

Lot and Democratic Representation: A Modest Proposal

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Elections and democracy have not always been closely associated. As historians of democracy often point out, classical Athenians believed that lottery – not election – was the most democratic means of selecting magistrates. Aristotle writes, for instance, that “the appointment of magistrates by lot is thought to be democratic, and the election of them oligarchical.”¹ The Athenians used elections sparingly, to choose generals and financial administrators, to fill posts that required a special measure of expertise. They expected that magistrates chosen by election would be disproportionately drawn from the social and economic elite.

The Athenians have not been alone in this belief; in fact, as Bernard Manin has illustrated, it can be found throughout the modern republican tradition, from Guicciardini to the framers of the U.S. Constitution. Montesquieu argued, for instance, that “selection by choice is in the nature of aristocracy.”² In his view, elections gave citizens the opportunity to choose men of particular merit and distinction, whom he expected to be drawn from the upper classes.³ This point of view has lately been restated by a few contemporary democratic theorists. Manin himself, in his *Principles of Representative Government*, devotes most of a chapter to the proposition that elections have an inherent aristocratic tendency. Elections reward people who succeed in drawing attention to themselves, he says, and both wealth and social distinction attract attention.⁴ More recently, John McCormick has written that “election is a magistrate selection method that directly and indirectly favors the wealthy and keeps political offices from being distributed widely among citizens of all socioeconomic backgrounds.”⁵ Wealthy political aspirants are able to “cultivate greater reputations,” to make themselves heard more loudly, and to develop the forms of expertise (rhetorical and other) necessary for political success.⁶

Such concerns are vindicated by many empirical studies of the social and economic backgrounds of elected politicians. It should come as no surprise that legislators in modern democracies tend to be “better educated, possess higher-status occupations, and have more privileged backgrounds” than their constituents.⁷ These findings hold true across advanced, industrialized societies as well as developing democracies; they also hold true for national, state, and local office: social and economic elites are overrepresented on city councils, not just national Senates.⁸ One way to summarize this finding is to say that elections fail to produce *descriptively* representative legislatures; that is, they fail to fill legislatures with politicians who reflect the empirical characteristics of the population at large. Certain characteristics – notably wealth and social privilege – are overrepresented, while poor, socially disadvantaged citizens are (often severely) underrepresented.⁹

Why should it matter that social and economic elites tend to win elections? The most pressing democratic concern is that they will write legislation that favors their own interests and neglects the interests of the less well-off. “The most obvious hypothesis,” writes Robert Putnam, “so obvious that it has rarely been scrutinized carefully – is that decision makers will favor the interests of the social groups from which they come.”¹⁰ This point need not rest on an assumption of elite self-interest. J.S. Mill observed that a Parliament of even the most altruistic noblemen would be little comfort to the working class: “yet does Parliament, or almost any of the members composing it, ever for an instant look at any question with the

eyes of a working man? When a subject arises in which the laborers as such have an interest, is it regarded from any point of view but that of the employers of labor?"¹¹ The literal answer to both questions was obviously "no"; and Mill thought it significant. Even well-intentioned elites have different worries, different frames of reference, different focal concerns, than the poor and vulnerable.

Elections do not, of course, leave citizens powerless against the elites who govern them. Voters can turn governing elites out of office, and this simple but momentous fact is enough to render these elites accountable, to some extent, to their constituents. It is enough to make governments at least minimally responsive to the interests of the voting public. It is very often observed, however, that elections are blunt and imperfect instruments of public control. Manin, Przeworski, and Stokes observe that "governments make thousands of decisions that affect individual welfare," whereas "citizens have only one instrument to control these decisions: the vote." "One cannot," they say "control a thousand targets with one instrument."¹² Elected representatives tend to retain a large measure of discretionary power. This point can be summarized by saying that elections often fail to give rise to *substantive* representation. They do not give citizens the tools necessary to ensure that political decisions faithfully represent their own interests.

As Manin points out, elections offer us two roles, though most of us only ever inhabit one. Free and open elections allow us to be both voters and petitioners for public office. As voters, we are equal. As petitioners, we are not (since social and economic elites have an advantage). Manin argues – rightly, I think – that elections thus contain two competing tendencies: "the fundamental fact about elections is that they are *simultaneously* and indissolubly egalitarian and inegalitarian, aristocratic and democratic."¹³ To say that elections fail to achieve substantive representation is to say that their egalitarian features are not strong enough to neutralize their inegalitarian tendency; the equal power we are granted as voters is not enough to neutralize the substantive bias that arises from our inequality as petitioners. To put the point more starkly: elections – or at least, the contemporary practice of elections, across many different polities – stand in (partial) tension with one of the most fundamental normative promises of democracy: that citizens' interests will be given equal consideration.

A Modest Proposal

The claim that modern democracies fail to attend adequately to the interests of their poorer and more vulnerable citizens is, of course, commonplace, and the evidence for it is substantial. Larry Bartels and Martin Gilens have recently provided compelling evidence of this trend in U.S. federal policy: both have shown that the policy preferences of poorer citizens count for virtually nothing in Congressional decision-making.¹⁴ Bartels finds, for instance, that on issues of great salience to poorer voters – including minimum wage laws, anti-discrimination laws, and spending on such programs as Head Start and Low-Income Home Energy Assistance – Senators have proven highly responsive to the opinions of wealthier constituents and wholly unresponsive to the preferences of the poorest third. "The modern Senate," writes Bartels, "comes a good deal closer to equal representation of *incomes* than to equal representation of *citizens*."¹⁵ Democratic theorists concerned with such inequalities have typically responded by trying to better theorize elections: by pushing, say, campaign finance reform to reduce the inequality of petitioners, or better civic education and better participatory forums to help citizens use elections more judiciously as instruments of public control.

Far too little attention, however, has been paid to alternative methods of candidate selection. Lot (or lottery), especially, deserves more serious consideration as a way of correcting some of the democratic deficiencies of election. Lot, of course, simply means random selection from a pool of candidates, each of whom has an equal chance of being chosen. Lot was widely used in early democracies and republics: in classical Athens and in the Renaissance city-states of Florence and Venice. And although modern, mass democracies have used it very sparingly (for jury selection, for instance), several political theorists have recently suggested that we consider using lot much more widely, as a way of rendering our political institutions more democratic.

In a 2006 article in the *American Political Science Review*, John McCormick outlines a tentative proposal for a “tribunate assembly” of 51 citizens, each of whom be chosen by lot from the adult population and would serve a year-long term. Political and economic elites would be “excluded from eligibility.”¹⁶ The tribunes could veto “one piece of congressional legislation, one executive order, and one Supreme Court decision” in the course of their term.¹⁷ They could also call one (binding) national referendum on an issue of their choice, and initiate impeachment proceedings against one federal official. Kevin O’Leary has advanced a much more detailed plan in his book *Saving Democracy* for a system of 435 100-person citizen assemblies – one in each congressional district. Members would be chosen by lot, and as a group, these 43,500 citizens would discuss and assess federal legislation, first in a strictly advisory function but eventually with full veto power.¹⁸

Similar reforms have also been proposed in less academic settings. In 1998, for instance, as the British government was considering reforms to the House of Lords, Anthony Barrett and Peter Carty submitted a plan they called the “Athenian Solution”: peers would be selected by lot and be given the power to delay the ratification of new legislation and to exercise a limited constitutional check on the Commons.¹⁹ Another proposal was submitted by David Poulin-Litvak in January 2009 to the Australian Citizens’ Parliament, which convened to assess the adequacy of Australia’s democratic institutions. Poulin-Litvak suggests the creation of an Australian Citizens’ House, along with a Constitutional Assembly and High Court, all selected by lot, to complement the functions of existing Australian institutions.²⁰ In the mid-80s, Ernest Callenbach and Michael Phillips, writing for a popular audience, proposed a citizen legislature, selected by lot, in the United States.²¹

My own proposal is in some ways simpler than these others and works within the existing bicameral structure of U.S. federal and state legislatures.²² It is not a wholly original proposal – it borrows elements from the several plans I have just summarized – and I will sketch only its outlines here mainly as a way of inviting readers to imagine, concretely, how lot might function in practice. Suppose, then, that state and federal Senates were abolished and replaced with citizens’ chambers, filled by lot. All adults would be eligible for selection, but could decline if they did not wish to serve. The size of the citizens’ chamber would depend on the size of the corresponding state or federal population, with members drawn at large. Each chamber would be large enough to minimize the chances of selecting a highly unrepresentative sample of the population.²³

The new chambers would have reduced responsibilities: they would not initiate new legislation; rather they would review legislation approved by the elective chamber, deliberate about its merits, and then vote to approve or veto it. They could not alter the legislation; vetoed bills would be sent back to the elective house for redrafting.²⁴ Citizens’ chambers could also, by majority vote, compel a floor vote in the corresponding elective chamber on any piece of legislation that had been introduced there (but was languishing in committee).²⁵ Finally, citizens’ chambers would be delegated full power to draw and redraw legislative

districts following the release of new census data; this power would be entirely removed from the hands of elected officials. City councils could also be restructured using this bicameral model. In small municipalities and boroughs, half of the seats on the council or board could simply be allocated by lot; in these smaller settings, representatives chosen by lot would shoulder the same responsibilities as elected representatives.

Once a bill was approved in an elective chamber, the corresponding citizens' chamber would decide whether to review it or simply ratify it summarily. This decision would be made, after some discussion, by the whole assembled body, and a majority would be required to submit the bill to review. Once a bill was tabbed for review, a committee would be assigned to review it. The committee would be chosen by lot from the citizens' chamber, and assigned the task of reviewing the bill over a period of weeks or months, as appropriate. Committees would serve as deliberative forums, which would hold public hearings, invite expert testimony (as well as testimony from the bill's sponsors and opponents in the elective chamber), and conduct open debate. Each committee would then present its recommendation to the entire citizens' chamber and submit it to a vote, with a majority required to exercise the veto. A similar procedure would be followed for the ratification of a new redistricting proposal: a select committee would be designated and would prepare a proposal for approval by the whole chamber.

Each citizen representative²⁶ would be asked to form his or her own independent judgment as to whether the proposed legislation would advance the public interest (rather than simply hew to a party line), and would take an oath to this effect as a guardian of the public weal. Citizens chosen by lot for service at either the municipal, state, or federal level would serve for one full legislative session, plus two months of the previous session, which they would spend simply observing. At the state and federal level, they would receive a standard salary, set at double the median household income level in the U.S. (which now stands at around \$50,000), with some adjustment for cost of living. Employers would be required to restore these citizens' jobs when they returned from their year of public service, and would receive some form of additional compensation. Schedules would be arranged to allow citizen representatives to spend part of the week at home (as they are for elected legislators). Anyone accepting the office of citizen representative would also be required to submit to heightened – and public – financial scrutiny for several years, and would be forbidden from holding any other elective or appointed political office within five years of the end of his or her term.

For reasons that I can discuss only briefly in this essay, I think mine is a better proposal than the others that I have mentioned. First, compared to most other similar proposals, mine addresses local and state-level governance as well as federal lawmaking; in so doing, it creates many more positions for citizen representatives and extends the scope of their influence. This difference would be important, I think, in light of some of the benefits that I discuss later in the essay. Second, in replacing Senates with citizens' chambers, my proposal does not add yet another branch of government – and, with it, another veto point – to our current institutional structure.²⁷ It does not, therefore, threaten to exacerbate legislative gridlock and to further entrench the status quo against policy reform. Finally, unlike the Poulin-Litvak or Callenbach and Phillips proposals, mine limits the responsibilities of citizen representatives. As I discuss later, I think that this circumscription is important in light of some of the epistemic objections that can be raised against lottery. It does have the disadvantage, however, of ceding agenda control to the elective chamber. Since the citizens' chamber could consider only legislative proposals that were initiated in the elective chamber, it would not have the freedom to set its own agenda. This weakness is somewhat offset by the citizens' chamber's power to compel

floor votes in the elective chamber, which would allow it to exert some control over the legislative agenda.

Before discussing the broader, democratic justification for my proposal, it is perhaps worth pausing to address a practical question. If citizens do have the option to decline serving on citizens' chambers, this choice introduces the likelihood of bias in the statistical sample. It is likely, for instance, that citizens with certain occupations – mothers with very young children, for instance, or CEOs – would decline service at disproportionately high rates. Bias could also result from the threat of heightened financial scrutiny, which might be more intimidating to citizens in certain professions or income brackets. The magnitude of these biases would have to be tracked, and if they resulted in any substantial demographic distortion, compensatory steps could be taken. Replacements could be selected, for instance, at random from a pool of citizens with identical (or nearly identical) demographic characteristics.²⁸

In the last few paragraphs, I emphasized both the distinctiveness and the advantages of my own proposal. But my objective here is not to criticize other, similar proposals; in fact, I think that some of them – especially O'Leary's – are well-conceived and would be preferable to our current system. Indeed, my main interest here lies not in vindicating the details of my own proposal, but rather in deriving the citizens' chamber from the theory of democracy itself. There still exists, even among democratic theorists, a pervasive skepticism about lottery, grounded partly in an uncertainty about its democratic legitimacy. Many of the proposals that have so far been offered up do little to alleviate this uncertainty, largely because they are written for either popular or policy audiences. My aim, here, is mainly to contribute to lot's theoretical justification. I aim to show, specifically, that the use of lottery to select public officials is not only consistent with basic democratic principles, but actually instantiates these principles more faithfully, in some cases, than elections do.

In the rest of this essay, I argue that lot's advantages can be understood in light of several values that are, by most accounts, central to the justification of democratic government. Four values stand out as especially important: equal consideration of interests, equal recognition, political autonomy, and deliberation. I argue that the first two give unambiguous support to the idea of a citizens' chamber. I then consider objections that arise from the latter two values and try to show how these objections can be overcome. Some of these arguments can be understood as friendly, theoretical amplifications of O'Leary points; others offer different, supplementary lines of justification or defense.

Four Democratic Values

Democracy presents itself as an answer to the question: how should we make collective decisions? It says, simply, that everyone should have an equal voice in collective decision-making. In large, complex societies, where public affairs cannot be managed by an assembly of all citizens, both lot and elections can be used to generate representative bodies designed to approximate the ideal of equal voice. Both have egalitarian features: elections, of course, give us equal votes in selecting from a slate of candidates; lot gives us equal chance of being selected as candidates. The adequacy of each method of selection should be assessed by asking how well it preserves or promotes the basic values that justify equal voice in the first place.

Before considering these values individually, it is worth emphasizing that assemblies chosen by lot are *representative*, rather than participatory, bodies. Writing about a citizens' assembly chosen by lot in British Columbia, Mark Warren notes that "we should not think of [it] as an extension of participatory democracy or citizen engagement devices."²⁹ Because

of their small size, such assemblies are not vehicles for broad, popular participation in politics. Rather, they give a select group of ordinary citizens the opportunity to stand in for, or represent, the larger public. They should therefore be judged, as Warren puts it, for the “nature and quality of democratic representation” that they achieve. The four values I now consider each suggest a way of assessing precisely this “nature and quality,” and to compare it to the representation achieved through elections.

(1) *Equal protection of interests.* Democracy begins, writes Robert Dahl, with the “moral judgment that all human beings are of equal intrinsic worth, that no person is intrinsically superior to another, and that the good or interests of each person must be given equal consideration.”³⁰ It rests also on the further supposition that the surest way to give all citizens’ interests equal weight in public decisions is to give citizens equal voice. There is a world-weary skepticism behind this last claim – a skepticism directed at any and all ruling classes who would claim to govern in the interests of others. Democrats from Athens onward have believed that no class of persons can be trusted to give adequate attention to the interests of everyone else, and that the unrepresented will therefore remain mostly unheard, their interests ignored if not trampled. This has sometimes been called the “protective” argument for democracy: democracy is the surest way we know of protecting everyone’s interests.

I have already argued that elections often fail, in predictable ways, to generate representative bodies that attend to citizens’ interests equally. They fail because they empower social and economic elites and leave them substantial discretionary power. The citizens’ chamber’s most obvious advantage lies in counteracting this elite bias. Because lot uses random selection, citizens’ chambers would be descriptively representative; social and economic elites would not be overrepresented.³¹ Bills that were perceived to advance elite interests at the expense of the less privileged – from trade bills to healthcare and family leave policies to zoning schemes – could be struck down or sent back for redrafting.³²

This point can be re-cast in the language of accountability. As I argued above, the vote itself is an inadequate means of securing the accountability of elected officials. It does not give citizens the means to assess particular laws or policies. Citizens’ chambers would function as a much finer instrument of public control. Citizens selected for the chamber would review every piece of legislation approved by their elected officials and would exercise a selective policy veto. Viewed in this light, members of the citizens’ chamber are not themselves legislators; rather they are appointed citizen overseers whose task it is to ensure public accountability. Citizens do not presently have anywhere near the time they would need to assess, let alone follow, all of the new legislation proposed by federal, state, and local legislatures. Citizen representatives, on the other hand, would have the full-time, year-long responsibility of monitoring legislation at each of these levels of government. Citizens’ chambers would enable watchful citizen oversight without making unreasonable or impossible day-to-day demands of us. Such oversight would, I believe, check a great deal of the substantive bias of elective legislatures.

Skeptics might point to the well-established fact that American citizens often vote against their own economic interests and indeed often favor policies that advance the interests of the wealthy. Larry Bartels has, for instance, shown striking evidence of these trends in Americans’ generally positive attitudes about the large, regressive tax cuts of 2001 and 2003 and about the reduction of estate taxes.³³ Such trends might suggest that the citizens’ assembly would routinely fail to correct elite bias. In fact, Bartels’ analysis suggests otherwise. He concludes that many citizens support regressive policies out of what he calls “unenlightened

self-interest.” They support regressive tax reductions because they mistakenly believe that such reductions will benefit them, and because they fail to recognize the tax cuts’ tendency to exacerbate income inequality, which many expressly oppose. The more informed citizens were about the Bush tax cuts, for example, the more likely they were to oppose them. Citizens’ assemblies would not simply reflect the uninformed preferences of the average voter; rather, in giving representatives an opportunity to learn and deliberate about a proposed law or policy, they would come closer to expressing the preference that average citizens *would* have if they had better information and time to absorb and discuss it.

In preventing government from catering disproportionately to the interests of the elite, and in giving ordinary citizens the power to approve or reject legislation, citizens’ chambers would recapture an important, egalitarian feature of classical Athenian politics. Though Athenians did not use lot to select legislators (except for the *nomothetai*, who did exercise certain legislative powers),³⁴ they did use lot precisely as a way of curtailing the influence of the social and economic elite. As James Wycliffe Headlam shows in his classic study, *Election by Lot at Athens*, Athenians understood that any small body of magistrates, and anybody that met more regularly than the intermittent Assembly, would tend to accumulate power in its own hands. They worried, especially, that such bodies – which were necessary to manage public affairs – would gradually concentrate power in the hands of a wealthy elite who would rule in their own interest. They chose to constitute these smaller bodies – notably the Council of 500 – by lot as a way of deflecting this danger of oligarchic control, as a way of preventing elites from usurping the authority of the people.³⁵ Citizens’ assemblies in the modern U.S. would serve a similar function.

(2) *Recognition*. Universal suffrage is a way of recognizing citizens as free and responsible agents and as participants in public life; it is also a public affirmation of the moral equality of all citizens. “Political institutions,” writes Charles Beitz, “define the terms on which citizens recognize each other as participants in public deliberation and choice.”³⁶ To be excluded from participation is to be denied such recognition, to be singled out as inferior or unworthy. The demand for recognition itself has, of course, played a very important moral and rhetorical role in the modern movements for more inclusive suffrage.

Suffrage, however, as I argued earlier, is only a partial form of political recognition. It recognizes citizens as voters but not fully as petitioners for public office. It is a matter of common knowledge in the US that a successful bid for public office – especially at the state and federal levels of government – requires a great deal of money, and therefore typically also access to the socially and economically privileged. Our current elections system recognizes us as equals in our capacity to choose our leaders, but not in our eligibility to lead. Lot, by contrast, extends a more meaningful measure of recognition to all citizens. Treating all adult citizens as equals in their capacity as *candidates* for representative office expresses a very deep (some would say too deep) trust in and respect for their capacities and judgment.

In giving every adult an equal chance of selection, it also expresses a commitment to the political inclusion of all groups – more so than elections alone, since these tend to return relatively privileged candidates to office. The mere fact of having legislative bodies that accurately reflect the social and demographic characteristics of the population at large would mark an important step toward equal recognition. Half of the representatives sitting in the Federal Citizens’ Assembly would be women. Thirteen percent would be black, and another thirteen percent Hispanic. Four or five percent would be openly gay. Roughly eleven percent would have been living below the poverty line when selected; and since thirty-six percent

of American households earn under \$35,000 per year, another substantial fraction of those selected would be drawn from this group.³⁷

Recognition and the equal consideration of interests suggest a fairly straightforward case for selection by lot. The next two democratic values, however – political autonomy and deliberation – each give rise to potential objections.

(3) *Political autonomy.* Democracy embodies not only a commitment to protect citizens' interests equally and accord them equal respect or recognition; it also embodies a commitment to their self-rule. Autonomy or self-rule requires, at the very least, that citizens be able to exercise meaningful control over their public affairs. The most familiar mechanism of public control in modern representative democracy is of course election, which gives citizens a formal opportunity not only to *authorize* their public representatives, but also to *sanction* them for poor performance (by voting them out of office).

When officials are selected by lot, however, neither of these conditions obtain. First, representatives chosen by lot are not authorized by the consent of those they govern. The public does not choose them, nor are they appointed by officials the public has chosen. Their claim to represent their fellow citizens arises rather from the statistical probability that they will, as a group, form a descriptively accurate portrait of the larger public. Second, since they do not come up for re-election, citizen representatives are also immune from electoral sanction. Representatives facing the prospect of a campaign for re-election are compelled by their own political interests to heed their constituents' demands. Unelected representatives have no such compelling interest; they can act as they please. In leaving citizens no meaningful control over their officials, lottery seems therefore to violate their political autonomy.

This concern can be restated in the language of democratic representation itself. The conventional account of democratic representation suggests that these two powers – to authorize and sanction – are necessary features of the relationship between constituent and representative; without them, this relationship is not democratically representative at all.³⁸ Rather, it begins to look more like the relationship between subjects and their (randomly chosen) rulers.

Though these are serious objections, they can be mitigated with the help of a distinction drawn by Philip Pettit, between what he calls “responsive” and “indicative” representation. Imagine, says Pettit, that you are invited to sit on a committee, but cannot for some reason attend its meetings. You believe that the committee's business is important, though, and you would like someone to serve in your place who will represent you. Two strategies present themselves. First, you could choose someone who will ask for your advice and guidance before important decisions are made, who will serve as a kind of “deputy.” This person would be a “responsive” representative, in the sense that her own judgments or priorities will be *caused* (at least in part) by yours. Second, you could simply choose someone who shares your own “general attitudes” about the committee's business, and who is likely to act on those attitudes much as you would. Such a person would not be responsive to your own judgments and would not consult you for advice. She might not even know, Pettit suggests, that you had chosen her. She would represent you only in the sense that her attitudes and decisions will be “indicative” of yours. She acts as you would, were you in her shoes. Pettit argues that it is a mistake to think that you would, in this second case, have forfeited all control over the committee's decisions. In fact, your control has been relocated to the moment of selection (rather than the threat of future sanction): you would be choosing someone who is likely to behave as you would, and in so doing you would be influencing the committee; you

would be exercising control.³⁹ John Burnheim extends this point directly to the mechanism of lottery: “The statistical selection procedure [embodied in the drawing of lots] controls the distribution of the interests represented and so controls the decisions that are likely to emerge by rational negotiations among those representatives.”⁴⁰

It is precisely this kind of control that citizens would be exercising if they amended the US and state constitutions and created citizens’ assemblies.⁴¹ Citizens would be choosing to create a representative body that would likely behave as they would (were they better informed), and that would represent them in this, indicative sense. As Pettit points out, this sense of representation was, at one time, not at all uncommon. Thus even John Adams could write that a legislature “should be an exact portrait, in miniature, of the people at large, as it should think, feel, reason, and act like them.”⁴² The power to ensure that the legislature will be a “portrait” of the people – the power to ensure that it will be *indicatively* representative – is precisely what elections fail to confer, for reasons I have already explored. The petitioners for electoral office, from which voters must choose their leaders, virtually never present a descriptively accurate picture of the broader electorate. Of course, it remains true that citizens cannot threaten to withhold their votes (in future elections) from citizen representatives; they lack this form of control, which we have learned to associate very closely with democracy. In this sense, officials chosen by lot are much like elected officials in their final term: their career does not depend on the public’s future approval.⁴³ Critics might therefore maintain that the forms of public control I have just discussed are not sufficient to create political accountability. They might argue that officials chosen by lot, as well as elected officials in their final term, are not answerable to the public in the most important sense. Since they do not depend on the public’s future approval, they can (albeit at the cost of unpopularity) act as they please, within the limits of the law. They can ignore the public’s interests and govern strictly in their own interest; they can make public judgments for strictly private reasons. The public has no recourse against them should they do so. Responsive representation, it might be argued, is the only means of securing accountability.

The best way, I think, to show the limits of this concern is to consider trying to improve the citizen’s assembly by introducing election. Suppose now that first-term citizens were selected by lot, but were then subject to election for subsequent terms in office. Suppose that incumbent candidates had to win a certain fraction of the vote to remain in office; if a candidate was not re-elected, his or her seat would be filled by lot by a new, first-term representative. This change would give rise to electoral accountability; but it would also undermine one of the principal virtues of the lottery itself. As Pettit points out, indicative representation requires not only that representatives hold roughly the same range of political attitudes as the broader population, but that they *act* on those attitudes in the way we might expect the broader population to act. Representatives simply chosen by lot, with no prospect of re-election, can be expected to act on their own attitudes, much as other citizens would (if they had similar information, incentives, and opportunities to deliberate, etc.)⁴⁴ Representatives facing re-election, on the other hand, would have a host of other motives. They would, in any case, have a strong incentive to tailor their judgments to the opinions of their (potential) supporters, their financial backers, or to other influential political figures whose approval they coveted.⁴⁵ And these incentives would render their judgments unrepresentative in the indicative sense; it would, furthermore, likely re-introduce elite bias.

There is a tension, then, as Pettit has shown, between indicative and responsive representation. These are two different mechanisms for institutionalizing public control over politics, each with its own shortcomings. My argument here has been that these two forms should be combined. In relying so heavily on elections as a mechanism of control, we introduce

important political biases, which amount to a loss of political control for ordinary citizens. Election's deficiencies can be corrected by allowing more room for indicative representation, as embodied in the citizens' chamber. Responsive and indicative representation can serve as complementary instruments of public control.

It is worth keeping in mind that even elections do not come close to embodying the ideal of *self*-rule, strictly understood. First, candidates elected by a majority (or plurality) of the voting public are not authorized by everyone; many citizens are forced to accept representatives whose candidacies they did not endorse. Others find themselves compelled to cast their ballot for a candidate they would never have chosen, whose candidacy was made possible by powers entirely beyond their control. These citizens might, of course, be thought to have consented to submit to the authority of the winner. They have consented, it might be said, to election as a method of selection. But the same could eventually be said of lot as a method of selection. Citizens' chambers would, in any case, require authorization by the people and by their elected representatives through Constitutional amendment. Furthermore, as I have already discussed, the vote, understood as a vehicle for sanctioning incumbent representatives, is a very loose and imprecise form of control.

So far, I have been arguing that lot does in fact offer a way for the people to exercise control over their government, and therefore, that it is consistent with the democratic value of political autonomy. There is another sense, too, in which lot might encourage political autonomy. The successful exercise of political autonomy requires not only the right institutions, but also citizens with both the will and the capacity to make proper use of them. There are three ways in which lot might help accomplish this latter aim: by ensuring a broader diffusion of political knowledge, by stimulating greater interest in public affairs, and by inviting more attention to the failures of our public educational system. Each of these benefits might not only increase citizens' control over government, but also enable them to guard more vigilantly against policies that do not reflect their interests.

Here again, classical Athens can serve as a point of reference. Headlam explains that lot's educational value was among its most important benefits. In oligarchic governments, a small minority enjoyed "a monopoly of certain kinds of experience" – the experience of *govern-ing*.⁴⁶ The use of lot virtually guarantees that the experience of political rule is diffused more broadly throughout the population. Tocqueville cited this diffusion as one of the principal advantages of American democracy: the experience of political responsibility made citizens' judgments more measured and more informed. It made them more reliable judges of their government's performance and less vulnerable to polemical ideologies. It is well known, now, that the transformations in American civic culture and institutions since the mid-twentieth century have substantially undermined the participatory patterns that Tocqueville observed. As Theda Skocpol (among others) has shown, American society even in the mid-twentieth century afforded its citizens far more opportunity for civic leadership than it does now.⁴⁷ The experience of governing is increasingly restricted to a class of managers and elected or appointed elites. Steven Rosenstone and John Mark Hansen describe the trend as follows:

The thirty year decline of citizen involvement and the more recent decline of citizen involvement in government has yielded a politically engaged class that is not only growing smaller but also less and less representative of the American polity. In fact, the economic inequalities in political participation that prevail in the United States today are as large as the racial disparities in the political participation that prevailed in the 1950s.⁴⁸

The use of lot to fill federal, state, and especially local offices would help reverse this trend. It would, as O'Leary emphasizes, begin to spread practical political knowledge and expertise,

not only to those citizens selected for service, but through the informal networks to which they belong, through conversations and arguments with friends, family, and colleagues.⁴⁹

Second, the simple fact of having ordinary citizens presiding over important political decisions and conducting their business in ordinary language rather than the arch formalities of the Senate would do a great deal to counteract contemporary Americans' chronic sense of powerlessness and alienation from politics. Ernest Callenbach and Michael Phillips emphasize this benefit in their proposal for a citizen legislature in the U.S. An assembly chosen by lot would, in their words, help restore "the dwindling sense among ordinary Americans that they have a legitimate and honorable stake in their country," and help reinforce the sense that citizens are more than simply victims of powerful interests.⁵⁰ It would also help promote an understanding of citizenship that emphasizes citizens' obligations alongside their rights and privileges. What is more, the expectation alone that one might be called to serve in the legislature or city council might give citizens greater incentive to be informed, to treat politics as a domain of life in which they belong.

Finally, and more speculatively, selection by lot might begin to change the way we think about the aims and adequacy of our public educational system. Judge Leland DeGrasse, who ruled in 2001 that the state of New York was failing to meet its constitutional obligation to provide all residents with a "sound, basic education," argued that public education has an important civic purpose. It must, he argued, prepare children for civic engagement: "An engaged, capable voter needs the intellectual tools to evaluate complex issues, such as campaign finance reform, tax policy, and global warming, to name only a few."⁵¹ The truth is that citizens in contemporary democracies are rarely called on to make such complex evaluations. Voting does not require it, nor does the vote give individual citizens sufficient incentive to be informed. In fact, suffrage alone fails to give the polity as a whole adequate incentive to ensure that everyone is educated to a reasonable standard of civic competence. If we knew that any citizen might be called on to serve as a representative, and might thus be endowed with substantial public power, we might think differently about the adequacy of our public education. We might be inclined to treat the profound inequalities and failures of public education in this country as matters of urgent civic concern.

(4) *Deliberation*. For all its commitment to inclusion and equality, democratic government is also supposed to make good, reflective decisions – decisions taken in light of all available evidence and argument. In fact, one of the principal justifications of representative democracy, as against direct democracy, is that through public deliberation (among representatives, as well as between representatives and the broader public) it transforms raw public opinion into reflective political judgment. The *indirectness* of representative government can create room for deliberation and contestation that would not otherwise obtain.⁵² James Madison wrote, for instance, in *Federalist No. 10*, that the republican form should serve "to refine and enlarge the public views by passing them through the medium of a chosen body of citizens."⁵³

The citizens' chambers, of course, preserve this indirectness, and give rise to new deliberative forums. But before turning to the virtues of these forums, it is worth considering an important concern that arises in this context. One of the very natural responses to lot is that ordinary citizens are unprepared to negotiate the complex decisions that legislators have to make – especially at the state and federal levels of government. The concern, then, is that citizen chambers might worsen the quality of public decisions, presumably by vetoing bills for bad or irrational reasons. "Random selection is not," as Poulin-Litvak puts it, "a competence-based mode of selection."⁵⁴ Citizens might find themselves unable to follow, much less conduct, the sophisticated deliberations that are necessary to make sound political judgments at the state and federal level. Representation by election, it is often said, is valuable

in part because it allows citizens to choose competent officials, perhaps even experts, to make difficult political judgments in their stead.

This concern depends, of course, on an empirical assertion about the incompetence of ordinary citizens – an assertion which needs testing. The best way to test it would be through small-scale experiments with citizens' chambers, beginning at the municipal level and then progressing eventually to the state level. Such experiments, should they succeed, would be the only way of eventually persuading American citizens to accept citizens' chambers as a legitimate form of democratic government. Until then, the best we can do is to look at similar experiments performed elsewhere. Perhaps the best recent data point we have is the Citizens' Assembly convened in British Columbia in 2004 to review the state's electoral system. An assembly of 160 citizens – half men and half women – chosen by lot met every other weekend over the course of nine months, studied electoral systems in democracies around the world, held a sequence of public hearings to discuss alternatives, and in the end produced a complex proposal for electoral reform based on the Single Transferable Vote.⁵⁵ By all accounts, their proposal is a highly competent, well-designed electoral solution, and their reasoning in choosing it over other alternatives was rational and consistent. Furthermore, citizens with very little prior political knowledge did not perform much differently than citizens who were very well-informed politically.⁵⁶

Other experimental evidence can be culled from James Fishkin's experiments with deliberative polling. Deliberative polls assemble a randomly-chosen group of citizens for a weekend, either face-to-face or online, and invites them to learn intensively about a certain policy topic through discussion and expert testimony.⁵⁷ It then gauges their opinions, as a way of simulating the informed opinion of the public at large. James Fishkin and Bruce Ackerman, reflecting on these experiments, have this to say:

When ordinary people have the chance seriously to consider competing sides of an issue, they take the opportunity to become far more informed. Their considered judgments demonstrate higher levels of knowledge and greater consistency with their basic values and assumptions. These experiments demonstrate that the public has the capability to deal with complex public issues; the difficulty is that it normally lacks an institutional context that will effectively motivate it to do so.⁵⁸

This last point is worth pursuing, because it helps explain some of the pervasive skepticism about ordinary citizens' capacities.

One of the most persuasive explanations of citizens' relative ignorance about political affairs appears in Joseph Schumpeter's *Capitalism, Socialism, and Democracy*. Schumpeter argues that citizens simply have no incentive to form educated, defensible political opinions. Their vote counts for almost nothing, and they will never be held responsible for votes cast for bad reasons. He asks us to imagine the average professional (in this case a lawyer), whose general competence and whose knowledge of his own professional domain are as impressive as his political convictions are irresponsible and under-developed. In his profession, says Schumpeter, this man is held responsible for his judgments; as a voter, he never will be.⁵⁹ Voters' ignorance, on this view, reflects not mainly their lack of general competence, rather their lack of incentive to be informed.⁶⁰

Citizens' chambers address this problem directly. Citizens chosen to serve in these chambers would have substantial incentive to make careful, reflective political choices. Their decisions would have very important public consequences, and would be subject to public scrutiny. They would run the risk of public shame or ridicule if they performed poorly.

Moreover, unlike most citizens, who have precious little time to spend monitoring public officials, members of the citizens' chamber would be asked to devote themselves full-time (perhaps less in smaller local and state governments) to their task. It is worth reiterating that the citizens' chamber does not make heroic demands of its members (or of the rest of the public). In fact, its demands are arguably much less heroic than those made by our present representative system, which asks members of the voting public to monitor their representatives closely without the benefit of time, expert testimony, or adequate personal incentive.

It is of course true that citizens serving single terms in the citizens' chamber would have much less expertise than career politicians. And though they would have access to expert testimony, they would have virtually no experience assessing the likely consequences of different policy alternatives. Such concerns strike me as good reasons not to burden citizens with the full slate of responsibilities that elected representatives currently shoulder. Citizen representatives should not be responsible for introducing legislation or drafting and revising laws. They should not be responsible for drawing up complex budgets or appropriations plans. And careful attention should be paid to the deliberative circumstances in which they are placed. I am much more skeptical, however, of the claim that citizens cannot learn enough to exercise a responsible veto.

It is surely true that some citizen representatives would simply lack the educational or cognitive resources to follow complex policy arguments. If they formed a substantial voting block in the chamber, the quality of its decisions would no doubt suffer.⁶¹ All in all, this is a risk I am willing to accept in light of the benefits I have just outlined. And as I suggested earlier, this danger would give the rest of us more incentive to improve the quality of public education, to ensure that it lives up at least to the standard articulated by Judge DeGrasse, and to strengthen the norms of civic preparedness and responsibility.

There are, furthermore, deliberative benefits that could help offset these risks. Citizens' chambers would create new deliberative forums. Because of their inclusiveness, a whole new range of perspectives would be expressed, most importantly the perspective of the least well-off, the poor.⁶² Debates would be framed differently than they are by career-conscious politicians; they would likely be messier, more unruly, more uncensored and (sometimes) less constrained by the norms of rational argument. But they would also likely be less ideological and much more closely tethered to the experiences of ordinary people. Rather than hear wealthy lawyers talk about how such-and-such a policy is bound to affect American citizens, we would hear from ordinary citizens themselves, drawing on their own experience. And as I argued earlier, this fact alone might expand the audience for such deliberations, inspire greater public awareness and participation, and help reduce the pervasive alienation and indifference of the American public.

Conclusion

I conclude with a few words about the danger of corruption. It is sometimes suggested that ordinary citizens would be much more vulnerable than elected officials to the corrupting influence of special interests. Their lack of political savvy and experience, or their financial vulnerability, would leave them exposed to manipulation. It is of course difficult to predict how citizens would behave under formidable political pressure. But it is worth keeping in mind the several ways in which citizens' chambers would reduce existing corruption.

First and most importantly, members of the citizens' chamber would not have been elected; they would have no political debts carrying over from their election campaigns. They would

also be free of the need to begin raising funds for their re-election. They would therefore have much less need for wealthy patrons. Second, because “committee” assignments would be determined by lot and would not be drawn until the chamber decided to review a particular piece of legislation, wealthy interests would have precious little time to develop relationships with key decision-makers. In our current Congress, committee assignments are stable and lasting, and interest groups can cultivate profitable, long-term associations with important committee members. Third and relatedly, the very premise that political experience allows officials to inure themselves from corrupting influence seems obviously belied by recent experience. Many of the longest-serving members of Congress – including the likes of former Senator Ted Stevens, the late John Murtha, and Robert Byrd – have been known to be the most corrupt. Many career politicians seem to become more, not less, corrupt over time, as they learn that special-interest money is simply part of the business of political success.

Members of the citizens’ assemblies would, furthermore, be subject to intense public scrutiny. Their financial records would have to be made public. They would be barred from accepting any appointed or elected office within at least five years of their service. They would be subject to impeachment if they were found to have accepted gifts or favors from interests groups. Potential conflicts of interest, arising from citizen representatives’ field of employment, investments, or board memberships, would be used to disqualify some of them from service on certain committees.

In discussing a very different proposal (for what he calls “instant direct democracy”), Robert Paul Wolff urges “those readers who would reject it out of hand to reflect on what that reaction reveals about their real attitude toward democracy.”⁶³ Wolff’s admonition is relevant to the use of lot, too. Democracy, in its original meaning, but also in the meaning that many of us still invoke when we talk about it abstractly, means empowering ordinary citizens to make important political choices, to rule themselves. Citizens’ chambers seem to me a way of bringing our existing institutions closer to (though still well short of) this ideal. And though there may be many democratic reasons to oppose it, those who resist it mainly because they mistrust ordinary citizens or think them incapable of managing their own affairs, even under circumstances engineered to be auspicious, are ultimately opposing democracy itself. This is not meant as a rebuke – it is certainly possible that democracy is not in fact the best form of government for complex modern societies – but rather as a plea for honesty. If in fact we favor government by educated elites, checked by occasional elections, then we should admit as much and stop calling ourselves democrats. We should concede, rather, that what we favor is what Alan Ryan has called an “oligarchic mixed regime,” with certain liberal, democratic, and technocratic features.⁶⁴

NOTES

1. Aristotle, *The Politics*, ed. Stephen Everson (Cambridge: Cambridge University Press), VI, 9, 1294b, 8–11.

2. Montesquieu, *The Spirit of the Laws*, Book II, Chapter 2.

3. Bernard Manin, *The Principles of Representative Government* (Cambridge: Cambridge University Press, 1997), 73.

4. *Ibid.*, 142–3.

5. John McCormick, “Contain the Wealthy and Patrol the Magistrates: Restoring Elite Accountability to Popular Government,” *American Political Science Review* 100, no. 2 (2006): 148.

6. *Ibid.*, 148.

7. Donald R. Matthews, “Legislative Recruitment and Legislative Careers,” *Legislative Studies Quarterly* 8, no. 4 (Nov., 1984): 548.

8. *Ibid.*, 548. See also Robert Putnam, *The Comparative Study of Political Elites* (Englewood, N.J.: Prentice Hall, 1976) and Gerhard Loewenberg, *Comparing Legislatures* (Lanham, MD: University Press of America, 1979).

9. Results do vary, as one might expect, across different election systems. Closed-list proportional systems with strong leftist parties, for instance, do elect many working class candidates to legislatures. Closed-list proportional systems in general also tend to elect more women than first-past-the post systems (see for instance Pippa Norris, "Women's Legislative Participation in Western Europe," in *Women and Politics in Western Europe*, ed. Sylvia Bashevkin (London: Frank Cass, 1985)). Where legislatures are very weak or exercise strictly nominal authority, they can also be much more diverse and representative. These variations do not, however, vitiate the general claim.

10. Putnam, *The Comparative Study of Political Elites*, 41.

11. John Stuart Mill, "Considerations on Representative Government," *Utilitarianism, On Liberty, and Considerations on Representative Government* (London: Everyman 1993), 225.

12. Bernard Manin, Adam Przeworski, and Susan C. Stokes, "Elections and Representation," *Democracy, Accountability, and Representation*, ed. Manin, Przeworski, and Stokes (Cambridge: Cambridge University Press, 1999), 50.

13. Manin, *The Principles of Representative Government*, 149.

14. See Larry Bartels, *Unequal Democracy: The Political Economy of the New Gilded Age* (New York: Russell Sage, 2008), chapter 9, and Martin Gilens, "Inequality and Democratic Responsiveness," *Public Opinion Quarterly* 69, no. 5 (Special Issue 2005), 778–796.

15. Bartels, *Unequal Democracy*, 262.

16. McCormick, "Contain the Wealthy and Patrol the Magistrates," 160.

17. *Ibid.*

18. See Kevin O'Leary, *Saving Democracy: A Plan for Real Representation in America* (Stanford: Stanford University Press, 2006). Other political scientists and theorists have proposed using lot for a variety of democratic purposes. Two especially interesting proposals are John Burnheim, *Is Democracy Possible?* (Berkeley, University of California Press, 1985), and Robert Dahl, "Sketches for a Democratic Utopia," *Scandinavian Political Studies*, Vol. 10, No. 3, 1987, 195–206.

19. See Anthony Barnett and Peter Carty, *The Athenian Solution* (Exeter: Imprint Academic, 2008).

20. See David Poulin-Litvak, "Citizens' Democracy: Setting the Pace for a Democratic Revolution through the Use of Random Selection of Citizens in Political Institutions," <http://www.citizensparliament.org.au/downloads/CitizensDemocracy.pdf>.

21. See Ernest Callenbach and Michael Phillips, *A Citizen Legislature* (Berkeley: Banyan Tree Books, 1985).

22. All of our state legislatures are bicameral with the exception of Nebraska's, which is unicameral.

23. The ideal size of these bodies would have to be investigated statistically. They should, in any case, be large enough to minimize the occurrence of highly unrepresentative samples. The size of the chamber would thus vary with the size of the constituent population; the federal citizens' assembly would have to be the largest.

24. When Mill described the responsibilities of the ideal representative assembly in *Considerations on Representative Government*, what he had in mind was similar to what I am proposing here. His parliament would not initiate legislation – this task was delegated to a special commission – nor could it amend legislation. It would simply vote yea or nay. Its most important function was to "throw the light of publicity on [government's] acts: to compel a full exposition and justification of all of them which any one considers questionable;" Mill, "Considerations on Representative Government," 258.

25. I take this suggestion from O'Leary.

26. I borrow the term from Mark Warren; see Mark Warren and Hilary Pearse, eds., *Designing Deliberative Democracy* (Cambridge: Cambridge University Press, 2008), ch 2.

27. There are also other advantages to be gained in abolishing Senates, which have dubious democratic warrant to begin with. The anti-democratic properties of the U.S. Senate are too well-established to need repeating here. Moreover, bicameralism itself is typically justified as a way of making legislatures more deliberate, forcing them to win two majorities, at discrete moments in time, before changing the law. This justification is fully preserved by my proposal. But my proposal also gives bicameralism an additional justification: it is a way of mixing selection procedures and increasing the democratic accountability of government.

28. Though such biases could be minimized, however, there is no way of generating a perfectly representative sample without making service mandatory. It seems clear to me that mandatory service would impose unreasonable burdens on certain groups of citizens.

29. Warren, *Designing Deliberative Democracy*, 51.

30. Dahl, *On Political Equality* (New Haven: Yale University Press, 2006), 4.

31. This egalitarian benefit would be substantially undermined, however, if poorer citizens (or citizens from any politically marginalized group) declined to serve at much higher rates than wealthier citizens. As I have discussed above, however, there are ways of counteracting potential biases in the random sample. Furthermore, whether or not citizens chose to serve would depend, in part, on the public norms that developed around these institutions.

32. One possible response is that discussion in citizens' chambers might nonetheless be dominated by the few elites who are randomly chosen. As McCormick observes, "evidence suggests that professional, white males tend to dominate discussion within [deliberative] fora;" McCormick, "Contain the Wealthy and Patrol the Magistrates," 160. Some measure of elite distortion is perhaps inevitable. But to sustain a serious elite bias, elites would have to succeed, not simply in dominating discussion, but also in persuading the assembled body of citizens – citizens whose full-time task it is to study the merits of legislation – to vote with their interests time after time. The obstacles to sustained elite bias here are, it seems to me, much steeper than they are in our present system, where countless policy decisions are made without serious public scrutiny.

33. See Bartels, *Unequal Democracy*, chapters 6 and 7.

34. See Morgens Herman Hansen, *The Athenian Democracy in the Age of Demosthenes: Structure, Principles, and Ideology* (Norman: University of Oklahoma Press, 1991), ch 7.

35. See Headlam, *Election by Lot at Athens* (Cambridge, U.K.: The University Press, 1891), 44–9.

36. Charles Beitz, *Political Equality: An Essay in Democratic Theory* (Princeton: Princeton University Press, 1989), 109.

37. See Carmen DeNavas-Wait, Bernadette Proctor, and Jessica Smith, *Income, Poverty, and Health Insurance Coverage in the United States: 2007*, U.S. Census Bureau, Current Population Reports, p60–235, U.S. Government Printing Office, 2008, <http://www.census.gov/prod/2008pubs/p60-235.pdf>. As of the 110th Congress, seventeen percent of the members of the U.S. House of Representatives are women, ten percent are black, six percent are Hispanic, and less than one percent are openly gay.

38. See for instance Nadia Urbinati and Mark Warren, "The Concept of Representation in Contemporary Democratic Theory," *The Annual Review of Political Science* 2008, 11: 396. This objection is, of course, related to the equal protection of interests. Citizens who authorize (and re-authorize) their representatives can, in virtue of this power, ensure that their interests are being properly weighed. Representatives facing the prospect of a campaign for re-election are compelled by their own political interests to heed their constituents' demands. Unelected representatives have no such compelling interest. And absent such popular control, politicians cannot reasonably be expected to govern in their constituents' interests.

39. Philip Pettit, "Representation, Responsive and Indicative," in this issue of *Constellations*.

40. John Burnheim, *Is Democracy Possible?* (Berkeley: University of California Press, 1985), 115.

41. A formal amendment would be required, for instance, to the U.S. Constitution. The seventeenth amendment specifies that the Senate "shall be composed of two Senators from each state, elected by the people thereof."

42. John Adams, *The Works of John Adams*, Vol. IV, ed. Charles Francis Adams. (Boston: Charles C. Little and James Brown, 1851), 205.

43. It would be a mistake, however, to expect that citizen representatives would be impervious to public opinion. Publicity itself, as well as the threat of impeachment for corruption, can give the public some measure of ongoing control.

44. Pettit, "Representation, Responsive and Indicative," in this issue of *Constellations*. John Burnheim writes, perhaps a touch optimistically: "if political office is attained by lot there are no professional political careers. Nobody has to acquire debts to party organizations or patrons in order to gain office or to hang on to it. The usual pressures to keep quiet are absent. On the other hand, the greatest reward that a person is likely to get from public service is recognition of his or her ability and integrity," Burnheim, *Is Democracy Possible* (University of California Press, 1985), 116.

45. If they were elected out of regional districts, they would also have strong incentive to cater exclusively to the interests of their own constituents, or some fraction thereof, rather than the broader national interest.

46. Headlam, *Election by Lot at Athens*, 50. See also Richard Mulgan, "Lot as a Device of Democratic Selection," *The Review of Politics* 46, no. 4 (Oct. 1984), 539–560.

47. See Theda Skocpol, *Diminished Democracy: from Membership to Management in American Civic Life* (Norman: University of Oklahoma Press, 2003), 99–108.

48. Steven Rosenstone and John Mark Hansen, *Mobilization, Participation, and Democracy in America* (New York: Macmillan, 1993), 248.

49. O'Leary, *Saving Democracy*, 118.

50. Callenbach and Phillips, *A Citizen Legislature*, 57–59.
51. *Campaign for Fiscal Equity v. New York*, 719 N.Y.S. 2d 475, 2001, 14.
52. See Nadia Urbinati, *Representative Democracy: Principles and Genealogy* (Chicago: University of Chicago Press, 2006).
53. James Madison, “Federalist No. 10,” *The Federalist Papers* (London: Everyman, 1992), 45–46.
54. Poulin-Litvak, “Citizens’ Democracy,” 19.
55. For a detailed treatment of the Citizens’ Assembly in British Columbia, see Warren and Pearse, “The Concept of Representation in Contemporary Democratic Theory,” 2008.
56. See Ande Blais, R. Kenneth Carty, and Patrick Fournier, “Do Citizens’ Assemblies Make Reasoned Choices?” in Warren and Pearse, “The Concept of Representation in Contemporary Democratic Theory,” 2008. Because citizens were chosen from a pool of volunteers, the average level of education and political knowledge in the B.C. Citizens’ Assembly was substantially higher than the mean in the larger population (see Warren and Pearse, “The Concept of Representation in Contemporary Democratic Theory,” ch 5). This fact surely affects the results. At the same time, citizen representatives in British Columbia were asked to draft electoral reforms, not simply to exercise a veto – so their task was more complex than the tasks that would confront representatives in citizens’ chambers.
57. See Fishkin, “Deliberative Polling: Toward a Better-Informed Democracy,” <http://cdd.stanford.edu/polls/docs/summary/>
58. Bruce Ackerman and James Fishkin, *Deliberation Day* (New Haven: Yale University Press, 2005), 4.
59. See Joseph Schumpeter, *Capitalism, Socialism, and Democracy* (New York: Harper Perennial, 1962), ch. XXI.
60. Schumpeter also argues that citizens will prove incompetent judges of public affairs because they have no immediate experience of it. It is true, of course, that they have no experience designing laws (nor should they, for the most part, be asked to have this experience). But many do have a range of experiences – including the experience of deprivation, of knowing they can’t get sick because they don’t have healthcare, of dealing with low-level welfare bureaucrats, and of suffering exposure to workplace and environmental risks from which elites are shielded – that are deeply relevant to policy choices, and that ought to figure much more prominently in our policy debates.
61. Such citizens might, of course, simply choose to defer, either to certain experts or to their elected officials, in which case no great harm would be caused.
62. Of course, these perspectives would also include, for instance, the white supremacist perspective, the 9–11-was-an-inside-job perspective, the ardent creationist perspective. I do not think it unreasonable, however, to hope that public expression of such perspectives – which tend to thrive and amplify in insular groups – would, over time, help expose their error.
63. Robert Paul Wolff, *In Defense of Anarchism* (New York: Harper, 1976), 34.
64. I am very sympathetic, for instance, to the concern that assemblies of ordinary citizens might be less vigilant in defending the rights of minority groups whose beliefs or practices put them at odds with the majority culture. Gay marriage is only one example of an issue that might find a more just resolution (in the short term) if left in the hands of educated elites. These potential losses are outweighed, in my views, by the gains that stand to be achieved in the domain of economic justice. But if, in the name of certain substantive political outcomes, we are ultimately content to leave political decisions in the hands of elites, then we must at least admit that we are not fully democrats; liberals surely, but not democrats.

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