

Democracy and sortition

Arguments in favor of randomness

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Introduction

The use of sortition accompanies the renewal of debates on democracy. In this chapter, following a brief overview of a few general traits pertaining to the political use of sortition, we will study its fundamental contributions on three levels. In the first part we show what sortition can contribute from the point of view of knowledge. We present the perspective, shared by important theorists, like John Elster (1999) or Oliver Dowlen (2008), that sortition fundamentally helps when we lack an adequate epistemic position to make political decisions; that is to say, when it is not possible to place ourselves in a position that allows us to rationally make a political decision. In our opinion, this way of thinking about sortition as a substitute to rationality is correct, but limited. We argue that sortition provides elements for the detection and diffusion of knowledge in democracy. For that we will develop four logical possibilities following the discussion between Socrates and Protagoras in Plato's homonymous dialogue, and, subsequently, they will be exemplified through the debate regarding sortition in the Spanish political party *Podemos* as context for reference. Secondly, we explore in which way sortition and political motivation are articulated by depicting, first of all, how the motivation of the elected can hinder the quality of political deliberation, and afterwards, which mobilizing energies sortition could foster. In this case, illustrative examples will be taken stemming from the authors' own ethnographic experience.

Third, we will address the moral contribution of sortition to politics. It will be argued that sortition serves to produce a particular moral content within political participation, based on the idea that politics are a civic virtue, essential to the development of human capabilities, that must be stimulated and distributed *en masse*. This perspective contrasts with logics deeply rooted in activist environments that often hinder the declared objectives of those who are members of them, especially the alternation, when we think of political participation, between the ideology of the gift and the professional ideology. For more regarding the origin of the model used here, see Moreno Pestaña (2015, 2017a, 2018).

Sortition and political knowledge

Sortition and the 'degree zero' of political competence

There is a vast literature of reflection upon sortition as a democratic procedure of distribution of political posts. Election by lot, or sortition, frequently used in plenty of ancient democracies and in Renaissance republics (Venice and Florence, among others), represents a challenge for the thesis that claims that politics requires a type of specialized knowledge (Dowlen, 2008; Sintomer, 2019). However, election by lot was never presented in a pure state, but rather combined with elective procedures, reserving the latter for the distribution of posts that were considered to require a certain qualification. That said, since Aristotle (*Politics*, IV, 1294, VI, 1317) it is commonplace to consider sortition – always used in conjunction with rotation of posts and accountability – to be an indicator of democracy. Never, of course, the only indicator, seeing as Aristotle also refers to the relaxation of census criteria in order to be considered a citizen or the paying of salaries to participate in public life. Elections, by privileging one individual over another, enforces an aristocratic tendency, of the election of the best.¹ However, not even in classical Greek democracies was this distinction always present. For example, democracy in Syracuse resorted very rarely to sortition and relied massively on election (Ober, 2015).

Also, within our representative regimes, sortition tends to be reserved for activities that are not assumed to require anything more than the qualities derived from good judgment and common sense. Yves Sintomer (2011) reminds us that Hegel restricted the use of sortition to tasks in which *synderesis* – good judgment – is self-sufficient, for example in the judicial sphere, where the citizen is limited to confirming whether or not an event took place. Sortition, therefore, works as a sort of degree zero of political competence, which is resorted to when the duties to be carried out are within anyone's capacity. That is how it is explained, for example, in Jury Law in Spain. Sortition, it states, '[is] not only democratic when it excludes elitist criteria – not even those determined by scientists – but rather when it is coherent with the very foundation of participation'.² Howard Becker (1998: 20–21), the great sociologist of the Chicago School, proposed among his sociological tools of the trade the null hypothesis trick. It required acting *as if* there were an absence of relation between two variables, or in other words, as if both were linked by chance. Thanks to this procedure, it would be possible to begin a scientific investigation when a significant relation were discovered that must always be explained. Sortition can be seen as a sort of null hypothesis in political experimentation. Let us imagine a research design that involves a huge degree of incompetence between political officials selected by lot; in that case, we must resort to another way of distributing them – for example, the election of those most qualified after an electoral campaign or their nomination after a chosen census of specialists. If this does not occur, election by lot appears to be linked to a basic palette of democratic procedures.

There is a weaker version of the null hypothesis that has nothing to do with the absence of relation between political competences and qualifications, but rather with our inability to determine that relation. On occasion, resorting to rational procedures to elect a candidate leads to the possibility of fetishizing the procedure. In such cases, we lack a scale of preferences from which to prioritize different qualities on which to base our judgment. Jon Elster (1989) was therefore able to speak of irrationality due to hyperrationality, according to which the supposed rational choices are rituals that calm us, but in which it is not possible to discern a justifiable decision. The pathological rationalist seeks discriminating criteria for their decision where they do not exist, exemplifying how the 'sirens of reason' work: like

those who tried to seduce Ulysses, the procedures supposedly supported by justifiable criteria fascinate the compulsive rationalist. Sortition, on the contrary, would be a good solution when it is understood that the criteria for a good choice do not exist.³

In this sense, Elster's proposal epistemologically legitimizes sortition, and it does it due to the lack, in certain situations, of a rational choice option to decide between various alternatives or choose a representative. A similar proposal was that of Olivier Dowlen (2008), author of one of the most valuable historical studies pertaining to the use of election by lot to distribute political posts. Dowlen explains that sortition is a good egalitarian electoral procedure as long as we lack parameters in which to organize distribution according to rational judgment. In this way, Dowlen contests certain applications of sortition. That way, after the coup d'état of Thermidor that put an end to the Terror during the French Revolution (1794), the Directory introduced annual rotation by sortition to one of its seven members: they sought, after the deleterious experience of the Committee of Public Health, to contain the concentration of power and sectarian practices. A bad solution, Dowlen argues, if what they intended was to pacify the country and contain a Realist Restoration. Rapid rotation does not help to promote an executive capable of addressing an urgent situation. It was therefore preferable to have stability and confidence among the members of the Directory and the use of a procedure like sortition did not contribute to this. In that instance it was not advisable to play with the hypothesis pertaining to lack of link between the exercise of power and the chosen individual. Sortition is an a-rational procedure of distribution of political positions. Reason demanded a strong executive.

Both Elster and Dowlen defend sortition from the perspective of absence: it should be used when we lack the clarity to establish preferences or to choose between them. The most reasonable thing would therefore be to recognize the limits of reason. In a certain way, Sintomer (2011) picks up this idea of the limits of reason when he proposes a series of structural causes to explain the structural crisis of legitimacy of representation in the present day. Several factors contribute to undermining the conception of politics as a form of specialized knowledge (Tormey, 2015). On one hand, the generalized feeling of living in a society characterized by risk and contingency, on the other hand, the critique of the ambivalence of progress (also in the scientific field) and, lastly, the crisis of rationality in bureaucratic public action. In a similar context, the modern political experiences which mobilize sortition, since the 1970s, can be understood, in a first phase, as an attempt to complement the current representative democracy by compensating for the previously mentioned deficiencies. That way, using various formulas, among which James Fishkin's Deliberative Polling (1991) has probably been the most widespread, the mechanisms of sortition introduced the perspective of common people in spaces up until then dominated by professional politicians, specialists in public politics or even scientists.⁴ The goal was to generate high quality deliberation, that was better informed, more plural and more protected against particular interests. The results of the multiple experiments performed demonstrate that said objective was achieved and that, therefore, sortition, at least in certain conditions within a representative system, produces an epistemological added value to the mere use of representative elections.

However, the reach of said experiences has been very limited and presents various problems, most notably their scarce institutionalization, their dependency on the arbitrariness of political authority that consents to their use, and their weak link with public debate – social and political – on a large scale (Sintomer, 2019). Only during the second wave, in the twenty-first century, have we begun to practice other experiences that incorporate mechanisms of sortition with a much more considerable political weight, where different models of democracy come into play, as well as attempts of institutionalization associated with other

tools such as referendums, participative budgets or legislative bodies and, above all, the stronger influence of a motivation to engage in sortition in political and social life within the political communities in which they are put in practice. An example of it is the debate that took place within the Spanish political party *Podemos*, that will also serve us to develop a model of theoretical analysis of the different possibilities of legitimacy founded in the relationship between sortition and the necessary knowledge for political participation.

Knowledge, pedagogy and sortition

Therefore, we propose a theory of the positive contribution of sortition to the emergence and distribution of political knowledge. Visions such as Elster's and Dowlen's explain well what has been one of the key uses of sortition: to protect against sectarian corruption in the use of power when it hides behind false rational criteria. Aristotle (*Constitution of Athens*, 48) notes the use of sortition in Athens as an instrument of constraint against the traffic of influences: a tribunal elected by lot is less corruptible, because it is difficult to foresee who its members will be. However, that is not all. Positive relations can be established between knowledge – and the use of reason – and sortition. We will do this by rereading a point of the controversy between Protagoras and Socrates, as it is presented by Plato in the dialogue titled with the name of the thinker of Abdera. We will present four logical possibilities derived from said dialogue, where sortition is not spoken of, but rather of the qualities of Athenian democracy, in which sortition played a first order role. The model of transmission of knowledge defended by Protagoras seems to us to be specially suited to support sortition. Before this we will resort to delimited possibilities to explain the reasons for using sortition both to produce new knowledge and to distribute existing knowledge in the field of the already mentioned Spanish political party *Podemos*.

Protagoras and Socrates argue over the teaching of virtue and how to acquaint oneself with it and, it goes without saying, they both stem from philosophical conceptions which differ on certain points. In what follows, they will only be resorted to when they have a fundamental implication in the developing argument. And we must begin by highlighting a key point, without which not only would it be impossible to enable a democracy with massive popular participation, but above all, make it impossible to use sortition to incorporate, select and improve civil knowledge. In the famous myth about the distribution of goods by Zeus, narrated by Protagoras, a distinction is made: the technical division of labor does not correspond with that of political competences. Prometheus distributed jobs in an exclusive manner and whoever received medical knowledge did not receive any musical knowledge. But Hermes, sent by Zeus, distributed political goods in a democratic manner, to each the same, with which Protagoras legitimizes the functionality of a democracy. This scandalizes Socrates, who observes that Athenians recognize specialists in every area except that of city governance. The conflict with Protagoras takes off this way in two directions: can virtue be taught if everyone has it? Within this question another is included: what knowledge does Protagoras claim to have that enables him to teach said virtue, if Athenians were so democratically graced with political qualities? Once this problem is resolved the next is presented: admitting that there is knowledge about virtue, how is it possible to teach it, if it can be taught at all? (Plato, 1981: 319–320).

Regarding the first point of the controversy the answer is as follows. Protagoras argues that he can improve an already existing disposition, without creating it from nothing. In this sense, he has a second order knowledge able to reflexively improve qualities which citizens already possess (Gavray, 2017). Protagoras acknowledges the existence of natural talents that make some

people more qualified for political virtue than others: it just so happens that the differences are of degree and never of nature. Socrates, on the contrary, seems to believe that only the best equipped souls can receive that knowledge and that distributing it to everyone is a waste of time and effort (Solana Dueso, 1995). Protagoras argues the existence of potentialities. Socrates, who believes that neither the Athenians nor Protagoras know what virtue is, demands to first define it: only then will citizens be able to acclimate themselves to it.

Onwards to the second point. Following Solana Dueso (1995), on the teaching of virtue, we find two implicit models in dispute: one academic model, defended by Socrates, and a more ample and diffuse learning, defended by Protagoras. If we combine both these possibilities of teaching or virtue distribution with both aforementioned types of knowledge necessary for politics, we have four possibilities, following Moreno Pestaña’s model (2017a) (see Table 7.1):

1. A specialized knowledge that is administered in a very regulated situation, such as academic teaching.
2. A specialized knowledge that is spread by diffuse socialization.
3. A non-specialized knowledge administered in an academic setting.
4. A non-specialized knowledge spread by diffuse socialization.

Now let us apply these four categories to the analysis of the debates that took place in the political party *Podemos* revolving around the use of sortition in its first constituent assembly, known as Vistalegre 1, in October of 2014. In it, among many other themes, they discussed the procedure to select the members of the Citizen State Council, the party’s body of national political direction. The platform ‘Claro Que Podemos’ (‘Of Course We Can’), led by Pablo Iglesias and Iñigo Errejón, primarily went up against another platform, ‘Sumando Podemos’ (‘Adding Up We Can’), where Pablo Echenique and Teresa Rodríguez stood out. The latter during a process of negotiation with other groups had incorporated sortition as a mechanism of selection for one part of the cited body (for a more detailed recounting and a more general perspective of the role of sortition in *Podemos*, see Feenstra, 2017). In this context we can situate the different positions which were given, with a very uneven weight, in the discussion (see Campo, Resina & Welp, this volume; also Kerman Calvo, this volume).

The first position corresponds to the one defended by the leading nucleus of the party, articulated around the figure of Pablo Iglesias. Using the metaphor of the national coach for basketball (as Iglesias himself argued, ‘One of the reasons they fear us is because we are efficient ... And they [in reference to big parties] would love it if we weren’t, just as the basketball selection of the USA would have loved it if Aíto García Reneses had chosen the players of his selection by sortition’ (quoted in Ríos, 2014), Iglesias associated the election with a rational process of selection of personnel, which would be more efficient for the party’s national political direction. Obviously, that entails that said personnel have a set of

Table 7.1 Types of knowledge in politics and their distribution

	<i>Teaching</i>	
Knowledge	<i>Academic</i>	<i>Diffuse socialization</i>
<i>Specialized</i>	1	2
<i>Non-specialized</i>	3	4

characteristics that make it different from the rest of the people. As Manin explains (2010), every election has in common the factor of distinction: the elected necessarily distinguish themselves in some way from one another, but the criteria for that distinction depends on each particular context, and even on each voter. In this case, the differentiating factors that had most influence in the debate were the discursive competence to create a connection between the party and external publics, and the capacity to establish oneself as a symbol of the political project. Both traits were self-given by the leaders of the *Claro Que Podemos* platform and, more importantly, were recognized as well by their opposition, who deemed that in no case could they reject the potential of what some referred to as a ‘media team’, for example, Francisco Jurado (2014) and José Antonio Palao (2015). In other similar later debates within the party, the same leaders appealed to the supposed technical competences of a person or group, or even to the need to rely on a cohesive team revolving around an indisputable leader (that is to say, on the trust in the leader’s ability to choose their collaborators). All these cases refer to the idea of a specialized knowledge only transmitted in exceptional conditions, and possessed by only a few, so much so that the modification of the conditions of acquisition of said knowledge does not form a part of the political debate.

The second position, specialized knowledge that is learned through diffuse socialization, can be associated, in the same debate, with the defendants of a moderate use of sortition. A proposal like the one put forward by the *Sumando Podemos* platform, whereby 20% of the Citizen State Council would be chosen by sortition among volunteers endorsed by at least one local political section of the party,⁵ can be defended – and in fact was – as an opportunity for political learning on the part of grassroots activists, without any previous leadership experience; that is to say, as a democratic formation of cadres of the party, that would learn by socializing in the very exercise of governing roles. At the same time, and without being incompatible with the foregoing, the 20% of activists chosen by lot could be interpreted as a counterweight when faced with the excessive influence of the dominant current in the cupola of the party, in the sense of the impartiality we’ve previously cited following Dowlen. The problem with this position, at least specifically in this debate, is that it conceded the actual monopoly of expert knowledge to its opponent that was supposedly demanded by the political circumstances. Therefore, it opened up the possibility for the demand of efficacy and the urgency to take advantage of a theoretically favorable political moment: the reiterated ‘window of opportunity’, to which the very documents of the constituent assembly made reference. Such a demand of efficacy, in the hands of those who are conceded the condition of specialists, opens the door to dispensing with sortition at the slightest opportunity. Ultimately, sortition is a process through which amateurs are introduced to politics and the supposed professional can always argue that the training costs of said amateurs perturb practical urgencies (which require professional expertise to address).

The third position, that of non-specialized knowledge associated with academic distribution, requires particular explanation. In this case, we do not find ourselves faced with the scholarly distribution of the types of knowledge that are recruited through sortition. That would be a logic similar to that which guides the introduction of the subject ‘Education for Citizens’ in the Mandatory Secondary Education curriculum in Spain, in which values and contents associated with a particular concept of citizen virtue are imparted. That way, a non-specialized knowledge is intended to be distributed, in an academic area. This is not the case here, as we are analyzing a political party context, though one could think that part of the rejection of sortition stems from its exclusion in the mainstream of academic theories about the possibilities of developing democracy. In this occasion we compare the educational situation to that of a political body monopolized by specialists in which the contribution of individuals unfamiliar

with these forms of political recruitment is considered necessary. Some of the partisans of sortition, in the platform 'Profundización Democrática' argued that the inclusion of volunteers elected by lot (this means people not necessarily fitting within any faction as a necessary condition for being included on a candidate list as eligible) was an opportunity to introduce a certain 'common sense' into executive bodies, as these people would be external to the factional logics revolving around pre-existing leaders and activist networks. Said 'common sense' was considered to be very valuable in that political moment, especially from the sector of leader Iñigo Errejón, as a fundamental tool to construct 'hegemony' and escape the self-referential orthodoxy of the sectors with more experience and activist trajectory (see the analysis by Moreno Pestaña, 2017a about the possibilities offered by the works of Ernesto Laclau and Chantal Mouffe, theorists of reference in Iñigo Errejón's circle). This sector chose the populist route and not the democratic one to apply Laclau and Mouffe's theory: from this interpretation, hegemony would be a symbolic job of specialists working to connect with a popular sensibility that only participates indirectly with the process, in other words, responding to a stimulus theoretically and previously adapted to its awareness by an elite of experts. However, sortition would have been allowed to institutionally potentiate the exercise of a virtue already existing in people before their incorporation into the executive body, in contrast to position 2. These people would introduce a non-specified political knowledge in the heart of a body with a tendency towards factional division and the deterioration of deliberation. Such tendencies are due to the excessive dependency of the members of the executive body on their bosses or leaders of different factions to allow them to form part of the lists that enable them to gain access to it. Despite everything, the moderate percentage (20%) allocated to seats chosen by lot meant that this 'non-specified perspective' was complementary to the dominant perspective, that of experts in politics, that would nevertheless be better informed or closer to the grassroots thanks to the obligatory coexistence with the activists who accessed the executive body via sortition. That way, just as Protagoras (Plato, 1981: 328a–c) presented himself as a tool to develop virtue – present in all people, but with different degrees of development and even different natural predisposition – sortition would be a device that would potentiate the exercise of an autonomous political virtue in daily life: in the executive body first, but also after, upon completion of the period of responsibility, in other spaces within the party. In this third position, therefore, sortition wouldn't strictly work as a training school for political cadres, but, on the contrary, as a stimulus for the participation of the people not in leadership positions and for the consideration of their points of view in the party's debates, or in other words, as a school for the practice of a pre-existing political virtue.

The fourth position, a non-specialized knowledge that would be transmitted through a diffuse socialization, requires a radical democratic application of sortition, considering that politics is, fundamentally, accessible to everyone and that, therefore, participation should be potentiated in an extensive manner. This perspective inverts the dominant logic in Modernity and the weight of testing it out falls on the side of the election, that must demonstrate specifically in what areas it is necessary to be a specialist in the practice of a political function or role. This position, obviously, was very minor – if not nonexistent, due to the difficulty of finding supporters – in the Podemos debate we are referring to. However, it shares the logic of denunciation that all the currents of the party appeal to when they find themselves in the opposition in any specific juncture: the dominant faction imposes spurious criteria of leader selection, in the face of which 'democracy' is demanded. The appeal to democracy was translated in different ways in later debates to the constituent assembly, with a game of constantly variable alliances. In some cases they appealed anew to sortition; though the majority of the times it oscillated between two alternatives: an agreement that allowed

a plural coexistence between every different faction, in which there was an unstable equilibrium, and the substitution of one elite by another, in which there was a faction strong enough to impose itself.

Sortition and political motivation

We now move on to handling the problem of motivation in two key ways. First, we demonstrate that it is fruitful for sortition to demotivate the political energies of the ambitious political elites, while at the same time, motivating other types of qualities, less energized and sectarian and therefore more prone to deliberation. In a second moment we will discuss the problem of the monetary remunerations linked to sortition, a central procedure of its political implementation in ancient times, and the problems it brings today, like the resistance of activists sectors and their argument in favor of voluntary participation (Costa Delgado, 2017). We will handle the first key point through theoretical discussion, whereas the second will be elucidated from a concrete experience.

Sortition as virtuous political demotivation

For Bernard Manin (2010) a key idea for the abandonment of sortition in favor of election for the selection of representatives became present during the French and American revolutions at the end of eighteenth century. And it was none other than the theory that legitimacy of any political authority comes from the consent of the governed. In that sense, the election would offer a double agreement: in agreeing collectively as a system of designation of leaders (something that would also occur by sortition), and in each one of the concrete processes of designation, where the election would assume a new act of renewed consent (here is where sortition would be at a disadvantage). Certainly, the argument is powerful. But what agreement is produced exactly in the act of electing a representative? In truth, when we elect a candidate in the normal conditions of modern representative democracies we have very limited, if not null, control (at least in what is referred to as the act of election itself), over the effective practice of governing. When faced with this lack of guarantee, a good chunk of paraphernalia surrounding electoral processes and, in general, the public activity of political representatives is directed towards creating the illusion of a community of interests between the aspiring representative and the voters and, no less important, the illusion of their own personal competence to carry out the program they propose. This last point is fundamental to understanding the importance of the argument of capacities or knowledge in modern politics. The amount of time and energy invested in any political area – not just in institutional politics – to ‘represent’ or act as if the representative has knowledge of and can adopt a position on any topic, despite the evidence of the essential support of teams, assessors, officials, technicians, fellow party members, etc., provides the measure of the central role that knowledge and its fetishization in the ritual dimension of legitimization via consent that generates an electoral process plays. And all of this still at the cost of the time and effort dedicated to the effective tasks of governing or political action. Ultimately, in this sense a competitive advantage can be estimated, in terms of the public commitment and epistemic quality of its political judgment, of the citizens elected by sortition. As James Fishkin concludes (2009), citizens elected by sortition find themselves free of the corruptive pressure that compels the elected office holders to please an audience, no matter what it takes.

Activism between the ideology of the gift and corporate ideology: on sortition and economic motivation

At its core, the previous situation shows a conflict between the construction of a public profile of those who enter the *cursus honorum* of politics and those who haven't pursued this activity. In an ethnographic work (Costa Delgado, 2017) dedicated to an internal process also present in *Podemos* in the city of Cádiz carried out during the previous and following months to the municipal elections in 2015, we were able to determine how sortition was questioned in two ways, perhaps because the same people maintained one discourse or another at different points of their activist biography. That way, the role of the activist could be defended against the individual chosen by lot by appealing to the supposed conscious sacrifice of the former, evoking an ideology of the gift without compensation. According to this point of view, the individual who, elected by lot, attends a meeting of political deliberation obtains, when granted political relevance, symbolic rewards that they do not deserve; let us not mention the possibility that the rewards were monetary, an issue that seemed improper of a true activist commitment. Once the elections were won and the formation did away with the capacity to distribute resources, another argument against sortition emerged. Economic resources were used to reward activist commitment and the loyalty of leaders who distributed resources (both at the same time, in a hierarchically controlled distortion of the deferred remuneration of the gift); as well as to hire supposed experts linked to those same leaders. In that case, it was no longer the gift that was asserted, but rather the professional specialization in politics. Sortition was therefore suspected of promoting people who were politically incompetent and ideologically suspect – a point we will return to when speaking of moral issues (Costa Delgado, 2017).

Certainly, as has been explained, there is a structural antagonism between sortition and social movements. Sortition places, at the center of the political scene, individuals who do not expect it or have paid a small price for it – for example, by simply inscribing oneself in a list to be chosen by lot. Activism, be it in parties or in social movements, involves a distinctive ideology, which is considered to be the fundamental element to intervene in politics (Felicetti & Della Porta, 2018). We could retrieve Aristotle's terminology and argue that sortition comes into conflict with the criteria with which an activist aristocracy is justified.

This point takes us to a fundamental matter which is how to motivate participation in the bodies in which members are chosen by sortition. It is the positive aspect. The Athenian model, with its participation salaries, allowed economic obstacles to participation in bodies chosen by lot to be mitigated. In that sense, sortition could work as a mechanism of social integration by means of political participation (Moreno Pestaña, 2017b). In our times that idea sounds absolutely strange especially because we alternate, when we think of political participation, between the ideology of the gift and the professional one, between devotion without interest and legitimacy granted by the social division of labor. But we are not required to remain in that logic. The promotion of participation by sortition (including economic remuneration) manages to eliminate the figure of the political entrepreneur, wherever it is applied. Sortition prevents a strategic calculation in the decision to access politics. Once accepted, economic remuneration seeks the elimination of social selection, at the same time as it symbolically gives value to an activity in which an individual could be held accountable, like in Athenian democracy.

Ethos and sortition

The ethnographic work (Costa Delgado, 2017) has clearly illuminated a type of political challenge to sortition that reveals very well the contradictions between this procedure and activist logics. Sortition, it was argued, could facilitate the access to debate and public decision to a madman or a fascist. In this way, randomness appears not only as the opposite to virtue, but as an accomplice of evil and the fifth column of the enemies of democracy.

Two observations follow from this ideology. First of all, political parties or social movements are not free of infiltration by undesirables. Both authors of this chapter witnessed, in two cities, Cádiz and Seville, during the 15-M movement, two individuals capable of influence by their absolute mimesis of the ideology of the committed and faithful activist. At least in one of the cases there appears to be no doubt that he was a provocateur; in any case, the infiltration of social movements and political parties by outside forces is commonplace in the activist world. Second, it is feared that the madman and the fascist are not prone to change. Without believing in the salvific virtues of deliberation, we deal with a conception of fascism or madness as immovable sins. Fortunately, we can trust, and many studies exist thereon, that deliberation changes the perspectives of those who practice it, even if they're not completely crazy or aren't absolutely intrepid fascists (Bonin, 2018).

Apart from said issue, sortition promotes a specific moral: it builds political devices in which careerism is hindered. In the same fashion, it obstructs the factional logic that competes for political resources and the remunerations associated with them, which can be economic or symbolic. Whoever participates in a body elected by sortition cannot shape a career with their interventions, nor can they plan a sectarian action with individuals who also participate at critical junctures, or, at least, they cannot plan it in the mid or long term. Of course, that does not compel them to attempt to practice political virtue. We believe, however, that it frees them from certain incitements to dodge it.

More broadly, sortition finds itself aligned with a political ethic that has two characteristics. First, it believes that politics is an essential component of the human experience, precisely that through which we reveal ourselves in public space. Second, it argues that political capacities and responsibilities must be distributed because this makes it easier for tacit citizen knowledge to emerge, for them to learn to shape debates and ensure that deliberation results in the best guarantees. If we consider political capital as a process of privatization of the public sphere, privatization that benefits those minorities capable of capturing it and using it to their advantage, the extension of lottery devices allows the distribution of said capacities and prevents one or various groups from monopolizing them. It contributes, in this way, to the socialization of political capital.

As the challenges to democracy become more salient, so too do calls for the greater use of sortition in democratic practice at municipal (e.g. Madrid) (Navarro, 2017), state (e.g. Oregon, British Columbia) (see Sintomer, 2011), or national level (e.g. Iceland, Ireland or Australia) (Arnold, Farrell & Suiter, 2019; Carson, 2019; Sintomer, 2019). The justification for the use of sortition is as varied as the many different ways to implement it. Our work proposes a theoretically organized way for understanding the possibilities and resistances related to sortition.

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Notes

- 1 Francisco Carballo (2017: 161–163) highlights how the application by Bernard Manin (2010) of the idea of Aristotle's mixed regime helps to better organize and qualify this opposition, which can be articulated within its own regime. It is the case of modern representative governments, which combine democratic and aristocratic characteristics.
- 2 Organic Law 5/1995, 22nd of May, of the Tribunal of the Jury, <https://www.boe.es/buscar/pdf/1995/BOE-A-1995-12095-consolidado.pdf>, consulted on the 12th of March of 2018.
- 3 Similar arguments can be proposed from other epistemological positions. For example, from a defense of the holistic character of knowledge (Bensusan & Pinedo, 2014). When it is not possible to identify that an individual content is known, but still we know many things in a more or less shared semantically interdependent belief set (Bensusan & Pinedo, 2014) within a political community.
- 4 In the case of science, the study of risks in contemporary societies (in many cases associated with novel technologies, recently developed chemical substances, risks associated with pollution and industrial processes, etc.) is addressed through a science that it does not respond to the traditional canon of well-established science, based on broad consensus and supposedly free of value charge beyond purely epistemic values. In opposition to this image, the science that is usually relevant for the regulation of risks and for the guidance of the legislation on technologies and the orientation of public policies, what is sometimes called 'regulatory science', is clearly oriented by practical values, not purely epistemic, and must constantly weigh elements such as the reliability of their judgments, the cost of their research, the time invested, etc. The nature of this regulatory science would show the futility of the attempt to expel political judgment from the scope of public decisions through the use of independent scientific judgment, since this is also colored by political elements and value judgments. In this context, it has been tested by the inclusion of citizens elected by lot into debate panels with experts on scientific policies (Rodríguez Alcázar, 2004: 188).
- 5 The figure of 20% was the product of a negotiation between the numerous groups that were part of the platform 'Sumando Podemos', so it must be understood within the logic of a political negotiation context and not as a perfectly articulated element within a proposal coherent in terms of internal logic.

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