

A feminist perspective on political sortition

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Abstract: *In this paper, I will try to analyze the extent in which feminists might take part in the political comeback of sortition. In the first section I will discuss the political implication of this mechanism and the arguments raised by those in favor of a political lottery. In the second section there will be an emphasis on the importance of descriptive representation in general, focusing on the feminist perspective, while talking about the idea of implementing gender quotas. Also, I will put forward a discussion surrounding various empirical studies that revealed the effects of gender quotas. At last, in the third section, I will try to point out the negative effects of gender quotas and the manner in which these can be avoided by using sortition, by referencing the basic principles of this random mechanism which can be used in association with the feminist principles.*

Keywords: sortition • descriptive representation • gender quotas • political efficacy • substantive representation

First Section – A new perspective on an ancient idea

The emergence of the idea of a representative republic has determined the method of political selection by lot to become obsolete. First and foremost, the partisans of representation have systematically eluded any coherent reason for this mechanism to be further perpetuated due to the fact that they were not able to perceive the probabilistic potential of creating a descriptive representation (Sintomer 2012), which is the idea of creating a group which presents all the primary characteristics of the population. Despite this academic vacuum, lately, the subject of random selection in the political sphere is starting to take a new shape. Thus, a rather large group of political scientists and researchers in political philosophy or theories (Goodwin 1992, Dowlen 2008, Delannoi 2010, Stone 2011) have addressed this issue in a rigorous fashion bringing forth new grounds of justification on which sortition would have a real political

potential. Looking beyond political theory, we see this mechanism being used for the common law jury selection process and also in the selection process of a citizen's assembly that discuss and recommend solutions concerning problems that are usually reserved to experts and politicians – Iceland and British Columbia cases.

Regarding the exclusion of random selection from the political level¹, Sintomer (2012)² explains this phenomenon using two arguments that have originally been stated by Bernard Manin (1997) and often utilized by the kleroterians³, namely that: (1) despite the fact that there was a strong correlation between direct democracy and selection by lot⁴, those who have outlined the representative government have separated from the importance of the direct participation of citizens and opted for a selection method considered to be aristocratic⁵, (2) another aspect refers to the consent theory which spread a particular kind of thinking, the political legitimacy (legitimate political authority) that needs to be formally approved by the Citizen. According to Sintomer, (2012) these arguments are incomplete because they do not question the reason why the idea of descriptive representation ensured by random selection was not discussed in that time⁶. Manin (1997) explains that those in favor of descriptive representation (anti-federalists) have utilized concepts like “resemblance”, “closeness”, “in a social sense”, “likeness” (1997:111), arguing that once the political power is centralized in the hand of few, the diversity of the citizens becomes irrelevant and the political sphere will have oligarchical tendencies (Manin 1997:112). Even if the anti-federalists have tried to argue the importance of the resemblance between the representative and the represented (Manin 1997:109), they did not stress the fact that random selection may be the key to ensuring this type of representation.

In order to comprehend this aspect, an analysis of the political thought of the time is needed, especially focusing on how it manifested in governance techniques, instruments and mechanisms. In fact, no association between drawing lots and descriptive

¹ This moment coincides with the period after The Modern Revolutions

² Sintomer Yves, 2012, Could Random Selection and Deliberative Democracy Revitalize Politics in the 21st Century? <http://www.booksandideas.net/Could-Random-Selection-and.html#nb6>

³ In Ancient Athens, the lottery machine was named „the kleroteria”

⁴ This connection is found in the works of Plato or Aristotel

⁵ Chosing by vote may seem aristocratic as compared to sortition (Schmitt in Manin, 1997:150; Aristotel in Manin 1997:27)

⁶ Yves Sintomer, *Petite histoire de l'expérimentation démocratique. Tirage au sort et politique d'Athènes à nos jours*, Paris, La Découverte, 2011 in Sintomer 2012 , Could Random Selection and Deliberative Democracy Revitalize Politics in the 21st Century? <http://www.booksandideas.net/Could-Random-Selection-and.html#nb6>

representation was made because the idea of *representative sampling* was not theorized until the late 21st century. Specifically, the key to explaining why sortition in the political process “*seemed useless in modern democracies*” is the lack of *representative sampling* as a statistical concept, as it was argued that the size of the modern state makes it impossible for a self-governance similar to ancient democracies (Sintomer 2012).

Presently, the mechanism of political lottery managed to survive in the social environment only through the process in which the jurors are elected in the common-law system. With the exception of certain proposals and localized experiments, this idea was removed from the political sphere following the fall of the Second Florentine Republic in 1530 (Dowlen 2010:4). Faced with a significant discontinuity in using political lottery, contemporary theorists (Stone, Dowlean, Godwin, etc.) had to evaluate the mechanism of the random using historical evidence (Dowlen 2010a:3-4). In order to utilize this evidence, researchers needed to take into account all the significant differences between the old political sphere (in which the lottery was present) and the political sphere today. The most important element is proving the benefits of implementing random selection in modern society, *a priori*, in theory (Dowlen 2010:3-4). Therefore, the analysis of this topic should focus on the process itself, implicitly on its complexity, given the development of political theory and the scientific approaches that have determined changes since the last time political lottery was an integral part of the political process (Dowlen 2010b: 55-56).

Following an increased interest in this theory, a new theoretical sphere of political science began developing, resulting in political philosophy and democratic theory works, among which we can distinguish: the field of decision theory discussing “*the second order rationality of the lot*” (Elster 1989, Duxbury 1999, Engelstad 1989)¹, the field of political philosophy focusing on “*the fairness of the distribution of goods and offices via lotteries*” (Sher 1980, Broome 1984, Goodwin 2005, Stone 2007)², as well as a proclivity towards “*the history of political ideas*” (Manin 1997, Dowlen 2008; Hubertus and Hein 2010: 123)³. In recent years, researchers in the field of democratic theory (Fishkin) have tried to explain how random selection could be used in politics⁴ (Hubertus and Hein 2010:124).

¹ In Hubertus and Hein 2010:123

² idem

³ idem

⁴ The attention focusses on deliberative polls

Equality and its implications

In the absence of research from the time in which this selection mechanism was first used, while lacking interpretation of works written in that period, the idea that this mechanism has religious roots appeared (Manin 1997:26). However, as Delannoi (2010) points out, random selection has its roots in the founding principle of democracy, namely equality (2010:14). The author argues that universal suffrage and sortition provide different types of equality: the first method of selection implies that equality is generated by voting privileges and the formal right to be part of elections, while the second method of selection provides equality in both procedure and results (Delannoi 2010:14). Simple citizenship provides the real opportunity of taking part in the election and of being selected for office (Delannoi 2010:14). From a procedural perspective, compared to sortition, the referendum or the elective procedure are closer to what is called direct democracy. This is the reason why random selection seems an intermediate mechanism between direct democracy and representative governance (Delannoi 2010:15). Delannoi (2010) argues that *"equality among citizens is restricted and ephemeral"*, seeing how people in representative democracies can manifest their sovereignty only when voting for a candidate. On the other hand, the random mechanism is inferior to any other procedure of direct democracy in which *"all citizens are equals, all act at the same time when they form the body politic (...)"* (2010:16).

In random selection, we are dealing with a specific "equality" which is based on *"the practical involvement of all citizens"* in the process, guarantying everyone has a real equal chance of being chosen (Delannoi 2010:16). Also, in order to understand the equality within the procedure we must have in mind three forms of equality: *"equality at the source of the procedure, equality in its mechanism and equality in its effect"* (Delannoi 2010:27).

Regarding the third form of equality, *equality in its effect*, we must remember that every democracy aims to protect the worth of individual citizens, therefore, any allocative structure must respect this principle (Greely 2011: 66). *"Satisficing criteria and allocation by merit which attempt to rank applicants can effectively coerce the conduct of potential recipients who seek to meet or avoid the classification"* (Greely 2011: 66). The most concerning effect of allocative method by merit derives from the fact that

it aims to distribute both a benefit and a burden¹ (Greely 2011: 67). The advantage of random selection is evident in that behavior change cannot guarantee the result:

“Where equality of results is impossible (...) equality of opportunity is the next best goal because it parcels out equal chances to receive the good. Random selection is the only allocative method which honestly can claim the objective equality of opportunity from which the satisfaction of equality of expectation springs. It is the allocative method which maximizes the goal of equality” (Greely 2011: 67).

It is clear that equality is present in the lottery system *per se*, into the structure of the process, even if the result of any such mechanism is unequal. The best example is of a lottery in which each participant has a single ticket, the randomness ensuring everyone an equal chance to win. Despite the fact that only one person will win, participating gives all the same rights / same claim on the prize (Goodwin 1992: 116). Broome (2011) stresses that equality in its effect is replaced with the “satisfaction requirement” in terms of opportunity (2011:226).

When asked *“what is the point of the concept of equality when used in connection with sortition?”* Dowlen’s (2008)² answer is related to the selection procedure (2008:11). Thus, in terms of mechanical process, balls or tickets are created in identical form, in order to guarantee equal opportunity to be chosen (Dowlen 2008:20). The author argues that whether we consider a mechanical lottery or a lottery that is assisted by human intervention, the agent will choose between options without discrimination, regardless of qualities the candidates may possess (Dowlen 2008:20). Thus, a choice made by drawing lots is an “e – quality” choice “because it denies the rational human tendency to discriminate or to choose according to quality” (Dowlen 2008:20); we perceive equal opportunity as a result of the “a-rational essence” that it is specific to lottery (Dowlen, 2008:20). The essence of Dowlen’s argument when talking about “the blind break” is that the equality ensured by sortition is closely related to the fact that in the selection process *per se*, all differences which may generate any form of discrimination between participants are eliminated.

“The strongest normative argument in favor of sortition is linked to the idea of social equality and individual welfare. In an unweighted lottery, everyone has an equal chance of being chosen” (Engelstad 2011:181). However, *de jure*, the same may be said about

¹ University admission vs. the incorporation into armed forces (Greely 2011:66)

² Chapter One, The Blind Break and Its Implications

modern day elections: modern democracies assume that all citizens have the right to be elected into office, but their real chances are closely related to a multitude of other factors: social resources, oratorical skills, funds for the election campaign etc. That is why drawing lots has the ability to overcome these *“informal differences and thus prevents the formation of political elites”* (Engelstad 2011:181).

Ensuring descriptive representation by using random selection

As I mentioned before, the current discussions surrounding sortition often mention the fact that this mechanism creates a group that is strongly similar with the population from which the selection was made. It is essential to mention, however, that there are various factors that influence the relationship between resemblance and random selection like: sampling errors, eligibility and bias, factors that must be taken into account (Parker 2011:163). Thus, the decision to incorporate random elements in the selection process must be governed by context and priorities (Parker 2011:163).

Fishkin (1995) discusses the way in which random selection is effective for the deliberative poll because of the ability to formulate counterfactual opinions that can be genuine for the entire population (Sintomer 2010:43-44)¹. The random selected assembly mirrors the citizens’ diversity and creates a micro cosmos, this being the perspective of understanding random selection today (Sintomer 2010:42).

A good example that supports the idea of descriptive representation ensured by sortition is the use of this mechanism for surveys: random selection is used to provide a sample of the population and the decision is based on statistical principles (Delannoi 2010:19). The advantage is that this type of survey can be applied to a number accessible enough to be relevant for an entire population.

Delannoi points out that:

“a sample numbering no more than an ancient demos not only provides a decision-making tool (...) but also reduces distortions in the representation of different groupings such as, the sexes, different professions, social classes” (Delannoi 2010:19).

Despite the fact that there is an undeniable connection between implementing the lottery mechanism and insuring descriptive representation at the political level, a discussion regarding the relationship between the descriptive and the substantive

¹ Fishkin cites in Sintomer 2010: 43-44

representation of citizens is needed. Political theory revolves around the idea often argued by Pitkin (1967), namely that “*a man can only be held to account for what he has done and not for what he is*” (89), thus there is not a clear connection between descriptive and substantive representation. This is a particular issued that I shall revisit in the second section when I discuss the reluctance of many researchers (Childs 2004, Lovenduski 2005, Reingold 2000, Swers 2002, Beckwith 2007)¹ towards the way Pitkin removes the importance of descriptive representation and their attempts to theorize and study the relationship between descriptive and substantive representation empirically (Celis, Childs 2014:3).

I would like to point out that, in this article, I will not focus on the connection between descriptive and substantive representation, considering² that I’m focusing on how the theorists of descriptive political representation of women may join the kleroterians, emphasizing this relationship first and foremost.

The political legitimacy of representation by lot

In order to analyze the reasons why the voting system has totally eclipsed sortition, we should focus on the reasons for supporting and arguing in favor of the electoral preference, as well as the beliefs and values of those involved. The political culture of that period could guide us towards the underlying facts of this almost unanimous decision in favor of electoral preference. A first principle is closely linked to the legitimate authority that originated in the consent of the citizens. Individuals are coerced only by what they agreed upon beforehand.

The principle that consent is a source of legitimacy of political authority was shared by the natural law theorists³ (Manin 1997:84). As long as the source of power and foundation of political obligation emerge from the consent of the governed, sortition and elections appear in a new perspective (Manin 1997:85). Random selection seemed to be perceived outside the consent perspective⁴ (Manin 1997:85). But we should mention that in his writings Rousseau emphasized that without active involvement of the citizens in the political process and decision, unspoken consent cannot be the only source of

¹ Cited in *Gender, Conservatism and Political Representation* ed. by K. Celis and S. Childs

² This subject has generated a series of talks in the feminist theory field

³ Grotius, Rousseau, Hobbes, Pufendorf, Locke

⁴ Consent could be found only at the moment when citizens had decided their method of leadership selection, yet the legitimacy of consent would be indirect (Manin 1997: 85)

legitimacy for political decisions. Thus, legitimacy can be viewed from a different perspective, namely, the fairness of the decision-making process¹. Yet, during the period when representation was established, political equality was associated with the equality of citizens in their ability to give consent and not in their arithmetic² equality of being elected into office. This is the moment when the notion of citizen changes. Citizens are viewed as the primary source of political legitimacy, and not as an able part of governance (Manin, 1997:85).

Rehfeld (2005) points out that in order for the representatives to be legitimate, they must follow the same goals and interests as the represented (Rehfeld, 2005: 187). But as most kleroterians consider that representative democracy has the great disadvantage of becoming a sort of oligarchy, in which the interests of the representatives are moving away from the represented, the source of this type of legitimacy is eluded (Manin, 1997: 27). Rehfeld (2005) mentions that Manin believes that one of the reasons that random selection was not considered legitimate is that the theory of consent has resulted in the mechanism of election which legitimizes the leaders chose by citizens (2005:131).

At the moment, trying to justify why a random selected group would have legitimacy, the partisans of sortition formulate two types of arguments. Thus, from the papers I had access to, the authors that stood aside in writing about this topic are Sintomer (2010) and Parker (2011), which outlined two ways to challenge and solve this problem: (1) by referencing five types of legitimacy specific to random selection (Sintomer 2010) or (2) through the way assemblies with randomly selected members create a micro cosmos and improves the responsiveness and the resemblance norms (Parker 2011).

Sintomer (2010) points out that both the principle of self -government during Classical Athens, as well as the consent principle specific to representative democracies “*rely strongly on the legitimacy of number, and especially on the majority principle*” (Sintomer, 2010:47). To argue in favor of certain types of legitimacy specific to randomly selected groups, the author makes a connection with expert groups who have legitimacy that is related to knowledge, their expertise helps them to better deliberate, legitimacy of number becoming non-essential (Sintomer 2010:47).

¹ Rousseau, *Social Contract*, II:4; see also *ibid.* I:3 and Rawls 2007: 231f cited in <http://plato.stanford.edu/entries/legitimacy/>

² The difference between the arithmetic and geometric equality in the writings of Plato and Aristotel

An Assembly comprised by randomly selected citizens has no power of decision because its legitimacy cannot be based neither on the majority, nor on the basis of their knowledge (Sintomer, 2010:47). Sintomer (2010) argues that *“they have their own kind of legitimacy”* and this legitimacy is based on the assumption that the group of experts has a tendency to depart from the common interests of society becoming a class with private interests (2010:48).

As a result, the author argues not in favor of a political assembly comprised of randomly selected citizens, but in favor of devices based on random selection:

(1) *“the contrafactual opinion tends to be more reasonable than the wider public debate”* (Sintomer 2010:48); (2) *“good deliberation needs to include various points of view, so that the range of arguments can be enlarged, and the reasons better balanced”* (Sintomer 2010:48); (3) *participatory devices are instruments that promote better communication between the political class and the citizenry”* (Sintomer 2010:48); (4) *since the best democratic system is real self-government; and because self-government is impossible...the second best solution is actually to let the counterfactual citizenry selected by lot decide”* (Sintomer 2010:49) and (5) the impartiality of a participatory device selected by lot (Sintomer 2010:49).

Answering to "what are the mechanisms by which the <<random>> contributes to legitimize representation?" Parker (2011:163) argues that a legitimate representation will be ensured through a unique bonding of the current system with the system of sortition (2011:160). His analysis is based on two types of democratic representation norms: "resemblance" and "responsiveness" (Parker 2011:156), while considering how randomness contributes for each one in particular. The responsiveness of representatives is crucial for the legitimacy of democratic representation, and presently it is not clear whether elections have this kind of effect¹ (Parker 2011: 176). In his analysis, Parker (2011) doesn't try to counter the political legitimacy brought by representative democracy, but clearly states his intention to avoid re-theorizing the concept of legitimacy (161), his process being closely related to the way randomness contributes differently to the two democratic norms: *“resemblance”* and *“responsiveness”* (Parker, 2011:162). While explaining how resemblance norms help to better legitimize representation, the author brings forth two new concepts: trust and capacity (167) Parker (2011) talks about trust that emanates from the resemblance between

¹ Ferejohn and Rosenbluth 2009, 273 in Parker 2011: 176

representatives and the represented, using a theoretical basis often used in articles which center on the relationship between descriptive and substantive representation. The author emphasizes that the random mechanism can ensure a greater resemblance compared to other selection methods, which creates a strong diversity within the selected group (Parker 2011:171). His main argument is although no individual can hold exactly the same combination of characteristics as any other individual. But collectively, and on average, a randomly selected group will come closer to approximating the objectives held across the source pool than can a group chosen by any other method” (Parker, 2011:172).

Another argument in favor of the idea that citizens would have greater trust in a political assembly that respects the resemblance norm and is selected by draw is closely related to the fact that those selected do not stay in office for very long¹, returning to simple citizens in a short time (Parker 2011:173). Without the opportunity to take part in another selection, the citizen will not be motivated to maximize his chances of being reelected² (Parker, 2011:174).

Regarding the responsiveness norm, Parker (2011) starts with the observations made by Forejohn and Rosenbluth (2009:273)³ according to whom the elective mechanism is not as effective in establishing a relationship between citizens and representatives (Parker, 2011:176). Thus, Parker’s argument states that in a society in which the random system is adopted, the citizens will be more involved in the political process as they themselves have a chance of being elected. However, this type of reasoning is related to the concept of “accountability” which is often ensured by selecting regular citizens in political assemblies such as juries, electoral committees etc. (Parker 2011:184). Sintomer (2010) believes that randomly selected assemblies cannot have a valid point of view in political issues that affect all citizens (2010:50). The counterfactual opinion may vary so as a result, Sintomer proposes two alternatives: (1) these randomly selected groups can deliberate and propose solutions, yet the decision should be made by representatives (Sintomer 2010:50) or (2) resorting to counterfactual deliberation as well as participative mechanisms (Sintomer 2010:50). A good example is the case of British Columbia, where the solutions resulted from

¹ Over time, the random selection principle was coupled with a rotation mechanism in order to prevent citizens from staying too long in office

² Mayhew 1974 cited in Parker 2011:174

³ Cited in Parker 2011:176

deliberation were subjected to a referendum (Sintomer 2010:50). As far as adopting the random mechanism by constitutional means, the decision should be subject of a referendum, thus, we may consider that the initial decision of integrating randomness in the selection process explicitly constitutes a means of approval in the same sense that the decision of electing leaders through vote was made (Goodwin 1992, 36, 38; Zakaras 2010, 464)¹.

Second section – Descriptive representation and gender quotas

Throughout the first section of this paper I tried to present the mechanism of selection by lot in order to highlight its political potential. Besides the fact that this selection process has the great advantage of successfully circumventing the corruption tendencies of politics (Sintomer 2010:44), it also possess the key to fighting against women discrimination², especially against obstacles that women encounter in the political participation. It's agreed that despite the struggle for gender equality, there is still a considerable gap between the access of men and women into office. Although women constitute approximately half of the human population, only two countries have a rate of over 50% parliamentary seats occupied by women (Rwanda and Andorra)³ the overall average being 19.3% (Lawless and Fox 2012:2); this situation raises a number of issues related to the fair representation of women's issues and concerns. In this section I will discuss the idea of representation, particularly the descriptive representations and the debate about its connection with the substantive representation of women. Furthermore, I will address the issue regarding gender quotas and their implication.

Although it is a strongly debated subject in the feminist political theory field⁴, for the main argument of a paper discussing the relationship between the descriptive and substantive representation it is marginal. In my opinion, this being a first attempt to correlate the random mechanism with feminist theory, a first step would be to show that the random selection can be useful for the descriptive representation of women.⁵ In my view, some of the criticisms regarding the idea that women's presence at the political level can also lead to a better representation of their interests could be eliminated by

¹ Cited in Parker 2011:179

² I will not be referencing the cultural discrimination of women, but the procedural obstacles women face in the process of election

³ <http://www.ipu.org/wmn-e/classif.htm> accessed 10. 01. 2014

⁴ See Pitkin, Childs, etc

⁵ Many thanks to Oana Băluță who helped me bring better coherence to the main argument.

changing the selection mechanism, namely transitioning from an elective system to a random system.

For example, statements like “*associating the characteristics of individuals with the way they act may be evidence of essentialism*” (Pitkin apud Parker 2011:170) can no longer be argued. The idea I want to emphasize is that in an electoral system the theorizing of political representation of women was in close correlation with theorizing women’s interests (in order to support the necessity of the presence of women at the political level, the existence of a specific group interest was mentioned) (Băluță 2008: 18). Furthermore, the debates linked to the introduction of gender quotas “are based on a notion of representation organized around group interest” (Diaz 2005:19). However, in the case of a randomly selected assembly, the descriptive feature is provided by the process itself and further explanations linked to the necessity of a quota of 50% women members become obsolete: the main goal is to achieve a micro cosmos that will ensure a more accurate representation of all the citizens characteristics’. In other words, as long as no group will be under - represented, there is no need for any justification to support the implementation of affirmative action.

In her oft-cited work “The Concept of Representation”, Pitkin (1967) distinguishes four types of representation: *formalistic representation* (regarding the institutional arrangements that precede and initiate representation) (1967:97), *descriptive representation*¹ (the extent to which representatives are similar to those who elected them, “*look like the public*”), *substantive representation* (“acting in the interests of the represented in a manner responsive to them”) (1967:209) and *symbolic representation*.

Assuming that democracy implies an appropriate pursuance of the needs and concerns of the citizens I will try to observe to what extent an increased descriptive representation leads to a better representation of their needs and concerns. In doing so, it is necessary to keep in mind the concept of “*political efficacy*” which has a dual perspective: “*internal efficacy*” (referring to the individual’s competence to understand and efficiently participate into the political process) and “*external efficacy*” (referring to a belief that government and institutions are responsive to the needs of citizens) (Niemi, Craig and Mattei 1991:1407 – 1408).

¹ Legislators should represent a miniature portrait of the population – they should think, feel and act in consequence

In conjunction with the “*external efficacy*”, a first advantage of descriptive representation is related to the growth of a positive consideration towards the political system - following a number of surveys, Fowler, Merolla and Sellers (2012:25) argued that there is an undeniable relationship between descriptive representation and the behavior among citizens¹: citizens become more engaged into the political process, they have a greater commitment towards their own representatives and they believe more strongly that their representatives try to pursue their interests. At the same time, the researchers observed an increase in the level of political knowledge which is an extremely important aspect for any state that considers itself democratic (Fowler, Merolla and Sellers 2012:4).

In order to observe the extent to which there is a connection between descriptive and substantive representation, Kernell (2012) focuses on specific women’s issues. As a result of a survey of the Comparative Study of Electoral Systems (CSES), the author revealed that “*female policymakers hold positions that are more in line with those of voters*” (Kernell 2012:18) in a far greater extent than their male colleagues and more importantly, descriptive representation does not stagnate at proposing ideas but has real effects which can be seen in the political outcomes (Kernell 2012:10-15). Among female – citizens, a behavioural change is noticed: they become more willing to participate in political debates because they are in a position to identify with their representatives and they have a much more positive opinion of democracy (Kernell 2012:2).

Even though there is no certain guarantee that a descriptive representation clearly results in an increase of the substantive representation, there is sufficient evidence to believe that it is improving it (Kernell 2012:2). First, several current empirical research papers (Hien 2014, Curtin 2014, Guerrina 2014, Campbell and Childs 2014 etc.)² showed that women politicians are paying more attention to the public policies directly affecting women. Secondly, by means of using their own experience, women are able to address the process of creating public policy in an innovative way.

Anne Phillips (1995)³ discussed four different types of arguments supporting the necessity of descriptive representation (what Phillip calls the politics of presence): (1)

¹ This refers rather to ethnic and racial minorities (afro-americans etc.)

² In *Gender, Conservatism and Political Representation* ed. K.Celis and S. Childs

³ In Dahlerup 2002:4

the first argument regards “the role model argument” and claims that members of an historically disadvantaged group change their perspective when noticing that individuals like them have reached position of power; the existence of women in positions of power leads to an increase in self-esteem of other women. (2) *The second argument* (the justice argument) is built rather from an affirmative action perspective: Phillips (1995) explains that descriptive representation is necessary to compensate for past injustices. (3) *The third argument* is related to the substantive representation of disadvantaged groups (“overlooked interests”) and the (4) *fourth argument* (“revitalized democracy”) raises the question of the legitimacy of democratic institutions, legitimacy that is questionable when a number of citizens do not actively participate into the political process (Dahlerup 2002:4). Yet, her theory is not based solely on these four arguments and in debates regarding political parity, Phillips (2008) introduces the argument of political interests of women, while accepting the idea that inside a group of women there are differences (Băluță 2013:47).

As a conclusion, the descriptive representation theory is a means to increased: (a) responsiveness, (b) political efficacy, (c) assessment of representatives (citizens are becoming more interested in the political activity of representatives and they are more active at the political level and (d) positive effects on how citizens evaluate government institutions.

In the first part of the second section I tried to summarize the arguments in favor of descriptive representations. Although in theory this kind of representation appears closer to democratic principles, in reality there are a number of factors that can easily lead to the stagnation of increasing descriptive representation such as electoral rules, parties not actively recruiting women etc. But this reality contradicts the majority of studies indicating quite eloquently that women who find their way to run for various political positions can be just as capable as their male counter-candidates, there are no noticeable differences into terms of fundraising power, total number of votes or electoral success (Dolan 2006:3, Lawless and Fox 2012:2). Regarding the low representation of women in political institutions, Lawless and Fox (2012) discuss about the psychological implications namely, the motivations for women in not participating in the elections and their political ambitions. The authors points out that there is a considerable difference between the political ambition of women and men (men had the time to perpetuate it over time). These differences are supported by the application of

1,925 men and 1,843 women 4,000 surveys¹ to a sample of potential candidates (Lawless and Fox 2012:3).

Following the application of the surveys², *seven factors* are identified that seem to have contributed to the difference between women's and men's perception on the possibility of occupying a political positions: (1) women tend to perceive the electoral environment as more competitive for them and biased towards the male candidates; (Lawless and Fox, 2012:7) (2) examples of women candidates like Hillary Clinton, Sarah Palin etc. emphasized the perceived gender bias into the electoral space (Lawless and Fox, 2012:7-8), (3) women consider themselves to be less qualified to occupy political positions than men (Lawless and Fox, 2012:9), (4) are less competitive and are against carrying the risk (Lawless and Fox, 2012:10), (5) *“women react more negatively than men to many aspects of modern campaigns”* (Lawless and Fox, 2012:11), (6) *“women are less likely than men to receive the suggestion to run for office – from anyone”* (Lawless and Fox 2012:11-13) and (7) they remain the only ones responsible for the burden of housework (Lawless and Fox 2012:13-15).

Other factors that hinder women's participation in the political sphere are highlighted by Shvedova (1997) who identifies and analyzes the types of obstacles that arise in three areas: *political obstacles* (masculine model of politics, lack of party support, cooperation with Women's Organizations, education and training, electoral systems), *Socio – Economic Obstacles* (the feminization of poverty and unemployment, the dual burden) and *Ideological and Psychological Hindrances* (traditional roles, lack of confidence, the perception of politics as 'dirty', the role of mass media) (Shvedova 1997:19-40).

In order to remove some of these factors and to minimize the gap between women and men candidates, the recruitment problem needs to be addressed. The recruitment problem brings to the forefront the idea of implementing gender quotas. Despite the fact that introducing gender quotas was a much disputed topic, many countries have resorted to this mechanism (Argentina, France, South Africa, Sweden, Uganda etc.). But the decision to require a minimum of 30% of each gender on the electoral lists (*candidate quotas*) does not automatically mean that women will occupy 30% of seats (Dahlerup 2002:6). Before a detailed analysis of this system, we need to categorize the gender quotas. We can distinguish three forms in which the gender quotas may appear

¹ Gender Gap in Political Ambition

² Gender Gap in Political Ambition

at the political level: **voluntary party quotas** (voluntary measures adopted by political parties to increase the number of women candidates, parties commit themselves that they will nominate a certain percentage of women on election lists), **candidate quotas** (all parties are required to nominate a minimum percentage of candidate) and **reserved seats** (a number of seats only for women). Out of the states that currently impose gender quotas, 61% have voluntary party quotas, 38% have legislated candidate quotas and 20% have reserved seats (Pande and Ford 2011:8).

The general argument of those supporting the introduction of quotas is a consequentialist one: their aim is to increase women's descriptive representation, this leads to an improved representation of women's interests and a reduction of gender discrimination in the long term (Franceschet and Piscopo 2008:394). Although we start from the assumption that there is a link between descriptive and substantive representation, the achievement of descriptive representation through gender quotas can have a number of implications that reflect on the substantive representation (Franceschet and Piscopo 2008:393). To see the effects related to substantive representation we can utilize two new concepts proposed by Franceschet and Piscopo (2008) in their research about the Argentine Congress: substantive representation as an outcome: "outcome-oriented" (where female legislators succeed in passing women's rights laws) and substantive representation as a process: "process oriented" (where women change the legislative agenda) (Franceschet and Piscopo 2008:397).

The main problem appears when gender quotas for women generate mandates in order to represent their rights and interests while at the same time reviving several negative stereotypes about women's capacity as politicians. Being elected under a quota system has perpetuated the idea that women are less independent and several stereotypes appear among their male colleagues (Franceschet and Piscopo 2008:401-402). Franceschet and Piscopo (2008) analyse the effect of introducing gender quotas bringing into attention the fact that women that end up in political positions due to gender quotas are subject to certain varieties of negative "labels" (Franceschet, Priscopo 2008:418). At the same time, the authors emphasize another important aspect: party leaders meet quota requirements by nominating women to whom they are related to

(wives for example)¹, the purpose being to further control the political process (Franceschet, Prisco 2008: 418).

Unfortunately, the quota mechanism can be easily manipulated so as to inhibit the growth of descriptive representation at the political level. The case of Spain is highly relevant in this regard. Despite the fact that in 2007 a proportional representation system was adopted, requiring a minimum of 40% for both sexes on candidate lists, women filled an average of 33% of the seats in parliament. This was caused by the fact that parties placed female candidates in less favorable positions and districts (Pande and Ford 2007:14).

Another issue is raised by the fact that women have multiple identities; not only do they have gender but also ethnicity, class, sexual orientation. We cannot debate on terms of universal issues of women without being accused of essentialism (Celis si Childs 2014:4). Although the gender quota mechanism is implemented in the spirit of equality, not all women will have real access to office, the women who do will be those proposed by party leaders in order to be manipulated or would be part of the elite.

The proposal of introducing gender quotas can be argued from an affirmative action perspective, under this temporary mechanism, equal opportunities of achieving political positions are ensured. From this perspective, it appears that women are part of a disadvantaged group. The justification for affirmative action is based on the assumption that members of a group were discriminated against in the past (Miroiu 2009:202-204). For its implementation it is essential to establish: the method of discrimination (Miroiu 2009:202). (in this case, just a restricted suffrage to men, the prohibition of women to hold political offices) and to identify the group - highlighting the specific features (Miroiu 2009:202). Establishing the second point may raise a number of issues: is it sufficient to regard only the gender component? As I previously mentioned, identity is formed using several factors, regardless of the biological sex, social classes, ethnicity etc. must be taken into account.

Third Section – The mechanism of selection by lot: an alternative to remove the negative effects of gender quotas

In the first two sections I discussed the implications of the random mechanism at the political level and the importance of the descriptive representation in terms of pursuing

¹ Argentina case study

the interests of women in the public sphere. Considering that this work constitutes an attempt to find a link between the feminist perspective and sortition, I chose to highlight the less positive effects of the introduction of gender quotas in order to argue that these obstacles can be removed by using the random process.

Thus, I formulated my thesis based on the idea that the political environment is rather corrupt and the citizen's real access to political office is difficult to achieve. But if this reality is reflected among men who do not belong to interests groups, the same reality is far more overwhelming for women which in such conditions have minimum opportunities to transcend into the political sphere.

The great advantage of political sortition is that it has the undeniable capacity of creating an assembly in which the descriptive representation is very close to an ideal-type, therefore creating a micro-cosmos in which all the significant features of a citizen's identity can be found (sex, age, social class, ethnicity) (Sintomer 2010:42). Although imposing gender quotas represents a beneficial change I consider that it is not a sufficiently satisfying solution. In "Critical mass theory" it is argued that a percentage of 30% within parliament is sufficient to enact a series of changes¹ (Franceschet and Piscopo 2008: 398). We must keep in mind that women currently represent more than half of the global population and resorting to such a low limit represents, nevertheless, a compromise. And this compromise has repercussions in several respects: firstly, a number so low can be more easily manipulated by man – politicians; as I mentioned previously, party leaders tend to nominate women who they can influence into the political process (Franceschet and Priscopo 2008). Secondly, gender quotas determine a discrimination within an already disadvantaged group (the targeting of the elites). The higher the number of representatives, the closest to reality the descriptive representation will be, comprised of women from all classes, not just the elite.

On the other hand, the introduction of gender quotas (candidate quotas) becomes useless in a political environment where electoral rules can easily impede their *de facto* access in office (Dahlerup 2002:6). In this particular respect, a random selection mechanism has obvious merits.

Another important aspect is linked to the psychological level, more specifically to women's aversion to compete that can limit their access towards an electoral

¹ A theory much debated - Sarah Childs and Mona Lena Krook, 'Should Feminists Give Up on Critical Mass? A Contingent Yes', *Politics & Gender*, 2: 4 (2006), pp. 522–30.

competition (Lawless and Fox, 2012). Selection by lot is able to remove these negative psychological effects: citizens will participate in the "lottery" without the fear of a biased environment. Even if they lose, it does not denote that they are weaker than other participants. The laboratory studies revealed that this perpetual aversion of losing against men, makes women less successful in a direct electoral competition (Pande and Ford 2011:7).

The Blind Break¹ and the sanitizing effect² (purification of misogyny)

In order to assess the extent to which the mechanism of selection by lot might be beneficial to circumvent any obstacle for women to reach leadership positions I will consider the three moments of the process distinguished by Kornhauser and Sager (2011):

The invocation moment. Decisions before the sortition involve clarification of certain aspects: pool size, who is eligible to take part in the selection (stratification criteria) and the decisions related to the result. The invocation moment can be one of the most important moments in forming a descriptive representation closer to reality. Thus, when the group size is determined, several proportionality criteria related to gender, age etc. are added. Yet the greatest advantage compared to gender quotas is that this mechanism does not solely regard the elite group of women, neither can it be maneuvered so that political positions are taken by easily manipulated women. According to the fairness argument, the random selection is desirable when there is no "bad reason" involved (Stone 2011:36-37). The first step is actually the more relevant because once the list is done, the process continues automatically (Kornhauser and Sager 2011:159).

The equiprobability moment (Kornhauser and Sager 2011:137) is addressed by Dowlean (2008) through the impact of what the author calls "the blind break"(11-30). The blind break is the center of the lottery in which any rational activity is deliberately excluded. Therefore, this moment is characterized as "a-rational" in order to distinguish it from rational or irrational processes (Dowlean 2008: 8 – 15). The sanitizing effect (meaning that the mechanism cannot be corrupted) is closely related to the space of irrationality. As a method of decision making, random selection is not affected by

¹ Dowlen 2008

² Stone 2011

rationality: it is useful as a tool every time it is important that the decision not to be influenced by a negative of reasoning (Stone 2011:36).

The vesting moment – “after which no intervening circumstance can change the outcome of the lottery” (Kornhauser and Sager, 2011:137)

Instead of a conclusion

This paper tries to analyze the extent in which a connection could be established between the mechanism of selection by lot - a mechanism which, while obsolete, is beginning to take shape within the field of theoretical political philosophy - and the feminist perspective on women's representation at the political level. Despite the fact that in the last 15 years a variety of works on the subject of political lottery have been published, up to this moment there has been no attempt to bind this theory with the feminist political theory; which is why I recognize the fact that this approach can have a variety of shortcomings. Despite this, based on the information that I previously discussed, it is my opinion that certain ideas can be formulated. In the following paragraphs I will emphasize the general potential benefits of political lottery, from a feminist perspective. I will consider six points also mentioned by the Stone, Delannoi and Dowlen (2013) that are often evoked by the supporters of sortition:

(1) **Descriptive representation.** The random selection can ensure that every feature present in the population will appear in the same proportions in the randomly selected body. Two rules need to be respected for this to be true: first of all, the body should be sufficiently large and secondly, additional selection criteria are required (Stone, Dowlen, Delannoi 2013:14) (Engelstad 2011:185). By comparison to the introduction of gender quotas, this mechanism has the capacity to provide descriptive representation of women at a superior level. The 30% limit that often is used will not exist and other criteria shall be taken into account in order to combat the discrimination within the group such as: socio-economic status, age, sexual orientation etc.

(2) **Prevention of corruption and/or political monopoly** - formal resources that are often needed to occupy various public offices become irrelevant in a random selection. Also sortition can avoid the formation of illegitimate coalitions or prevent potentially social conflicts (Stone, Dowlen, Delannoi 2013:15). Frequently, election campaigns have the effect of producing a totally unnecessary

polarization regarding the candidates' agenda. These social costs disappear when the choice is made through a neutral mechanism that is not likely to be influenced. Therefore we can say that one of its roles has prohibitive meaning: it excludes the external influences, notably corruption and the lobbying (Gohler 2010: 98). Considering the fact that there is a tendency of corrupting the gender quotas in the sense that party leaders either propose women-candidates that can be manipulated or rank them last on election lists, I believe that the random mechanism could exclude these effects par excellence.

(3) Control of political outliers¹: "Small groups with outlier preferences may be highly motivated to suborn the political process" (Stone, Dowlen, Delannoi 2013:16), while a good deliberation involves a large variety of viewpoints. A participatory mechanism based on random selection will be more productive because it will provide a variety of options (Sintomer 2010:48). As noted previously, the specific concerns of women cannot be represented successfully by men. We must accept the fact that there are some experiences specific to women only.

(4) Participation (Stone, Dowlen, Delannoi 2013:17) - Ensuring the opportunity for citizen participation in the political process is an important aspect of democracy. Although the primary purpose of gender quotas is to remedy this shortcoming, in reality, there are several elements that stand in the way of achieving this ideal².

(5) Distributive justice (Stone, Dowlen, Delannoi 2013:16) - The distributional effects of sortition may also influence the social integration; the citizens' support for political institutions will increase as there is a possibility that they may be chosen to be a part of these institutions (Gohler 2010: 99). In connection with this point, I must reiterate that women are more interested in the political sphere when they are represented by women.

(6) Psychological benefits (Stone, Dowlen, Delannoi 2013:18) - the existence of a random selection process would eliminate the women's fear of competition and biased political sphere and it will also contribute to removing

¹ Stone, Delannoi and Dowlen 2013:16

² See Shvedova 1997

negative labels. Women will, therefore, be elected into office not just because men are enforced to accept them in the political sphere. As a result of sortition, no person is advantaged, and every person has an equal chance of occupying public office.

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