

Madisonian Lottocracy

This paper aims to address a lottocratic answer to democratic criticisms through what I call *Madisonian lottocracy*. Critics such as Cristina Lafont argue that lottocracy is not self-governing due to blind deference. In response, I will present that Madisonian lottocracy preserves the epistemic benefits of lottocracy while incorporating democratic elements. Similar to Alexander Guerrero's *Single-Issue Lottery-selected Legislature* (SILL), Madisonian lottocracy is structured in a lottocratic manner. However, instead of implementing a policy directly, it filters the best policy options to be presented for popular election. The internal deliberation in Madisonian lottocracy provides epistemic advantages, and the ultimate decision-making power remains with the people, ensuring the principle of self-government is not compromised.

I. Explaining the Background: Electoral Representative Democracy and Its Problems

In representative democracy, citizens elect representatives to represent their views in a legislative body, rather than directly legislating laws themselves. This indirect form of rule can still be considered democratic if the legislation is aligned with the preferences of ordinary citizens. Elections serve as a tool for decision-making and a mechanism for selecting representatives who are expected to accurately represent the views of their constituents. The pressure to win re-election is meant to incentivize elected officials to properly represent the will of their constituents.

However, relying solely on electoral pressure to ensure representation is not enough. There are two major challenges to the representativeness of elected officials in electoral representative democracies: elite capture and voter ignorance. Elite capture refers to the

influence that various groups, such as lobbyists, corporations, and foreign governments, have on elected representatives due to their positions of power and influence. This can result in elected officials being unresponsive to the preferences of ordinary citizens and promoting legislation that is not in the best interests of the citizens they are supposed to represent. Furthermore, this can harm political equality by giving preferential treatment to powerful interests.¹

Voter ignorance is another challenge to representativeness in electoral democracies. Most citizens lack the information needed to make informed decisions when electing representatives, as they are often too busy with other daily responsibilities to become well-versed in political issues and candidates.² As a result, many citizens make political judgments based on factors such as partisanship, race, age, and gender, rather than information relevant to the political agenda.³ This leads to poor-quality choices and a failure to prevent representatives from serving private interests.

These challenges can result in a failure of responsiveness, where elected officials are not meaningfully accountable to citizens.⁴ When representatives are captured by powerful interests, they are primarily responsive to these interests, rather than the citizens they are supposed to represent. This results in poor governance and a lack of control by citizens over legislation, as they can only hold their representatives accountable by not re-electing them.⁵

These raise questions about the viability of electoral representative democracy as a form of popular rule. If voter ignorance is a rational outcome, it may be impractical for individual

¹ Abizadeh 2021.

² Somin 2013, pp. 17-37.

³ Brennan 2020.

⁴ Meaningful accountability differs from accountability simpliciter because, unlike the latter, the former requires accountability to be connected to informed monitoring and evaluation practices. See Guerrero 2014, p. 139.

⁵ Landa and Pevnick argue that without the consensual connection, representatives of the mini-public might have little to no accountability to non-participants, which might put the society in danger. See Landa and Pevnick 2021. This seems to conflict with Guerrero's view wherein consensual connection is not necessary for holding randomly selected representatives meaningfully accountable to the people.

citizens to overcome it on their own.⁶ To adequately respond to these challenges, there may be a need for representatives who legislate based on the preferences of citizens. However, elected representatives can still be captured by powerful interests, and ignorant voters may not effectively prevent captured representatives from legislating laws that are disconnected from their preferences.

II. Explaining A Model of Lottocracy: The Promise of SILL

Lottocracy aims to address the limitations and drawbacks of traditional democratic systems. It aspires to establish a more authentic form of democratic rule that can result in improved governance. In terms of democratic theory, lottocracy can be classified as a form of mini-public theory, as it seeks to empower a subset of the general population with democratic decision-making authority.⁷ Lottocracy is a unique democratic system, which replaces elected representatives with randomly selected citizens to form a legislative body composed of ordinary individuals rather than elite politicians. This section will examine how lottocracy aims to overcome the shortcomings of electoral representative democracy. In particular, it will focus on Alexander Guerrero's *Single-Issue Lottery-selected Legislature (SILL)*, as it represents the foundation of Madisonian lottocracy.⁸

SILL has five key features: it operates as a single-issue legislature focused on specific agendas such as healthcare, agriculture, or traffic; its members are selected by lottery from the

⁶ Ahlstrom-Vij 2013, pp. 6-36; Somin 2013, pp. 62-89.

⁷ Mini-public means a miniature of the people. Lottocracy is understood as a form of legislative rather than advisory mini-public.

⁸ There are other models of Lottocracy. Claudio López-Guerra's *enfranchisement lottery* applies lottery-selection to the demos, makes the selected to be informed about the relevant political issues, and gives them the right to vote. In this regard, his lottocracy is mostly concerned with the franchise to be capable of make a good political decision. See López-Guerra 2011. Alternatively, H el ene Landemore's *open democracy* is focused on replacing election with random selection as a selection mechanism of representatives while maintaining the central representative body as in electoral representative democracy. See Landemore 2020.

relevant political jurisdiction; members have the opportunity to hear from experts and stakeholders in the agenda through a learning phase; community engagement is facilitated through direct engagement with activists and stakeholders; and members have the ability to directly enact policy or collaborate with other SILLs.⁹

These features allow SILL to achieve responsiveness and good governance. The participants of SILL are connected to the broader community as they are drawn from the general population and engage with non-participants during the community engagement phase. This helps to ensure that the beliefs, preferences, and perspectives of SILL participants are aligned with those of non-participants.¹⁰ Additionally, the learning phase allows participants to become equipped with relevant information and expert knowledge, improving the quality of decisions and outcomes compared to those made by uninformed voters.

In conclusion, SILL's focus on single-issue agendas, lottery selection, community engagement, and learning phase offer a unique approach to democratic decision-making that aims to overcome the limitations of traditional representative democracy and achieve good governance through informed decision-making.

III. Explaining A Criticism of SILL: Is SILL Self-governing?

Self-government is widely regarded as the cornerstone principle of democracy. If the individuals within the political system of SILL are unable to govern themselves, SILL cannot be considered a democratic model, as noted by Cristina Lafont, who argues that such a system

⁹ Guerrero 2014, p. 156; Guerrero 2020, p. 170.

¹⁰ For this ordinariness, there might not be a significant gap between their beliefs, preferences, and perspectives. Using Philip Pettit's idea of indicative representation, Guerrero explains how the shared ordinariness could lead to a form of representation. In responsive representation, the fact that the citizens of a political jurisdiction are of a certain mind gives a reason for the representative to be of the same mind. In indicative representation, the fact that the representative is of a certain mind gives a reason for expecting that the citizens will be of the same mind. See Guerrero 2014, p. 158; Pettit 2004, pp. 427-428.

would be "usurping" the people's right to self-government.¹¹ In this section, the issue of lottocracy's alleged lack of democracy will be explored, specifically focusing on the criticism of blind deference.

The idea of self-government has various interpretations within the democratic framework, from Jean-Jacques Rousseau's "rule by the general will" to a participatory means of controlling political agents, such as elected representatives and governmental officials, and other criteria such as reasonable reflection and collective autonomy.¹² Lottocrats often defend their model as a democratic one by relying on the idea of self-government through a political body statistically identical to the demos. In this view, lottocracy would be self-governing if the lottocratic body reflects the demographic constitution of the people. This is known as the "mirror claim." Lottocracy is also seen as an improvement over traditional democratic systems due to its supposed epistemic advantage in decision-making, known as the "filter claim."¹³

These claims must be understood in terms of authorization. The mirror claim aims to make the lottocratic body's decisions popularly authorized by reflecting the demographics of the general population. Similarly, the filter claim seeks to limit authorization to the decisions made by individuals with knowledge. Yet, these two claims are in tension with each other. The mirror claim posits that the lottocratic body should be a demographic mirror of the people, but this would necessitate the inclusion of raw opinions, which goes against the filter claim that only decisions based on good reasons should be authorized. Conversely, the filter claim requires excluding those with poor opinions, which would not accurately reflect the people's views.

¹¹ Lafont 2020.

¹² For Rousseau's general will, see Rousseau 2002. For the participatory approach, see e.g., Jane Mansbridge et al. 2012; John Parkinson 2012; Carole Pateman 1970. For the reasonable reflection approach, see Lafont 2020. For an autonomy approach, see Lovett and Zuehl 2022.

¹³ Both the mirror and filter claim are found in Lafont's work. See Lafont 2020, p. 110.

Additionally, each claim leads to a different type of blind deference. The mirror claim would result in citizens blindly deferring to the majority's decisions, while the filter claim would require ordinary citizens to blindly defer to some sort of experts. Focusing solely on the mirror claim would result in an inclusive democracy, potentially even approaching a direct form of popular rule or deep pluralist concepts of democracy that endorse majoritarian procedures. However, this would still result in citizens blindly deferring to the majority. Likewise, raising the epistemic hurdle of authorization of decisions would lead to deferring to political judgments regardless of one's reasons, resulting in elite rule like epistocracy.

Thus, there seems to be a tension between lottocracy as an innovative approach to better democracy and self-government as a core ideal of democracy. This raises serious criticism of lottocracy, as mass participation is blocked in this system. Although electoral democracies also have a similar issue of deference, where citizens who are not elected representatives must defer to laws written by representatives even if they do not agree with them, citizens in an electoral democracy have the opportunity to indirectly express their consent by electing representatives and influencing political decisions through voting.¹⁴ Since the legitimacy of the representatives' decisions can be ultimately grounded in the will of the citizens and their consent expressed through their votes, their deference may not be blind.

In contrast, the participants of a lottocratic body are selected randomly, so there is no consensual connection, even indirectly, between non-participants and the lottocratic body's decisions. Consequently, the normative force of the decision is not grounded in the will of the wide public involving non-participants. Nevertheless, lottocracy claims that it is a self-governing

¹⁴ Landa and Pevnick argue that without the consensual connection, representatives of the mini-public might have little to no accountability to non-participants, which might put the society in danger. See Landa and Pevnick, 2021. This seems to conflict with Guerrero's view wherein consensual connection is not necessary for holding randomly selected representatives meaningfully accountable to the people.

system that is democratically contained. Once selected, participants of a lottocratic body deliberate to figure out what they think to be the best decision. Since the lottocratic body is constituted by ordinary citizens being a miniature of the people, being ruled by its decisions would be a form of popular rule. Moreover, internal communications would epistemically improve the participants. Consequently, non-participants ought to defer to a lottocratic decision because it is not only democratically authoritative but also epistemically superior to their views even after their reasonable reflections.¹⁵

IV. Arguing for Madisonian Lottocracy as an Answer

Will there be any lottocratic answer to the problem of blind deference? There is. Blind deference could be overcome if lottocratic bodies do not directly legislate but legislate in a way of filtering for good policy options and a popular vote follows to choose among the options. Deference becomes blind in lottocracy because there is no consensual connection between the participants and non-participants of a lottocratic body. There is no place of reasonable reflection of non-participants in decision-making procedures. For this reason, the only option for non-participants is blindly deferring to a lottocratic decision. However, allowing a popular vote in the legislative process would restore the consensual connection while enjoying the important advantages of lottocracy. Let me call this version of lottocracy Madisonian lottocracy.¹⁶

The basic idea of Madisonian lottocracy is that lottocratic bodies filter for good policy options. Those options are sent to a popular vote wherein an option with a majority vote is

¹⁵ Fishkin explains this limitation of mini-publics in general in terms of a trilemma among political equality, deliberation, and mass participation. On this trilemma, implementing two would preclude the last one. Mini-publics can be deliberative among political equals but at the cost of mass participation. See Fishkin 2009, pp. 46-47. In this vein, Lafont criticizes lottocracy because it would discourage mass participation leading to blind deference. See Lafont 2020, p. 105.

¹⁶ James Madison emphasized the role of chosen body of citizens for refining and enlarging public views. See Hamilton, Madison, and Jay 2008.

selected and legislated. Though lottocratic bodies in this version of lottocracy do not directly legislate a policy, their decisions are legally binding because one of the policy options must be legislated. This is like a nudging situation rather than coercion. People are not coerced to accept a particular law, but their range of choices is limited by randomly selected ordinary people who are like them. Since policy options are filtered by internal communication of a miniature of the people, they have democratic authority rooted in the mirror claim. At the same time, their internal communication can satisfy the deliberative filter claim because it shares epistemic advantages with other lottocratic models. Thus, Madisonian lottocracy satisfies both the filter and mirror claims.

Moreover, Madisonian lottocracy avoids blind deference. To understand this, we need to distinguish between direct and indirect authorizations. Direct authorization can be found in Landemore's and Guerrero's models of lottocracy. In their models, lottocratic bodies legislate a law, and citizens including non-participants ought to obey it. Since the authorization process is complete in the lottocratic body, the legitimacy of a lottocratic decision depends on its internal communication—whether the decision is justified by epistemically good reasons—and its constituency—whether it is a miniature of the people. Lafont's criticism seems to be targeted at lottocratic models with direct authorization.

However, a lottocratic body's authorization of law is indirect if they do not legislate but filter for policy options. Filtration is different from legislation in that the former does not coerce citizens to be subject to a specific law while the latter does. When policy options are filtered through internal communication of a lottocratic body, not one but several options will be given as the outcome, which would be delivered to a popular vote in a relevant political jurisdiction. In Madisonian lottocracy, the lottocratic body indirectly authorizes a law because it authorizes only

the list of options. The final choice of law is made by a popular means wherein the law is directly authorized. In this way, non-participants do not blindly defer to a lottocratic decision or, at least, they defer as they do in electoral representative democracy.¹⁷

Based on the understanding of Madisonian lottocracy, five key characteristics can be identified. Firstly, Madisonian lottocracy can be considered more democratic than traditional electoral representative democracy as elected representatives may prioritize their own or some powerful groups' interests over those of the general public, leading to legislation that is not reflective of the beliefs, perspectives, and values of ordinary citizens. Conversely, in Madisonian lottocracy, legislation is better aligned with the views of the general public due to its random selection of participants from the people.

Secondly, Madisonian lottocracy has the epistemic benefits of other forms of lottocracy. Upon selection, ordinary citizens engage in discussions and become knowledgeable about political issues, leading to their improved epistemic status, compared to non-participants. Similarly, in Madisonian lottocracy, lottocratic bodies are formed to randomly select ordinary citizens who engage in discussions and learn about political issues, letting them decide final options.

Thirdly, Madisonian lottocracy maintains a crucial aspect of democracy, which is popular elections. In traditional electoral representative democracy, popular elections allow citizens to avoid blind deference by providing a means of consent to their representatives. Voting for representatives gives a chance for citizens to reasonably reflect on political agenda and

¹⁷ Notice that indirect authorization does not diminish the mirror and filter claims because it is still a miniature of the people who filter for good options based on epistemically good reasons. In fact, having a popular vote as part of legislative procedures would help avoid blind deference of both kinds because it allows a chance for individualistic authorization in the election. Citizens in Madisonian lottocracy could avoid blind deference to experts because they are not coerced to obey a decision justified by reasons which their reasonable reflections do not lead them to accept. On the contrary, they are given a list of options, and the final choice is up to their reasonable reflections. Thus, the legislation will be reflective of not only a popular will but also an individual's will.

candidates and then decide. Philip Pettit argues that any representative body should be subject to an electoral check to prevent their domination over ordinary citizens.¹⁸ Though popular elections alone may not prevent blind deference and such domination, they provide citizens with some control over political power and prevent blindly deferring to their representatives' decisions.

Fourthly, while functioning similarly to SILL, Madisonian lottocracy may require a central coordinating body to regulate each lottocratic body and determine the agenda for lottocratic bodies. This body would have a similar structure and phases to those of other SILLs, but its tasks may be more fundamental. Therefore, consideration may need to be given to limiting its pool of random selection to those who have already been selected for a SILL, as they may be more professionalized.

However, there are some challenges associated with Madisonian lottocracy. Firstly, it may re-introduce issues such as voter ignorance and media manipulation, which are common in traditional electoral representative democracy.¹⁹ Though popular vote in Madisonian lottocracy might not resolve those issues, it can detour around them. Since the popular vote is to choose among the suggested options, the winning option would be epistemically good or, at worst, epistemically satisfactory. Voter ignorance and media manipulation might be still present before and after popular votes, but they cannot lead to making an epistemically bad decision. Since the worst option would be still epistemically satisfactory, non-participant citizens are nudged to end up voting for, at least, an epistemically satisfactory decision.

Secondly, legislating every law through a popular vote may not be practical or efficient. Lottocracy has the advantage of making democratic decisions with good epistemic and democratic basis with a small number of people. To address this issue, one suggestion is to

¹⁸ Pettit 2012, p. 205.

¹⁹ Guerrero 2014, p. 163.

differentiate between issues that require a popular vote and those that can be legislated in a typical lottocratic manner. For example, important laws, such as revising electoral districts or implementing a national healthcare system, may need popular authorization, while minor policies, such as controlling traffic signals or naming a road, can be legislated without a popular vote.

Another suggestion is to send filtered policy options to a parliamentary vote instead of a popular vote, as an intermediate step towards full Madisonian lottocracy. Here, elected representatives, chosen by popular election, can vote on the policy options. Since elected representatives are chosen by popular election, a parliamentary vote carries some degree of popularity, which supports the democratic authority of the policy option that obtains a majority vote in the parliament. Ideally, they may work like the Electoral College which represents the majority view of their electoral district. Since randomly selected ordinary citizens filter for good policy options and elected representatives vote on them, this suggestion does not lose any of the epistemic advantages of Madisonian lottocracy. Even if elected representatives are captured by powerful groups, they are nudged to select among policy options that are supported by ordinary citizens, because they, like citizens in popular votes, should choose among the popularly authorized list of policy options. Thus, this suggestion does not much deviate from the full Madisonian lottocracy while answering the economic problem.

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