib, E. (2004). *Deliberative Democracy in America: A Proposal for a Popular Branch of Government*. University Park, PA: Pennsylvania State University Press.
- Levendusky, M. (2009). *The Partisan Sort: How Liberals Became Democrats and Conservatives Became Republicans*. Chicago: University of Chicago Press.
- Lexchin, J., Bero, L. A., Djulbegovic, B., and Clark, O. (2003). "Pharmaceutical Industry Sponsorship and Research Outcome and Quality: Systematic Review," *British Medical Journal*, 326/7400: 1167–70.
- Lijphart, A. (1977). *Democracy in Plural Societies: A Comparative Exploration*. New Haven: Yale University Press.
- Lijphart, A. (2004). "Constitutional Design for Divided Societies," *Journal of Democracy*, 15/2: 96–109.
- Lijphart, A. (2007). "Self-Determination versus Pre-determination of Ethnic Minorities in Power Sharing Systems (1991)." In *Thinking about Democracy*, 66–74. London: Routledge.
- Lippmann, W. (1922). *Public Opinion*. New York: Free Press Paperbooks.
- Lopez-Guerra, C. (2011). "The Enfranchisement Lottery," *Politics, Philosophy, and Economics*, 10: 211–33.

- Lopez-Guerra, C. (2012). "Comparing Voting Lotteries: A Response to Saunders," *Politics, Philosophy, and Economics*, 11: 352–6.
- Lopez-Guerra, C. (2014). *Democracy and Disenfranchisement: The Morality of Electoral Exclusions*. New York: Oxford University Press.
- Lublin, D. (1999). *The Paradox of Representation*, Revised ed. Princeton: Princeton University Press.
- Lupia, A. (1992). "Busy Voters, Agenda Control, and the Power of Information," *American Political Science Review*, 86/2: 390–404.
- Lupia, A. (1994). "Shortcuts versus Encyclopedia: Information and Voting Behavior in California Insurance Reform Elections," *American Political Science Review*, 88/1: 63–76.
- Luskin, R. C., Iyengar, S., and Fishkin, J. S. (2006). *Considered Opinions on U.S. Foreign Policy: Face-to-Face versus Online Deliberative Polling*. Washington, DC: Center for Deliberative Democracy.
- McCarthy, N. (2019). *Polarization: What Everyone Needs to Know*. New York: Oxford University Press.
- McCormick, J. P. (2011). *The Machiavellian Democracy*. New York: Cambridge University Press.
- McGarry, J., and O'Leary, B. (2004). *The Northern Ireland Conflict: Consociational Engagements*. Oxford and New York: Oxford University Press.
- McGary, H. (2003). "Achieving Democratic Equality: Forgiveness, Reconciliation, and Reparations," *Journal of Ethics*, 7/1: 93–113.
- McGrath, S. (2011). "Moral Knowledge and Experience," *Oxford Studies in Metaethics*, 6: 107–27.
- McPherson, D. H., and Rabb, J. D. (2011). *Indian from the Inside: Native American Philosophy and Cultural Renewal*, 2nd ed. Jefferson, NC: McFarland & Co.
- Manning, J. (2014). *Membership of the 113th Congress: A Profile* (CRS Report No. R42964). Washington, DC: Congressional Research Service. Retrieved from <<https://sgp.fas.org/crs/misc/R42964.pdf>>
- Mansfield, E. D., and Snyder, J. (2005). *Electing to Fight: Why Emerging Democracies Go to War*. Cambridge, MA: MIT Press.
- Martin, G. J., and Yurukoglu, A. (2017). "Bias in Cable News: Persuasion and Polarization," *American Economic Review*, 107/9: 2565–99.
- Mason, L. (2018). *Uncivil Agreement: How Politics Became our Identity*. Chicago: University of Chicago Press.
- Medina, J. (2013). *The Epistemology of Resistance: Gender and Racial Oppression, Epistemic Injustice, and Resistant Imaginations*. New York: Oxford University Press.
- Meyer, T. (2002). *Media Democracy: How the Media Colonize Politics*. Cambridge: Polity Press.
- Michaels, D. (2008). *Doubt is their Product: How Industry's Assault on Science Threatens your Health*. Oxford: Oxford University Press.
- Mill, J. S. (1861). *Considerations on Representative Government*. London: Parker, Son, & Bourn.
- Mill, J. S. (1859a). *On Liberty*. London: John W. Parker & Son.
- Miller, D. E. (2015). "The Place of Plural Voting in Mill's Conception of Representative Government," *Review of Politics*, 77: 399–423.
- Mills, C. (2007). "White Ignorance." In Sullivan S. and Tuana N. (eds) *Race and Epistemologies of Ignorance*, 11–38. Albany, NY: SUNY Press.
- Mills, C. W. (2005). "'Ideal Theory' as Ideology," *Hypatia*, 20/3: 165–83.
- Min, S.-J. (2007). "Online vs. Face-to-Face Deliberation: Effects on Civic Engagement," *Journal of Computer-Mediated Communication*, 12/4: 1369–87.
- Minow, M. (1992). "Stripped down like a Runner or Enriched by Experience: Bias and Impartiality of Judges and Jurors," *William and Mary Law Review*, 33/1201.
- Mooney, C. (2005). *The Republican War on Science*. New York: Basic Books.
- Morris, D. B. (2001). "Narrative, Ethics, and Pain: Thinking with Stories," *Narrative*, 9/1: 55–77.
- Mueller, D. C., Tollison, R. D., and Willett, T. D. (1972). "Representative Democracy via Random Selection," *Public Choice*, 12: 57–68.
- Mulligan, T. (2018). "Plural Voting for the Twenty-First Century," *Philosophical Quarterly*, 68/271: 286–306.

- Mutz, D. (2006). *Hearing the Other Side: Deliberative versus Participatory Democracy*. Cambridge: Cambridge University Press.
- Myers, C. D., and Mendelberg, T. (2014). "Political Deliberation." In Huddy, L., Sears, D. O., and Levy, J. S. (eds) *The Oxford Handbook of Political Psychology*, 699–736. Oxford: Oxford University Press.
- Nagel, T. (1995). *Equality and Partiality*. New York: Oxford University Press.
- Neurath, O. (1921). *Anti-Spengler*. Munich: G. D. W. Callwey.
- New State Ice Co. v. Liebmann. (1932). 285 U.S. 262.
- Nguyen, C. T. (2018). "Cognitive islands and runaway echo chambers: problems for epistemic dependence on experts," *Synthese*, 197: 1–19.
- Nguyen, C. T. (2020). "Echo Chambers and Epistemic Bubbles," *Episteme*, 17/2: 141–61.
- Nozick, R. (1974). *Anarchy, State and Utopia*. New York: Basic Books.
- Ober, J. (1991). *Mass and Elite in Democratic Athens*. Princeton: Princeton University Press.
- O'Connor, C., and Weatherall, J. (2019). *The Misinformation Age*. New Haven: Yale University Press.
- O'Leary, K. (2006). *Saving Democracy: A Plan for Real Representation in America*. Stanford, CA: Stanford University Press.
- Open Secrets. (2020). "Industries." Retrieved from <<https://www.opensecrets.org/federal-lobbying/industries?cycle=2020>>
- Palese, M. (2018). "The Irish Abortion Referendum: How a Citizens' Assembly Helped to Break Years of Political Deadlock." London: Electoral Reform Society. Retrieved from <<https://www.electoral-reform.org.uk/the-irish-abortion-referendum-how-a-citizens-assembly-helped-to-break-years-of-political-deadlock/>>
- Palfrey, T. (1989). "A Mathematical Proof of Duverger's Law." In Ordeshook, P. C. (ed.) *Models of Strategic Choice in Politics*. Ann Arbor: University of Michigan Press.
- Parker, G. (1996). *Congress and the Rent-Seeking Society*. Ann Arbor: University of Michigan Press.
- Petersen, R. E. (2012). *Representatives and Senators: Trends in Member Characteristics since 1945* (CRS Report No. R42365). Washington, DC: Congressional Research Service. Retrieved from <<https://sgp.fas.org/crs/misc/R42365.pdf>>
- Pettigrew, T. F., Tropp, L. R., Wagner, U., and Christ, O. (2011). "Recent Advances in Intergroup Contact Theory," *International Journal of Intercultural Relations*, 35/3: 271–80.
- Pettit, P. (2010). "Representation, Responsive and Indicative," *Constellations*, 17/3: 426–34.
- Pinsker, J. (2015). "The Covert World of People Trying to Edit Wikipedia—For Pay." *The Atlantic*.
- Postman, N. (1985). *Amusing Ourselves to Death: Public Discourse in the Age of Show Business*. New York: Penguin Books.
- Power, S. (2002). *A Problem from Hell: America and the Age of Genocide*. New York: Basic Books.
- Proctor, R. (1995). *Cancer Wars: How Politics Shapes What we Know and don't Know about Cancer*. New York: Basic Books.
- Proctor, R., and Schiebinger, L. (eds). (2008). *Agnotology: The Making and Unmaking of Ignorance*. Stanford, CA: Stanford University Press.
- Rahn, W., Krosnick, J. A., and Breuning, M. (1994). "Rationalization and Derivation Processes in Survey Studies of Political Candidate Evaluation," *American Journal of Political Science*, 38/3: 582–600.
- Rawls, J. (1993). *Political Liberalism*. New York: Columbia University Press.
- Rawls, J. (1999). *The Law of Peoples*. Cambridge, MA: Harvard University Press.
- Rehfeld, A. (2005). *The Concept of Constituency: Political Representation, Democratic Legitimacy, and Institutional Design*. Cambridge: Cambridge University Press.
- Reid, T. (1788/1969). *Essays on the Active Powers of the Human Mind*. Cambridge, MA: MIT Press.
- Riker, W. H. (1976). "The Number of Political Parties: A Reexamination of Duverger's Law," *Comparative Politics*, 9/1: 93–106.
- Riker, W. H. (1982). "The Two-Party System and Duverger's Law: An Essay on the History of Political Science," *American Political Science Review*, 76/4: 753–66.
- Rini, R. (2017). "Fake News and Partisan Epistemology," *Kennedy Institute of Ethics Journal*, 27/2: 43–64.

- Robeyns, I. (2008). "Ideal Theory in Theory and Practice," *Social Theory and Practice*, 34/3: 341–62.
- Rokkan, S. (2009). *Citizens, Elections, Parties: Approaches to the Comparative Study of the Processes of Development*. Colchester: ECPR Press.
- Ryfe, D. M. (2006). "Narrative and Deliberation in Small Group Forums," *Journal of Applied Communication Research*, 34/1: 72–93.
- Salt, H. S. (1894). *Animals' Rights: Considered in Relation to Social Progress*. New York: Macmillan & Co.
- Saunders, B. (2010). "Democracy, Political Equality, and Majority Rule," *Ethics*, 121: 148–77.
- Saunders, B. (2012). "Combining Lotteries and Voting," *Politics, Philosophy, and Economics*, 11: 347–51.
- Scheffler, S. (2020). "Is Economic Inequality Really a Problem?," *New York Times*, July 1.
- Schioppa, A. P. (ed.). (1987). *The Trial Jury in England, France, Germany: 1700–1900*. Berlin: Duncker & Humblot.
- Schlesinger, Jr., A. M. (1973). *The Imperial Presidency*. New York: Houghton Mifflin.
- Sears, D. O., and Funk, C. L. (1990). "The Limited Effects of Economic Self-Interest on the Political Attitudes of the Mass Public," *Journal of Behavioral Economics*, 19/3: 247–71.
- Sen, A. (2001). *Development as Freedom*. Oxford: Oxford University Press.
- Sen, A. (2009). *The Idea of Justice*. Cambridge, MA: Belknap Press.
- Sheffer, L., and Loewen, P. (2017). "Electoral Confidence, Overconfidence, and Risky Behavior: Evidence from a Study with Elected Politicians," *Political Behavior*, 41: 31–51.
- Sheffer, L., Loewen, P. J., Soroka, S., Walgrave, S., and Sheafer, T. (2017). "Nonrepresentative Representatives: An Experimental Study of the Decision Making of Elected Politicians," *American Political Science Review*, 112/2: 302–21.
- Shi, F., Teplitskiy, M., Duende, E., and Evans, J. A. (2019). "The Wisdom of Polarized Crowds," *Nature Human Behavior*, 3: 329–36.
- Simmons, A. J. (1981). *Moral Principles and Political Obligations*. Princeton: Princeton University Press.
- Simmons, A. J. (2000). *Justification and Legitimacy: Essays on Rights and Obligations*. Cambridge and New York: Cambridge University Press.
- Simmons, A. J. (2010). "Ideal and Nonideal Theory," *Philosophy and Public Affairs*, 38/1: 5–36.
- Singer, P. (1972). "Moral Experts," *Analysis*, 32: 115–17.
- Sintomer, Y. (2010). "Random Selection, Republican Self-Government, and Deliberative Democracy," *Constellations*, 17/3: 472–87.
- Sintomer, Y. (2023). *The Government of Chance: Sortition and Democracy from Athens to the Present*. Cambridge: Cambridge University Press.
- Sintomer, Y., Herzberg, C., and Röcke, A. (2008). "Participatory Budgeting in Europe: Potentials and Challenges," *International Journal of Urban and Regional Research*, 32/1: 164–78.
- Somin, I. (2013). *Democracy and Political Ignorance: Why Smaller Government is Smarter*. Stanford, CA: Stanford University Press.
- Stemplowska, Z. (2008). "What's Ideal about Ideal Theory?," *Social Theory and Practice*, 34/3: 319–40.
- Stone, P. (ed.). (2011b). *Lotteries in Public Life: A Reader*. Exeter: Imprint Academic Press.
- Stone, P. (2011a). *The Luck of the Draw: The Role of Lotteries in Decision Making*. Oxford: Oxford University Press.
- Sunstein, C. (1993). *Democracy and the Problem of Free Speech*. New York: Free Press.
- Sunstein, C. (2006). *Infotopia*. Oxford: Oxford University Press.
- Sunstein, C. (2009). *Going to Extremes: How Like Minds Unite and Divide*. New York: Oxford University Press.
- Sutherland, K. (2008). *A People's Parliament: A (Revised) Blueprint for a Very English Revolution*. Exeter: Imprint Academic Press.
- Swabey, M. C. (1930). "Publicity and Measurement," *International Journal of Ethics*, 41/1: 96–114.
- Tajfel, H. (1970). "Experiments in Intergroup Discrimination," *Scientific American*, 223/5: 96–102.
- Tajfel, H. (1974). "Social Identity and Intergroup Behavior," *Social Science Information*, 13/2: 65–93.

- Tajfel, H., Billig, M. G., Bundy, R. P., and Flament, C. (1971). "Social Categorization and Intergroup Behavior," *European Journal of Social Psychology*, 1/2: 149–78.
- Talisse, R. (2009). *Democracy and Moral Conflict*. Cambridge: Cambridge University Press.
- Talisse, R. (2019). *Overdoing Democracy: Why we Must Put Politics in its Place*. New York: Oxford University Press.
- The Economist*. (2017). "In South Korea, Two Reactors are Saved from the Axe." *The Economist*.
- The Guardian*. (2019). "Is BBC News Broken? And if so, How do we Fix it?" *The Guardian*.
- Thussu, D. K. (2007). *News as Entertainment: The Rise of Global Infotainment*. Los Angeles: SAGE Publications.
- Tiefer, C. (1994). *The Semi-Sovereign Presidency: The Bush Administration's Strategy for Governing without Congress*. Boulder, CO: Westview Press.
- Tocqueville, A. de. (1835/1969). *Democracy in America*. New York: Anchor.
- Tyler, T. (2006). *Why People Obey the Law*. Princeton: Princeton University Press.
- Valentini, L. (2012). "Ideal vs. Non-ideal Theory: A Conceptual Map," *Philosophy Compass*, 7/9: 654–64.
- Van Reybrouck, D. (2016). *Against Elections*, tr. L. Waters. New York: Bodley Head.
- Veríssimo, J., and Cervellini, S. (2021). "Minipublics and Democratic Innovation: The Case of Jardim Lapenna," *Brazilian Journal of Social Sciences*, 36/106: 1–19, available in translation at <https://www.scielo.br/j/rbcsoc/a/fRYMx35Dvbxw5jmMtp4Sgb/abstract/?lang=pt#>
- Viehoff, D. (2014). "Democratic Equality and Political Authority," *Philosophy and Public Affairs*, 42/4: 337–75.
- Vinton, K. (2016). "These 15 Billionaires Own America's News Media Companies." *Forbes*, June 1. Available online: <https://www.forbes.com/sites/katevinton/2016/06/01/these-15-billionaires-own-americas-news-media-companies/?sh=18d69390660a>
- Waldron, J. (1995). "The Wisdom of the Multitude: Some Reflections on Book 3, Chapter 11 of Aristotle's Politics," *Political Theory*, 23: 563–84.
- Waldron, J. (1999). *Law and Disagreement*. Oxford: Oxford University Press.
- Waldron, J. (2006). "The Core of the Case Against Judicial Review," *Yale Law Journal*, 115/6: 1346–406.
- Walsh, K. C. (2007). *Talking about Race: Community Dialogues and the Politics of Difference*. Chicago: University of Chicago Press.
- Walton, D. (1997). *Appeal to Expert Opinion*. University Park, PA: Pennsylvania State Press.
- Warren, M. E., and Gastil, J. (2015). "Can Deliberative Minipublics Address the Cognitive Challenges of Democratic Citizenship?," *Journal of Politics*, 77/2: 562–74.
- Warren, M. E., and Pearse, H. (2008). *Designing Deliberative Democracy: The British Columbia Citizens' Assembly*. Cambridge: Cambridge University Press.
- Weingast, B. R., and Marshall, W. J. (1988). "The Industrial Organization of Congress; or, Why Legislatures, like Firms, are Not Organized as Markets," *Journal of Political Economy*, 96/1: 132–63.
- Williams, K. P. (2018). *Kayanerenkó:wa: The Great Law of Peace*. Winnipeg, Manitoba: University of Manitoba Press.
- Wilson, J. L. (2019). *Democratic Equality*. Princeton: Princeton University Press.
- Wiredu, K. (2001). "Democracy by Consensus: Some Conceptual Considerations," *Philosophical Papers*, 30/3: 227–44.
- World Inequality Lab. (2018). "World Inequality Report 2018." Retrieved from <<https://wir2018.wid.world>>
- Young, I. M. (2002). *Inclusion and Democracy*. Oxford: Oxford University Press.
- Zakaras, A. (2010). "Lot and Democratic Representation: A Modest Proposal," *Constellations*, 17/3: 455–71.

Index

Notes: SILL = single-issue, lottery-selected legislature. Page numbers in bold indicate overarching discussions.

For the benefit of digital users, indexed terms that span two pages (e.g., 52–53) may, on occasion, appear on only one of those pages.

- Abernathy, Penelope Muse 81–2
Abizadeh, A. 138n.16, 139–41
abortion policy 223–4
accountability. *See* moral accountability; political accountability
Achen, Christopher 57–8, 93–4
Ackerman, Bruce 118
adaptive preferences 56–7, 176
Adelson, Sheldon 287
administrative agencies 181–2, 243
advertising campaigns 294, 301
advocates and advocacy organizations 163–4, 192, 209–11
aerospace engineers 266–9
agenda-setting 161–4
agendas of experts 190–6
agential capacities. *See also* agential distortion
 overview 6–7, 42–3
 and political capture 64
 and unrepresentative representatives 105–8
agential distortion 286–310. *See also* political capture; political division; short-term bias; unrepresentative representatives
 overview 20–1, 285–7
 emotional manipulation 75–6, 87–8, 90, 300–6
 and political responsiveness 304–6
agential viciousness 94–5, 306
aggregation mechanisms 342–4, 351, 379–80, 384–5
Ahlstrom-Vij, Kristoffer 118
Allen, Danielle 361n.2
Althaus, Scott 118
Amusing Ourselves to Death (Postman) 73–5
Ancient Athens 131–2
Anderson, Elizabeth 196, 200
anonymized voting 291
Ansolahehere, S. 123n.18
anti-paternalism 176, 271–2
Anzaldúa, Gloria 49
approval voting system 127, 233–4
Arendt, Hannah 33–4
Aristotle 104–5, 109–10, 217–21
armed forces 180n.13, 182–3, 302
Arrow's impossibility theorem 351
assemblies. *See also* citizens' assemblies; executive assemblies; structural assemblies
 budget 254–6, 297
 deliberation 234–5, 297
 executive 182–3
 rules and ethics 297–8
 staffing 297–8
 topics 249–51, 297
 town 33, 119–20, 164–5
Atwater, Lee 301
authoritarian systems 324–5
autonomy 370
background qualifications 183
background social conditions 213–14. *See also* citizen ignorance; inequality, socioeconomic; policy complexity; political communities, size and scale
bad news sources. *See* news media
Baldwin, James 49
Ballantyne, N. 188–9
bans 84–6, 288
Barnett, A. 138n.16
Bartels, Larry 51, 57–8, 93–4
BBC (news media entity) 84
beliefs
 institutions' effects on 50–1, 304–6
 about long-term problems 100
 about own welfare 56–7
 and political legitimacy 366–9, 373, 375–6
Benkler, Y. 94n.24
Bezos, Jeff 287
biases
 anti-minority 391
 of experts 190–6
 via manipulative exposure 263
 of researchers 410–11

- biases (*cont.*)
 short-term 12–13, 99–103, 299–300
 and social conformity 226, 233
- bills of rights 353–4
- Bouricius, Terrill 132n.3
- Boyd, Kenneth 92
- Brandeis, Louis 409
- bribery. *See* political corruption
- British Columbia Citizens' Assembly 135, 167, 217
- British news media 84
- British Parliament 138n.16
- Buchanan, Allen 312n.1
- Buchstein, H. 138n.16
- budget assemblies 254–6, 297
- budgeting and appropriations 177, 254–7
- bureaucratic staff 298
- Burkean conservatism 5
- Burks, D. 137n.15
- Burnheim, John 131–2
- Bush presidential campaign 301
- Callenbach, E. 138n.16
- campaign finance reform 122–3
- Canadian Senate 138n.16
- Canclini, Nestor Garcia 79
- capitalist societies 288–9, 419
- Carty, P. 138n.16
- causal responsibility, assessing 57
- censorship 72, 84
- certitude 402–5, 408
- Charmides* (Plato) 196
- Chesterton, G. K. 309
- citizen ignorance. *See also* epistemic competence;
 microcosm representation
 and agential distortion 286
 demand-side reforms 119–21, 262
 inequality, hierarchy, and 48–50
 under lottocracy 20, 261–4
 and political accountability mechanisms 53–9
 and political accountability's absence 59–66
 and political community scale 8, 48
 problem of 50–3, 114–15, 258–60
 and single-issue legislatures 239, 243, 278
 supply-side reforms 115–19
- citizen pools 239–42, 246
- citizens' assemblies
 and community engagement 165, 303–4
 examples 131, 134n.11
 experimentation through 157
 informational role 133–7
 and moral discussion 223–6
 motives of 175–6, 341–2
 and referenda 167
 selection procedures 158–9
 single-issue nature 161
- Citizens' Initiative Reviews (Oregon) 134–5, 229–30
- citizens' juries 133–5, 161, 165
- civil disobedience 347–8
- cleavages 89–90, 380, 387
- climate change 99–102, 254, 299–300
- coercion 28–31, 312
- cognitive balancing 93
- cognitive dissonance 93
- cognitive diversity 217–22
- Cohen, Joshua 323
- collaboration. *See* cooperation
- collective action problems 99, 120
- collective agency 258n.1
- collective rationality 99–100
- Collins, Harry 196
- Collins, Patricia Hill 49, 221, 230–1
- common goals 96–7
- common sense 45
- communality 232
- communities 189, 197, 201–4. *See also* political
 communities
- community consultation and engagement
 overview 164–6
 and emotional manipulation 303–4
 influence on SILL members 329
 learning through 263, 270–1, 333
 in participatory budgeting 254–6
 competence-building 116n.2, 163, 278–9.
 See also epistemic competence; learning
- competence tests 116, 155–6, 240, 242, 279
- competitive pressures 84–6, 117–18, 302–3
- complexity. *See* policy complexity
- confidence 402–5, 408
- consensus agreement 203–4, 223, 389, 408–9
- consent 400–2, 404. *See also* contractualism
- conservatism, Burkean 5
- consociational systems 389–90
- constitutional courts 353–4
- constitutions
 and individual rights 353, 382–3
 and institutional change 402, 415
 political legitimacy and 39
- contact theory 96–7, 226, 229–31, 233
- contractarianism. *See* contractualism
- contractualism
 and actual agreement 364–6
 alternative to 375–9
 comparison of views 371–5
 and hypothetical or potential rational
 agreement 366–9

- and reasonable or moralized agreement 369–71
- control over representatives 345–6
- Converse, Philip 59n.23
- cooling-off periods 124–5
- cooperation
 - and agential viciousness 95
 - and fairness 369
 - as political purpose 30
 - among small political entities 120
- coordination problems 120
- corruption capture. *See* political corruption
- credentials 195–6, 201–4, 279
- criminal convictions 154, 156
- criminal justice policy 300–3, 305–6
- crisis-time decision-making 163, 184
- Crosby, Ned 133n.6
- cross-cutting cleavages 89–90, 380
- cross-cutting discussion 97, 407

- Dahl, Robert 133n.6
- databases of experts 205–9, 295–6
- decentralization of power 119–21
- decision-making, expeditious 184
- defense policy 302
- deference
 - norms of 169–70, 337
 - to and from political representatives 136–7, 141–4, 345–9
 - to political systems 348–51
 - to popular will 351–2
- deliberation and discussion 213–35
 - overview 19–20
 - best practices for 407–9
 - concerns about 231–5, 296
 - and institutional design 215–16
 - moral epistemic benefits 222–8, 262–3
 - non-moral epistemic benefits 216–22, 262–3, 330
 - and political division 228–31, 308, 391
 - in quiet, wild, and reflective
 - lottocracy 212–14
- deliberation assemblies 234–5, 297
- deliberative democracy 214–15, 223, 362
- deliberative polling 118, 134–5, 134n.11
- democracy. *See also* electoral democratic government
 - definition 355–6
 - deliberative 214–15, 223, 362
 - direct 272, 353
 - distinctive contributions to 219–20
 - liquid 146–7
 - modelled 118
 - true 361–2
- democratic values 311–14, 356–8, 395. *See also* individual rights; political equality; political participation; political responsiveness
- demographic proportionality 157–8
- determiners, choice of 317–22
- devil's advocacy 233–4, 408
- Dewey, John 76, 117
- Diamond, Larry 386n.18
- direct democracy 272, 353
- direct enactment of legislation 150, 167
- disclosures of interest 198–9
- discounting the future 102–3. *See also* short-term bias
- discussion. *See* deliberation and discussion
- discussion leaders 217, 233, 296
- disempowered people 55, 109, 221–2, 301–2, 392–3
- disenfranchisement 154–6, 361
- disinterestedness 190–6
- disproportionate power problem 388–90
- disrespect 232
- distrust of outgroup 91–2
- diversity 14, 109–10, 272–3
- division entrenchment problem 158, 387–8, 390
- division of labor and knowledge 69–70, 186, 221
- Dukakis presidential campaign 301
- Duverger, Maurice 88
- Duverger's law 88–9, 88n.3
- Dworkin, Ronald 39, 374

- echo chambers 92–3, 407–8
- economic systems 419
- economies of scale 120
- education
 - of elected officials 276–7
 - expectations about 75
 - improving 117–19, 278
 - opportunities for 48–9
 - public 10, 68–9, 278
- educational institutions 201–3, 279, 284, 414
- elected representatives
 - deference to and from 136–7, 141–4, 345–9
 - and epistemic distortion 65
 - incentives 102, 109, 299–300, 302–3
 - monitoring and evaluating 53–4, 60–1
 - moral norms applicable to 169, 336
 - position shifts of 64
- election+ reforms
 - critiques 140–7
 - proposals 137–9, 250
- elections
 - and competence-building 278–9
 - free 324–5
 - modest reforms to 115–16

- elections (*cont.*)
 - national deliberation before 118
 - and outgroup vilification 94–5
 - and political accountability 60–1
 - and popular will formation 351–2
 - selected traits under 283, 339–40
 - and short-term bias 99–103, 299–300
- electoral democratic government
 - achievements of 3, 52–3
 - epistemic defense of 59–60
 - and political equality 315–24
 - prevalence of 2–3
 - responsiveness to citizens 53–9, 125
 - single-issue legislatures in 238–41
 - typology of problems 113
- electoral democratic government reforms 113–28
 - overview 5, 14–15
 - capture-related 121–7, 291–2
 - constitutional 382–3
 - epistemic-related 114–21
 - for executive branch 180
 - and voting systems 127–8
- electoral losses 330–1
- electoral pools 239–41, 244
- electoral swings 253–4
- elites 104–5, 110, 173–4. *See also* powerful
 - interests
 - political class 323
 - rule by 282
 - status quo bias of 411
 - view of non-elites 276
- Ellison, Ralph 49–50
- Elster, Jon 34n.7
- emergency decision-making 163, 184
- emotional manipulation 75–6, 87–8, 90, 300–6
- empathy 229–31
- empirical understanding 35–6
- enfranchised *demos* 154–6
- enfranchisement lottery 116n.2
- enlightened preference epistocracy 118
- Enoch, David 378
- entertainment conglomerates 81–2
- entertainment filter
 - and media segmentation 92–3
 - media's response to 77–82
 - problem of 10–11, 73–7
 - removing 82–6
- epistemic bubbles 92
- epistemic burden
 - in democracy 282
 - with generalist vs. single-issue legislatures 144, 243
 - reducing 119–21, 162–3, 236–7, 240–1, 262, 283–4
 - with single-issue legislatures in electoral democracy 239–41
- epistemic capacities
 - overview 6–7, 42–3, 51
 - via learning 216–17
 - moral 222–8
 - and political capture 65
 - via pooling knowledge 217–22
 - reforms for improving 114–21
 - and unrepresentative representatives 108–11
- epistemic competence. *See also* epistemic toolkit
 - of citizens 155–6
 - concerns about 275–9
 - and epistemic skills and abilities 272–3
 - and political competence 279–84
 - of political representatives 283–4
 - and standpoint epistemology 265–72
- epistemic distortion 65
- epistemic harms 232
- epistemic humility 370, 404–5, 408–9
- epistemic integrity 198–201, 204
- epistemic manipulation 102–3
- epistemic position 49–50, 155–6, 265–71. *See also* standpoint epistemology
- epistemic responsibility 200
- epistemic responsiveness 402–3
- epistemic separation 172–4, 337–8
- epistemic toolkit. *See also* entertainment filter
 - overview 70–2
 - modifying 82–3
 - partisan filter 91–4, 97
 - systematic error in 72, 194
- epistemic trespassing 188–9
- epistemic viciousness 91–4
- epistemic virtues 51, 282–3. *See also* epistemic humility; epistemic integrity
- epistemic warrant 368
- epistocratic systems and features 115–16, 118, 242
- equal chance 316, 321–2, 385
- equal power 317–23, 389–90
- equal respect 323–4, 356–8, 403–4, 406–7
- equal say 315–17, 379–80, 385–6
- Estlund, David 37, 53n.8, 312n.1, 369n.4, 371
- European Parliament 138n.16
- Evans, Robert 196
- evidential history. *See* personal experience
- exchange of perspectives 230–1
- executive assemblies 182–3
- executive branch
 - positions and powers 150, 153, 178–83
 - reconfiguration of power 183–4

- executive compensation 204–5
- experimentation 157, 409–12
- experts and expertise 188–96
 - challenging 262
 - consensus 203–4
 - dimensions 187–9
 - in electoral representative democracy 65, 186
 - and knowledge sharing 219–21
 - narrowness of domain 189
 - need for 44, 186
 - political 279–84
 - and political capture 65, 197, 207–9, 294–6
 - varieties of 190–6
- expert selection 197–211
 - assessment by experts 201–4
 - bias, interest, and 198–9
 - and database of experts 205–9
 - incentive alignment strategies 204–5
 - and track records 199–201
- explanation 376–7
- facilitative trustees 350n.19
- fact checking 117
- la facultad 49
- faculty governance 414
- fairness
 - in cooperation 369
 - in lottery-selection 20, 160, 289–90
 - and political minorities 383–5
- fallibility 268
- family and work responsibilities 151
- famine prevention 52–3
- Fanon, F. 22–3
- federalism 389, 417–18
- Ferejohn, John 51
- fidelity norms 169–70
- financial compensation 18, 151, 159–60, 278, 290–1
- Fiorina, Morris 55–6
- Fishkin, James 118, 134–5
- foreign policy and diplomacy 182–3
- Fraser, R. 230n.36
- freedom
 - of association 121
 - of press 84–6
 - of speech 84, 121–3, 288
- Freeman, Samuel 374
- Gastil, J. 138n.16, 139, 350n.19
- generalist legislatures
 - cohesiveness of 246–7, 251–3
 - issue-specific structure 152, 292
 - lottocratic 143–6
 - single-issue vs. 243–4
- general will 351–2
- geography-bound territorial districting 241
- gerrymandering 292, 386–7
- global interconnectedness 156, 396, 416–18
- Goldman, Alvin 196, 199, 203–4
- government by simulated oracle 118
- gremlins 304–5
- group conflict 331–2. *See also* political division
- group intelligence 277
- groupthink 233–4, 407–8
- guardianship norms 169–74, 176–7, 337–8
- Guinier, Lani 361n.1, 361n.2, 387
- Hampton, Jean 372–3
- Harding, Sandra 49–50, 221
- Hartsock, Nancy 49–50, 221
- Haudenosaunee Confederacy 2n.3
- Hayek, F. A. 155–6, 218–19
- Hein, M. 138n.16
- herd of cats 246–7, 251–3
- hierarchy 48–50. *See also* racial division and hierarchy
- Higginbotham, Leon 193–4
- historical education 49–50
- historical injustice 158, 382
- Hong, L. 217–18
- hope 418–21
- Horton, William 301
- housing practices 391–2
- human beings, metaphysics of 35, 43
- human political condition 35
- Huxley, Aldous 74
- Icelandic National Assembly of 2009 134n.11
- idealization 368–9
- ideal/non-ideal theory 36–7
- identification, deference and 345–7
- identity factors 106–8
- ideological capture 288–9, 293
- imperial presidency 179
- imposition 370
- incarcerated persons 154, 156
- incentives
 - entertainment 10–11, 83
 - of experts 204–5
 - with mandatory service 159
 - in mixed method bicameralism 141–2
 - for short-term thinking 99–102, 299–300
 - of SILL members 18, 174–6, 303–4, 340–2
 - of unrepresentative representatives 102, 109, 299–300, 302–3
- incrementalism 412–15, 420–1
- incumbency advantage 58n.22, 122–3, 292

- individual endorsement of policies and political systems 347, 359–60, 363–4, 371, 380
- individualized moral justification 364, 396
 - overview 363–4
 - and contractualism 375–9
 - andlottocracy 390–5
 - and political minorities 379–82
 - and political morality 358–9, 395–6
- individual rights
 - and political equality 315–24
 - and political legitimacy 353
 - to political participation 332
 - as political purpose 30, 352
 - protection of 352–4, 382–3
- individuals not issues 80–1, 245
- inequality, socioeconomic
 - as background social condition 45–6, 116, 411
 - epistemic implications 48–50
 - reducing 125–7
- inequality of access and inclusion 48–9
- information. *See also* knowledge
 - access to 241
 - countervailing 294
 - retention of 216–17, 294
 - search for 73–7
- informational supplements 133–7
- information shortcut theory 53–5, 58, 119
- infotainment 77. *See also* entertainment filter
- ingroup/outgroup dynamics
 - and agential viciousness 94–5
 - destabilizing 96–8, 178, 228–31, 306–8, 391, 407
 - and epistemic viciousness 91–4
 - and insensitivity to facts 402–3
 - in mixed method bicameralism 143
 - and moral respect of persons 403–4, 406–7
 - and social identity 88–9
 - and sorting 89–90
- in-person discussion groups 226
- institutional capacities 42–3. *See also* agential capacities; epistemic capacities
- institutional competence 183–4
- institutional designers 409–10
- institutions. *See* political/legal institutions
- instrumentalism 385–90
- intellectual capacity 275–7
- intellectual disabilities 276n.8
- interests
 - of citizens 242, 366
 - disclosures of 198–9
 - of experts 190–6, 204–5
- intergroup emotions theory 94–5
- international politics 416–18
- internet 75–6, 117
- invidious comparisons 322–3, 356, 369
- Invisible Man* (Ellison) 49–50
- Irish citizens' assemblies 223–4
- Issacharoff, Samuel 121
- issue division 152–3, 164, 238, 247–51
- Jacobs, Lawrence 58n.22
- Japanese Americans 361
- Johnson, M. 225n.24
- Joshi, Hrishikesh 94, 252
- journalistic norms 80, 84
- judicial assembly 178, 182–3, 354
- judicial recusal 193–4
- judiciary 178, 182, 353–4
- juries 131
- justice 395–6
- justification 312n.1, 376–8. *See also*
 - individualized moral justification; political legitimacy
- Kantian views 368–9
- Karlan, Pamela 121
- Khader, Serene 56–7
- Kies, R. 137n.15
- knowledge. *See also* experts and expertise; information
 - distributed and local 155–6, 201, 218–22, 265–71
 - esoteric and exoteric 9, 67, 116, 199–202, 205
 - ordinary 45
 - pooling 217–22
 - proxies for direct 53–5
- knowledge gain 216–17
- knowledge tests 116, 240, 242
- Lafont, C. 344–8
- Landa, Dmitri 290
- Landemore, Hélène 109–10, 145–7, 217–18
- law enforcement 182
- laws 31
- learning
 - through citizens' assemblies 135
 - methods of 272–3
 - in SILL learning phase 19, 160–1, 262
 - SILL members' 157, 163, 216–17, 261–3, 294–6
- legal institutions. *See* political/legal institutions
- legislative committees 244, 248–9
- legislative proposals
 - and agenda-setting phase 161–4
 - drafting 166–7, 298
 - enacting 167–8
- legislative sessions 151, 162
- legislative staffers 123–5

- legislative structure 177, 181–2. *See also* structural assemblies
- legislatures. *See also* generalist legislatures; SILL
 - features; single-issue legislatures
 - bicameral 137–8, 138n.16, 139–42
 - mixed 142–3
- legitimacy. *See* political legitimacy
- Leib, Ethan 137–8, 138n.17
- liberal principle of legitimacy 359, 371
- licensing 201–2
- Lijphart, Arend 380
- Lincoln, Abraham 324
- Lippmann, Walter 70–3, 78–9
- liquid democracy 146–7
- lobbyists 107, 123–5
- local governments 414
- Lopez-Guerra, Claudio 116n.2
- lotteries, money 160, 305–6
- lottery-selection. *See also* microcosm
 - representation; random selection
 - from citizen pool 154–6
 - for electoral pools 240
 - fair 61, 160, 289–90
 - method 157–60
 - number of SILL members 156–7
- lottery voting systems 167–8, 321, 384–5, 390
- lottocratic institutions in mixed system
 - overview 16
 - with elected executive 179–80
 - as informational supplement 133–7
 - real-world examples 15, 131, 134–5, 134n.11
 - as standing bodies (critiques) 140–7
 - as standing bodies (proposals) 131–2, 137–9
 - as temporary bodies 413
 - on transition path 167–9, 414
- lottocratic proponents 403
- lottocratic system features. *See also* executive
 - branch; SILL features
 - overview 16–18, 149–50
 - judiciary 178
 - scope and scale 168–9
 - structural assemblies and legislative structure 150, 177
- Lupia, A. 55n.12
- Madison, James 380n.12
- majority-minority splits 158, 167–8, 361n.2, 379–82, 386–9
- majority rule 39, 167–8. *See also* political minorities
 - constitutional limits on 382–3
 - and deliberation 214–15
 - and disagreement 223, 383–4
 - domination under 361n.2, 362, 364, 379–82, 387
 - in lottocracy 390
 - and race 361n.1, 362, 386n.18
- mandatory service 159
- marginalized people 55, 109, 221–2, 301–2, 392–3
- marketplaces for experts 204–5
- Marxism 288–9
- Mason, Liliana 87–9, 89n.6
- McConnell, Mitch 124
- McCormick, J. P. 138n.16
- McGary, Howard 361n.2
- McGrath, Sarah 227
- media. *See* news media
- Medicaid program 166
- Medina, Jose 49
- mega-identities 89–90, 252
- mental maps. *See* epistemic toolkit
- meritocratic systems 115–16, 222, 240
- Merriam-Webster 355
- Meyer, Thomas 79
- microcosm representation 265–75
 - and division entrenchment problem 390–1
 - and epistemic skills and abilities 272–3
 - and experience-based knowledge 265–71
 - and knowledge of problems 271–2
 - in modified lottocratic systems 274
 - and policy coherence 253
 - and political disagreement 308
 - and political responsiveness 343–4
 - in pure lottocratic systems 241, 246
 - on structural assemblies 250–1, 255
- military conscription 302
- military force 180n.13, 182–3, 302
- Mill, J. S. 176
- Mills, Charles 13–14, 49–50, 267–8
- mini-publics 133n.6, 137n.15, 145–7
- Minow, Martha 193–4
- misinformation 12–13, 49–50, 52, 54–5
- misperception, systematic 49–50
- mixed method bicameralism 141–5
- modelled democracy 118
- Mongolian deliberative polling 134–5, 134n.11
- monitoring elected officials 53–4, 60–1
- monopoly on violence 31
- moral accountability 174, 334, 336–43, 358, 396
- moral commitments 368–77
- moral considerations. *See* political morality
- moral discussion 222–8
- moral entitlements 400–1
- moral epistemology 222–8, 262–3
- moral expertise 282
- moralized agreement views 369–77
- moral judgments 222–8

- moral norms
 - democratic 228n.33, 281
 - for elected representatives 169, 336
 - journalistic 80, 84
 - for SILL members 170–4, 176–7, 337
- moral-political problems
 - central 46–7
 - complexity of 44, 52, 101, 120–1, 223
 - epistemic dimension 270–1
 - and evaluative claims 38–40
 - failure to solve 110–11
 - information intensiveness of 52, 69–70
 - moral dimension 222, 271–2
 - objective nature 304
 - opacity of 101
 - and political division 307
 - practical 34–6
 - prioritizing 172–3
- moral respect of persons 323–4, 356–8, 403–4, 406–7. *See also* invidious comparisons; political domination
- moral responsibilities
 - of elected representatives 169
 - knowledge of 226–7
 - of SILL members 170–4
- moral significance 31–2, 34–6
- moral theory, interpersonal 368
- moral understanding 34–6
- moral worth 320. *See also* moral respect of persons
- Morris, David 225–6
- motivated reasoning 286
- multi-member electoral districts 388–9
- multinational politics 416–18
- Mutz, Diana 97, 407

- Nagel, Thomas 312n.1
- narratives 225–6, 230n.36
- Neurath, O. 420–1
- neuroscience 88–9, 89n.6
- news media 68–86
 - overview 10–11
 - campaigns in 166
 - conglomerates 81–2
 - control of 81–2, 121–2
 - as entertainment source 67, 89–90, 92–3
 - improving demand 82–3
 - improving supply 84–6, 117–18
 - influence on SILL members 165–6
 - market segmentation 80, 92–3
 - quality of 97
 - reforms 77, 117
 - regulation of 122–3
 - responsiveness to consumer demand 77–82
- newspaper ownership 81–2
- Nguyen, C. Thi 92
- normative consent 369n.4
- normative landscape 169–74
- normative political experts 280–4
- norms. *See* moral norms

- obedience to the law 28–9
- O’Leary, K. 138n.16
- open democracy 145–7
- oppression 49–50
- Oregonian deliberative bodies 134–5, 229–30
- original position 372–3
- Orwell, George 74
- “ought implies can” 37
- Overdoing Democracy* (Talisie) 90
- oversampling 274, 394–5
- Oxford English Dictionary* 355

- Page, S. E. 217–18
- parent-teacher organizations 414
- parliamentarians 248–9
- parliamentarism 178
- participatory budgeting 254–6, 329
- partisan filter 91–4, 97
- partisan rationalization 93–4
- partisanship 88–98. *See also* political division
 - overview 11, 87–8
 - and agential viciousness 94–5, 306
 - and epistemic viciousness 91–4
 - and polarization 89–91
 - responses to 95–8, 127
 - sources of problem 88–9
- paternalism 176, 271–2
- peer review 201–3
- Pelosi, Nancy 124
- people, the 361
- personal experience
 - diversity of 14, 109–10
 - and expertise 192–6, 203
 - and moral discussion 225–8
 - and standpoint epistemology 109, 266–9
- person-sensitivity 371–7
- Pettit, Philip 173
- Pevnick, Ryan 290
- Pew Research Center for the People and the Press 78
- Phillips, M. 138n.16
- physical proximity 34
- Plato 196, 282
- plurality voting 110, 127
- plural voting schemes 116
- polarization 90–1, 90n.11, 226
- policy coherence 177, 251–4

- policy complexity
 - and epistemic burden 243
 - and evaluative claims 37, 44
 - of radical political change 399–400
- policy reversals 253–4
- political accountability. *See also* moral
 - accountability; political responsiveness;
 - principal-agent accountability
 - overview 8–9
 - absence of 59–66, 135–6, 140–1
 - comparative assessment 334–6
 - instrumental value 174, 336
 - theories of 53–8
- political agreement 99–100, 237, 245. *See also*
 - contractualism; political disagreement
- political analysts 280
- political candidates, viability of 63
- political capture 288–99. *See also* political
 - corruption; political influence
 - overview 20–1, 286
 - of administrative agencies 243
 - in agenda-setting process 161, 163–4
 - bans on 288
 - barriers to 289–90
 - broad-based ideological 293–4
 - corruption vs. ideological 287–9
 - difficulty of 175–6, 244–5
 - of effective political actors 280–1
 - electoral routes to 293
 - and experts 65, 197, 207–9, 294–6
 - and financial support 107, 123–4, 160, 290–1, 340–2
 - in generalist legislatures 244
 - with limited selection pools 246
 - through media campaigns 165–6
 - in mixed system 141
 - in non-ideal lottocracy 296
 - and political accountability 59–66
 - reforms addressing 121–7, 291–2
 - and representativeness 105–7
 - and structural assemblies 297–8
 - of voter pools 244
- political change. *See* radical political change
- political class 323
- political communities
 - breakdown of 95
 - empathy within 229–31
 - hierarchy and inequality in 48–50
 - priorities and responsibilities 171–3
 - separating 95–6, 331–2
 - size and scale 8, 44, 48, 119–21, 186
- political conflict. *See* political division
- political contextualism
 - definition and overview 27, 38–41
 - and moral considerations 41–2, 280
- political corruption. *See also* political capture
 - conviction for 154
 - lottocratic hindrances to 289–91
 - and SILL design 292
- political culture and organizations 163–5
- political disagreement. *See also* political division
 - absence of 99–100, 237, 245
 - about ends and means 306
 - and fairness 383–5
 - managing 329–32
 - morally derived 223–6
 - persistence of 307–8, 329–30, 348–9
- political division
 - overview 11
 - and agential distortion 306–8, 329–30
 - and background social conditions 45–6
 - and contact theory 96–7, 226, 229–31, 233
 - deliberation, discussion, and 228–31, 308, 391
 - division entrenchment problem 158, 387–8, 390
 - epistemic effects 48–50
 - and institutional borrowing 40
 - managing 330–2
 - with single-issue legislatures 245
- political domination
 - under lottocracy 323
 - under majority rule 323, 361n.2, 362, 364, 379–82, 387
 - and separation 95–6
- political engagement 33–4. *See also* political
 - participation
- political equality
 - in lottocracy vs. electoral democracy 315–24
 - in mixed method bicameralism 145
 - and political inclusion 416–17
 - and political minorities 379–80, 385–6
- political exclusion 154–6, 361, 416–17
- political expertise 279–84
- political feasibility 126
- political functionalism 28–47
 - overview 5–7, 27–8, 32
 - and empirical understanding 35–7
 - and instrumental value 32–4, 214–15
 - and moral considerations 41–2, 280–1, 285–6
 - and moral constraints 7
 - and moral significance 34–5
 - and non-universalism 38–41
 - and political contextualism 5–6, 38–41
 - and political functions 2, 22–3, 31–2
 - and political sensibility 6–7, 42–3
 - and social conditions 43–7, 213
- political identity 158, 306–8. *See also* ingroup/
 - outgroup dynamics
- political imagination 412–13
- political inaction 141

- political inclusion 416–17
- political influence. *See also* community consultation and engagement; political capture; political participation
 - of citizens 124–5, 165, 328–9
 - and deference 345–6
 - equal 317, 319–20
 - rules governing 332
- political jurisdictions
 - physical aspect 31
 - size of 119–21
- political/legal institutions
 - borrowing 40
 - definition and characteristics 28–30
 - epistemically significant effects 50–1
 - pluralist view 5–6
 - progress in 2–3
 - reforms to 46, 402, 415
- political legitimacy. *See also* contractualism; democratic values; individualized moral justification; political equality; political participation; political responsiveness
 - overview 22, 312–13
 - and beliefs 366–9, 373, 375–6
 - and deliberation 214–15
 - demands of 32, 39, 395
 - and democracy 354, 358–60
 - and individual rights 353
 - liberal principle of 359, 371
 - of mixed method bicameralism 145
 - and obeying the law 28–9
- political losses 381–2, 394
- political minorities **362–96**
 - and constitutional protections 382–3
 - in deliberative democracies 362
 - disregard for concern about 361
 - and fairness 383–5
 - and individualized moral justification 379–82
 - and instrumentalism 385–90
 - andlottocracy 390–5
 - and “true” democracy 361–2
 - veto by objectionable 364, 375
- political morality. *See also* individual rights; moral accountability; moral respect of persons; political equality; political participation; political responsiveness; political sensibility
 - overview 21–2
 - and political functionalism 41–2
 - questions of 313–14
 - weighting of ideals 395
- political non-universalism 39–42
- political officials 115–16, 344–9. *See also* elected representatives; SILL members
- political participation 325–33
 - channels for 165, 326–9, 342
 - via community consultation 263, 332
 - concerns about 325–6, 381
 - definition 324–5
 - participatory budgeting 254–6, 329
 - and political conflict 329–32
 - and political equality 48–9, 316–20
 - protections for 332
 - via referenda 167, 293, 413
 - restricting 115–17
- political parties
 - as information shortcuts 54
 - in mixed method bicameralism 141
 - and policy coherence 251–2
 - and political division 329–30
 - with single-issue legislatures 245
 - in two-party system 88, 105–6
- political power. *See also* political legitimacy
 - attitudes toward 309–10
 - citizens’ 240–1
 - differences in 145
 - and equality 317–23, 389–90
 - of executive branch 178–83
 - lack of 301–2, 380–1, 392–3
 - metaphysical transfer of 169–70
 - proportionate 388–90, 393
 - scope 119–20
 - value to powerful interests 62–3
- political representatives 283–4, 344–9. *See also* elected representatives; SILL members
- political responsiveness 304–6, 335, 338, 340, 342–4, 381
- political sensibility. *See also* agential capacities; agential distortion; citizen ignorance; epistemic capacities; representativeness
 - overview 6–7
 - concerns about 258–61
 - and institutional capacities 42–3
 - and justice 395–6
 - and majority-minority splits 381–2
 - and political legitimacy 358–9
 - reality-based nature 304–5
- political skill 340
- political speech 84, 121–3, 125. *See also* political influence
- political systems
 - characteristics of 28–31
 - deference to 348–51
 - definition 258n.1
 - duration 31
 - and economic systems 419
 - functions 30–1

- levels and layers of government 44
- mechanisms 31
- political transparency 165, 244
- political voice 217–22, 391
- politicization 89–90, 295
- polling, public 162–3
- popular will 351–2
- Porto Alegre budgeting process 254–5
- Postman, Neil 73–6, 78–9
- powerful interests. *See also* elites; political capture
 - and belief formation 100
 - critical media coverage of 85
 - limiting influence of 121–7
 - in media and entertainment 81–2
 - opposition to reforms 411, 414–15
 - proliferation of 58n.22
 - in unequal society 125–6
- power sharing 389–90
- preference cycling 100
- preferences and values
 - adaptive preferences 56–7, 176
 - in citizen pools 240
 - conflicting 100
 - and political legitimacy 366–9, 373, 375–6
 - and political responsiveness 342–3
 - shallowness of 305–6, 339, 342–3
 - of unrepresentative representatives 105–8
 - voter-representative similarity of 339
- presidential campaigns 301
- presidential republics 178–9, 184
- price signals 155–6, 218–19
- primary bads 53n.8
- principal-agent accountability 334–6. *See also* political accountability
- principal-agent problem 174
- priorities, political 172–3
- privileged positions 420
- problem-solving skills and abilities 272–3
- procedural norms 224–5
- professional associations 201–3
- propaganda and misinformation 49–52, 54–5
- proportional representation 127, 387–9
- pseudo-experts 197, 202–3, 294–5
- public attention 237, 243, 245, 294, 302
- public education 10, 49–51, 68–9, 278
- public funding 85–6, 122
- public media 84–5, 117
- public opinion 162–3, 166, 293, 329, 414–15
- Public Opinion* (Lippmann) 70–3
- public policies
 - abortion 223–4
 - criminal justice 300–3, 305–6
 - defense 302
 - foreign policy and diplomacy 182–3
 - minority-benefiting 392
- quiet lottocracy 212–13
- racial discrimination 391–2
- racial division and hierarchy 45–6, 48–50, 154, 361–2, 386n.18
- racially inflected rhetoric 300–2
- radical political change 398–421
 - best practices for 404–11
 - and consent 400–2
 - lottocracy-oriented 411–18
 - and respect 403–4
 - and sensitivity 402–3
 - and uncertainty 399–400
- random selection. *See also* microcosm representation
 - and epistemic competence 275–6, 279
 - of experts 207–9
 - oversampling vs. 274, 394–5
 - selected traits under 340, 350–1
 - stratified sampling vs. 157–8
- ratchet effect 302
- rational ignorance 52, 83, 116
- rationality 365–9, 371–4
- Rawls, John 215n.4, 323, 359, 371, 376
- realpolitik* 285–6
- reasonableness 364, 369–77
- reasonable pluralism 375–6
- reasons, internal and external 371–5
- reasons internalism 375
- redlining 391–2
- red-teaming 233–4, 407–8
- referenda 167, 293, 413
- reflective lottocracy
 - example structure of 215–16
 - non-moral epistemic benefits 216–22, 262–3
- registration for lottery-selection 154, 156, 158–9
- regulation 117–18, 419
- Reid, Thomas 226–7
- relativity of evaluative claims 37
- reliance on representatives 171
- rent-seeking 285
- representativeness. *See also* microcosm representation; unrepresentative representatives
 - in mixed method bicameralism 144
 - and registration 156
 - responsive vs. indicative 173–4
 - and sampling methods 157–8
 - under self-selection 146–7
- Republic* (Plato) 282
- Reputation Scores 117

- restricted suffrage schemes 116
- retrospective voting theory 55–8
- revolutionaries 404–5
- revolutions 421
- revolving door 124–5
- right-of-reply 122–3
- rights. *See* individual rights
- right-wing media ecosystem 80, 92, 94n.24
- Riker, William 88n.3
- Rini, Regina 117
- Rokkan, Stein 388n.21
- roles and offices 31
- rule of law 126
- rules and ethics assemblies 297–8
- rules and procedures 31, 234. *See also*
 - constitutions; voting systems and rules
- sampling methods 133–4, 144, 157–8, 274, 394–5. *See also* random selection
- scale
 - of experiments 409–11
 - of political communities 8, 44, 48, 119–21
- Scanlon, Thomas 376
- Scheffler, Samuel 125–6
- Schumer, Charles 124
- Scottish Citizens' Assembly 134n.11
- search function 73–7, 92–3
- segmental cleavages 380, 387
- segregation 94–5
- selected traits 283, 339–42
- selection procedures 115–16, 158–9. *See also*
 - oversampling; random selection; stratified sampling
- self-esteem 96–7
- self-government. *See* political participation
- self-interest 175–6, 271–2, 341–3
- self-selection 146–7, 246, 278
- Sen, Amartya 52–3
- seniority status 292
- sensibility 232. *See also* political sensibility
- sensitivity to facts 402–8
- separation of powers 247–8
- separatism 95–6
- Sesame Street* (TV show) 75
- sexist division and hierarchy 48–50
- sexual assault 192–4
- sexual division of labor 221
- Shapiro, Robert 58n.22
- shared projects 172–3
- Sharp, Marion 229–30
- Shi, F. 208n.15
- short-term bias 12–13, 99–103, 299–300
- SILL features. *See also* lottery-selection
 - overview 16–18, 150–1
 - agenda-setting 161–4
 - budgeting and appropriations 254–7
 - chances of serving 326–8
 - citizen pools 241–2, 246
 - community consultation and engagement 164–6
 - drafting and voting 166–8
 - issue division 152–3, 164, 247–51
 - rotating membership 292
- SILL members
 - attitude toward power 309–10
 - incentives and motives 18, 174–6, 303–4, 340–2
 - learning by 157, 163, 216–17, 261–3, 294–6
 - norms applicable to 151, 170–4, 176–7
 - number of 156–7
 - performance assessment 250–1
 - removal of 151
- Simmons, A. John 312n.1
- sinecures 124–5, 290–1
- Singer, Peter 226–7
- single-issue legislatures 237–57. *See also* SILL
 - features; SILL members
 - overview 20
 - and citizen pools 239–42, 246
 - and divisive issues 394
 - in electoral democracy 238–41
 - and issue division 152–3, 164, 238, 247–51
 - and policy coherence 251–4
 - and political capture 292
 - and political disagreement 308
 - reasons for 151–2, 236–8, 242–5
 - standing vs. special bodies 238
- single-member legislative districts 88, 127
- single-transferable voting 127, 163, 233–4
- skewed representation 156–60, 264, 338
- social categories 265–73
- social choice theory 351
- social conditions 43–7
- social conformity 226, 233
- social groups 383. *See also* ingroup/outgroup dynamics
- social identity theory 88–9, 96–7, 402–3
- social media 75–6, 117
- social position 49–50, 155–6, 265–71
- social prejudice 233
- social segmentation 89–92
- social ties, weak 97, 407
- socioeconomic class 49–50
- Somin, Ilya 119–20
- sorting 89–92
- sortition. *See* lottery-selection;lottocratic system
 - features
- special legislative bodies 238, 243–4
- staffing assemblies 297–8
- stakeholders 209–11

- standpoint epistemology
 - overview 13–14, 49–50
 - and distributed knowledge 221–2, 265–71
 - and expertise 195
 - and unrepresentative representatives 109
- state governments 409, 415
- status quo bias 141, 389, 402, 408, 411
- stereotypes 72
- stratified sampling 133–4, 144, 157–8. *See also* oversampling
- structural assemblies
 - overview 150, 153, 177, 297–9
 - and agenda-setting 164
 - budget assembly 254–6, 297
 - and capture 297–8
 - deliberation assembly 234–5, 297
 - in learning phase 197–8, 210, 297
 - microcosm representation on 250–1
 - rules and ethics assembly 297
 - staffing assembly 297–8
 - topics assembly 249–51, 297
- suffrage 115–16
- sunset provisions 254
- Sutherland, K. 138n.16
- Swabey, Marie Collins 117
- systematic individual error 72, 194
- Tajfel, Henri 88–9
- Talisse, Robert 89–90, 228n.33
- technocratic systems 115–16, 222, 240
- technologies 27, 154, 184
- television programming 74–5, 78–9, 122–3
- temporal evaluation 37
- term limits 121n.15
- terms of office 157
- territorial districting 241
- textbooks, propaganda in 49–51
- third-rail political issues 136, 413
- thought experiments 170–4
- Thussu, Daya Kishan 77
- time horizons 12–13, 99–103, 299–300
- Tocqueville, Alexis de 33–4
- toleration 370
- topical jurisdiction 247–51
- topics assembly 249–51, 297
- town assemblies 33, 119–20, 164–5
- track records of experts 199–201
- transition to lottocracy
 - in international contexts 416–18
 - in large steps 415
 - mixed institutions in 168–9
 - referenda's role 167
 - in small steps 412–15
- trust 110, 228–30. *See also* deference
- trustworthiness of representatives 340
- Tyler, Tom 28–9
- unanimity requirements 401
- uncertainty 399–400. *See also* epistemic humility
- United States
 - founders 2, 179, 181
 - government 415
 - healthcare system 69, 166
 - majority domination in 380n.12
 - racial domination in 361n.1, 387, 391–2
- unrepresentative representatives 105–11
 - overview 13–14, 105
 - agential dimensions 105–8
 - and electoral reforms 122
 - epistemic dimensions 108–11, 270–1, 309
 - facts about 104–5, 264
- US Congress
 - committee system 248–9
 - cost of campaigns 122
 - length of service in 292
 - lobbying 123–4
 - representativeness 104–5, 108
- US Constitution 2, 247–8, 402, 415
- US Telecommunications Act of 1996 81–2
- values. *See* preferences and values
- Van Reybrouck, David 132n.3, 138n.16
- veto power 140–1, 181–2, 364, 375, 389
- vilification of outgroup 91, 94–5
- voluntary service 159
- voter enfranchisement 154–6
- voter ignorance. *See* citizen ignorance
- voter pools 239–41, 244
- voter turnout 325n.8
- voting
 - altruistic/sociotropic 175–6, 341–2
 - epistemic role 218–20, 222
 - metaphysical role 169
- voting systems and rules. *See also* majority rule
 - anonymized voting 291
 - approval voting 127, 233–4
 - consociational 389
 - lottery voting 167–8, 321, 384–5, 390
 - plurality voting 127
 - single-transferable voting 127, 233–4
- Walton, Douglas 196
- War Powers Resolution of 1973 (US) 180n.13
- Warren, M. E. 350n.19
- “weight of the bill” test 248–50
- welfare, self-assessed 55–7
- white ignorance 13–14, 49–50, 267–8

Wikipedia 207–8, 208n.15
wild lottocracy 212–13
Williams, Bernard 373
Wiredu, K. 223n.18
workplace democracy 414
world government 416–18

Wright, E. Olin 138n.16, 139
wrongful harms 400–2, 404

Young, Iris Marion 266n.3

Zuckerberg, Mark 287