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Le tirage au sort et la consolidation démocratique.

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If we are to attempt to judge exactly how the ancient and medieval practice of selecting citizens for public office by lottery could be useful in the modern context of democratic consolidation, a number of methodological and general points need first to be considered.

To begin with our critical framework should be securely based on the qualities of the lottery process itself. The main question is then: “What does a lottery-based selection, rather than any other form of selection, bring to the problem in hand?” We are then in a position to weigh up the potential advantages of a number of alternatives and can design the procedures or institutions in the firm knowledge of what could be achieved by the use of each element.

Next it is important to have some knowledge of how sortition operates in an active political context and to formulate some general principles for its application. Because it is an ancient and somewhat discontinued practice, it is not always easy to understand exactly *why* sortition was used in many of its original political settings. We therefore have to combine our knowledge of *where* and *how* it was used with our knowledge of the qualities of the lottery process. An intelligent reconstruction based on this method means that we can come to grips with the political dynamics of the use of lottery selection for public office, even if we cannot know the exact motivation of the original political actors. We can also assume that in these historical settings some form of success criteria was in operation as sortive schemes were developed, and that success in one application would not only encourage new practical applications but would also change the political ideas and awareness of those involved. Thus we can view sortition as contributing to political cultures that have self-conscious trajectories in which certain ideas are developed in thought and established in practice.

From this position it should be quite possible to envisage how sortition could operate in a modern context and what it could bring to modern democratic consolidation. A word of warning is necessary however. Intuitively it would seem as if many of the stated aims of the modern democratization programme – the establishment of stable, participatory and open governments in a context of freedom of political expression and respect for human rights, for example – could be aided by the additional participation of active citizens selected by lottery. It is not entirely clear, however, whether the liberal democratic paradigm as a whole, with its emphasis on the professional political class, parties and competitive elections, would be commensurate with the political values generated by the lot-polities of history. We have, therefore, to be somewhat like Janus in our critical stance and look forwards and backwards simultaneously. We should support the modern process as defined, but recognise that there might be certain political values and approaches present in the original lot polities that might be missing or underdeveloped in current thought and practice. At the same time we must recognise where the values of current democratic practice are improvements on the past.

In this paper I first look at the qualities and properties of the lottery process. I then turn my attention to a number of examples of sortition in a pre-political or proto-political setting where its nature as a form of agreement is easy to discern. From the perspective established by this exploration I then look at the process of *political* consolidation that preceded and accompanied the establishment of democratic rule in fifth-century Athens in which sortition played a major role. The principles gained from this analysis supply us with a number of radical insights that can then be applied constructively, but critically, to modern scenarios of democratic transition and consolidation.

In *On the Nature and use of Lots* of 1619, Thomas Gataker separates the social usage of the lottery from its role in gambling and in divination. He sets out reasons for accepting and recommending the first, while expressing serious doubts about the moral value of the latter two categories. I intend to focus on the first – on the lottery as a social invention that is designed and perfected for social use – but I recognise that in the development of this aspect of lottery use there are important links with its use both in gambling and in divination.

In all three use-categories, for instance, the primary property of the lottery is the exclusion of human choice from the process of decision making. I have characterised this as the “blind break” to indicate the point in the lottery where the exclusion takes

place. This helps us to differentiate the exclusion from the pre-lottery decisions such as who, or what, should be in the pool of options from which the draw is to take place, and what should constitute the outcome, prize or burden to be visited upon the winner, or chosen option.

In divination and gambling the value of this exclusion is obvious. There can be no real point in holding a game of chance unless the outcome is entirely out of human control. Similarly in divination the process cannot be “beyond humanity” if a human hand is fixing the results. What is less clear, however, is how these exclusions work in a social context and what value is brought to a social decision-making process when a lottery is used.

One way of getting closer to this is to characterise the lottery as a “non-human” decision-making process. Then we can say that using a lottery brings a whole range of “non-human qualities” to decision making. Some of these may be useful; others not. It is the designer’s or advocate’s job to find a solution in which the benefits of the “useful” non-human qualities outweigh the problems caused by those that are less welcome or positively harmful to the task in hand. Along with the exclusion of human qualities – love, hate, reason, preference, favouritism, dislike, revenge etc. – is the exclusion of the human agency itself from a decision made by a lottery. It is here that the social use is particularly close to divination and gambling. This exclusion of the human agency operates in two ways: a lottery is designed to be averse to manipulation and a lottery decision cannot be attributed to any person. Both these aspects are of considerable importance in understanding the social role of lottery decisions.

Let me turn now to a group of proto- or pre-political instances of lottery use where lotteries are deployed in order to divide common resources or make decisions concerning common resources in localised, largely self-governing communities. In *Governing the Commons* Elinor Ostrom includes descriptions of a number of such instances. These include: the distribution of log-piles among Swiss villagers who collect and stack wood in the forests (p.65); allocation of fodder bundles in Japanese villages; water distribution in Spain (p. 77); and the allocation of fishing grounds to fishermen in Alanya (Italy pp.19-20) and Nova Scotia (p.173). To this we can add the ubiquitous practice of distributing grazing rights for commonly-held pasture on a rotational system by lottery.¹

¹ See Green (1910) on allocation of meadow grazing at Yarnton near Oxford.

In these and other similar scenarios the division of a resource held in common is complemented by a decision-making process that respects the common equality of the participants by denying the decision to any one party. This helps to strengthen community bonds by preventing dangerous antipathies or alliances from arising between rival parties or families. To be precise: it excludes all power relations from the decision.

In these contexts it is easy to see the use of the lottery as a form of agreement between all parties. What is more it can be viewed as a form of *mediation* in which all parties agree to devolve the power of decision-making to that of a non-personal mechanism – a kind of impersonal third party. The fact that the lottery process is impersonal, incapable of manipulation and impartial helps to develop trust within the community, confidence in the common ownership of the community's resources, and the idea of the equality of all parties.

As we move from considering a proto-political, community-based use of sortition to assess its use in an early political context – that of ancient Athens – we take with us five main points:

- a) The role of the lottery as impersonal mediator in a triadic or conical structure where the potentially conflicting interests of all parties at the base are mediated by the impartially-made decision operating, as it were, at the apex of the triangle or cone.²
- b) The nature of the lottery as an agreement.
- c) The nature of the agreement is in respect to the division of a shared, commonly-held resource.
- d) The non-human decision helps to promote good, non-antagonistic relations within the community.
- e) All parties are treated equally in respect to the division of resources.

In an active political setting these points can operate in such a way that the existing value in the example becomes the value that is promoted by the political actors. In other words, while the examples apply to resources that are already held in common, selection of public officials by lot in a political setting can help to promote the idea that the polity itself, or a particular institution or a constitutional arrangement, should be regarded as commonly owned. In a similar way the promotion of peaceful relations can be seen as a major motive for using or applying a lottery-based system in the political sphere – especially following a conflict or near conflict situation. The

² See Shapiro (1981) for the operation of triadic arrangements in a judicial context.

idea of equality can also be part of a series of values developed by a regime that uses institutions based on sortition.

From a general and formal perspective, however, these examples furnish us with an important principle or working hypothesis:

If a regime sets up a sortive scheme for selecting public officials, by that very act (regardless of the motivation) it is setting up a triadic/conical relationship of mediation in respect to the claims of the parties or prospective parties to which it applies. In this relationship the prior claims of all parties are equalised in respect to the decision in hand and the power relations that exist or potentially exist between them are annulled in respect to this decision.

The extent to which this new relationship continues to operate and the extent that it is capable of generating new values of political co-operation, non-antagonism and a shared political venture is dependent upon the relationship between the sortive scheme and other bases of power within the polity. If the duties assigned to the officials thus selected are relatively unimportant compared to the concentrated power, say, of a one-party state, then the effect of this new relationship on the body politic as a whole will be minimal. Other limits to the power of the newly selected officials – by coercion or restrictions on their personal freedom, for example- will similarly effect the operation and therefore the permanent political value of this arrangement.

These conditions reflect the fact that as we move our framework of analysis from that of a small community to that of a more complex political arrangement, we have to understand what has changed. Dealings are less personal: political society is subject to laws, to the makers and professional enforcers of those laws and to a myriad of other ways in which the mutual interdependence and mutual obligations of a larger, more complex, group of citizens are substantiated in institutional form.

My contention, however, is that the establishment of political relations, simple or complex, involves agreement. This applies both to the initial agreement to establish political relations rather than to continue with relations of open hostility or of arbitrary power, and to the further agreements that are needed to give longevity and substance to the new dispensation. There is a sense, however, that *all* such agreements take the form of mediation, with the agreement itself standing at the apex of the triangle or cone and bringing all parties under its auspices. The strength of any process of political consolidation, therefore, is based on the strength and sustainability of this mediating capacity and its ability to operate efficiently and inclusively. The particular qualities of a lottery-based mediation can now be seen in

a distinct relationship to a range of other agreements and scenarios within this overall structure of consolidation by mediation.

To examine what sortition can bring to such a set of relationships in practice I now turn to an early example of political consolidation: that of ancient Athens.

For the purposes of this paper I will be looking briefly at three particular periods in the lengthy and continuous process of political consolidation in ancient Athens. The first is the archonship of Solon of 594-561 BC; the second is the 508-7 reforms of Kleisthenes; and the third is the period following the restoration of democracy in 403 BC. What I hope to demonstrate is the Athenian's awareness of the mediative role of politics; how this relates to the use of sortition to select citizens for public office; and how the role of those citizens selected by lottery is linked to the idea of protecting the procedural fairness of the system as a whole.

Solon's rule brought to an end a period of acute social antagonism and unrest between rich and poor sectors of Attic society based on the issue of land ownership. *The Constitution of Athens*. describes Solon as a "mediator"³ and it is clear that the end result of his reforms was to establish fairness, structure and procedural regularity in the strife-torn *polis*. He was responsible for a general amnesty, the establishment of a popular court of appeal (consisting of an assembly of citizens selected by lottery), the abolition of debt enslavement, to formation of a new council of 400 to prepare assembly business and a new codification of the laws of Athens.

From our point of view what is important is that he did not seek to rectify the inequalities of land distribution directly. Instead he approached the matter procedurally by setting up the new popular court. This, in effect, took power away from the magistrates' courts and broke up the cosy relationship that had hitherto existed between the landowners and the local magistracy. A further measure entitled any citizen, not just the injured party, to bring a case to the new court. There is also some evidence to suggest that this court could also hear new cases.

In his commentary on the *Constitution of Athens*., J.M. Moore suggests that Solon's approach to the dispute resolution was unique in this region at this time.⁴

Solon's endeavours did not, however, heal some of the deeper divisions of Attic society, and his archonship was followed by a period of tyranny under Peisistratos and his son Hippias. The main factional divisions of Attica were between the people of the shore areas, those of the plains, and those of the uplands. It was by forming

³ Ath. Pol. V, 2. Moore (1986) p. 150

⁴ Moore (1986) p. 215.

strategic alliances with aristocratic factional groupings within these areas that the tyrannies were able to retain power.⁵

The fall of Hippias ushered in a period of aristocratic factional rivalry between Isagoras and the newly-returned Kleisthenes. This was resolved when Kleisthenes “took the *demos* onto his faction”⁶ in what is now regarded as a key strategic move. This enabled him to secure his succession and to introduce a series of wide-reaching structural, political reforms. We can usefully read this agreement between an aristocratic faction and the *demos* as a form of consolidation pact, and certain aspects of the subsequent reforms confirm this view in the sense that they can be understood as concessions granted to the *demos* in return for their support. The main candidate for this interpretation is ostracism – a measure aimed at diminishing the potential misuse of personal political power in general, but in the context of its origin, a measure that allowed the new partner, the *demos*, to limit the deleterious consequences of aristocratic factionalism.

As we look at the range and nature of the Kleisthenic reforms we can see that their main purpose was to break up old loyalties and to establish a new “political” citizenry. Kleisthenes divided the coastal, plains and uplands regions by creating a new tribal and local ward or *deme* structure, which cut across the existing divisions. Part of this division was carried out by lottery. Every citizen, moreover, were allocated a *deme* name, signifying his new “political” identity. Kleisthenes also established the new *Boule* or council of 500, drawing its members from the *demes* in a strict mathematical proportion to the *deme*’s population. The main task of the *Boule* was that of drawing up the business for the Assembly and making sure that its decrees were carried out. Although there is no evidence that the members of the *Boule* were selected by lot as part of the Kleisthenic package, this interpretation would be compatible with the general concerns of the reforms: those of breaking up concentrations of factional power and offering fair and stable procedural concessions to the *demos*.

When we look at the subsequent development of Athenian institutions – both during the mid-fifth century and after 403, the pattern set by Solon and Kleisthenes continues. Procedural and structural constitutional measures are introduced which are designed to be impartial and to act as elements of mediation within which and through which disputes or disagreements could be settled. These measures were agreed in the open Assembly, and the institutions were, in the main part, staffed by the citizens themselves – usually selected by sortition. This included 600 of the 700 magistrates, the 500-strong *Boule* and the large numbers of *dikastai* that took part in

⁵ Hansen (1999) pp 27-54. Hansen’s work provides the basis for the summary that follows.

⁶ Ath. Pol XX, 1 (Moore, 1986, p. 183); Hdt. 5.66.2 (Herodotus (1954) p.334; Hansen (1999) p.33..

the hearings at the People's Courts. The ethos of citizenship, initiated by Kleisthenes, developed further in this period and is epitomised by the entitlement of any citizen to bring a case to the Courts. These could be denunciations for corruption or challenges to Assembly decrees. Huge numbers of *dikastai* (up to 2001 for some important cases) would be selected on a tribal basis by lottery to attend and make judgements (by majority vote secret ballot) in these hearings.

Perhaps the most radical use of random selection concerns the *prytaneis* or executive groupings. Members of these bodies of 50 were made up of each tribe's *Boule* membership group to serve one tenth of a year in rotation. In addition one member of each group would be selected by lottery to serve as nominal head of state for each day of the group's term of office. The citizen thus selected would hold the keys for the treasury and undertake largely ceremonial functions such as meeting visiting dignitaries. Thus the highest office in the *polis*, the apex of the mediative process was staffed by randomly-selected citizens. It is in this example that the symbolic connection between sortition, impartiality and the common ownership of the political process is most clearly demonstrated.

Finally, mention must be made of the use of lotteries and of mediation in the everyday (i.e. non-political) practice of Athenian society. It was customary for lot to be used for distributing estates inherited by more than one successor. The estate was divided by agreement and a lottery held to decide who got which part. In a similar DIY manner disagreements between citizens were often put to mediation and arbitration by a third citizen authorised by both parties to act in this capacity. If this failed then the case would go to court.⁷

The value of looking at ancient Athens lies firstly in the possibility of charting a general process of political and democratic innovation, refinement and adaptation that took place over a considerable period of time. Within this period we can see the practical application of the principles of equality of distribution, of equality of opportunity, and of procedural equality in the consolidation and operation of inclusive institutions. These are designed to be fair and universal in their application rather than capable of manipulation by those with economic or political power. They, therefore, stand in a mediating relationship to the different interests within the *polis*. The role of the *demos* in this, moreover, was not that of procuring power for their own class, but of ensuring that the system ran fairly and could not be corrupted – either by those seeking personal gain or those seeking to corrupt the system as a whole. It

⁷ Roebuck (2000).

was not so much a revolution on behalf of the direct interests of the *demos*, but a revolution for the values of unity, fairness and due political process. By staffing, protecting and maintaining these institutions, therefore, the *demos* acted as a “third force” in a triadic/conical mediating, political arrangement. In this we see a culture that is aware of the power of mediation developing – possibly for the first time – a political system securely based on this principle.

The use of sortition – both in the original Kleisthenic settlement and in the subsequent selection of public officials – is totally commensurate with this approach. In the first instance the process itself is impartial: selection by lottery in Athens did not exclude those of wealth or education. What it did was to prevent those with wealth or privilege from gaining any advantage. Secondly there is a sense that the lottery acts as an anonymous, third party in the agreement to set up and maintain the new Athenian *polis*. An official selected in this manner can easily be understood as an impartial servant to the *polis* rather than as someone beholden to those who made the appointment or assisted in the election. It is easy, therefore, to present the office –and by implication, the political process - as the common property of all.

Thirdly, the tasks that those selected by lot were entrusted to undertake were not those requiring the articulation of any particular interest or the discussion of the content of any decision that was to be made in respect to their special interest - this, arguably, was the purpose of the Assembly. Rather they involved the protection of the laws of the *polis* and integrity of the political process itself – particularly in the *Boule*, the *prytaneis*, the magistracies and in the People’s Courts. In this sense, therefore, those officers chosen by lot – and by implication those in the pool or entitled to join the pool – stand as mediators, or potential mediators, in a new political process designed to resolve antipathies and act in the general interest.

In a culture that practised both mediation and sortition at all levels of society it is consistent and logical to see the two processes as connected in the development of political practice in ancient Athens. This insight, moreover offers us a valuable perspective with which to approach political and democratic consolidation in a modern setting.

One of the problems with understanding the transition and consolidation of democratic rule in the modern world is the very complexity of the phenomenon that we are setting out to explore. Not only are we part of a long period of development – stretching from the late middle-ages to the present day in respect to some of its forms – but that development encompasses periods and localities that were totally

distinct and different in their social, ideological and economic outlooks and practices. We are also looking at a phenomenon that displays considerable variety of both form and content at any single time or period that we care to put under scrutiny. It is at once a localised and an internationalised activity; it is both idealised and pragmatic; and at any one time it can be self-conscious of its own history, theory and direction or spontaneously oblivious of its part in any wider process.

Within this setting we can see attempts to create and work towards various paradigms, discernible models or sets of goals. Part of this process is motivated by a genuine search for examples of best practice by those seeking the best way forward for their (often strife-torn) nation-state. Other models derive from trans-national and international concerns about democratic development – some genuinely altruistic; others less so. The whole process of learning demands transferring the experience of one country to another and within this democratic theory can play a vital role. There is, however, the constant danger of inappropriately or insensitively applying a theoretical approach gleaned from one context to one where it is less than appropriate. Within this process there is a genuine need to separate universal truths about the political process itself from theoretical constructs that have no such, or very much less, grounding.

Within the post war period the theoretical approach is made complicated by (at least) three factors. First there are differing conceptions of the desired democratic outcome. The Schumpeterian idea that the competition of political elites for the public vote is a desirable democratic end is contrasted by those such as Barber or Pateman who advance a wider and more inclusive vision of democracy.⁸ There are also those who see the liberal model of democracy as essentially tied to a specific economic model of development⁹, while for others democracy is primarily about popular sovereignty and the right to self-determination on these issues.

Then there are the complications generated by differing theoretical premises. Those who made direct comparisons between “established” democracies and those seeking democratic change – often as liberation from authoritative rule – in the early post-war period were inclined to suggest that there were “developmental “ pre-requisites for democracy. This trend was continued by Lipset and others who suggested that democracy required a high level of social development or a sophisticated level of political culture if it was to be successfully consolidated.¹⁰ This can be contrasted with the claim of Rustow that national unity was the main and

⁸ Barber (1984) Schumpeter, (2010), Pateman (1970),

⁹ Douglas (1972)

¹⁰ Lipset (1960)

possibly only pre-requisite for a democratic settlement because such a settlement was essentially an agreement, and agreements could take place at any level of social or economic development.¹¹ If we take the period from 1945 –2000, however, a discernible trend is the narrowing of the practical discourse on democracy from a wide consideration of political factors such as stability, participation, legitimacy and constitutionalism to an almost exclusive consideration of voting, parties and the peaceful transference of power.¹²

Not disconnected to this is the complication that not all, in fact very few, of the active voices and minds exploring democracy actually penetrated through to the actors making the major political decisions on democratization. The key factor in this is the decision taken by the United States Government under Reagan in 1983 to establish the National Endowment for Democracy and to fund the promotion of democracy actively on a world scale. While many voices came together in support of (or supported by) this project, it had the general effect of creating an orthodoxy that focused more on the creation of competitive electoral democracies and negotiating the process of transition rather than on the longevity and overall political integrity of the new regimes. Voices calling for greater emphasis on constitutional rules were, to a large extent, marginalised.¹³

To effect a proper clarification of the overall meaning and content of the late twentieth-century democratic consolidation would require attention to a number of tasks. At the very least this would include a comparison between the original consolidating experiences of England and The United States that sought to establish the current legacy of the original processes. Also needed would be an understanding of the inter-war experience in Europe - especially the dangers of anti-system parties - plus an inquiry into the role of democracy in, and at the end of, the cold war. My aim in this paper, however, is to develop a critique of what I call the “oppositional” view of democratic consolidation and to contrast this with the “mediative” approach that I put forward earlier. This constitutes one major theoretical argument for the use of sortition to aid consolidation in modern democracies.

The oppositional view of democracy is one in which the main focus is on forming a structure of opposition rather than on developing a tryadic process of mediation in which a strong state or third force mediates between the interests of any opposing, or potentially opposing, groups. The distinction is one of emphasis: the two approaches

¹¹ Rustow (1970) p.350.

¹² A good example of this is the contrast between Huntington’s earlier *political order in Changing Societies* (1968) and his later *The Third Wave* (1991)

are not mutually exclusive. The oppositional perspective taken to extremes results in the winner-takes-all electoral process. Here parties compete, not for the privilege of government under the auspices of, and within the rule-governed confines of the state, but in order to take control of the state for the pursuance of their own partisan interests. This is an extreme, but not uncommon, manifestation in the process of democratic development, and is especially prevalent in states where the competitive party system has developed in the absence of stable, trustworthy, impartial, mediating institutions. Competition is set up, but the operational limits of that competition are either left unspecified or inadequately enforced.

There is a sense in which the modern democratic paradigm of competitive party elections and government based on popular consent measured by the electoral will of the majority endorses, exemplifies and encourages oppositional attitudes, strategies and tactics. This sense of competitive opposition can operate amongst political elites, between party loyalists, and amongst loyal or habitual voters, giving the outward appearance that oppositional politics is the norm: the only game in town. This may well be the case when deeply-held convictions or entrenched interest collide in the political arena, but it is also seen as a necessary element in the transition to democracy regardless of the existence or absence of the divisions on the ground. Indeed one justification for an opposition is that it serves as a check on the party of government, and this is regarded as a good thing whether or not there is any real opposition of interests between the constituencies the parties represent or the ideologies they expound.

Here I am not condemning the politics of opposition, I am merely putting forward the view that there is a close relationship between politics conceived as an exclusively oppositional process and the breakdown of democracy through the competitive actions of factions in their pursuit of power.

It is useful at this juncture to look briefly at majority voting. In his 1942 *Reflections on Government* Ernest Barker suggests that acceptance of the will of the majority is premised on the threat of force:

... the majority would win the day if it came to an actual struggle; the minority consents to be beaten in advance, and be counted as part of the whole rather than force the issue to the point of actual struggle. (p 36)

Democracy based only on numbers can thus be seen as based on the threat of force, even if this is not overt or explicit. This further suggests that the distinction between the more extreme forms of oppositional politics – winner takes all elections, civil war, oppression of minorities, hegemonic actions by factional groupings – and

¹³ See, for example, Brennan and Buchanan (1985)

those that are politically acceptable is merely one of extent on the one hand and restraint on the other.

In a developed democracy there are many examples of how this restraint operates. In theoretical terms we can understand them as triadic structures where the oppositional tendencies are mediated by intermediary institutions or procedures. There are many scenarios and examples of this. Where there are strong state institutions and a clear division is maintained between the state as an impartial, mediating force and the temporary, party-led governments, the state restrains any extreme oppositional tendencies that the parties might have. This principle also applies in countries such as India where, despite the near monopoly of governmental power exercised by the Congress Party, an impartial civil service ensures that the ruling party government does not effect a complete take over of the state.¹⁴ Another example of this is the use of a mediating third party in transitions to democratic rule where there are rival factions vying for power. The best twentieth-century example of this is the transition to democracy in Spain where the newly-created constitutional monarch, Juan Carlos, played a vital mediating role between the followers of Franco and the left wing parties.¹⁵

A further example of triadic relationships can be seen where a constitutional settlement is developed and promulgated in a fully inclusive manner and where it is possible for increasing numbers of the citizenry to play an active and independent role in the process. The mediating effect of this is particularly strong where there are civil society groups active in promoting the general, rather than the particular or special, interest. After such a settlement these groups can also help to protect the constitutional settlement. Where negotiations take place entirely amongst elites and the population at large is sidelined or only involved in a perfunctory referendum, the triadic element of the settlement can be weaker.

There is a sense, however, that a discerning voting public can act as a mediating force between potentially rival interests. To characterise this scenario more effectively this element would have to be called the “independent citizenry” and would be citizens who held no lasting or habitual allegiance to any grouping or party, but voted on rational grounds for the part they thought would govern best. In a consolidated democracy one would presume that this grouping would not back any party seeking hegemonic control over the state and would not be susceptible to the appeals of populism or charisma. In periods of crisis and polarisation, as in the inter-

¹⁴ See Lapalombara and Weiner (1966) p.37 on one-party pluralist systems, plus Sartori (2005) p 171 for a similar classification.

¹⁵ Linz and Stephan (1996) p. 101.

war period in Finland, Czechoslovakia and Belgium, for example, it was appeals to this middle ground (among other tactics) that prevented extreme parties from gaining enough power to undermine the fragile democracies in those countries.¹⁶ In conditions where there is an active, informed, independent citizenry majority rule becomes more of an expression of collective intelligence rather than a power relationship based on the threat of force.

The impartial groups charged with ensuring the fairness of electoral procedures provide a final, but straightforward, example of triadic mediation in oppositional contexts. These can be monitors from abroad, citizens or state employees. They are the de facto upholders of the fairness – and hence the viability - of the rule-governed political electoral settlement itself at the point where it is at its most vulnerable. There are, of course, numerous other examples of impartial groups or institutions that play a vital role in any constitutional settle by dint of their impartial or mediating status. The most prominent of these is the judiciary and institutions such as constitutional courts that have a semi-judicial function. The list can, however, also include ombudsmen, media committees and special investigative committees. These can have a greater or lesser political role in the mediation of potentially problematic oppositional tendencies depending on circumstances and the nature of the case in hand.

This consideration of how these tryadic solutions operate in modern democracies brings me to the conclusion of this paper: the value of using randomly-selected citizens in the consolidation of democracy. It should be clear from the earlier exposition on proto-political and early political/democratic use of sortition in ancient Athens that the value of using this mechanism to a developing polity lies in its capacity to generate impartial institutions and triadic, mediating political structures. The major aim in doing so is to prevent oppositional politics degenerating into factional competitions for state power. At stake is the political system itself as an agreed, shared, commonly-owned entity. The two qualities of the lottery process that were isolated earlier in the paper: the anonymous nature of the lottery choice and its resistance to manipulation, contribute towards this end. They have to be assisted in this task, however, by intelligent constitutional design, by training, where necessary, and by other measures to prevent the corruption of citizens once they are in office. Introducing lottery-based citizen selection in the absence of a properly constituted, properly-regulated, rule-governed polity would be an unproductive exercise.

¹⁶ Capoccia (2005)

By advocating sortition in the context of the creation of mediative, triadic structures, it is clear that this task is facilitated if the offices to which citizens are selected also contribute to this end. In this sense, therefore, mediative activity and selection by lottery reinforce the impartial, general (rather than partisan) nature of these institutions. Used systematically in this way sortition can develop an active citizenry at a time when they are most needed in the development of democratic practices. A citizen's political education therefore starts with his or her duty towards the political system as a whole rather than with party loyalty. If sortition is used for this type of office, it can also be seen as complementing competitive politics. Election monitors, groups of citizens monitoring and assisting elected members in their dealings with the public, citizens with a tribune-like presence on special committees, even lay (i.e. non specialist) members of constitutional courts or media governing institutions are all examples of how this approach could be used in practice.

The direct incorporation of citizens in the body politic in this way also by-passes the need for civil society groups as a means of bridging the interface between citizens and the state. Systematically used it creates a "third force" of active citizens capable, if necessary, of defending the system as a whole against wholesale corruption or the threat of partisan take over.

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