

## DODGING THE SILVER BULLET

### Sortition instead of populism

*Max Klaassen*

**Abstract** I propose a new political system – sortition – to curtail populism and its negative effects of (a) exclusion, (b) alienation, and (c) tyranny. For this undertaking, it will be argued that populism is leading to (a), (b), and (c). The argument shows that populism has a charged relationship with electoral democracies. On one hand democratic values cause populism and on the other hand they disallow banning it. To solve this dilemma, this paper introduces the system of sortition or lottery democracy. The conclusion of this inquiry is that lottery democracy is a viable alternative to electoral democracy as it is highly democratic, while at the same time nullifying populism and its harmful effects.

### I Introduction

*“[A politician's task is] to lead [the people] instead of being led by them; for as he never sought power by improper means, he was never compelled to flatter them, but, on the contrary, enjoyed so high an estimation that he could afford to anger them by contradiction”* proclaims Pericles according to Thucydides in *The Peloponnesian War* (trans. 2009, p. 165).

Pericles (Thucydides, trans. 2009) confronts us with the idea that populism and populist measures are inadequate for democratic to functioning. Political leaders should not try to please the masses but need to contradict them if necessary. Populism is the opposite of such thinking. Populism is a political strategy, aiming to flatter a constructed narrative of ‘the people’. Populists argue they speak the will of ‘the people’, while proposing simple solutions to complex issues. Even though this narrative is as ancient as our oldest philosophers, it is reflected in our contemporary discourse more prominently than ever. Pundits frequently voice that our democracies are collapsing, naming populism as the primary cause (Fisher, 2018; Mounk, 2018). Such an idea is not new. In the later chapters of Thucydides’ book, he argues that populists led to the inevitable fall of Athenian democracy (Thucydides, trans. 2009, pp.389–422). The end of the Roman republic is credited to populist figures in the Senate supporting Caesars authoritarian ambitions (Willi, 2017). During the writing of this essay, we are witnessing the downfall of Venezuelan democracy through the populist Maduro (Fischer, 2019), as well as the establishment of authoritarian rule in Poland (Bugarcic & Kuhelj, 2018) and Hungary (Novak & Kingsley, 2018). There is a historical and theoretical fear that populism is the silver bullet of democracies.

This paper argues that the fear of populism is real and is rooted in our electoral system. At the same time, a new democratic idea is emerging in political and philosophical circles – sortition or lottery democracies (Bouricius, 2013; Fishkin, 2018; Guerrero, 2014; Stone, 2016). Sortition scholars argue against electoral democracies, which are a political system in which political offices are assigned by vote. The literature, whether such a system could tackle the dangers of populism, is underdeveloped. Can sortition democracies fix the systematic failure of populism in electoral democracies? This essay will argue that (1) populism is a danger to our democratic values as it is leading to exclusion, alienation, and in the end, tyranny, (2) this is not rectifiable in electoral democracies if one believes in democratic values, and then conclude that (3) sortition democracies fix the danger of populism. As such an undertaking is quite extensive, the argument presented in this paper is only concerned with legislative institutions. Executive and judicial institutions will not be discussed.

## 2 The dangers of populism

The introduction showed historical and contemporary cases of populism as the silver bullet of democracy. An argumentative analysis will follow, showing that these dangers are real. The argument will show that populism leads to (a) exclusion, (b) alienation and finally (c) tyranny.

## 2.1 Exclusion

One of the main effects of populism is exclusion. Populism divides society into several homogenous groups (Wolkenstein, 2015). The narrative presented by populists is that of corrupt elites or immigrants taking away social and economic goods from ‘the people’ (Bonikowski, 2017). By dividing the population into homogeneous groups populists deny large parts of society the claim to be part of the political demos. This narrative disenfranchises large parts of the population, who in turn no longer feel they are part of ‘the people’. Such forces are inherently problematic. The liberal tradition, upon which our democracies are built, emphasises the value of equality (Brennan & Tomasi, 2016). This claim of equality necessitates a form of commitment towards inclusiveness. As all parts of society are equal, all should equally be represented and included in the political sphere. Accordingly, if a populist says that certain parts of society do not belong to ‘the people’, they are saying that the excluded part of society is of less moral worth. The populist narrative, therefore, leads to the exclusion of any individual that is not deemed part of the demos.

Even more problematic than a constructed narrative excluding parts of society, is factual exclusion when populists come into power. Power gives populist the means to exclude those parts of society which do not conform to their constructed narrative. One example of such legislative measurements is the denial of social welfare to immigrants and other minorities (Mudde & Rovira Kaltwasser, 2018). If one believes in the democratic value of equality, exclusion is a violation of such commitments. Populist measures do not end with social welfare. Any political right or liberty can only be claimed by ‘the people’. Anyone outside of this constructed group has no claim to these rights and freedoms (Bugaric & Kuhelj, 2018). In the end, the state is there to benefit its demos, and not anybody else. If one believes parts of society are not part of ‘the people’, they can be legitimately excluded. Legislative exclusion, paired with the populist narrative of ‘the people’, conclusively demonstrates how populists can violate equality and inclusiveness, by purposefully excluding parts of society.

## 2.2 Alienation

Closely linked to exclusion, is another unhealthy effect of populism – alienation. The exclusion created by populists leads to the feeling of being left out. A large part of society becomes alienated from the rest, as they no longer feel accepted by citizens supporting the populist movement. An individual that has been told repeatedly that they do not belong, or that they are not part of ‘the people’, becomes isolated (Bonikowski, 2017). This is especially problematic when populists gain legislative power. The denial of rights and liberties by populists holding

political power is then the variable triggering alienation. This process is not fostering our commitment to equality and has to be judged negatively.

There is also another form of alienation that populists purposefully foster – the alienation of ‘the people’ (Fieschi & Heywood, 2004; Tormey, 2018). Populists try to convince the electorate that the political system is broken, that our institutions no longer represent them, and that corrupt elites are taking advantage of them (Bonikowski, 2017). If one then buys into the narrative of the populists, one can only feel hopeless and alienated. This feeling then makes populism a welcome alternative by eliminating the institutions and elites that are the cause of the people’s alienation. If populists succeed in their planned alienation, they are the heroes on a white horse, saving ‘the people’ from their misery (Tormey, 2018). Populists strive to alienate their demos for the sake of attracting political support (Yarrow, 2017). As such, we see that Populists do not only alienate individuals through their exclusionary narratives, but also seek to foster feelings of alienation within their supporters. The process of alienation is, therefore, a further damaging effect of populism.

### 2.3 Tyranny

As we have seen, populists are at odds with democratic values, a contradiction that will inevitably lead to tyranny. Most prominently, we see such tendencies when populists challenge the rule of law (Bugarcic & Kuhelj, 2018). To reference an example previously used by this paper, populists frequently seek to deny universal rights and liberties to sections of society which do not conform to the populist narrative of what constitutes ‘the people’. Such a denial of fundamental rights and liberties is a danger to democracy and inherently tyrannical.

Furthermore, populists claim that they do not need a majority to represent ‘the people’. As they represent the will of ‘the people’, they do not require democratic legitimisation. They are automatically the voice of ‘the people’ due to the nature of their being, and not because of the results of an election (Sandel, 2018). If one represents the will of ‘the people’, one does not need to be elected or worry about checks and balances. The logical conclusion for populists is to abolish democracy as they no longer deem it necessary. It follows that populists are inherently tyrannical with regards to their form of rule

Additionally, populists argue against democratic institutions themselves. The literature seems to agree that populists have are skeptical towards democratic institutions (Fieschi & Heywood, 2004; Wolkenstein, 2015). For populists, our democratic institutions exist for the profit of corrupt elites. Our institutions are, therefore, not only infested by corrupt elites but do not profit ‘the people’ (Sandel, 2018). Populists conclude that it is necessary to end any dem-

ocratic institutions. On the one hand, democratic institutions are redundant as populists already speak the will of ‘the people’, and on the other hand they only profit a small group of corrupt elites. The tyrannical desire to abolish democratic institutions is an intrinsic part of the populist narrative, In the populist utopia, checks and balances are no longer exigent, and the rule of populists becomes limitless, thus completing the transition to tyranny.

### **3 Populism and elections**

The argument up to this point has shown that populism is a real danger to liberal democracies. The following section will highlight how populism is an inherent part of electoral democracies. Such is the case because of (a) the ever more complex reality of politics paired with political apathy, and (b) our commitment to democratic values. Democratic values also make it infeasible to ban populism.

#### **3.1 Complexity and apathy**

Contemporary democracies have two characteristics which enable populism – complexity and apathy. The average voter is not highly engaged nor for that matter do they care much about politics (Brennan, 2011). This apathy is paired with the reality of an increasingly complex world. Technological advancements, globalisation, automatization, and so on, have led to the increasing complexity of political issues. Contemporary political issues are intricate, technical, and require large amounts of information to be adequately assessed. This poses a problem to the average voter. Forming an opinion and preference for political issues, without spending hours and hours on research, has become impossible (Guerrero, 2014). While most politicians try to argue with reason and empirical facts, it is increasingly harder for them to engage with their electorate. This opens a wide door for populists, who always have an easy answer to the complex issues of our political world (Wolkenstein, 2015). They exploit the complexity of issues by having easy answers for people who do not have the time or will to inform themselves. Easy answers are music to the ears to those lacking the time or interest to be involved in politics. Paired with increasing complexity, this creates more opportunities for populists to flourish.

#### **3.2 Democratic values**

Fârte (2017) voices an argues that populism always arises in democracies, as a result of a rise of illiberal majoritarianism. The idea is that freedom of speech and freedom of assembly allows for the formation of elites. As the elites then

occupy economic and social resources, they have the means to form a monopoly to acquire political positions. The elites dictate the paradigm in the media, academic circles, and so on, within which any opinion diverging from theirs gets ridiculed. We, therefore, have an illiberal elite, whose existence, while democratic, fosters a problematic relationship with the rest of the population (Bugarcic & Kuhelj, 2018). This dysfunctional relationship between the population and the elites enables the classical rise of populists. Populists can point out the corrupt elite, disengaged from the actual population, which in such situations is not that far off from reality. Even though populists then have a valid claim, it does not justify the negative effects. We, therefore, see that populism is inherent to democracies, as the inevitable formation of an elite will create dysfunctional societal relationships, which in turn facilitates the rise of populists.

Even though we have now seen that populism is inherent to electoral democracies, outright banning populism is unfeasible. As we saw in our earlier discussion, populists are intolerant towards groups they do not see part of 'the people'. At the same time, liberals are committed to tolerance, freedom of speech, and freedom of ideas. We are confronted with the classical paradox of tolerance – can a tolerant society tolerate intolerance (Rawls, 1971). If we would decide to outright ban any populist movement, we automatically start excluding populists. However, the only reason we would exclude populists is that they are exclusionary themselves. Thus, excluding populists means being the evil we swore to destroy. Even though populism has effects that threaten our democratic values and institutions, to exclude them would, in the same way, endanger the very same democratic values. Our commitment to democratic values, therefore, does not allow for the exclusion of populists. Furthermore, as illustrated earlier, exclusion in itself is contradictory to our democratic values. Banning populists' exclusionary measures would itself require exclusionary measures, which violates the intended purpose of the ban. To straight out ban populism or populist candidates is impossible without violating the values we are trying to protect.

We come to a delicate conclusion. We have seen that populism is an inherent part of democracies, as political apathy and complexity, as well as our democratic values, enable the rise of populism. At the same time, we are unable to outright ban populism without violating the values we ought to protect. We must, therefore, conclude that Populism, even though it is so dangerous, is a part of our political reality.

## 4 Sortition as the alternative to elections

The conclusion of the last section leaves us with a dilemma. This paper showed that populism is a real danger to democracy, while at the same time being an inherent part of our electoral democracies. To protect us from populism and its harmful effects, we need to think about how to change democracy to negate these negative effects. To confront this challenge, a consultation with a trend in political philosophy can be of help – the idea of sortition. Sortition – or lottery democracy – has been proposed to tackle problems such as corruption, responsiveness, good governance, and political apathy (Guerrero, 2014; López-Guerra, 2011; Stone, 2016; Vandamme & Verret-Hamelin, 2017). Rarely does one find a reconstruction of the relationship between sortition and populism. This part of the paper will first explore the democratic nature of sortition, followed by its ideal setup, after which it will be seen if sortition can fix the problem that is populism.

### 4.1 Democratic considerations

Aristotle (trans. 2009) said, “The appointment of magistrates by lot is thought to be democratic, and the election of them oligarchic” (p. 145). A notion of democratic values heavily influences the narrative of sortition. Intuitively many people would hold that a random system is not democratic, as democracy is so heavily linked to voting in our contemporary understanding. Thus, it seems necessary to prove that sortition upholds such values and prove Aristotle's quote. It is worth highlighting the notion of egalitarianism here. Statistics show that 6.000 people can adequately represent up to 300.000.000 people (Bouricius, 2013). We currently use precisely such a ratio by only asking a few hundred people in polls to estimate the general mood of the population. Consequently, through a random sample of society, statistics guarantees the equal representation of society. People from all walks of life will be part of the political process, as social and economic capital becomes irrelevant in the political sphere. Power becomes equally distributed in society (Guerrero, 2014). The same line of reasoning also makes sortition highly inclusive. The egalitarian notion just explained, guarantees that all parts of society are included in the process equally. A random selection guarantees us a more descriptive representation of the constituency. Parliament will represent the actual socio-economic, ideological, and demographic reality of the jurisdiction, instead of representing those with the necessary means to win an election (Stone, 2016). All these reasons show us that sortition is highly democratic.

## 4.2 Theoretical setup

The structure of a sortition democracy is based on a lottery system. All political offices are decided by lot out of all adult citizens. As an illustrated setup, the legislative body could be divided into four chambers (Bouricius, 2013). Firstly, one chamber is tasked with the agenda-setting – the agenda council. Secondly, one chamber is set up for drafting the legislative texts following the set agenda – the draft council. Thirdly, one chamber votes on the drafted texts, upon which the legislation passes. Lastly, one chamber is set up to oversee the other councils and guarantee a democratic process – the oversight council (Guerrero, 2014). Some scholars propose that these chambers should be further divided into expertise sections. Therefore, these four chambers would exist for fiscal legislation, environmental legislation, and so on (Fishkin, 2018). This rigorous division of powers allows for rigorous checks and balances.

Another feature of sortition is that of expert counsel. As we earlier discussed, the average citizen is not heavily invested in politics, while at the same time being confronted with an ever more complex world. Tasking these individuals with the drafting and resolution of legislation can be seen as the downfall of sortition. Sortition accounts for this problem. For each item that is set upon the agenda, an expert council will brief the representatives over some time, depending on the complexity and controversy of the issue (Guerrero, 2014). Such a mechanism ensures that the representatives are informed enough to legislate. A justified further concern one might voice here is how these experts are selected and how much power they wield. A process is therefore needed which guarantees that experts have the necessary qualifications, as well as which particular expert is chosen. How such a process would look like exceeds the scope of this inquiry and needs further consideration. While there is no argument here, it is imaginable that such a process can happen fairly and neutrally. Also, the decision is still dependent upon the representatives and therefore, merely allows for informed decisions, without establishing a technocracy. The expert counsel solves our problem of uninformed opinion, while still allowing for the wisdom of masses.

The last details of the legislative body concerns the number of representatives and term length. The number of representatives in the legislative councils depends on the size of the electorate. Our statistical knowledge can calculate how many individuals would be needed to represent the population descriptively (Bouricius, 2013). As mentioned earlier, 6.000 individuals would be enough to represent up to 300.000.000 citizens. Representation here meant in a statistically descriptive way. Therefore 6.000 individual would be roughly needed for the United States. The members of the different legislative bodies would be in power for approximately four to five years, mirroring our current election cycles

(Guerrero, 2014). This cycle guarantees that individuals have enough time to legislate, while at the same time not being uprooted from their ordinary life for too long.

## 5 Sortition and populism

Our set up system of sortition now must prove that it withstands populism and its harmful effects. The following section will show how populism is nullified in a lottery system, along with its negatives effects.

### 5.1 Nullification of populism

Populism as a means of campaigning in a lottery system is non-existent, as sortition does not allow for campaigning. Without any campaigning, populism loses a lot of its power. The easy solutions often brought forward by populists to become harder to legitimise as promises. Instead, the random councils, with their expert briefing, can find an objectively valuable solution, instead of the most appealing solution. The division of the population into homogeneous groups also becomes redundant. There is no longer an organised political elite to which populist could point toward, only random citizens legislating. As such, the institutions are also no longer attackable with accusations that they would profit elites. The truly random nature of sortition embraces the idea of being there for anyone quite literally (Guerrero, 2014). All the legislative councils are ‘the people’, and adequately represent all parts of society, nullifying any claim of individuals to speak the will of ‘the people’.

The legislative bodies still grant room for populist rhetoric. However, the effect of a populist individual in the councils would be marginal. Being one of the thousands of representatives nullifies the impact of such eccentric individuals. Even if one is currently a supporter of populist movements, this does not mean that one will further the populist agenda when in power (Amar, 1984). There is the idea of “humility of the chosen” (Goodwin, 1992, p. 95) According to this narrative, chosen individuals would become more humble and could not point towards merit when defending their position, as no one can claim to speak for ‘the people’ without being elected by them. The merit of these individuals is not rooted in their position, but on how they will act in said position. The humbling effect further weakens any populist claims. Therefore, populists can still exist in a sortition democracy, but the nullification of populist rhetoric, through the sheer number of randomly selected representatives and the humbling effect of being chosen for office, makes populists nevertheless irrelevant in sortition system.

## 5.2 Exclusion and alienation

Exclusion, as understood in our earlier discussion, is not present in sortition democracies. As explained, populism does not exist anymore as a form of campaigning and rhetoric. Any exclusion of societal subgroups as part of ‘the people’ narratives, therefore, becomes obsolete. Targeted subgroups that are not deemed as part of ‘the people’, according to populists, have the system to prove them wrong. Their rhetoric can no longer single them out effectively, without contradicting the political system. Additionally, sortition focuses heavily on descriptively representing the electorate. Immigrants, elites, low-income citizens, and every other part of society will be equally represented in the legislative bodies (Guerrero, 2014). There is no longer an economic and social cost to political power, promising high levels of inclusiveness. Through this highly inclusive nature, it is guaranteed that no part of society is left behind. Legislative measurements like excluding immigrants from the welfare state, or denying rights and liberties become implausible through the random nature of the legislative bodies. Even if there is a majority in one of the councils for exclusionary measurements, the division into four chambers makes actual legislative exclusion implausible. Furthermore, having the oversight council guarantees proper checks and balances on exclusionary measurements.

The narrative for alienation is analogous to exclusion, as discussed in the earlier sections. As all societal groups are part of the political process, alienation is no longer caused by populists. As explained, the populist rhetoric becomes paradoxical, and alienation through campaigns non-existent (Fishkin, 2018). Populist means of calling certain groups out as not part of ‘the people’ become irrelevant, as one is part of ‘the people’ through the definition of the random lot.

Moreover, as anyone has the same chances to become a representative, one is as much part of ‘the people’ as any populist. Lastly, it is worth mentioning that alienation in a more classical sense also becomes nullified. As one’s societal group will be descriptively represented in parliament, one’s interests will, therefore, always be represented (Heyd, 2004). Every part of society can see themselves in the system. Alienation through non-representation is therefore implausible in sortition systems. In conclusion, sortition does not allow for the negative effects of populism of exclusion and alienation within society.

## 5.3 Tyranny

The last effect of populism – a threat of tyranny – is also invalidated in sortition democracies. Sortition allows us only to have independent politicians, not aligned to parties. To imagine that a random sample of society, would organise to overhaul the whole political system and establish a tyranny within four years

is simply implausible (Gastil & Richards, 2013). That representatives are only in power for one term, without any chance of being reelected, makes such scenarios even more unrealistic (Heyd, 2004). Therefore, speaking in purely organisational terms, establishing tyranny is implausible. Furthermore, the establishment of several independent legislative bodies, where a council exists solely for oversight, establishes more vigorous checks and balances than our current democracies.

The only imaginable scenario in which tyranny could be established is if a significant portion of society wants to get rid of the system, while at the same time having the same vision for an alternative. Consequently, it would require more support in the population than a simple majority in an election. As such, tyranny is highly implausible in a sortition system, and even if imaginable would require more societal support than in electoral democracy.

## 6 Conclusion

Throughout our discussion, we have seen that populism is dangerous as it can lead to exclusion, alienation, and tyranny. We have seen how populism creates the homogeneous group of ‘the people’, which by the definition presented in this paper, excludes large parts of the population, such as immigrants and elites. This, in turn, leads to the alienation of large parts of society. Additionally, we saw that when populists come into power, they aim to remove our democratic institutions, rights, and liberties. The dilemma presented in this essay is that populism is a consequence of our democratic values, while at the same time, these values prevent a ban of populist movements. To solve this dilemma, the system of sortition as a new political system was proposed. Sortition upholds our democratic values, while at the same time nullifying populism and its negative effects. We, therefore, can concludingly say that sortition, on a theoretical level, is a viable alternative to electoral democracies, when considering populism and its harmful consequences.

There are many limitations to the research done in this paper. Firstly, as said in the introduction, only legislative institutions have been discussed. It must be seen if executive and judicial institutions can also be modeled within a sortition democracy to fix the dangers of populism. Secondly, the shortcomings of sortition have not been explored. While we have seen how sortition can solve the problems of populism, further research has to determine if the negatives of sortition outweigh the benefit. There are many other possible positive and negative effects of sortition not explained in this paper, which have to be accounted for in such a calculation. Lastly, the research was done by this paper purely theoretical. It is doubtful that sortition could be implemented in our current democracies, as

it would require massive structural changes. Furthermore, other forces that need to be considered in a practical setting have not been discussed, e.g., social movements or organised interest groups. Therefore, further research must be done in formulating more practical applications of sortition, considering all parts of society.

However, this essay gives guidance for further practical and theoretical research. In the real world, sortition may not be the solution for the west, but it could be a model for new democracies. Bouricius (2013) argues that sortition could have been a better alternative in revolutionary Egypt during the Arab spring, where an electoral democracy failed in its infancy. Also, the current wave of populism throughout the free world, makes us wonder if the lessons of sortition may be the answer to a more stable, equal, and inclusionary democracy.

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