Political Equality
Voting, Sortition, and Democracy

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Abstract: This article uses Arash Abizadeh to illustrate the appeal and difficulties of the claim that random selection is a more democratic way to select a legislature than election. It agrees with Abizadeh that representative democracy cannot be reduced to the right of voters to choose their legislators. However, it challenges his view that elections are inherently inegalitarian because they enable voters to discriminate unfairly among electoral candidates and his assimilation of gyroscopic to descriptive representation. Finally, the article highlights the difficulties of justifying random selection while rejecting election on egalitarian grounds. It therefore concludes that democratic equality requires more, not less, attention to the ethics of voting and to the conceptual, moral, and political dimensions of citizens' claims on elected office.

Keywords: Abizadeh, equality, ethics of voting, gyroscopic representation, proportionality, random selection, sortition, stratification

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Is random selection a more egalitarian way to select members to a democratic legislature than election? The idea that democratic equality favors lottery over elections generated little interest among political philosophers until recently (Blondiaux 2008; Chollet and Manin 2019; Courant and Sintomer 2019; Hayat 2019; Sintomer 2023). Though that has now changed, the reasons for thinking lotteries preferable to elections are not always spelled out clearly in this new literature (Guerrero 2014, 2021a, 2021b; Landemore 2020; Owen and Smith 2018; Vandamme 2018). It is desirable, then, to disentangle the conceptual, normative, and empirical elements in arguments for randomly selected legislatures, and to see whether and how they fit together.

To facilitate the task, this article examines Arash Abizadeh's reasons for thinking elections intrinsically inegalitarian because of the scope for voter prejudice that they necessarily imply (2021a). His reasoning is very similar to that implicit in other arguments for sortition but provides greater detail and attention as to why even the best elections are supposed to be inegalitarian in ways that sortition will remedy. Examining Abizadeh's arguments

Democratic Theory Volume 11, Issue 12 Winter 2024: 134–151
doi: 10.3167/dt.2024.110209 ISSN 2332-8894 (Print), ISSN 2332-8908 (Online)

https://doi.org/10.3167/dt.2024.110209 Published online by Cambridge University Press
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more closely, however, shows that they confuse moral failings with political injustice, depend on normatively questionable assumptions about the differences between voting in a morally justified manner and one that is unjustified, and wrongly assimilate gyroscopic to descriptive representation. Finally, the article highlights the difficulties of reconciling random selection with egalitarian critiques of election. Hence, the article concludes, democratic theorists should pay more, not less, attention to the ethics of voting and to the conceptual, moral, and political challenges of ensuring citizen equality as candidates to the legislature.

The recent literature on democracy contains several criticisms of lotteries as political selection devices. Dimitri Landa and Ryan Pevnick (2021), for example, and Lachlan Umbers (2021) object that they will not achieve the instrumental improvements in government for which they are sought, while Emmanuela Ottonelli and Valeria Ceva (2022), along with Cristina Lafont (2020), deny that lottocratic critiques of elections reflect an adequate understanding of democratic representation. Umbers argues that lottocracy is at odds with principles of distributive justice and social equality (2021, 316–19) and, in previous work, I have criticized the relationship between group and individual equality assumed by epistocratic and egalitarian arguments against election (Lever 2023a; 2023b and Lever and Destri, 2024), as well as Abizadeh's assumptions about agency and power (Destri and Lever 2023). This article, by contrast, focuses on the idea that even the best form of elections is at odds with equality—whatever other democratic values it may instantiate and promote—*because of the free choice democratic elections give to voters* and its consequences for equality of opportunity among legislative candidates. It starts from premises shared with Abizadeh and other supporters of random selection: that actual electoral institutions are unjust and as likely to perpetuate as to undermine unjust inequalities of wealth, power, status, and opportunity among citizens. I also assume that democratic equality means that citizens are equally entitled to hold political office even if they lack special knowledge, resources, virtues, or experience—as none of these are requirements for ruling in democracies, as distinct from aristocracies, plutocracies, or technocracies. However, we can accept these premises and still deny that elections are inferior to sortition if we care about democracy and equality.

Free Elections and Equality of Opportunity among Candidates

According to Abizadeh, however well-organized they might be, elections are inherently at odds with democratic equality, because voting is subject

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to non-meritocratic influences that unfairly discriminate against candidates based on their race, sex, gender (Abizadeh 2021a: 797, 799–800) and how well-known, good-looking, and charismatic they are (Guerrero 2021b: 179; Landemore 2020). As Abizadeh puts it, "competitive elections advantage candidates with salient, distinguishing features, which often consist in irrelevant social privileges such as good looks, wealth or fame" (2021a: 796). Elections therefore violate formal equality of opportunity among citizens qua candidates for political office because qua voters, citizens are free to select candidates on grounds that have nothing to do with merit, and cannot be made accountable to others for the way they vote: "the problem of discrimination means free elections are inherently inegalitarian" (ibid.: 797). Were elections to be purely meritocratic, Abizadeh believes, the differences in equality of opportunity they involve would be consistent with democratic ideals of equality, or citizens inherently equal claims on office. However, "elections in which voters are not free to discriminate as they wish would not be free elections" (ibidem). Hence, even the best-organized and most apparently democratic elections must violate equality of opportunity among citizens as *candidates* for office and, by implication, among citizens as *voters*—given that morally wrongful voting makes it harder than would otherwise be for some voters to elect the candidate of their choice (cf. Mráz 2021: 297–298).

The reasons for thinking elections at odds with democratic equality, then, can be summarized as follows: elections must be free if they are to count as democratic; free elections mean that citizens must be able to vote as they see fit; democratic elections must therefore violate formal equality of opportunity among candidates and must do so *because they are free*. Examples of meritocratic voting are voting based on "political skill or public spiritedness" and on "relevant interests, values, and norms" as well as on candidate experience (Abizadeh 2021a: 797, 794–795). Voting based on such factors is consistent with democratic equality: although candidates will lack equal opportunities to be selected ex ante (in part because of differential opportunities to acquire these characteristics, as well as any natural differences among people), their differential opportunities will reflect voters' perceptions of candidates' merits. Examples of non-meritocratic voting include voting for the rich and famous (*because* they are so, and not because of their superior education or achievements, etc.), voting for the charismatic, and voting based on the ascriptive characteristics of candidates, such as their race or their sex. Such forms of voting, Abizadeh believes, violate candidates' claims to equality of opportunity because candidates will end up with unequal chances of joining the legislature based on factors that are immaterial to their merits as legislative representatives. As he puts it, "no legislator needs to become

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a man or white to fulfil her legislative duties" (Abizadeh 2021a: 800). In short, democratic elections mean that citizens must have equal chances to be selected for office unless departures from that standard are based on meritocratic factors even if they imply no special *merit* on the part of the candidate in acquiring them.

Abizadeh's objections to elections, then, have a conceptual, a normative, and an empirical dimension. Conceptually, the claim is that in democratic elections citizens must be free to vote in ways that are morally unjustified – that just *is* what it means for elections to be free. Normatively, the claim is that morally unjustified voting is voting that fails to treat candidates on their merits, because only meritocratic voting provides justified departures from equality of opportunity to be selected. Empirically, the assumption is that morally unjustified behavior is common and cannot be minimized or prevented without depriving voters of the freedoms intrinsic to democratic elections (Abizadeh 2021a: 797). Let's set aside the conceptual claim because the fact that freedom means we must be able to vote wrongly only condemns elections depending on our normative and empirical assumptions about what voters should do and will do. In other words, the theoretical possibility of unjustified voting does not show that elections are inconsistent with the equality of candidates absent reasons to think that it is sufficiently common and causally important as to affect electoral outcomes. In short, we need to look more closely at these normative and empirical assumptions to understand why free elections are at odds with democratic equality.

Let's start by noting that it is an implication of Abizadeh's argument – albeit unacknowledged – that voter reliance on race, sex, wealth, or charisma would be no threat to the egalitarian character of elections so long as they *reinforced,* rather than *diverted from,* otherwise legitimate choices by voters: such as choices based on candidate experience and values. So, his objection to elections is not that voters are not single-minded meritocrats when selecting candidates to the legislature because single-mindedness is not necessary to equality of opportunity, so long as other considerations do not divert from, or outweigh, voters' judgments of merit. Hence, there would be no democratic objection to elections so long as electoral outcomes reflected voters' judgments of appropriate values and experience, even if their vote *also* reflected the influence of the race, sex, wealth, or charisma of the candidates. The point is important not simply because it is doubtful that voters can or should be single-minded when voting (Lever 2016) but also because it would detract from the force of the egalitarian critique if every example of morally wrongful voting threatened democratic equality. Such an assumption would be implausibly strong and would call into question the justification and reliability of democratic

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government itself. Thus, this point of clarification about the implications of Abizadeh's view strengthens, rather than detracts from, the plausibility of his argument, by enabling us to recognize that some morally unjustified voting might be politically insignificant – perhaps *beneficial* to all candidates. Hence, the reasons to condemn those forms of unjustified voting that *harm* the equality of candidates do not require levels of moral probity, wisdom, and perfection that would make democratic government unattainable and, perhaps, unjustified for imperfect people like us.

The force of the egalitarian critique of elections, then, depends on how likely it is that morally wrongful voting will divert from, or overwhelm, voting based on morally acceptable factors. And that, it seems, is partly an empirical question, dependent on the ways that electoral competition is organized, and the spirit or ethos (Thompson 2020) within which it takes place. For example, party list voting means that the electoral choice of candidates can be focused on factors that Abizadeh considers relevant – such as political ideas and values – thereby protecting candidates from voter prejudice, ignorance, and error, while enabling parties to select and rank candidates in ways that promote the competent and equalize opportunities to be selected for members of disadvantaged and advantaged social groups (Mráz 2021). So, neither Abizadeh's conceptual claims about freedom nor his normative claims about equality show that elections must violate democratic equality.

Indeed, empirically it is not obvious that morally unjustified voting is as common and as consequential as the egalitarian critique assumes. The evidence suggests that voters, still, tend to vote for candidates based on their party affiliation, and the values and ideas and interests associated with it, although they are less likely to be faithful to one party nowadays (Wüest and Pontusson 2018), and Kathleen Dolan (2014) has found that gender stereotypes have a limited role in explaining voters' decisions in US elections.[1] Hence, the moral errors of citizens as voters are likely to be baked into their understanding and evaluation of political merit in ways that make it difficult to disentangle the morally acceptable and unacceptable, as Abizadeh's thesis requires. Put simply, voters are likely to be attracted to parties that have candidates whose values and experience they find politically relevant (or, at least, more appropriate than the alternatives); and parties have good reasons to identify and promote candidates that are likely to appeal to voters in these ways. Empirically, then, it is unclear that voter prejudice, superficiality, vanity, or other failings impact the equal opportunities of candidates – although they may still be morally objectionable, and politically consequential in *other* ways. For example, they may unfairly neglect the claims of future generations, of people in distant countries, and of non-human animals even if, in conjunction with

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politically relevant factors, they have no discernible consequences for the electoral chances of one, rather than another, candidate. It is therefore unclear that morally wrongful voting must affect the *relative* standing of candidates, although it may adversely limit the political opportunities of *all* candidates, or their *absolute* opportunities.

If, furthermore, we reject the way that Abizadeh draws the distinction between factors that are 'germane' to being a representative and those that are not (Abizadeh 2021a: 799–800), we might also wonder how robust these empirical assumptions are. Charisma may be an important political attribute if you need to persuade people to volunteer for difficult tasks or to mobilize them to act on decisions that others have made. Our ascriptive characteristics can have a significant, often overwhelming, importance for the way our lives go, even in ideal theory, and citizens can legitimately disagree about their relevance to the selection of legislators (Lafont 2020: 123–126; Mansbridge 1999; Phillips 1998; Wüest and Pontusson 2018). So, one reason to object to legislatures dominated by white, prosperous men is that they provide insufficient opportunities for others to vote for candidates who *both* represent them descriptively and substantively (Mansbridge 1999; Phillips 1998; Williams 1998). Indeed, as Abizadeh recognizes gender, age, and visible-minority status can be "socially salient features of people" and appropriate factors in the way we constitute randomly selected legislatures (Abizadeh 2021a: 800). It is unclear why citizens as *voters* should be prohibited from taking them into account when deciding who should represent them.

The egalitarian critique of elections is, in principle, consistent with equality of opportunity so long as those who vote based on prejudice or politically irrelevant factors are accountable to others and liable to punishment for their failings. Although Abizadeh never develops the point explicitly—only mentioning the lack of accountability without explaining why it matters (2021a: 797)—such a possibility is not implausible: democracy requires us to identify, publicize, and, if necessary, sanction wrongdoing. So understood, voter accountability would be a way to reaffirm the equality of candidates post hoc, publicly to communicate the wrongness of certain types of voting to citizens and, perhaps, to authorize certain types of compensatory action (even a re-run of a particular contest), for those candidates who were harmed, as well as wronged by voters. (See Vandamme 2018, 2020; for an ex-ante solution without accountability, see Mráz 2021.)

Abizadeh does not explain why he thinks that free elections are incompatible with accountability, although I am sympathetic to, indeed share, that intuition. One reason might be that accountability means breaching the secret ballot, and the secret ballot is necessary for free

https://doi.org/10.3167/dt.2024.110209 Published online by Cambridge University Press
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voting. That is a view I share, although a democratic justification of the secret ballot depends as much on *equality*-based differences of power and responsibility between voters and legislators, as on worries about the *freedom* of voters (Lever 2007, 2012, 2015). Nonetheless, democratic arguments against the secret ballot often suggest that secrecy might be qualified in the interests of accountability, given the importance of accountability to democratic government (Brennan and Pettit 1990; Engelen 2013; Vandamme 2018). So, it is hardly self-evident that free elections preclude voter accountability. It is unclear, however, *to whom and for what* voters should be accountable. Why should voters owe *each other* a justification for how they vote, or for their failure to vote, when their equal right to vote *itself* reflects their claims against the political choice of others? And why should voters owe *candidates* a justification for their failure to prefer them to competitors, given the complex strategic and non-strategic dimensions of electoral choice? (Beckman and Volacu 2024; Ceva and Stojanović 2024; Fumagalli et al. 2024; Mráz and Lever 2024; Rouméas and Poama Forthcoming). It is unclear, then, that voter accountability matters to the comparative opportunities of candidates or to egalitarian objections to elections. Accountability matters to democratic government, and *legislators* have duties of accountability to voters that are critical to the equality between them. What is less clear is that *voters* should be accountable to candidates and to each other just because they can vote wrongly. In short, the ethics and the empirics of voting are much more complicated than implied by the egalitarian critique of elections.

Gyroscopic Representation, Trust, and Elections

According to Abizadeh, sortition treats individuals equally, in ways that elections do not because it gives them an equal opportunity or prospect of being selected to office (2021a: 792, 798). Moreover, he claims, sortition also fosters impartiality and accountability (ibid.: 798). For example, he writes: "Sortition . . . affects its own form of responsiveness independent of any accountability mechanism: sortition selects for a gyroscopic set of representatives collectively disposed to act in constituents' interests because random selection tends to produce an assembly that, if large enough, is descriptively representative of them" (ibidem). Leaving aside the problem that individually equal opportunities for selection are most *unlikely* to result in a descriptively representative body if people are not forced to serve (Jacquet 2017, 2020; 2023a, 2023b), this picture of gyroscopic representation misrepresents Jane Mansbridge and her reasons for thinking it an attractive form of *electoral* representation.

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According to Mansbridge, one of the significant features of gyroscopic representation is that "voters select representatives who can be expected to act in ways the voter approves without external incentives," such as fear of losing office (2003: 520–522). Voters can choose a gyroscopic representative "because both voter and representative share some overriding self-interested goal, such as lowering taxes. Or the voter may select a representative with many of the voter's own background characteristics, on the grounds that such a representative will act much the way the voter would if placed in the legislature. The point for the voter is only to place in the system a representative whose self-propelled actions the voter can expect to further the voters' own interests" (ibid.: 522). Mansbridge assumes that gyroscopic representation is a legitimate voter objective, and her account highlights its democratic appeal. In theory, it enables a deeper connection between voters and their representatives than on more traditional forms of representation where representatives need not, and often should not, look like voters; and reflects the limitations of post-hoc sanctions in ensuring adequate representation. By contrast, gyroscopic representation enables voters to choose their representatives based on a sense of identification and trust that may, but need not, reflect shared ascriptive characteristics and lived experience.

As Mansbridge presents it, voters can no more expect to find a gyroscopic representative through randomization than they could through imposition. *Because* traditional forms of accountability do not work with gyroscopic representation, the deliberative choice of a gyroscopic representative, Mansbridge emphasizes, is critical to the levels of trust and identification that enable voters to treat electoral sanctions as redundant, and representatives to 'look within' to identify voter interests (2003: 522). Far from supposing that gyroscopic representation is the same as descriptive representation, then, Mansbridge explicitly distinguishes them, because those who look like us, or have the same experiences as us, are not therefore the people we trust implicitly. Conversely, we may discover our political soulmates in unlikely places and find that they overturn our preconceptions of who we are and what it means to represent us. Hence, even if gyroscopic candidates tend to look like us, gyroscopic and descriptive representation are not the same, and the (stratified) randomization which might secure the latter will not guarantee the former.

Mansbridge notes the importance of surrogate representation to minorities who may not be in a position to elect someone like them (2003: 522–525). However, surrogate representation works, in Mansbridge's view, when *other people* elect someone we *would have chosen,* were we able to choose. We may be too young to vote or not yet a citizen, or other voters in our constituency may have preferences, beliefs, and interests that

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make it impossible to elect someone we want. In other words, surrogate representation, for Mansbridge, is a form of indirect *electoral* representation, enabling those of us who have no prospect of electing a gyroscopic representative ourselves to do so at second hand, so to speak. Surrogate gyroscopic representatives are possible because, and insofar as, someone can secure a gyroscopic representative for themselves by testing the claims of competing candidates deliberatively and selecting among them accordingly. Mansbridge gives us no grounds to expect gyroscopic representation to occur in the absence of deliberative judgment and choice. Hence, gyroscopic representation seems like an example of egalitarian electoral choice, on Abizadeh's own conception of equality, because the divergences from equality of opportunity it involves are justified by this type of representation itself. At all events, the gyroscopic selection of candidates cannot be assimilated to randomized descriptive representation, whether it is possible, or desirable, to limit electoral representation to gyroscopic representation or not.

Equal Opportunity, Proportionality, and Protection for the Vulnerable

As we have seen, Abizadeh suggests that lotteries create the equality of individual opportunity necessary to the constitution of a democratic legislature—though, unlike Owen and Smith (2018: 431) and Landemore (2020: 90), but like Guerrero (2014: 156; 2021b: 170), he insists on a right to refuse to serve if selected (Abizadeh 2021a: 799). However, if people had formally equal prospects of being selected to a legislature and were equally likely to take them up, the likely result would be a randomized version of the majoritarian conception of democracy, which Abizadeh otherwise rejects. In a pure majoritarian system, as in contemporary Canada, anglophone voters and their representatives are able to outvote their francophone counterparts, no matter how important the issue might be to the latter (Abizadeh 2021b: 742–756). Hence, systems of pure majority rule, without counter-balancing representation or protections for minorities, are a threat to democratic equality and accountability. If you can consistently be outvoted, and everyone knows it, you do not have the same political power and influence as others, nor do the rules of the political game adequately protect your political interests and capacities. However, lotteries that give individuals an equal chance of office *also* mean that the most numerous social groups will constitute a majority of the legislature and will do so regardless of the political significance of their voluntary and ascriptive characteristics, or their consequences for the freedom and equality of others.

https://doi.org/10.3167/dt.2024.110209 Published online by Cambridge University Press
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For example, if bird watchers form the largest voluntary association in society, they will be best represented in an unweighted randomly selected legislature, whether citizens attach any political significance to birdwatching or not. Even if birdwatchers do not gang up on everyone else, the fact that they are in a position to do so would be a threat to our freedom and equality on republican views of democracy (Pettit 2012, 2015). On any view of it, their *inaction* can put the rights and liberties of others at risk just as surely as selfish, sectarian, or careless *actions.* Hence, complacency about their privileged power and opportunities is unjustified, although it will be much harder in a randomly constituted chamber than in an elected one to justify counter-balancing representation for minority interests.

Randomization, like rotation, is justified when office holders need *only be themselves* to meet the demands of their office: otherwise, some other selection device would be preferable, perhaps obligatory (Stone 2016). As Peter Stone puts it: "Elected representatives can say, we represent you because you chose us. Randomly selected representatives can say, we represent you because we are indistinguishable from you. (The latter, but not the former, is inextricably a collective claim. *It is hard for a single randomly selected citizen to claim to 'represent' anybody.*)" (Stone 2021: 10, my italics). Because random selection means that legislators, qua individuals, speak only for themselves, it is difficult to see how counter-majoritarian devices, such as guaranteed seats on a committee, or rights to veto proposals that particularly affect minorities, would translate from elected to selected legislatures. What justification could there be for elevating some of those voices over others when they were all selected at random and their authority is purely collective? Thus, vulnerable minorities may be worse off in unweighted sortition legislatures than in elected ones that use counter-majoritarian devices to protect vulnerable minorities *before, during and after* the election of representatives, along the lines suggested by Melissa Williams (1998: chap. 7).

Now, Abizadeh rejects unweighted lotteries in favor of weighted ones, but for reasons that are unlikely to remedy the problem of majority dominance. He is concerned that self-selection will lead to a descriptively unrepresentative assembly, because citizens are not equally likely to reject the prospect of serving, if selected. To solve that problem, he favors using stratified sampling to "randomly select individuals in proportion to their presence in the population with respect to socially salient features, such as gender, age, visible-minority and First Nations status, primary tongue and class" (Abizadeh 2021a: 800). Although stratification means that people will no longer have an equal opportunity to be selected to office, it aims to counter descriptive misrepresentation created by differential

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willingness and ability to serve. He also argues for the use of provincial electoral lists for the purposes of randomization in the Canadian case, to represent Canadians as members of a political *federation,* rather than of a unitary state (ibid.: 799). In these ways, Abizadeh hopes that the political representation created by sortition will mirror all those aspects of the population that are not themselves germane to being a representative, thereby providing an egalitarian justification for moving away from formally equal opportunities to be selected to the legislature (ibid.: 800).

However, insofar as stratified sampling mimics the descriptive results of unweighted lotteries where everyone serves, it creates the same risk of majority dominance as they do. Nor is it necessary for the largest legislative group, whatever it is, to constitute an *absolute* majority for egalitarian worries about majoritary dominance to apply. It is sufficient that its *relative size* enables it to determine legislative outcomes without consulting others, whether by acting, or inaction. *Were randomization sufficient to avert these worries, there would be no reason to favor stratified over unstratified selection on egalitarian grounds*. Hence, the egalitarian concerns that support a move from unstratified to stratified sortition emphasize, rather than alleviate, egalitarian concerns with the distribution of power and representation in randomly selected legislatures.

As we have seen, Abizadeh's justification for stratification assumes that the main threat to descriptive representation, once we start with formally equal lots, comes from the lesser tendency of socially disadvantaged groups to serve, if selected, compared to those who are more advantaged. Hence, egalitarian departures from formally equal opportunities are justified. However, this rationale for stratification pulls in two different directions. The one is a formally neutral concern with the representative consequences of disparate tendencies to serve, and the other is a substantively egalitarian concern with the representation of socially disadvantaged groups. The two are likely to overlap but may also pull in different directions because the self-employed are unlikely to serve if selected but may not count as disadvantaged. On the other hand, the unemployed might be quite willing to serve but may be excluded because financial instability makes it hard to be included in, and to remain on, the electoral roll or the lists on which sortition is based. A concern for the proportionate representation of the disadvantaged, in other words, may point *away* from concerns with the willingness to serve and *toward* the variety of obstacles that prevent people from validating their claims as members of the demos.

Still, stratification based on the *conjunction* of differential abilities to take part and 'social salience' is not an unreasonable compromise between people's formal and more substantive claims for opportunity. At

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least, it looks egalitarian if we assume that the inability to take part is the main cause of descriptive misrepresentation in a randomly selected legislature. It is not. As Robert Goodin suggested (2004), the diversity of groups in a modern democracy, and their internal heterogeneity, pose serious obstacles to the descriptive representation of individuals, even if we focus only on a few socially salient characteristics. Above all, stratification based on willingness to serve will seem much less egalitarian once we consider that most people have almost no chance of being selected to begin with, and that equal chances to be selected may result in legislatures where few, if any, women were picked at random.

An egalitarian concern with disproportionate tendencies to serve assumes that randomization would otherwise create the proportionate representation of social groups. The assumption is false. While over the long run, a fair coin will turn up heads 50 percent of the time, in the short term, there can be runs where only heads come up on top and disproportionate balances between heads and tails may be common in the midterm. It is therefore difficult to justify *ex ante* stratification in the random selection of a legislature unless you assume explicitly that a concern for the equality/proportionality of *results* – and not of opportunities – justifies the use of random selection.

You cannot refuse to serve if you have not been selected. Using ex ante stratification to correct for differential willingness +/or ability when we do not know who will be called means insulating some groups, but not others, from the effects of random selection itself. There is no egalitarian justification for this if citizens must have equal chances for office. Hence Abizadeh's favored form of randomization illustrates the difficulty of justifying ex-ante departures from equally weighted lots without endorsing equality or proportionality of results, not opportunities.

Perhaps, though, ex post stratification might be justified to correct for differential willingness to serve in a randomly selected legislature. If so, the justification for stratification could be reconciled with a commitment to formal equality of opportunity, rather than relying on proportionality or equality of results as justification. Intuitively that seems possible, as we could combine a first round of equally weighted randomization with a second round of stratified sampling – as often happens in the creation of randomized citizen assemblies. However, given the nearly infinite forms of disproportionate representation compatible with formally equal sortition, it is hard to see what the egalitarian justification for ex post stratification would be. As with ex ante correctives for differential tendencies to serve, so with those operating ex post: most people will not be selected in the first round. Hence most groups are unlikely to be selected proportionally to their numbers in the population, however we define the groups,

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and may not be included at all. In those circumstances, stratified sortition will be hard to defend as an egalitarian corrective for differential willingness to serve because of the difficulty of showing that unwillingness explains misrepresentation in the legislature. The point is not that differential tendencies to serve, if selected, vanish because most people are not randomly selected to a legislature. Those tendencies remain. Their *expression,* however, will be hard, perhaps impossible, to recognize given *all the other* sources of misrepresentation consequent on randomization.

In short, the form of stratified sortition that Abizadeh favors falls uneasily between the inegalitarian *results* generated by unweighted lotteries, even if everyone serves, and the inherently unequal *prospects* of selection that come with the more proportional representation of groups. Departures from formally equal chances of office may be justified, as Abizadeh believes, because of what it means to represent others politically, and what enables people to fulfill that role. We may also agree with him that willingness to serve is germane to democratic representation and justifies unequal opportunities of selection. However, the form of stratified random selection favored by Abizadeh, and most egalitarian critics of elections, justifies departures from equal opportunity based on *other people's* willingness to serve, not *our own.* There is no justification for this if we value formal equality of *individual* opportunity rather than some more *substantive,* and *group-sensitive* conception of equality. The fact that I do not want to serve does not diminish *your* chances of being selected and it does not diminish *mine.* As Abizadeh puts it: "no one's opportunity for holding office is diminished by her own power of declining" (799). So, an egalitarian critique of elections pushes us either to abandon formal equality of opportunity, in the interests of a more descriptively representative randomized legislature, or to abandon stratified random selection in the interests of formal equality.

Formal equality of opportunity and more substantive and group-sensitive ideals of equality both have a role in democratic politics, including in the constitution of a demos-reflecting legislature. Abizadeh is right that we may want to combine the two, rather than being forced to choose between them (Mráz 2023). The trouble is that Abizadeh's favored form of political equality sacrifices the latter to the former because of the priority it gives to formally equal opportunities. The alternative are forms of sortition that, in the quest for more descriptive representation, treat equality of opportunity as irrelevant to the construction of a democratic legislature. Prejudice, whim, fashion, and fantasy are a poor basis for selecting people to office, and unfair reasons to favor one candidate over another. It is easy to see why sortition is preferable to election *on those grounds.* Unfortunately, democratic equality is not about them only.

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Conclusion

We have seen that Abizadeh's objections to elections and arguments for randomization depend on a variety of conceptual, normative, and empirical assumptions that are questionable at best, unjustified at worst. His arguments require us to distinguish the factors that make voting, but not sortition, a threat to the political equality of citizens as *candidates* to the legislature. That the task is more difficult than it seems because morally wrongful voting will not harm the *relative* opportunities of candidates if they are offset by, or simply reinforce, morally acceptable voting patterns; and the fact that freedom can, and often is, abused does not mean that we can have democracy without it. These are problems for the egalitarian critique of elections. Above all, we have seen that egalitarian arguments in favor of stratified selection are hard to sustain; although, as Abizadeh concedes, unweighted randomization has inegalitarian political consequences. We must therefore reject the assumptions about democracy and equality underpinning supposedly egalitarian critiques of elections and in favor of sortition. Abizadeh is right: political equality cannot be reduced to the right to vote because citizens have distinctive claims on each other qua candidates for legislative office. To understand the content and justification of those claims, however, it is now necessary to clarify the forms of equality implicit in elections, as compared both to appointment and lot (Stone 2016), and their implications for citizens' rights, duties, and permissions and for institutional choice.

Abizadeh is right: political equality cannot be reduced to the right to vote, because citizens have distinctive claims on each other *qua* candidates for legislative office (Lever 2024 unpublished; Lever and Mráz 2022). Working out what those claims are, however, now requires sustained attention to the equality implicit in elections as distinct from both appointment and lot.

Acknowledgments

Chiara Destri, Attila Mráz, Peter Stone, Julian Culp and Pierre-Etienne Vandamme all helped me with previous versions of this article, as did the anonymous reviewers for this special issue. I am grateful to them all and especially to Chiara, Pierre-Etienne, and Attila for their willingness to discuss this article with me again and again. I am only sorry that the outcome is still so imperfect. An earlier version was presented at the American University in Paris. I benefited from the opportunity to present some of these ideas to the Polemo Symposium, the Central European

https://doi.org/10.3167/dt.2024.110209 Published online by Cambridge University Press
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University in 2021 and, with Chiara Destri, to the REDEM workshop, "Strengthening Electoral Participation", in Barcelona in 2022. Initial research for this article was supported by the Horizon 2020 coordination and support grant for *Reconstructing Democracy in Times of Crisis: A Voter-Centred Perspective,* (REDEM). I am grateful to Julian and Stephen Sawyer for inviting me to be part of this collection.

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NOTES

1. Many thanks to Attila Mráz for suggesting that reference, whose implications for gender quotas he discusses in (Mráz 2021), 299.

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