Thinking Sortition

Modes of selection, deliberative frameworks and democratic principles

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Abstract

The abstract democratic ideal is hegemonic nowadays, but, what is considered to be its concrete institutional forms are facing a growing "crisis of representation" and distrust. As an answer to this crisis and after centuries of absence, sortition (selecting representatives by lots) is making its return on the political stage through various academic research, practical experiments and activist claims. But each thinker, experimentation, or militant group, is giving a different explanation of what sortition is, why and how it could strengthen democracy. How could we be thinking sortition efficiently? Instead of doing a chronology of this return my proposal is to construct a more general theory of sortition in a comparative approach. A broad study seems necessary in order to grasp the theoretical constants, despite the empirical diversity of sortition concrete uses. First, I shall compare sortition to the three other selection modes: election, nomination and certification. Second, I will analyse the deliberative frameworks, that is to say "who decides what how". Third, I will distinguish four democratic principles of sortition: equality, impartiality, representativeness and legitimacy. My first research hypothesis is that sortition is likely to offer a greater equality, impartiality and representativeness. My second hypothesis is that sortition is the only method of selection producing a specific form, a *humility-legitimacy* when the three other selection modes are producing a *superiority-legitimacy*, where the principal is declared superior to the agent through the selection process.

Keywords : Democracy, legitimacy, representation, selection, sortition.

Résumé

A l'heure où l'idéal démocratique abstrait est devenu hégémonique ce que l'on considère comme ses formes institutionnelles concrètes subissent une « crise de la représentation » et une défiance grandissantes. De nombreuses expérimentations démocratiques basées sur le tirage au sort des participants se développent partout dans le monde, accompagnées de divers travaux académiques et revendications militantes. Mais chaque penseur, dispositif ou activiste semble donner une définition différente de ce qu'est le tirage au sort ainsi que de pourquoi et comment il devrait être utilisé. Comment penser le tirage au sort efficacement dans sa diversité et sa cohérence ? Au lieu d'une chronologie de ce retour de la sortition, nous proposons de construire une théorie plus générale des divers usages de la sélection aléatoire dans une approche comparative. Il s'agit de penser le tirage au sort à travers un regard croisé pour mieux comprendre les constantes théoriques malgré la diversité empirique d'usages concrets du tirage au sort selon les

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institutions et les contextes au sein desquels il s'insère. Premièrement, nous comparerons la sortition aux trois autres modes de sélection : l'élection, la nomination et la certification. Ensuite, nous analyserons les cadres délibératifs, c'est-à-dire qui décide quoi comment. Enfin, nous distinguerons les quatre principes du tirage au sort : égalité, impartialité, représentativité et légitimité. Notre hypothèse est que la sortition peut offrir une plus forte égalité, impartialité et représentativité que les autres modes de sélection. Pour la légitimité, notre hypothèse est que le tirage au sort est la seule méthode de sélection qui en produit une forme spécifique, la légitimité-humilité, quand les trois autres produisent des formes de légitimité-supériorité.

Mots-clefs : Démocratie, légitimité, représentation, sélection, tirage au sort.

Contents

Introduction: Sortition returns

After centuries of absence, sortition, selecting representatives by drawing lots, is making its return to the political stage[2]. The "forgotten one" of democratic history is re-emerging through various academic research, practical experiments and activist claims linking participation and deliberation (Sintomer 2011; Courant and Sintomer 2018). I focus on the uses of random selection for purposes of *representation* and *deliberation*, rather than distributive justice, like for rare goods (Goodwin 2005).

This ancient procedure, only had two forms of survival before the 70's: the popular jury, for the *impartiality* principle produces by the randomness, and the opinion polls, for the *representativeness* principle[3]. Then sortition is put in practice in 1969 in the CSFM, the High Council of Military Function (Conseil Supérieur de la Fonction Militaire), the representative assembly of the military community in France (Courant 2014)[4]. Latter the lottery system is used for the citizens' conferences dealing with technosciences risks, invented by the *Danish Board of Technology* in 1987, and largely spread across the globe today (Blondiaux 2008: 58; Bourg and Boy 2005). At the academic level (Vergne 2010), great thinkers such as Dahl (1990), Burnheim (1985) or Barber (2009), put sortition forward as a way of building a *Strong Democracy*. In the early 90's, Fishkin (1991) proposed the deliberative polling based on a representative sample of randomly selected citizens.

This idea was put in practice many times and more broadly thousands, of experiments based on sortition and deliberation have and are currently happening all across the globe: the *Plannungzelle* in Berlin (Bacqué and Sintomer 2010), the Citizen Assembly on Electoral Refom in British Columbia in 2004 (Lang 2007) and Ontario in 2006 (Dowlen 2008), and the first steps of the Icelandic process to change its Constitution in 2010 (Landemore 2015)[5]. One of the last is the Irish Constitutional Convention (ICC) where 66 "ordinary" citizens and 33 members of parliament worked to propose changes on the Constitution and present them to referendum, the one on same sex-marriage being approved in May 2015[6].

After the prediction of "the end of history" we are facing a violent crisis of representative government (Tormey 2015); even if it has been described as "in crisis" since its foundation (Manin 2012). Although the hegemonic abstract idea of "democracy" has won the battle for the hearts and minds, its everyday implementations are criticised by citizens that do no longer feel represented by "their" rulers. As Tormey (2015: 16) points out: "surveying the vast literature on the topic, four variable stand out as particularly significant (…): voter turnout, membership of political parties, trust in politicians and interest in mainstream electoral politics". Simultaneously movements like the Indignados and Occupy ask for a "real democracy now!" putting in practice participative values (Tormey 2012). Among these radical democrats a more specific demand is rising: the political use of sortition to randomly select delegates. A growing numbers of activists are militating

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[2] This paper will be published in English *in* Olin Wright, Erik and John Gastil (ed.), *Legislature by Lo*t, Verso, The Real Utopia Project, New York/London, and in *Politics & Society*, it will be published in Spanish in *Daimon*, and in French in another review.
[3] We shall also note the almost unknown uses of sortition to select religious leaders like for the Copt Pope, the Dalai Lama and Amish Minister. See: Courant 2017.
[4] This completely unknow case was studied in my Master thesis.
[5] For all those experiments and more see: Sintomer 2011.
[6] I am currently working on this case for my PhD: Courant, Dimitri. *The new spirit of sortition. Democratic principles and representation in contemporary deliberative institutions.* See also: Suiter *et al.* 2016; Courant 2018.

for sortition with various ideologies, views and techniques (Courant 2013). One of them, Van Reybrouck (2014) creator of the G1000 in Belgium, recently published *Against elections*, for broad audiences.

There are obviously some links and bridges between those academic researches, concrete experiments and activist claims. But each thinker, experimentation, or militant group, is giving a different explanation of what sortition is, as well as why and how we should use it to strengthen democracy. Instead of doing a mere chronology of this return, my proposal is to focus on the experiments and construct a general theory of sortition and its multiple forms. I am aiming to build a key for reading, based on ideal-types models, to get a comprehensive understanding of this variety of social facts.

This article aims to address recurrent questions: who can be sorted? Why? Can one refused to participate? Do politics require special competence? Etc. I will use the comparative approach to show that most of the questions addressed to sortition do not actually concern sortition itself but the process of selection in general. Although I am aware of the variety of forms of sortition as well as forms of election, nomination or certification, I will start by considering them as relatively coherent categories. The point is to show that all modes of selection are facing the same issues but giving answers based on different principles. In other research it might be better to speak of "uses of sortion" plural, but here I need to explain our global theoretical framework and therefore speak in broad categories, just as in frequent debates on sortition and election.

How could we be *thinking sortition* efficiently? My hypothesis is that an interdisciplinary comparative approach of modes of selection, inspired by constructivist structuralism (Bourdieu 1987), is a productive way of understanding sortition. What are the democratic principles composing the new spirit of sortition[7]? History gives us mainly three successive meanings for sortition: the random selection of citizens for public offices, based on the principle of *equality*; the lottery to pick out members of popular jury (still in use nowadays), aiming for *impartiality*; and finally the opinion polls that give a *representativeness* of the population through a representative sample.

In the case of the organization that I have studied the most, the High Council of Military Function (CSFM), it appears that, produced by sortition, the three principles are there and merge producing and revealing a specific type of *legitimacy* that I have called "*sortition's legitimacy*" or "*humility*" or "*similarity*"; because this legitimacy is *horizontal*, *neutral* and *impersonal*. It differs from the legitimacies that I call "*superiority legitimacy*" produced by the three other modes of selection: election, nomination (or cooptation) and certification.

My research, analytical and normative both at once, is engaging in the contemporary growing debate on the political potential and limits of sortition for "deepening democracy" (Fung and Wright 2003). The approach is interdisciplinary; I will mobilize the sociology, political theory, as well as history and philosophy to get a broad perspective. The comparative dimension will allow us to evaluate the different experiments methods and effects in order to shed light onto the principles

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[7] *The new spirit of sortition* is my current PhD thesis co-directed by Pr. Jean-Philippe Leresche (UNIL) and Pr. Yves Sintomer (Paris 8). In this thesis I am trying to produce a qualitative and comparative analysis mainly founded on three deliberative devices based on random selection and to study their general theoretical meanings. Those devices are the CSFM, the ICC and the PubliForums, citizen conferences on technosciences organized in Switzerland since 1992.

and values they are based on. A broad study seems necessary to better understand the theoretical constants despite the empirical diversity of sortition concrete uses depending on the institutions and contexts in which they operate.

First, I shall compare sortition to the three other selection modes: election, nomination and certification. Second, I will distinguish four *principles* or *potentialities* of sortition: equality, impartiality, representativeness and legitimacy. My research hypothesis is that sortition is likely to offer a greater equality, impartiality and representativeness. About legitimacy, my claim is that sortition is the only method of selection producing a specific form a *humility-legitimacy* when the three other selection modes are producing a form of *superiority-legitimacy*, where the principal is declared superior to the agent through the selection process. This theory was not elaborated in an ivory tower but is inductive and was gradually developed through long-term field researches[8].

This paper aims to set the theoretical frame of analysis in order to develop my, and hopefully others, future research on sortition, to find out what its potential could be for deepening democracy, as I am considering experiments based on sortition as "real utopias" (Wright 2010).

I- Modes of selection: a comparison

Selection is an important part of social systems. The principle is simple: when there is something, a good, a task, a position, wanted by too many people or undesired but necessary to the collective, a selection process is needed. In politics, aside from small systems resting on direct democracy, certain missions, mostly deliberative, cannot be carried out by all the citizens and therefore need to be accomplished by representatives. This broad term of "representatives" covers a vast array of theories and realities, which I cannot explore here (Pitkin 1972; Sintomer 2013). I shall compare sortition to the three other modes of selection: those modes are not incompatible, but can be combined. I am going to leave aside for now filiation (the heredity) and acquisition (the buying of offices), as those two modes have almost disappeared in contemporary representative governments[9]. This article will also leave aside "auto-selection" in order to focus on procedures relying on "hetero-selection". I will deliberately focus on the disadvantages of the mode of selection other than sortition, because, even though they also have advantages, this paper is making a case for sortition in a normative theory approach.

A) Election

The recent triumph of election as the legitimate way of selecting rulers made us forget that prior to the American and French revolutions it was common knowledge to think, like Montesquieu (1979: 134), "the suffrage by lot (sortition) is the nature of democracy. Suffrage by the choice (election) is the nature of aristocracy. Drawing lots is a way of electing that offends no one, it leaves each citizen a

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[8] A first version of the theory presented in this article can be found in Courant, Dimitri (2014). *Tirage au sort et concertation dans l'Armée française: Le cas du Conseil Supérieur de la Fonction Militaire (1969-2014)*. Master Thesis, Etudes Politiques, Paris: EHESS.
[9] Acquisition was used in England till late and is still used in Italy; within parties one buy one's spot on electoral list.

reasonable hope of serving his country"; Rousseau saying the same in the *Social Contract*. If the Greeks invented election, the core of Athenian democracy was sortition. Most of public offices were appointed randomly, ensuring the equality of each citizen and refusing to elect the "better" ("*aristoï*"), except for few specific tasks, like military strategists (Hansen 1991). Sparta was mainly using election and was considered to be an oligarchy.

Nowadays there is a dangerous trend to reduce "democracy" to "election", but sortition gives us an opportunity to rethink election and its history (Sintomer 2011; Van Reybrouck 2014). Manin shows that sortition was seen as democratic and election as oligarchic but that the Founding Fathers in the United States and the Revolutionary in France actually hated democracy and created the representative government against it. They chose election to select the representatives to create an elected aristocracy, socially distinct from the people (Manin 2012; Wolin 1993). Later the word democracy was used as a propaganda tool by politicians, notably Andrew Jackson, in order to seduce electors and that our regimes change their names to "representative democracies" (Dupuis-Déri 2013).

Election is a selection procedure that goes *vertically ascending* from the bottom to the top. The electors' biggest minority (Pasquino 2011) choose every 4 or 5 years which pre-selected candidate it wants to surrender all power to, the candidate they dislike the least amongst the two or three pre-selected candidate that could win. Election presents three inconveniences: 1) it doesn't give a good *representativeness* of the represented. 2) It produces a *personal* and individual type of legitimacy. 3) It is not a guarantee for competence in deliberation, as communication and charisma matter more than results or manifesto promises; which are not bounding as imperative mandate is banned.

B) Nomination (or Cooptation)

Here I am using "nomination" and "cooptation" indifferently, I will make a greater distinction later on, but for now let's establish that nomination is a selection made by one agent when cooptation includes several, but a small amount nontheless. It could appear like a mode of selection, dubious and outmoded. But this "fait du Prince" discretionary and non-submitted to contradictory debate is a very common practice in our representative government. Indeed, in France (and other countries) the Prime Minister is nominated by the President, who is elected through direct universal suffrage. The Prime Minister then nominates his government Ministers, and the President has to give his approval, which is a form of cooptation. Nowhere are members of government elected, apart from the Prime Minister himself or the Chancellor in some countries.

Nomination: 1) Can be accused of being partial, biased and arbitrary; 2) Doesn't give a good representativeness of the represented, one nominating actors one's know from relatively homogenous circles; 3) It gives a form of legitimacy that is vertical descending from the top to the bottom which can create hostility among the base. 4) It produces a type of legitimacy that is very personal and individual.

C) Certification

Certification is a mainstream selection process (to enter universities, for civil servant…), but it is almost never used to produce representatives. Therefore it seems that representation is not an action that requires certified competences and abilities. Representation in order to be accepted can pass by two ways: *authorization* or *identification*. The represented either *authorize* the representative

to speak for them, or they *identify* themselves with a representative similar to them. *Authorization* is often a result of election, but not necessarily (Saward 2010; Rehfeld 2006). *Identification* is often a result of sortition which produce a representative sample looking like the represented group.

1) Using certification has the double drawback of not being able to provide neither authorization nor identification. 2) Certification, like election and nomination, puts forward the distinction principle, the representatives do not look like the represented. 3) Like election and nomination, certification creates a type of legitimacy that is both individual and based on superiority. Even though certification seems to guarantee some equality of opportunity between candidates and a certain test impartiality, which would produce a form of horizontal legitimacy, those three qualities are only relative. In reality, the test modalities are decided by superiors creating a partial sorting, demanding qualities that only some candidates might possess. If the legitimacy does not come as directly from the top as for nomination, this legitimacy can be considered as *vertical half-descending*, coming from a *quasi-top*. If the top does not directly choose its favorite candidate, it creates a test where those candidates are more likely to succeed.

D) Sortition - on competence and efficiency

I am not including efficiency in the "democratic principles of sortition" as it is not a democratic value per se, and is also important in other regimes. However I make the case for sortition as potentially more efficient than other modes of selection. The main critique against sortition is that it would produce incompetent selected, but as Rancière (2005: 49) puts it "sortition never favored incompetent over competent people". Even if sortition is not a competence filter, it would be a mistake to believe that the others selection modes *in themselves* allow mechanically to spot and select competent actors. Only certification can pretend to do that, at the condition that test criteria are "properly set", which would be a subject for controversies. But the agents in charge of selecting representatives, either at the top by nomination, or at the bottom, by election, could be completely wrong about the candidates' real competences. One could argue that it is happening frequently considering the multiple scandals of leaders' incompetence and corruption. Those who volunteer, or self-select themselves, to be candidates are seeing themselves as competent, even though they might not be, their self-confidence might be arrogance. By contrast, persons perceiving themselves as unworthy of running might possess citizen's principal quality, according to Aristotle (2009), caution.

Moreover in the vast majority of deliberative democracy experiments, the randomly selected citizens are given an intense formation (Gastil and Levine 2005; Bourg and Boy 2005). From nanotechnologies to constitution, cases show us that citizens learn fast and quickly become more competent than elected officials on complex issues (Testart 2015).

Finally, due to the "cognitive diversity" it provides, random selection can be an "epistemically superior mode of selection of representatives", as "decisions taken by the many are more likely to be right than decisions taken by the few" (Landemore 2013a). Indeed, sortition give an assembly with a greater diversity of experiences and social profiles creating a stronger collective intelligence (Landemore 2013b).

II- Selection and deliberation frameworks

We need to analyse which challenges the various modes of selection share, "who decide what how?". It will answer questions asked to sortition, and move on to what is really specific about random selection. An argument often used against sortition is that it is irrational to rely on chance and individuals would refuse to give up the possibility to choose. But even if random selection is used, there are lots of choices to be made on why and how the lottery and deliberation are organized (Dowlen 2008; Stone 2011).

A) Mandate and institutions

1. Mission

What is the mission of the selected? As I mentioned, "representation" and "deliberation" cover a vast range of meanings and realities. To give a short definition of representation: "to represent" is having the capacity to "*speak and/or act for*" a group (Burdeau 1966)[10]. Before choosing the mode of selection one should ask: "What task needs to be carried out? Which kind of spokesperson do we want?". If we want representatives who look like the represented, in the logic of "descriptive representation" (Pitkin 1972), we shall choose sortition, getting closer to the democratic ideal of "government by the People". If we prefer socially distinct elites we shall choose election, which is an aristocratic view. If we think that leaders should choose the representatives, we shall adopt nomination, in an oligarchic perspective. If we want qualified representatives we shall select through certification, leaning towards technocracy.

Most theorists, experiments and activists are suggesting that the missions for a randomly selected assembly should be deliberative but not executive. The six main missions are: 1- *Consultation* of the population, like with deliberative sample (Fishkin 2009); 2- *Information* of officials and citizens through a statement (Gastil and Richards 2013); 3- *Control* and *evaluation* of government, officials and policies (Sintomer 2011); 4- *Decision* as in some participatory budgets, e.g in Germany or China (*Ibid*.); 5- *Legislation*, like with an additional chamber of the Parliament (O'Leary 2006; McCormick 2011; Threlkeld 1998); 6- *Constitution*, both for reform and writing a new text (Reuchamps and Suiter 2016; Courant 2018); 7- *Long-term issues*, such as climate change or techno scientific risks (Bourg 2011; Testart 2015). Those missions are not mutually exclusive; the "deliberative impacts" of those mini-publics potentially leading to "macro-political uptake" (Goodin and Dryzek 2006).

2. Structure

What institutional architecture are the representatives embedded in? Shall we use it for a large assembly or small groups? Are there other institutions that the randomly selected should cooperate with? The main experiments of sortition have been either a jury from 12 to 30 citizens, or a larger assembly, 160 in British Columbia and 1 200 in Iceland (Sintomer 2011: 161–189). Those conferences and assemblies always had a consulting role and never made the final decision, this one being either submitted to the elected parliament, or directly proposed to referendum.

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[10] For deeper analysis see: Sintomer 2013.

The biggest claim of sortition activists is linked to electoral reform and Constitution. They accurately point out that elected should not be allowed to change the rules of their own control, to avoid conflict of interests; like students are not allowed to choose the modalities of their exams and give themselves grades. A randomly selected Constitutional Convention of ordinary citizens would be likely to grant citizens with greatest political weight and role, such as referendum and participatory devices, and strengthen people's control over elected.

Academics and activist are also advocating for the importance of an assembly picked by lots to become the third chamber of Parliament, or even to replace one. This would create the advantage of keeping elections and parties for one chamber but getting a real representation of the people's diversity through sortition in another (Barnett and Carty 2008; Callenbach and Phillips 2008; Sutherland 2008). As Dahl (1990, 1989) envisaged it, sortition is almost always proposed as a complement to add along with election and not as a complete replacement; there is almost no one for a total suppression of election.

The rules structuring the deliberation are also a crucial issue. Analysis of the concrete experiments is providing inputs on how to facilitate discussion, and vote, while reminding us of the problems it can face (Gastil and Levine 2005; Fishkin 2009).

3. Length

The length and limits of the mandate are very important. As Aristotle (2009) said: "it is thought to be democratic for the offices to be assigned by lot, for them to be elected (assigned by vote) oligarchic", but adding later "one factor of liberty is to govern and be governed in turn". Sortition can be used for non-democratic ends; for example to randomly designate an all-powerful monarch, like in science-fiction novels (Dick 1955; Klein 2002). If sortition allows getting an assembly with a fair cross section of the population and a similarity of life experiences between the representatives and the represented, the break and gap between them can happen *ex post*. Communist parties insisted on having leaders coming from proletarian backgrounds, but if those leaders did start their lives among the working class, after they became head of the party, they never returned to work in factories. This tendency of a cut between representatives and represented did not start with the USSR; already in 1911 Michels (1971) developed his "iron law of oligarchy" theory[11].

History shows us that in every political system based on sortition, *there always was short mandate and a rotation principle*[12]. Whether it is in Ancient Greece, Medieval Italy, the Crown of Aragon, the popular jury or even recent mini-publics, the terms of randomly selected representatives are always short (Sintomer 2011). Lots and short term allows a quick rotation of the representatives; on the contrary, election favour re-elections, certification is easily passed by the *aristoï*, and nomination maintains small circles of initiates. *Temporality* is crucial to avoid "oligarchisation". The strongest historical example mixing sortition, short term and rotation to avoid political professionalization is Athenian Democracy, where the 500 members of the Council only allowed a single one year term throughout their lives (Hansen 1991).

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[11] The oligarchic drift was also depicted in Orwell's satirical tale *Animal farm*.
[12] I am talking here about "political systems", but for religious uses, sortition do not include short term or rotation; (Courant 2017).

4. Control and accountability

Control over the selected is another vital point for a democratic representation. Again, Athens provides an interesting example where the persons in office, sorted or elected, were heavily watched by the people and could be fired and condemned by them at any moment. Accountability was no joke and sanctions could go from small fines to banishment or execution (*Ibid*.).

For many academics, in representative government, the moment of accountability is re-election (Manin 2012), which is heavily problematic. Firstly because, representative should not stay in power too long and re-run for re-election. Secondly, because some mandates are already limited, like for the President of the United States, it would mean that there is no accountability for the second term. Thirdly, because the worst sanction that could happen to a terribly disappointing politician who lied during his campaign and did the opposite of what he promised would simply be not to get a second term. Recall revocation by popular referendum, citizens' control during the term, serious accountability and sanctions should be basic institutions of a democratic system.

B) Pool

1. Criteria

Regardless of the mode of selection or the sphere, there is always a delimitation of the "relevant political body" aiming to determine which criteria allows you to be part of the "pool", to be concerned with the selection process. This pre-designation selection could seem natural, but it is in fact arbitrary. In our current political systems, only *citizens* are allowed to take part in an election, both as electors or candidates. Being a citizen means filling precise criteria: 1- age (being above majority), 2- nationality (being recognised as a citizen by the relevant geographical constituency), 3- probity (not being a convicted criminal), and finally 4- independence (not being under guardianship). Until recently sex and "race" and previously wealth (being able to pay a tax quota) were also criteria for citizenship.

For most of sortition experiences and theories, the pool for the lottery consists of all the citizens of the given geographical constituency, but it is sometimes even more inclusive. In some cases the lottery is using the phone book and therefore reaching individuals whom never registered on the voting lists. The Belgian G1000 even reserved 10% seats for homeless people and immigrants in order to get the greatest inclusiveness and diversity possible (Jacquet and al. 2016).

The pool is related to the level where the decision will be implemented, it can go from a local neighbourhood, a state, a continent (Buchstein and Hein 2010), or the whole world like for the deliberative poling "World Wide Views on Climate and Energy" gathering 10 000 citizens, for the Paris COP21.

2. Mixed-selection

We should not consider the different modes of selection as opposed but as complementary. It is possible to mix several of them into the same designation. Nowadays candidates for election have already been selected by their parties, through cooptation or primaries. In the military case, to become a member of the CSFM soldiers needs to pass the certification for their rank, then to be drawn by lots, and since 2005 to also be elected by the other randomly designated people (Courant 2014). One could argue that some tests need to be passed to be in the

pool, but this aristocratic argument goes against the democratic equality embodied in the principle "one man, one vote".

To show the flexibility of the selection mix and stimulate democratic imagination, I make the following proposal: political parties presenting manifestos and a long list of candidates, the citizens voting on the manifesto, and then a sortition in the lists of the winning party to pick out the proportion of representatives depending on how many seats the party won; and a certification exam to have the right to be nominated Minister. We could imagine a vast number of combinations.

C) Dynamis

I need to introduce a concept that I had to create, in order to solve the ambiguity around the question of the "volunteering in the broad sense of the term". I call this concept *inflexion* or *dynamis*. *Dynamis*, coming from the Greek term meaning "influence", is the degree of influence that a designee or potentially-designee can exercise, on its own designation. I distinguish three levels: a strong dynamis (or degree of inflexion) with *volunteering*, a weak dynamis with *consent*, and a non-existent with *duty* (*Ibid.*). It goes beyond the mere distinction between auto-selection and hetero-selection to give a more subtle understanding.

1. Volunteering

At the first level, volunteering, sortition is carried out among the volunteers; the pool is only composed of candidates. This method has the advantage of bringing motivated people, but the disadvantage of leaving power in the hands of those who wanted it. This goes against the vision of philosophers such as Plato (2005) or Rancière (2005) considering that "the worst of all evils is to let the persons that want power having it"; or Alain (1985) thinking that: "the most visible characteristic of a just man is to not want to govern another but only himself. So to say, the worst persons will rule". However we need to remember that volunteering to take part in sortition was the functioning mode of Athenian democracy (Hansen 1991), of the republics of Venice and Florence and in Aragon (Sintomer 2011: 54–91). This stage of volunteering introduces a "*representative claim*" (Saward 2010).

2. Consent

Second level of dynamis, *consent*: the lottery is carried out among the whole "relevant political body", without any previous call for volunteers. One draws lots among all the group members but the persons selected have a right to refuse the public office *a posteriori*. The vast majority of experiments in deliberative democracy function on this model. The institution in charge of sortition, often a polling company under contract for a public institution, use the phone book or electoral rolls, then contact the people sorted. Those citizens have the choice to accept or to refuse to take part in the deliberation (Gastil and Levine 2005).

Consent leads to rupture of *equality* and of *representativeness*; however less significant than with *volunteering*. By letting the person decide, we get a sample that does not like the larger group we want to represent. Some categories are missing because they do not consider themselves as equal with the others, not good enough, unworthy of participating. Old educated wealthy white males frequently accept to participate, whilst women, young people and persons coming from poor backgrounds refuse. The same trend goes during elections; the underprivileged social classes do not vote. This reveals what Gaxie (1993) calls the

"hidden cens", cens being the name of tax quota for voting rights, casting the poor out of politics.

This is a two level problem. First, on ethical level, this absence of the "dominated", goes against moral justice and inclusion. Second, on a pragmatic level, it creates a lack of legitimacy and efficiency, as those second-class citizens might stop respecting the law, as they are never consulted to create it.

3. Duty

The last, and weakest, level of *dynamis* is *duty*: sortition is carried out for the whole "relevant political body" without previous volunteering or possibility to refuse the office *ex post*. In our liberal societies, it might seem strange to regard participation as a *duty*; however it is the secular practice of popular jury in France, USA, UK, etc. The State draws by lots the citizens having to serve compulsorily as juries[13]. Duty is a foundation of life in society; whether it is the obligation to give an education to our children or to pay our taxes. Moreover, this sortition system coupled with a *duty dynamis* is perfect for justice that has to guarantee the *impartiality* of the ones deciding on the judgment. It would be highly suspicious to elect a jury from volunteer candidates; because one would wonder what interests they truly want to serve.

Duty also protects against the "*free rider*" phenomenon. Taking part in a deliberative assembly or jury is a heavy load in time and energy, the high costs are individual and the benefits are collective. A rational selfish actor would judge that participating is not in his own interest, and would let other group members do this job, but he would benefit from their work anyway (Olson 2011). This *free riding* strategy is made impossible by the mix of *sortition* and *duty*. This was actually one of the reason sortition was implemented in XVIIIth century England, as notables where paying to avoid serving in court[14].

Finally *duty* has the advantage of fighting simultaneously both "auto-exclusion" and "hetero-exclusion". *Auto-exclusion* is the "hidden cens", some individuals not allowing themselves to participate, to a vote or a deliberation, a priori because perceiving themselves as unworthy. Obligation would push them to participate and realize that they are fully capable, generating empowerment.

Hetero-exclusion happens when outside elements are blocking people or groups out of participation; like in the USA where ballot station distance, long queuing hours or lack of ballot papers discouraged citizens, especially black and poor people to vote (Stiglitz 2012). Just as it is imperative to enter a curtained polling booth to be free from threats, compulsory voting narrows down pressure that could be made. Obligation sets people free. The fact that the citizen designated by lots cannot refuse his mission suppresses risk of external pressures, of auto-exclusion and guarantees the equality, impartiality and representativeness of the sample.

Sortition is not enough in itself, in order to be democratic, or "*demoskratic*"[15], it must necessarily be mixed with: 1- the fact that sortition gives a mission and not the power, 2- collegiality of the assembly for collective deliberation, 3- short term and fast rotation, 4- accountability and control procedures, 5- low restriction to be integrated in the selection process.

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[13] For a system inspired by jury see: Leib 2004.

[14] *Bill for better regulating of juries*, March 1730.

[15] "*Demoskratic*" is a neologism meaning democratic in the strong sense, getting closer to the ideal of real, direct, deliberative and participative democracy. It is opposed to a weaker uses, as referring to the rule of law or "democratic elections". See: Courant 2013.

III- Democratic principles

I will distinguish four democratic principles, or values, of sortition: equality, impartiality, representativeness and legitimacy, each being subdivided in three elements (Courant 2014). Thanks to those principles, sortition can produce a better type of *representation*, *deliberation* and *participation*. But sortition does not have a single nature, and its formal principles can be enhanced or diminished depending on the institutional architecture it is embedded in. Those principles are *potentialities*, there are not all or always present each time sortition is used, nor with the same intensity. However, those potentialities are to be compared to those produced by the other modes of selection *ceteris paribus*, in a similar deliberative framework, those four democratic principles would be stronger if using sortition Democratic values are more diverse and those four principles are a part of it but do not exhaust all of them, like liberty or justice.

A) Equality

1. Statistical equality, for any member of the group

Historically sortition is strongly linked with equality, the latter being a condition of liberty. "The association of political equality and of deliberation goes back to ancient Athens, where a deliberative microcosm of several hundreds of citizens, selected by sortition, was making crucial decisions", write Fishkin and Luskin (2005: 287) to present the deliberative polling inspiration. Without volunteering or quotas, sortition gives excellent statistical equality between individuals. Each citizen has the same *chance*, probability to be randomly selected. No discrimination, positive or negative can intervene.

For Castoriadis (1996), this principle is the same one than as universal suffrage and majority rule, each citizen is considered to be equally politically competent therefore each voice is considered to be equal to another. To attack sortition arguing that we should not give a representative and deliberative task to anybody is to say that we should not give the right to vote to anybody. "What Democracy means (…) is the power of those having no title to govern nor to be governed", argues Rancière (2005: 54, 56). "The scandal of democracy, and of sortition which is its essence, is to reveal (that) the power of the people is (…) the power of anybody".

It is likely that citizens are more competent to vote on ideas and issues than on candidates. Even more so if citizens had the chance to go through a "classic" deliberative democracy procedure with formation, readings, debates in groups, etc. By comparison to an average voter facing infotainment, shows and unread manifestos, political competence of a participant in a random assembly is likely to be better[16].

2. Deliberative equality, among the representatives

The second type of equality produced by sortition is the *deliberative equality*, among the representatives. Once selected all the representatives are equal among each other. Lottery suppresses the affirmation of superiority: "I've won the election with a bigger majority than the others", "I was the first nominated by the

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[16] Courant, Dimitri. "Voting on what?" (Forthcoming).

authorities" or "I've passed the test with better grades than the others". All representatives drawn by lots have the exact same position, instead of being of the majority or the opposition. Each voice should be heard with the same attention, leading to a more inclusive, diverse and overall better deliberation (Landemore 2013b).

3. Inclusive equality, for the represented

Sortition can create an *inclusive equality* between representatives and represented. Indeed, a represented can say to its representatives: "only chance distinguishes us, but we stay alike". "The inclusion effect is not just coming from the fact that people elected by lots have an equal chance, but also from the fact that everyone knows that he or she can or could be selected" (Delannoi 2010: 19). This is likely to lead to greater *participation*. How do we make sure that the citizens continue to participate, not just narrow themselves to elect and go back to their private life? With sortition the moment of *participation* is not suppressed but moved towards the debates and votes on laws through referendum, real laws, not to-be-broken promises. With sortition it is no longer possible to say to the citizens: "You have already participated politically, it was during the election. You gave your power to the elected so now be quiet while they work". Deliberative experimentations based on sortition are often linked with participatory and direct-democracy procedures: public debates, e-participation or referendums. These are more productive political tools to empower citizens than spectacular communication, of election campaigns, those "beauty contests for ugly people" (Van Reybrouck 2014: 64). Moreover as sortition would give a representative sample, which can be adjusted with quotas, excluded minorities would have a fair share in seats[17], creating a feeling of inclusion (Young 2000).

B) Impartiality

1. Neutrality: guarantee against manipulation and discrimination

Impartiality appears as the most obvious quality of sortition, "the blind justice". This is probably why the oldest use of random selection still existing nowadays is the popular jury. Impartiality is also the main principle justifying sortition for citizens' conferences, particularly on techno-scientific issues. There is a tension between interests such as public health or economic benefits and it is necessary to ask the impartial opinion of "ordinary" citizens that have followed a contradictory training. The long-term experience of multiple citizens' conferences, gives leads for impartial formation and deliberation procedure even on complex issues (Bourg and Boy 2005). To only consult experts, activists or industrials would cast doubt over the process credibility because of the suspicion of conflict of interests and lack of objectivity. How else than through sortition could one select this conference? The most partial selection mode is nomination (or cooptation). Certification and election are not suitable either. The simple fact that an actor is a candidate to participate in a jury is suspicious. Lottery favours that people engaging in the deliberation have no secret interest in the issue, as part of society they shall seek common good. Sortition also prevents cronyism, networks and backdoor negotiations between small and powerful groups, as there is no party line or campaign funding to negotiate. However control procedures shall be put in place in order to prevent ex post illegal influence by lobbies.

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[17] It was the case in several experiments.

Lottery makes manipulation through mass media and political advertising to win seats in the Assembly pointless. Nonetheless, party and media are still playing an important role on how the issue is debated in the public sphere; and during campaigns when some the assembly deliberation are followed by a referendum. Random selection also limits bribery and demagogical measures to "buy" electors (Lascoumes 2011). Sortition is easily transparent either conducted physically or digitally by source code that anyone can check (Courant 2017); no more "forgotten" ballot boxes or vote miscalculation. But to speak about "transparence" in sortition is ambiguous because a characteristic of sortition is the "blind break" (Dowlen 2008). "I see that something is happening, the drawing of lots, but I do not see what is happening because I cannot predict or influence the outcome". Chance is a-rational, not irrational, it suppresses reasons and discriminations. "What sortition suppresses in the selection process is not only the 'rational' calculation but also any kind of calculations: no emotions or prejudice… any reasons good or bad" (Delannoi 2010: 20); this producing a "sanitizing effect" (Stone 2011).

2. Unity: prevents competition

Sortition makes competition, or partisan strategy pointless, opposite to election based on those. For this quality, "the peace producing virtue of exteriority", lots were used in Italian republics, as conflict resolution procedure, to avoid "the violent tearing created by the open electoral competition" (Manin 2012: 74–93). The most cleaving selection mode is indeed election, even more than nomination or certification. Lots are uncontestable and avoid electoral campaigns, demagogy, and factions.

Bourdieu presents a ruthless definition of political parties, also applying to unions: "the agents of the symbolic struggle for the conservation or transformation of social word are parties; combat organizations specially build in order to carry out this *sublimated form of civil war*" (Bourdieu 1981: 8)[18]. This fear of competing factions was strong among French revolutionaries (Rosanvallon 1996). This risk is frequently denounced by partisan polarizations' critics like Weil (1957), Lazure (2006) or Even who wrote in *Vers Demain*: "Any political party contribute to divide the People, parties fighting each other seeking power (…). A divided and weakened People is not served well".

This fear of faction and division is particularly strong in the military case. Indeed, the permanent imperative of ensuring the defense of the Nation cannot allow electoral competition. If all the voices, especially those from the lower level, must be heard in the concertation process, the selection of the representatives could not endangers Army's unity. This was the main reason why the French Parliament chose sortition for the CSFM in 1968 (Courant 2014).

However among representatives and citizens contradictory debates are important. "Democracy is the only political regime that accepts division as one of its basis" (Lefort 1994). "Unity" here is not the absence of divisions, but the absence of pre-establish cleavages due to partisan affiliation before any debate. New divisions and debates should rise from concrete issues, laws to vote; this is maintained with sortition[19]. What is cast away is longstanding sometimes artificial partisan cleavages, needing to distinguish one another through communication more than

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[18] Emphasis mine.
[19] Even if ancient Athenian democracy relied heavily on sortition, conflict and division where still going on but were not artificially mediatised regularly during elections' year. See: Loraux 1997.

action. Without party line discipline, deliberation could be better as each representative could really deliberate, listen to everyone, change his mind and vote with his reason[20] rather than blindly following party orders.

Even without parties, election creates a legitimacy that is *personal*, *vertical*, *unequal* and *partial* as a candidate can choose to target a big part of the electorate and leave behind, or stigmatize another part. On the opposite, horizontal sortition gives impartiality to the representative; "quality, characteristic of someone that has no bias on what is just, fair". The absence of bias *a priori*, because freed from party ideology, allows representatives randomly selected to seek common goods instead of a narrow faction interests. Without advocating for the end of parties, it possible to imagine democracy without them; which seems useful as many scholars are claiming "the party's over" (Tormey 2015).

3. Unpredictability: to create real political change

The absence of partiality and of parties create a representative that does not bargains core values, important policies or general interest for seats; which is often what is reproached to coalition or unions' negotiation. Moreover the professionalization of politics leads to a trend of politicians whom all look like another. They are going by the rules and codes of their closed circles and are becoming predictable. Bourdieu (1981: 6–7) analyzes this:

> *"The sense of the political game that allows politicians to predict other politicians' positions is also what makes them predictable. Predictable so responsible, which means competent, serious, reliable, ready to play the game with constancy without surprise or treasons of the role imposed to them by the game structure. Nothing is more absolutely requested by the political game than this fundamental adhesion to the game itself".*

For the historian Alexandros Kontos (2001), unpredictability is a sortition key property; the ancient Athenian economic policy was predictable because the magistrates were not, on the contrary contemporary elections are making politicians' strategies predictable and the economic sphere volatile and uncertain. I see unpredictability as a form of "veil of ignorance" (Rawls 1999), as lottery prevents participants to know what the positions of the others on the issue are, nor their abilities to deliberate or change their minds. Therefore when the deliberation starts no one knows how it will go.

About the future of democracy sortition "promises0 to bring something new to today's political climate, something of potentially world-changing significance. For those who are aware of the deficiencies of the current liberal government, it offers to make up for perceived deficits in democracy" (Dowlen 2008). Some mini-publics indeed led to surprising substantial political change (Goodin and Dryzek 2006), on renewable energy in Texas (Fishkin 2003) or on marriage equality in Ireland (Suiter *et al.* 2016; Courant 2018).

C) Representativeness

The recent election hegemony gives the illusion of representation through *authorization* as being the only legitimate way, but sortition is based on representation through *identification*. The first produces a representation-distinction and the latter a representation-description.

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[20] This being closer to the habermassian ideal.

1. Similarity with the represented through representative sample

The will to have a similarity between representatives and represented does not date from Occupy but has existed throughout the whole representative governments history; an important moment being *The 60 Manifesto* (Rosanvallon 2000). Representative governments were founded on election and its "distinction principle", analyzed by Manin. Representation went by authorization instead of description or identification. Pitkin (1972) presents two levels of representation and two options for each of them**:** 1- *Standing for*. a) Microcosm: the assembly is a sample similar to the larger group it represents. b) Principal-agent: representatives are selected for their abilities regardless of their social and physical characteristics, so a rich educated old white male can represent a group of poor undereducated black females (Mansbridge 1999). 2- *Acting for*. a) Delegate: the representative is submitted to imperative mandate and has to consult the group before making a decision in its name. b) Trustee: the representative has the group's trust, and the liberty to make any decision without asking the group.

Sortition enacts this old ideal of mirror representation as a representative sample provide a fair cross section of the population, a proportional view of the pool, in terms of social classes, ages, gender, etc (Sintomer 2011: 147–190). It also gives seats to ordinary citizens. In this way a sorted representative would have a similar background to the population it represent.

2. Diversity and collective representation

"Parliament should be as a map for a territory, a miniature portrait of the People" said Condorcet and American anti-federalists. But nowadays apart from the mere geographical diversity, election produces assemblies that do not look like the population. In France in 2013, employees were a half of active population, but only 3% of MPs. This lack of *diversity* goes against the ancient *quod omnes tangit* principles, meaning that everyone should discuss an issue concerning everyone. This idea being rephrased by Dewey (1929: 207): "The man who wears the shoe knows best that it pinches and where it pinches". As in the epistemic argument, diversity of a representative assembly is also a question of efficiency (Landemore 2013b).

Even when the size of the assembly is too small to have a decent representative sample, such as in a jury, the lottery is weighted to get the greatest diversity possible. Some experiments even pay extra efforts to include marginalized people, like natives in Canada[21]. As Phillips (1995) showed: "the gender or ethnic composition of (…) assemblies becomes a legitimate matter of democratic concern".

The so-called party diversity is actually very weak, especially in a two-party system. A great amount of people's concerns are not represented and partisanship is shrinking. In France in 2013, out of all electors only 2,8% of them were in a party (Béja and al. 2013). Moreover through sortition, representativeness is necessarily *collective*; the whole assembly is representative of the population as a coherent whole, not each member individually. On the contrary an electee may see himself as "personally representative" on his own because he was authorized through election by the strongest minority.

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[21] Determination of relevant subpopulations in weighted lottery should be open to political debate.

3. Proximity with the base

If sortition can produce a strong similarity with the population, distance between representatives and represented might grows *ex post*. However in all political cases, sortition is always for short term with rotation. This is probably because politics is seen as an amateur job that should not be professionalized (Plato 2009). In the CSFM, proximity with the represented is an important element of good representation: "We live the same conditions as the colleagues we represent" insisted one of its members (Courant 2014: 102).

The problem of unions and elected is not just their split with the base in that they do not share everyday life experience, but, due to the "iron law of oligarchy", also their ascension in an autonomous sphere. Politicians and unionists who work together become colleagues, creating a connivance climate that leads to citizens' defiance (Lascoumes 2011). Proudhon (2013) gives testimony: "one needs to have lived in this ballot booth that we call National Assembly to realize to what extent men completely ignoring the state of the country are almost always the ones representing it". Democratic proximity should be sharing the same life as the represented. It has nothing to do with the false "proximity" displayed by politicians during their hand shaking.

D) Legitimacy

To give a short definition of legitimacy, it is the property of some institutions, groups or actors to be able to create obligation for a larger body, without using constraint. Legitimacy is what gets the adhesion; it's the ability to make others accept the decision. So how could sortition create obligation? There are three levels composing the legitimacy of sortition. We have just seen those three qualities and now have to study them backwards from a different angle. Starting with representativeness, then moving on to impartiality, and finally equality. Legitimacy is the result of a combination of the three previous principles (Courant 2014).

I will try to go beyond the well-known and powerful minipopulus democratic legitimacy argument given by Dahl (1989: 342) and Fishkin (2003: 128): "The judgement of a minipopulus would 'represent' the judgment of the demos. Its verdict would be the verdict of the demos itself, if the demos were able to take advantage of the best available knowledge to decide".

1. Impersonality: legitimate because similar

Representatives selected by lots are legitimate because they have similarity and proximity to the group they represent. Sortition is a good way to generate a representative sample of great diversity, without using quotas if the sample is big enough. Sortition was and still is linked to proximity thanks to short terms and rotation, contrary to communist officials that started their lives as factory workers but then never returned to their roots. There are also cases of proximity without similarity, like the young educated Maoist students going to farms and factories sharing the living conditions of the working class, without coming from poor peasant background (Linhart 1978). The combination of both similarity and proximity creates representativeness that leads to adhesion. The represented can say: "my representative looks like me and shares my living conditions". This also prevents the risk of charismatic personality leaders. The representativeness of the assembly is global. The assembly can only be representative as a whole; a single member cannot claim to be representative on his own.

2. Horizontality: legitimate because independent

Which direction is sortition legitimacy coming from? Neither coming down from the top, contrary to nomination, nor climbing up from the bottom, unlike election. Therefore sortition legitimacy can only be *horizontal*. My perspective differs from Kelsen (2004) who only compared nomination and election, the first one creating a dependence to the top, and the second a dependence to the electorate. Sortition produces independent representatives, who do not owe their title to anyone. This is a good solution for the CSFM as the Minister and leaders on one side and the soldiers on the other side would not accept the authority of an assembly that would have been selected by the other (Courant 2014). Sortition is the only selection procedure that is *impartial*, *neutral* and *horizontal*. The representatives selected by lots do not go into demagogic vote-catching clientelism, as they do not have to flatter an electorate to get re-elected. They are not obsequious and submissive to those who nominated them. They do not have to follow rules and codes, more or less arbitrary, set up by experts designing the test for certification.

3. Humility: legitimate because non-superior

A representative selected by a selection mode other than sortition will develop a *legitimacy-distinction* or *superiority* over those that were not designated; the elected for his losing rivals, the nominated for the non-chosen pretenders, and the certificated against failed candidates. Moreover, the representative has a feeling of *personal superiority* over all those who did not even try to pass the selection contest; whether it is the superiority of having won an election and the favors of the electorate, of being the favorite nominated by the top, of an awarded technocrat passing prestigious tests. This is a reason why elected do not keep their promises or listen to popular protest, because they think they are better, superior to the People, and have the right to rule. On the contrary, sortition is insensitive to the distinction principle linked to election (Manin 2012), but also to nomination or certification[22]. Delannoi (2010: 14) puts this crucial psychological dimension forward:

> "'*Sortition offends no one*', noticed Montesquieu. It doesn't create vanity for the winner nor rancour for the loser. It diminishes arrogance and bitterness. [...] This soothing effect is individual, collective and systemic. There are almost no exceptions to it. Maybe a lottery winner can consider himself as 'loved by the Gods' but such a favour is at least special and never owned with certitude. One cannot compare it to the feeling of one's own merit".

All other selection modes put forward difference, distinction and are therefore *aristocratic*. On the contrary, sortition produces a *legitimacy-humility*. The sorted representative does not consider him-her-self better or worse than the other candidates or the majority of people that did not even try to be selected, because there is no credit, merit to being designated by chance. One is not selected because one would be different or superior to the rest of the group, but because one is a part of this group in which he is equal to everybody. This value of *humility* and *impersonality* gives legitimacy to the representative who can claim: "I have the right to speak for you, because nothing distinguishes me from you". The represented accept this *representative claim* because they can tell themselves about the representative: "it could have been me", "it might be me later", "he/she's

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[22] "Election or examination gives a status to the victor of this test" underlines Pierre Rosanvallon, lecture at Collège de France, 22th January 2014.

like me" and "he/she was by my side sharing my life's conditions yesterday and will also do so tomorrow" thanks to *proximity*. "The true spirit of equality is not seeking to have no master, but to only have its equal as masters" (Montesquieu 1979: 245).

On the opposite, even without parties, election always creates a *distinction*. A represented can think of an electee coming from the same background and making an effort of proximity: "my representative looks like me and shares the reality of my everyday life… But he/she is different because he/she won an election, which is something I cannot do as I do not possess the qualities to be elected". The same logic applies to cooptation and certification. However all people are equal in the face of chance, so the represented can think: "If the odds are in my favour, tomorrow in the assembly I might be in the seat of the person representing me today". The only difference between the people selected by sortition deliberating in citizens' assemblies or juries and the rest of the population is that the former work and deliberate in those institutions. This only caused by chance. The only merit of those representatives is the effort they put into training and deliberating after being selected randomly. But this is within everybody's reach. If we have to select who can take part in the deliberation it is not to create an elite composed of the *aristoï*, but because we need a limited assembly to carry out a deliberation that cannot be carried out by millions of people simultaneously. But this means that citizens would be more likely to participate as the system considers them all to be politically competent.

The message sent by sortition is: anyone is seen as having the ability to directly take part in deliberation. It is even stronger when coupled to direct democracy, as an important share of mini-publics' proposals, like in Canada or Ireland, were submitted to popular vote through referendum. Through its message based on democratic equality and on legitimacy-humility sortition is giving "recognition" (Honneth 1995) to the ordinary citizens and might even lead to a "Pygmalion effect", a self-fulfilling prophecy: if people are told they are competent they will more likely become competent. On the contrary, the logic of delegation and of selection of the bests, might lead to a "Golem effect": as people are told they cannot directly take part in deliberation but must delegate their power to better actors, they might become less motivated to care about politics (Rosenthal and Jacobson 1968).

Lottery can be used to distribute desired offices, like in Italian republics, or to assign duties necessary to the group that no one's wants to do, which, according to Rousseau's theory, is the task of government (Rousseau 1977). So holding a public office is nothing to be proud about. Plus, citizens might want to accept the random assembly's decisions because they want to be accepted in return when they will be sorted and seating. The last part of this legitimacy-humility, is the "authority of the ordinary", revealed by the trust in "real people's popular wisdom, common sense". In certain cases the ordinary person receives the confidence and the support of the group.

Conclusion

I have distinguished the modes of selection, the deliberative frameworks, that is to say what does not depend on sortition itself, and the democratic principles, which are potentialities but are not always there. The theoretical frame of analysis is set. I shall continue to use it to find out what *the new spirit of sortition* is (Courant Forthcoming) and what its potential could be for "deepening democracy" (Fung and Wright 2003; Courant and Sintomer 2018). Sortition is no magical solution and has limits but gives us the opportunity to think democracy beyond election; to show the contradictions between an omnipresent but meaningless "*rhetorical democratism*" and real democratic principles. It shifts the debate from direct democracy versus representative to the question of the representative's selection process, from "representationality" to representativeness[23], to inclusive democracy versus merely electoral system (Wolin 1993). The "real utopia" of random selection leads to re-open the democratic imagination (Bouricius and Schecter 2013; Zakaras 2010) and experiment original and more inclusive forms of representation, deliberation and participation.

Table 1 - Thinking sortition recapitulative board

Deliberative framework *ceteris paribus*	Sortition	Election	Certification	Nomination / Cooptation
Legitimacy origin	*Neutral*	Bottom - Choice of the electorate	Quasi-top - Test and criteria	Top - Choice of the superiors
Legitimacy direction	*Horizontal*	Vertical ascending	Semi-descending	Vertical descending
Personal Legitimacy	*Impersonal*	Very personal	Personal	Ultra personal
Superiority or humility?	*Humility*	Superiority	Superiority	Superiority
Equality	*Yes, radical*	No	Relative	No
Impartiality	*Yes, radical*	No	Relative	No
Representativeness	*Yes, radical*	Weak	No	No
Type of representation	*Mirror / Description*	Distinction	Distinction	Distinction
Competence tested	No	No	*Yes*	No

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[23] Courant, Dimitri. "La représentativité contre la représentationalité", (Forthcoming).

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