

Sortition and Equality
Towards an apolitical model of representation?

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Sortition as a means of selecting political representatives dates back to antiquity. Far from being consigned to the Greek calendar, sortition has become surprisingly topical since the publication of David VAN REYBROUCK's book *Against Elections*¹. This publication is clearly a continuation of - or even in opposition to - that book. But let us be clear, this is not about sanctifying elections by opposing the sortition. It is about offering a critical look at the sortition in order to have a wider range of arguments to make an informed decision, if citizens and representatives wish to change the way representatives are selected.

Citizens and political representatives thus seem to have rediscovered the great virtues of sortition, which can ensure a rotation of offices and at the same time resolve the major crisis of confidence between the governed and those who govern. Progressively, the revival of sortition as a method of selecting the latter is aimed at completing the electoral system by creating a whole series of 'citizens' panels'. In Belgium, we are witnessing a real institutionalisation of sortition through the creation of citizens' panels in the various community and regional parliaments.

This introduction questions sortition through the prism of equality. It invites the reader to consider the various criticisms of sortition based on the different stages of a deliberation process, as envisaged in the context of citizen panels. We therefore propose to the reader a pathway through the implementation of citizens' panels by making a series of stops that will allow us to reintroduce a dose of equality into the reflections on the mode of selection of political representatives.

The first step is to question the representativeness sought by the random selection of citizens to sit in deliberative assemblies. Experts and political representatives seem to be firmly convinced that probabilistic selection is the best way to ensure descriptive representation in order to achieve, according to John PITSEYS, "the ideal of similarity", understood as "the idea that the representation of political activity requires a visible, or at least apparent, community of experience between the representative and the represented"². However, there are three problems with descriptive representation, as Annabelle LEVER and Chiara DESTRI point out³. Firstly, they argue that it is necessary to take into account the small number of citizens who devote time to deliberative initiatives. We will come back to this when questioning the voluntary nature of participation. Secondly, they note that the descriptive representation sought by the proponents of citizens' panels does not take into account a certain type of inequality: that which sees a lack of self-confidence on the part of the citizen and a lack of belief that one deserves the same opportunities as others. Finally, they point to the intrinsic nature of citizens' panels, namely their very small size in relation to the population as a whole. They agree with H  l  ne LANDEMORE who is convinced that randomly selected assemblies are too small for all the different characteristics of citizens to be represented proportionately⁴.

There is a presupposition that needs to be questioned: does probabilistic selection on the basis of socio-economic criteria guarantee the representation of the diversity of political opinions?

¹ VAN REYBROUCK David, *Contre les   lections*, Amsterdam, De Bezige Bij, 2013, 175 p.

² PITSEYS John, "Transparence et mutisme de la repr  sentation politique : l'id  al de similarit  ", *Revue Philosophique de Louvain*, vol. 115, n  3, 2017, p. 504.

³ Contribution to this book.

⁴ LANDEMORE H  l  ne, *Open Democracy: Reinventing Popular Rule for the Twenty-First Century*, Princeton, Princeton University Press, 2020.

To answer this question, Jessy BAILLY shows that representativeness can undermine deliberation⁵. Indeed, by analysing the Conference on the Future of Europe, this author shows that the co-presence of sociologically different individuals does not necessarily lead these individuals to debate and deliberate by expressing a plurality of points of view. On the contrary, his observations show the minority expression of highly critical opinions on the European Union. Jessy BAILLY concludes that the lack of diversity of opinions expressed leads to the fact that citizens were unable to deliberate in the sense of Bernard MANIN⁶. An absence of interactivity was thus noted, with citizens not responding to each other and the discussions of citizens always being stimulated by the moderator.

In other words, the assumption that people are selected on the basis of socio-economic, professional, geographical and other categories that are supposed to reflect the diversity of ideas among citizens seems to be wrong. Indeed, this type of presupposition allows us to assert that belonging to one of these categories implies that citizens think in a certain way according to the category to which they belong. Didier MINEUR addresses this very point when he notes that mirror-representation⁷ stems from the ordered structure of society. He also draws the conclusion that "while society considered as a whole is represented, because it is reproduced in miniature, individuals as such are not"⁸. This is a major determinism of the process. Let us take an example. If we want statistical diversity to be guaranteed, in terms of professional status, as was the case for the citizens' panels set up in the various Belgian regional and community parliaments, we must ensure the presence of citizens from different socio-economic backgrounds: workers, the self-employed, the unemployed, employees and bosses, in particular. But who can guarantee that belonging to these socio-professional categories implies different political ideas? In fact, statistical sampling locks citizens into boxes. It is assumed that the worker should represent certain political attitudes and the boss other political attitudes. But is this the case? Do we know their ideas? The random selection method does not allow us to know these attitudes at all. The Belgian *Conseil d'État*, the Belgian administrative court that advises the legislator, among others, has clearly stated in relation to a proposed decree to institutionalise sortition in the Walloon Parliament that the lottery procedure cannot be considered "as guaranteeing the political representativeness of the inhabitants selected randomly"⁹. Didier MINEUR draws the same conclusion when he writes that "there is no guarantee that the representative sample of a social category shall put forward the same reasons and arguments as would the members of that category if they were to deliberate directly"¹⁰. Sortition does not guarantee the debate of ideas, at the time of selection, before the exercise of a mandate, which should allow the political attitudes of citizens to be known. Jérôme HERGUEUX underlines in this respect the importance of electoral campaigns as carefully institutionalized political moments¹¹. From this perspective, sortition is an apolitical mode of selection that does not guarantee an equal presence - and not importance - of political attitudes

⁵ Contribution to this book.

⁶ MANIN Bernard, "Volonté générale ou délibération ? Esquisse d'une théorie de la délibération politique", *Le Débat*, 1985, n° 33, pp. 84-85.

⁷ On this concept, see PITKIN Hanna F., *The Concept of Representation*, Berkeley, University of California Press, 1967, pp. 71-75.

⁸ Contribution to this book.

⁹ PARLEMENT WALLON, Proposition de décret institutionnalisant l'assemblée citoyenne et le conseil citoyen. Avis du Conseil d'État, n° 221/2, 6 janvier 2021, p. 9.

¹⁰ Contribution to this book.

¹¹ Contribution to this book.

Looking back at the Future of Europe Conference, Yves SINTOMER proposed during the discussions at that Conference to introduce an additional criterion (citizens' attitudes towards the European Union) to those usually used in the construction of the representative sample to address this criticism. Nevertheless, Jessy BAILLY believes that it is difficult to obtain a representative sample on the criterion of citizens' attitudes towards the European Union. This view is supported by the research of Dorota DAKOWSKA and Nicolas HUBÉ who have pointed out that many citizens have both positive and negative ambivalence towards European integration¹². Pierre-Étienne VANDAMME raises the same issue when he questions the consciousness of injustices by citizens selected randomly: 'the selection process takes no account whatsoever of whether or not people are interested in politics, are active in civil society organizations, or are conscious of the scale of existing injustices'¹³.

The second stage consists of questioning the voluntary participation of citizens in the framework of citizens' panels composed on the basis of sortition. Proposals to institutionalise sortition within deliberative assemblies are, for the moment, based on the principle of voluntary participation by citizens drawn by lot. Doesn't this lack of obligation to participate undermine the representativeness desired by the random selection method? In this respect, Jessy BAILLY underlines in his contribution that the bias of sortition that could be detrimental to the plurality and quality of the deliberations stems from self-selection, as the citizens who took part in the Conference on the Future of Europe volunteered to participate in this experiment. In other words, does voluntary participation by citizens not constitute a vector of demobilisation or, in any case, of the constitution of a "participatory elite"¹⁴, as David VAN REYBROUCK points out? In the context of the citizens' panels set up in the parliaments of the various Communities and Regions in Belgium, citizens and elected representatives have, in this respect, had the opportunity to stress the limits of the absence of an obligation to participate. For example, following the citizens' panel on ageing issues, citizens insisted that the voluntary process almost automatically excluded certain minority, cultural and/or marginalised groups¹⁵. Several elected representatives went in the same direction, fearing that the institutionalisation of the citizens' assembly and the citizens' council at Walloon level would only see one category of the population taking part in these institutions¹⁶ and noting that the people most motivated by participatory mechanisms "are those with a high socio-cultural gradient"¹⁷.

In other words, doesn't the random mode of selection based on the principle of voluntary participation risk favouring the replacement of an elite by another elite? As Bernard MANIN has shown, election is an aristocratic or oligarchic procedure, insofar as mandates are reserved for eminent individuals whom their fellow citizens judge to be superior to others. Historically, three types of elites succeeded one another in the 19^e and 20^e centuries: the elites of notables, of

¹² DAKOWSKA Dorota and HUBÉ Nicolas, "For or Against the EU? Ambivalent Attitudes and Varied Arguments Towards Europe", in GAXIE Daniel, HUBÉ Nicolas and ROWELL Jay (éd.), *Perceptions of Europe. A Comparative Sociology of European Attitudes*, Colchester, ECPR Press, 2011, pp. 85-100.

¹³ VANDAMME Pierre-Étienne, "Tirage au sort et conscience des injustices", *Raisons politiques*, 2021, vol. 2, n° 82, p. 114.

¹⁴ VAN REYBROUCK David, "La démocratie délibérative", in REYNAERT Herwig, REUCHAMPS Min and VERJANS Pierre (dir.), *Démocratie représentative : vers la fin d'un modèle ? Diagnostic et remèdes*, Bruxelles, Sénat de Belgique, 2015, p. 37.

¹⁵ PARLEMENT WALLON, Panel citoyen consacré aux enjeux du vieillissement. Déclaration consensus, 12 mai 2017, p. 9 et PARLEMENT WALLON, Panel citoyen consacré aux enjeux du vieillissement. Compte rendu des travaux, 12 mai 2017, p. 7.

¹⁶ PARLEMENT WALLON, Commission des affaires générales et des relations internationales, *Compte rendu intégral*, n° 5, 14 septembre 2020, p. 6.

¹⁷ *Ibid.*, p. 8.

parties and finally of communication¹⁸. With the institutionalisation of sortition on a voluntary basis, are we not in the process of replacing this elite with another: the one that has the interest, the means and the time? In this respect, Alex KOVNER and Keith SUTHERLAND do not hesitate to point out the “self-selection bias”¹⁹ which means that members of citizen panels “are not really selected randomly from the general population, but from among the population *with an interest in climate change*”²⁰. The equality of opportunity arising from the random selection method is thus undermined by the self-selection bias. Despite this argument, we should emphasise one of the positive dimensions of the lottery for a political system in terms of office rotation. Indeed, Oliver DOWLEN emphasises the possible value of building institutions that use the lottery specifically by stressing the possibility that this mode of selection offers to replace concentrated forms of personal or group power with more diffuse and collective forms of power²¹.

Despite their elitist dimension, both the election and sortition embody, in different ways, the ideal of equality. Let us therefore insist on this ideal of equality also promoted by sortition. When Peter STONE defines voting rights and access to public office as scarce goods that need to be allocated according to criteria of *allocative justice*, he gives us a better understanding of how sortition and elections refer to the criterion of democratic equality, while responding to it differently²². According to him, these methods of selecting representatives would in fact respond to two different definitions of the principle of equality of opportunity defined by the political scientist Lesley JACOBS²³. On the one hand, sortition would correspond to the *prospect-regarding equality* approach, i.e. a situation in which each participant has an equal probability of obtaining a good. Elections, on the other hand, would correspond more to a *level playing field equality* approach, with candidates being on an equal footing at the start of the competition. The two procedures, although driven by the same democratic ideal of equality, therefore respond to different logics. Pierre-Etienne VANDAMME has proposed a similar distinction, stating that sortition translates the ideal of political equality into an *equal probability of holding political office*, while the election translates it into an equal opportunity for all citizens to participate in political self-determination by allowing them to designate their representatives²⁴.

The third step is to question the deliberative process that takes place within the citizen panels. Once the random selection has taken place, we must turn our attention to the deliberation itself, which Stefan RUMMENS and Raf GEENENS consider to be a veritable “black box” in the case of mini-publics²⁵. According to these two authors, in the context of mini-publics, “the decision-making process remains invisible, it cannot capture the attention of the citizenry and give structure and focus to the public debate. As a result, sortition assemblies are disconnected

¹⁸ MANIN Bernard, *Principes du gouvernement représentatif*, Paris, Flammarion, 1995, pp. 247-304.

¹⁹ Contribution to this book.

²⁰ *Ibid.*

²¹ Contribution to this book.

²² STONE Peter, “Sortition, voting, and democratic equality”, *Critical Review of International Social and Political Philosophy*, vol. 19, n°3, 2016, pp. 339-356.

²³ JACOBS Lesley, *Pursuing equal opportunities : The theory and practice of egalitarian justice*, New York, Cambridge University Press, 2003, p. 14.

²⁴ VANDAMME Pierre-Étienne, « Le tirage au sort est-il compatible avec l'élection ? », *Revue française de science politique*, vol. 68, n°5, 2018, p. 887.

²⁵ Contribution to this book.

from civil society where, in actual democracies, a large part of the epistemic work is being done”²⁶. The issue of equality thus arises again at the deliberation stage, in different ways.

First of all, the deliberation process can itself be a source of inequality because of the psychological discomfort that face-to-face interactions can entail, as Bernard MANIN has pointed out. Thus, he favours debate over deliberation in this respect because, in his view, the “debate format –in which speakers address an audience that merely listens to them– is a more promising set-up for exposure to conflicting positions than interactive personal engagement amongst holders of opposing views, as people tend to avoid face-to-face disagreement”²⁷. In other words, encountering disagreement in face-to-face interactions generates psychological discomfort²⁸. Not all citizens are equal when faced with this discomfort.

Secondly, the structuring of assemblies - particularly parliamentary ones - on the basis of the majority model raises obvious questions in terms of issue conflation, obstructive bias and lack of specificity of proposals, as illustrated by Keith SUTHERLAND and Alex KOVNER. The questions put forward by these two authors allow them to note a “basic fact”: “consensus-based assemblies favor those who have the least concern for the public good, and the greatest willingness to inflict pain on political adversaries, regardless of the consequences to the general public”²⁹. In other words, the consensus process favours unequal postures in discussions. Both authors argue that none of the concerns raised about the issue conflation, the obstructive bias and the lack of specificity of proposals would disappear because they are not the direct result of elections. In other words, parliamentary assemblies seem to have difficulty accommodating sortition, unless they encourage unequal postures on the part of certain representatives.

Finally, it is important to consider the decisions that result from the deliberations, which can also be a source of inequality in terms of the inclusion of citizens. Alex KOVNER and Keith SUTHERLAND argue that “the work product of the assembly is a reflection of highly volatile and transformational social processes”³⁰. Indeed, they argue that “not everyone participates in a citizen panel, and public debate is by no means a rational conversation. The result is that policy proposals from citizen panels can evoke strong opposition”³¹. Clarisse VAN BELLEGHEM agrees when she notes that “deliberative assemblies do not resolve the tension between the ideal of well-reasoned deliberation and the inclusion of the largest number of citizens in public deliberation, because a truly inclusive deliberation presupposes that all citizens have been able to develop their own views on the policy”³². Stefan RUMMENS and Raf GEENENS point to the lack of strong channels of interaction between mini-publics and the public sphere, which makes the drawing of lots problematic in terms of power distribution³³. Two avenues are favoured by the contributors to face the unequal inclusion of citizens in the decisions produced by the citizens' assemblies. On the one hand, Alex KOVNER and Keith SUTHERLAND believe that it is essential to focus our attention on the acceptability of the results produced by processes based on the random selection mode. To do so, they propose to use the criterion of centrism to assess this

²⁶ Contribution to this book.

²⁷ MANIN Bernard, *Deliberation: Why we should focus on debate rather than discussion*, Paper presented at the Program in Ethics and Public Affairs seminar, 2005, p. 18.

²⁸ *Ibid.*, p. 13.

²⁹ Contribution to this book.

³⁰ Contribution to this book.

³¹ *Ibid.*

³² Contribution to this book.

³³ Contribution to this book.

acceptability; centrism being understood in a statistical sense, “as being the policy which minimizes some notion of a policy ‘distance’ between the views of citizens and the policy adopted”³⁴. On the other hand, Pierre-Étienne VANDAMME believes that the decisions resulting from the deliberations must be considered in the light of the long term, because this temporality is the only one that favours the consciousness and politicization of citizens, thus enabling them to become conscious of injustices and to act on them³⁵.

The fourth step consists of questioning the presence of facilitators or experts in the deliberations of the citizens' panels. For example, in the Belgian context, a scientific committee is systematically involved to facilitate the deliberations. However, this supervision is not questioned in any way. Is it not essential to question this scientific framework from three points of view?

First of all, the political representatives supporting the citizens' panel projects seem, on many occasions, to be in favour of the idea that the scientific experts are impartial and therefore best placed to supervise the deliberations³⁶. According to some political representatives, this impartiality should enable the scientific committee to compile a portfolio of documents or any other means of providing useful information to members of the joint committees. It should be noted, however, that some elected representatives are not convinced by this impartiality when they state that they do not believe in the impartiality of the experts and that they call for the latter to take a position³⁷. Is it not a complete illusion to believe that experts are impartial, especially when it comes to compiling portfolios of documents impartially? If “axiological neutrality”³⁸ is to enable researchers to suspend any value judgement in the context of their scientific analysis, it is a means that is only at the service of the scientific process.

Secondly, should this not lead to a real debate on the place given to experts in political deliberations? Accompanying and framing a political deliberation is far from being a trivial action. Didier MINEUR thus questions the role of the experts in investigative techniques and notes that sortition despite the appearance of giving the power back to ordinary citizens, presupposes a kind of epistocracy. The experts of survey techniques are the only ones to know how the assembly of representatives chosen by lot³⁹. Alex KOVNER and Keith SUTHERLAND argue that once citizens' assemblies start making binding decisions on public policy issues with multiple stakeholders, the position of facilitator will be the first to be politicized. As a result, they argue, “well-resourced stakeholders will move heaven and earth to exert some influence on the facilitator selection process”⁴⁰. From this perspective and to some extent, there is a

³⁴ Contribution to this book.

³⁵ VANDAMME Pierre-Étienne, “Tirage au sort et conscience des injustices”, *op. cit.*, p. 119.

³⁶ See e.g. Parlement de la Région de Bruxelles-Capitale, *Proposition d’ordonnance spéciale visant à introduire la faculté de créer des commissions mixtes composées de citoyens tirés au sort et de députés bruxellois*, n° 660/1, 22 mars 2018, p. 2 et Chambre des représentants, *Proposition de modification du Règlement de la Chambre des représentants visant à permettre la création de commissions mixtes composées de parlementaires et de citoyens tirés au sort*, n° 0737/001, 12 novembre 2019, p. 8.

³⁷ See. Parlement de la Région de Bruxelles-Capitale et Assemblée réunie de la Commission communautaire commune, *Proposition de modification du règlement visant à introduire la faculté de créer des commissions délibératives entre députés et citoyens composées de députés et invitant des citoyens tirés au sort à participer à leurs travaux*, n° 100/2 et 19/2, 4 décembre 2019, p. 6-7.

³⁸ WEBER Max, “Essai sur le sens de la ‘neutralité axiologique’ dans les sciences sociologiques et économiques”, in WEBER Max, *Essais sur la théorie de la science*, Paris, Plon, 1965 (1917), pp. 475-526.

³⁹ Contribution to this book.

⁴⁰ Contribution to this book.

transfer of sovereignty from citizens and representatives to these experts. However, at no point is this transfer of sovereignty discussed in the parliamentary debates, as if it were self-evident that this framework could only be neutral. This is doubtful.

Finally, it should be noted that the same experts are constantly called upon by political representatives, particularly during parliamentary hearings. No diversity is sought by these representatives, particularly in terms of opposition to participatory processes. However, the “entrepreneurs of sortition” have certain characteristics, including a high level of cultural capital, which differentiate them from the normality of citizens defended by the theorists of sortition.

In other words, does the presence of scientific facilitators, which seems to go hand in hand with sortition, not lead to an unequal vision of the deliberation? Indeed, the latter could only take place through the presence of facilitators who are above the fight and whose the posture of neutrality must at the very least be discussed.

The fifth step consists of questioning the consensus, or at least the method of consensual decision-making, which is the purpose of the deliberation processes of citizen panels. At this stage, we do not address the non-binding dimension of the decisions adopted by the citizens' panels, as Vincent AERTS shows that the 'decentring of the State' is ultimately misleading when analysing the Citizens' Climate Convention⁴¹. The scientific literature has demonstrated the neutralising dimension of sortition. Some authors have argued that the main virtue of the lottery should not be located in its egalitarian aspect, but rather in its neutralizing dimension⁴². The authors highlighting the neutralising features of lottery do not deny the egalitarian effects of random selection. However, for them, the main advantage of this method of selection of representatives is not that it leads to an equal probability of being assigned a political office, but rather that sortition is a decision-making procedure whose results do not require any justification, thus neutralising illegitimate (but also legitimate) arguments that may motivate a decision, and consequently leading to an anaesthesia of political conflicts. It seems essential to us to discuss the neutralising dimension of deliberation. Is this the model of decision-making that we want in the 21^e century? *What* if oppositions arise during deliberation and it is impossible to overcome them? We find it difficult to maintain that the political decision-making process can easily accommodate consensus. Let us therefore detail the neutralising effects of sortition.

In that way, Peter STONE refers to the *sanitizing effects* of random selection as the immunity of this method of selection to the influence of reasons, whether good or bad⁴³. Oliver DOWLEN says the same thing when he describes the random procedure as an a-rational procedure in which the human faculties of reason would not intervene, in the same way as other human faculties such as passion, instinct or emotions⁴⁴. Sortition would therefore be neither rational nor irrational, and would in fact aim to create a “blind break” in the decision-making process, during

⁴¹ Contribution to this book.

⁴² DOWLEN Oliver, *The political potential of sortition. A study of the random selection of citizens for public office*, Exeter, Imprint Academic, 2008, 300 p.; STONE Peter, “The Logic of Random Selection”, *Political Theory*, vol. 37, no. 3, 2009, pp. 375-397 and STONE Peter, *The Luck of the Draw. The Role of Lotteries in Decision Making*, Oxford, Oxford University Press, 2011, 208 pp.

⁴³ STONE Peter, “The Logic of Random Selection”, *Political Theory*, vol. 37, no. 3, 2009, pp. 375-397.

⁴⁴ DOWLEN Oliver, *The political potential of sortition. A study of the random selection of citizens for public office*, Exeter, Imprint Academic, 2008, 300 p.

which no human factor would intervene. In this perspective, sortition would serve above all to prevent “bad” justifications (discriminatory justifications, for example, or justifications based on the private interest of the political decision-maker) from being used within the framework of the decision-making process, in cases where the mobilisation of good reasons would prove impossible. This would be the case in particular when the good reasons have already been invoked or when the context of uncertainty characterizing the decision-making does not allow access to the information necessary to distinguish between these reasons deemed to be legitimate⁴⁵.

From this neutralising perspective, the use of the lottery would save resources, in that it would simplify and accelerate the selection procedure⁴⁶. The reason for the mobilisation of lottery in politics would therefore be explained, in this perspective, by a lack of time, information or resources. For example, a person might have to be appointed in a hurry, without having the time to organise an election preceded by some form of deliberation. In this perspective, the neutralising properties of sortition would therefore serve to save time or resources.

The main advantage of the use of sortition in politics would therefore not be its achievement of greater political equality, but the possibility it offers of not having to justify the selection of representatives, neutralising, as Manuel CERVERA-MARZAL and Yohan DUBIGEON point out⁴⁷, two phenomena. On the one hand, the lottery neutralises the selection process, since people are designated independently of the reasons put forward to select them. On the other hand, the lottery would neutralise the results of the designation process, as no candidate could feel aggrieved by his or her non-selection, as the lottery is deemed impartial. Sortition would therefore have an effect of limiting competition between elites⁴⁸, in the sense that they cannot mutually attribute responsibility for their respective failures, which echoes perfectly the medieval use of lots in Italian cities such as Florence or Venice, where lots were mainly used to attenuate political competition between the different socio-political elites⁴⁹. From this perspective, random selection can be thought “as an impartial method for resolving a controversial issue”⁵⁰, namely the allocation of political offices within a political community.

Sortition would thus have an egalitarian dimension, reflected in an equal probability of access to a political office⁵¹. It would also include a neutralizing dimension, as the random selection is not based on selection criteria, and therefore leaves no possibility for candidates for a position to reveal the distinctive politically advantageous traits they possess, unlike the elective procedure. In other words, the egalitarian and neutralising characteristics of sortition are intrinsically linked. Indeed, if the use of the lottery allows the notion of *prospect-regarding equality* to flourish within a political system, it is difficult to overlook the neutralizing attributes of random

⁴⁵ STONE Peter, *The Luck of the Draw. The Role of Lotteries in Decision Making*, Oxford, Oxford University Press, 2011, pp. 19-44.

⁴⁶ DELANNOI Gil, *Le retour du tirage au sort en politique*, Paris, Fondapol, 2010, p. 15.

⁴⁷ CERVERA-MARZAL Manuel et DUBIGEON Yohan, “Démocratie radicale et tirage au sort”, *Raisons politiques*, n°50, vol. 2, 2013, p. 174.

⁴⁸ DELANNOI Gil, DOWLEN Oliver and STONE Peter, *The Lottery as a Democratic Institution*, Dublin, Public Policy, 2013, pp. 15-16.

⁴⁹ MANIN Bernard, *Principes du gouvernement représentatif*, op. cit. pp. 66-93 and SINTOMER Yves, *Petite histoire de l'expérimentation démocratique. Tirage au sort et politique d'Athènes à nos jours*, Paris, La Découverte, 2011, pp. 54-79.

⁵⁰ SINTOMER Yves, *Petite histoire de l'expérimentation démocratique. Tirage au sort et politique d'Athènes à nos jours*, Paris, La Découverte, 2011, p. 194.

⁵¹ Some authors have pointed out that there are different conceptions of probability. Peter STONE, for example, distinguishes four of them: the frequentist conception, the objective conception, the subjective conception, and the logical conception of probability, which is his preference. STONE Peter, “Reflections on Two Typologies for Random Selection”, in DELANNOI Gil and DOWLEN Oliver (eds.), *Sortition. Theory and Practice*, Exeter, Imprint Academic, 2010, pp. 157-172.

selection, since these attributes of the lottery help to explain why this procedure is particularly egalitarian. This can be illustrated by the possibility offered by sortition to neutralise the principle of distinction embodied in the election⁵².

Another way of accounting for the simultaneous action of the egalitarian and neutralizing dimensions of sortition is to focus on the distortions associated with the effects of economic inequalities on political competition. Some authors have argued that elected assemblies favour the interests and ideas of contributors who have provided financial support to the electoral campaign of the political parties in power⁵³. It would also be easier in an electoral competition to transmit political messages with large economic resources, which would favour the more affluent, whereas money is not involved at all in a selection procedure by lottery⁵⁴. Random selection of political assemblies would therefore have a clear advantage over election in neutralising economic inequalities in political competition, while ensuring the ineffectiveness of a principle of distinction resulting in financial disparities, making political competition more equal.

We can go even further in this criticism of a dichotomy between the neutralising use and egalitarian function of sortition⁵⁵. Hugo BONIN, analysing a number of studies on the use of lottery and election in politics, notes that most of these studies aim to attribute intrinsic qualities to these decision-making mechanisms, with the aim of defining the “nature” of these procedures. On the one hand, the essence of elections would be to be both democratic and aristocratic, while on the other hand, sortition would be egalitarian and neutralising *by nature*. For Hugo BONIN, the effects of these appointment procedures can only be understood by considering the whole institutional system in which these appointment procedures are embedded. The random method could indeed lead to an unequal result, if it were not combined, for example, with very short terms of office, or with equal access to the deliberations. In other words, contradicting MONTESQUIEU, sortition would not be “of the nature of democracy”⁵⁶, any more than suffrage by choice would be of the nature of aristocracy. It would indeed be necessary to reserve such a judgment by means of the study of the concrete institutional mechanism in which these procedures evolve. Hugo BONIN therefore prefers to speak of the potentialities of appointment procedures, rather than the essence or nature of sortition, and stresses the need to carry out an empirical study of the different leadership selection mechanisms in order to highlight their advantages and disadvantages.

If sortition is fully justified in a political system by the neutrality it conveys, a fundamental question remains: do we want our political system to be neutral?

If the answer is yes, this means that the exercise of political power would only be aimed at neutralising the multiple conflicts within a society. In our view, the political system is an

⁵² MANIN Bernard, *Principles of Representative Government*, *op. cit.* pp. 186-191.

⁵³ GASTIL John and WRIGHT Erik Olin, “Legislature by Lot: Envisioning Sortition within a Bicameral System”, *Politics & Society*, vol. 46, n° 3, 2018, p. 307.

⁵⁴ *Ibid.*, p. 307.

⁵⁵ BONIN Hugo, “On the 'nature' of the drawing of lots in politics: a dialogue between chance and election”, *Politics and Society*, vol. 36, n°1, 2017, pp. 3-23. See also, in the same sense, LOPEZ-RABATEL Liliane and SINTOMER Yves, “Introduction. L'histoire du tirage au sort en politique: instruments, pratiques, théories », *Participations*, Hors-Série, 2019, pp. 20-27; DELANNOI Gil, *Le retour du tirage au sort en politique*, Fondapol, 2010, p. 10 and SINTOMER Yves, *Petite histoire de l'expérimentation démocratique. Tirage au sort et politique d'Athènes à nos jours*, Paris, La Découverte, 2011, p. 193.

⁵⁶ MONTESQUIEU, *De l'esprit des lois*, Paris, Garnier, 1973 [1748], p. 17.

'agonistic' public space of contestation, to use Chantal Mouffe's terms⁵⁷, where different hegemonic political projects can clash and where political actors do not show moderation before entering into negotiations. In this perspective, sortition, through its neutralising attributes, is apolitical. The permanent neutralisation of conflicts would consequently favour the immutability of a political system.

If the answer is negative, this means that the exercise of political power, far from neutralising these conflicts, would seek to reveal them and, above all, to ensure that the foundation of a political system is the permanent questioning of the norms that a society gives itself. By defining the political system as an agonistic public space, we hope that the permanent questioning favours the constant progress of humanity. From this point of view, the drawing of lots is not synonymous with progress in a political system.

⁵⁷ MOUFFE Chantal, *L'illusion du consensus*, Paris, Albin Michel, 2016, pp. 29-36.