Representative of the People by Lot

Can random procedures improve government behavior?

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Democratic policy should take diverse views into consideration. This goal can be achieved by taking a random choice of persons out of a suitable basic population. Random procedures, or sortition, prevent the illegitimate influence of powerful persons and organizations. Such systems can productively be used in many areas of politics. Concrete proposals for the selection of members of parliament, the executive, international organizations, and courts are discussed.

Decision Procedures in Politics

Democracy is commonly considered that kind of political regime in which citizens may determine via elections which parties and persons should represent them in parliament. This also indirectly determines the composition of government. In semi-direct democracies - such as Switzerland - citizens may moreover decide about particular policies in popular referendums. In authoritarian regimes a particular group or singular person imposes what is considered appropriate for society as a whole - while their own personal, often financial interests frequently play an important role. The opportunistic behavior of the ruling class is often hidden behind nice sounding names. Thus, Napoleon called himself the 'Emperor of the French'. Other dictators do not even need to have such titles as they are entrenched in a most powerful position. An example is Stalin who simply called himself 'Secretary of the Communist Party of the Soviet Union'.

In addition to democratic and authoritarian regimes there exist additional socio-political decision-making systems. This contribution is devoted to a procedure largely forgotten in recent times but which played an important role in classical Athens and in many medieval cities, particularly in the North Italian city-states.

Political decisions can be taken in many different ways:

- The dual conception builds on the opposition between the decentralized market and the centralized political plan.
- There is also a duality between the market and voting. The market is taken to be the 'economic' and voting the 'political' mechanism to reach social decisions. Today it is well known under which conditions the price system and popular referendums, respectively, do not work in a satisfactory way (these are the so-called 'market failures' and 'political failures').
- The procedures of 'exit' and 'voice' delineate the basic possibilities available to individuals and groups when government performance is lacking. When a government takes bad decisions, people can emigrate (exit) or protest (voice).
- Aleatoric procedures - named after the Latin word 'alea' (for dice) containing random elements are rarely used in present-day politics. Aleatoric decisions, also called random choice or sortition, have many desirable characteristics. As is the case with all other social decision-making mechanisms, it also has some negative aspects. Both advantages and disadvantages must be compared to those of other social decision-making procedures.

The second section of this contribution lists the most important advantages and disadvantages of social decision-making systems. The third section discusses possible applications of random procedures in politics. The last section provides concluding consideration about aleatoric procedures in politics.

Characteristics of Random Procedures

The term 'random' is here used in terms of a statistical probability. It has nothing to do with arbitrariness but is based on mathematical logic. A random decision is constructed to push back undesired human influence.

Advantages of random procedures

Aleatoric procedures have important advantages over other decision-making systems:

- Random decisions allow us to exactly represent the underlying basic population. In an urn containing balls repre-
Impulses for Practice

- Random as a procedure should be considered throughout democratic policies.
- Random procedures can be used in many different areas of politics.

senting various characteristics of the population, each ball has the same chance of being selected. Random procedures disallow systematic discrimination, for instance, according to race or gender. The importance of each group is mirrored according to its importance in the basic population. As a result, those parts of the population otherwise disregarded in the political process are adequately represented.

- Random decision prevent illegitimate influences on political decisions. This is of particular importance when well-organized interest groups want to influence social decisions in their favour. Aristotle already pointed out this property as being of great importance.

- As random decisions are immune to human intervention, it pays less to spend money to influence the political process and its results. In contrast, all other social decision-mechanisms, such as democratic elections or bargaining processes, are subject to the influence of particular interests via spending money, old boys’ networks, and corruption.

- Aspects and views disregarded or considered to be unimportant at the time of a political decision are automatically represented according to their importance in the basic population. In this regard, aleatoric choice is better than imposing quotas. Quotas can only be set when the corresponding dimensions (such as gender, education, age or nationality) are taken to be important. Random choice allows us to take into account aspects previously unknown, and therefore impossible to represent by quotas.

- Random choice helps us to maintain the stability and continuity of government when there are strong conflicts between various groups in the basic population. Each of these views sees a chance to exert influence in the future, even if at present the opposing group is in power. This aspect played a major role in the North Italian medieval city-states. Without aleatoric procedures some groups run the danger of being suppressed in the political process. Under these conditions, the disadvantaged groups may be induced to use illegitimate force to publicize their demands. This may result in costly political uprisings and internal wars.

- Aleatoric procedures do not distinguish capabilities and qualifications. Randomly selected persons may be incapable of performing the required tasks. For this reason, random mechanisms in most cases are combined with other selection mechanisms. For instance, the basic population from which the random selection is restricted to persons meeting certain desirable criteria.

- Random selection can reduce the sense of responsibility most importantly because the persons chosen need not account the need to be re-elected at the end of their term in office. This problem can be redressed, for instance, by only considering people in the basic population who revealed elsewhere their sense of responsibility. It can moreover be required that the persons chosen must justify their actions and are punished for illegal or badly planned decisions.

- It may be that randomly chosen persons refuse to take the political offices to which they were chosen. This problem can be overcome in various ways. It can be stipulated that every person should and must follow his or her citizen duty. In Switzerland, for instance, many communes require their citizens to undertake public duties if chosen. However, to impose a duty to accept a political office may lead to careless or bad performance. Alternatively, successive random choices can be taken until a sufficient number of willing persons are found. This procedure has the disadvantage that it may result in a social selection – for instance, that only wealthy people are prepared to accept a political position – and that not all interests are well represented. The best procedure may be to offer randomly chosen persons a financial compensation inducing them to accept the attributed political task.

- Decisions based on a mathematical probability may be considered ‘irrational’ or ‘arbitrary’ by the public, and therefore taken to be illegitimate. Random decisions do not take into account issues of content. For this reason, random decisions cannot be used in all instances but only under conditions for which a careful balancing of the advantages and disadvantages has been undertaken. Moreover, the population must be ready to accept the use of random procedures.

Aleatoric decisions have considerable advantages but can only be used to a restricted extent in the political arena. They must be amended by other procedures. Nevertheless, this social decision-making system should receive more attention than has been the case in modern times. But it must be acknowledged that other procedures also have their advantages and disadvantages.

Random decisions allow us to exactly represent the underlying basic population.

Disadvantages of random procedures

There are also several disadvantages of aleatoric decision-making systems:

- As qualifications are not taken into account, the use of random procedures in politics is limited.

The following section discusses some applications of random social decision-making in the political and legal sphere.
Some Applications

In politics the members of parliament can be randomly chosen from the population of citizens as a whole. This procedure could be used to determine the members of the US House of Representatives or the German Bundestag. The members of a second chamber would be determined according to the traditional election procedure. At the European Union, a second, randomly determined chamber of the European Parliament could be established in order to achieve a close representation of citizens. In analogy to the British ‘House of Lords’ this could be called ‘House of Lots’.5

As is well-known and documented, interest groups and the established leadership of parties have a strong influence on who is likely to become a member of parliament. Only those persons supported by these dominant actors have a realistic chance of being elected. A random choice among all citizens would dramatically reduce this unconstitutional influence. In addition, the huge amount of money and time spent for entering parliament would be avoided.

An aleatoric selection can also be envisaged for the executive, provided a formal minimal qualification is secured. The members of the Swiss government, the National Council composed of seven members, could be randomly selected out of the members of the two chambers of parliament. This would over time guarantee a composition of the government according to the strength of parties, gender, religion, and regions.

International Organizations are another field where random procedures can be applied in a fruitful way. These organizations are subject to a fundamental democracy deficit. Giving citizens binding political participation possibilities, the right to start popular initiatives, and to call back members of the executive, reduces the effects of such failure. This in principle be achieved by popular referenda. However, this possibility is difficult to apply due to the large number of citizens involved. A random selection of representatives who use these rights could overcome the democracy deficit.6

Aleatoric procedures can also be used to select judges. In some countries – an example is Switzerland – the members of the highest court (Bundesgericht) today are chosen according to party affiliation. In Switzerland, an initiative has been started to have the judges selected by a random procedure in order to have more independent persons.7

Concluding Remarks

It is time to rejuvenate the advantages of aleatoric systems of selection in politics, which today is largely forgotten. Most importantly, random mechanisms allow involving groups of persons into the political process whose representation otherwise is difficult or even impossible to achieve. Thus, it would be unnecessary to introduce gender quotas. The representativeness achieved by random selection also applies to ideas and movements newly arising in politics, and therefore are not yet included in party programmes. As a result, the diversity of ideas necessary in a dynamic society would be secured. In addition, random procedures overcome existing major conflicts in society. No group can over time be excluded from the political decision process. Aleatoric procedures also reduce old boys’ networks and corruption, as well as the huge financial expenditures characterising today’s democratic election processes.

Random procedures reduce the risk of nepotism.

Political decisions cannot be taken solely on the basis of random procedures. They must be integrated into suitable institutions and combined with other socio-political decision mechanisms. Aleatoric systems may well be capable to overcome the increasing disassociation with democracy visible in the public.

References
1 See the contribution of Hubertus Buchstein in this issue.
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   Buchstein, H.: Demokratie und Lotterie: Das Los als politisches Entscheidungsinstrument von der Antike bis zur EU, Frankfurt/Main 2009;

Abstract

Random decisions make it possible to integrate diverse views in a democratic political system and to reduce the illegitimate influence of powerful persons and organizations. It is unnecessary to establish quotas. The harmful antagonisms between groups are overcome because each one sees a chance to get influence in the future. Random decisions disregard skills and qualifications of potential politicians and may reduce their sense of responsibility. Random mechanisms therefore cannot be applied without carefully considering the pros and cons of this procedure, and consent by the citizens is required. Random mechanisms could be applied to the US House of Representatives, the German Bundestag, or the Swiss Nationalrat. In the case of the executive branch formal minimal requirements must be introduced. The strong democracy deficit of international organizations can be overcome by selecting the national representatives via a random process.
Festschrift zu Ehren von Christian Kirchner: Recht im Ökonomischen Kontext, Tübingen 2014, pp. 749–762;
5 Buchstein, H. (2009), loc. cit.


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