The Promise and Peril of Single-Issue Legislatures[1]

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ABSTRACT

Here is a familiar story about electoral democracy. Modern policymaking is incredibly complicated. Voters are rationally ignorant. This ignorance has many potential bad consequences. If elected officials are closely responsive to the ignorant voters, they will make bad decisions, resulting in bad outcomes. More plausibly, this ignorance will simply serve to insulate elected officials from voter scrutiny, making them easy targets for capture and manipulation—which will also lead to bad outcomes.

There are different responses to this cluster of concerns. One response is to restrict who participates in elections or to distribute electoral power on the basis of education, so as to improve the epistemic quality of the decision-making. A second response is to restrict the scale of government, so that ordinary people will be comparatively better informed about what the problems are, what might constitute solutions, and whether those solutions are being implemented.

This article briefly discusses these options, but it focuses on a completely neglected alternative: the use of single-issue legislative bodies, as opposed to generalist legislatures that cover a wide range of policy issues. The article considers how existing political structures—particularly administrative agencies and legislative subcommittees—already introduce single-issue elements and considers why extant legislatures have been generalist legislatures. The article then offers moral, epistemic, and anti-capture reasons for thinking that single-issue bodies would be comparatively normatively attractive and introduces several possible forms that single-issue legislatures might take. Some of the potential advantages include that they allow more time to be spent on particular issues, they shift focus from discussion of elected individuals to discussion of issues, they prevent issues from receding into the background (and thus prevent policy that is made largely in shadows), they allow people to focus on the issues that matter most to them, they help make efforts to achieve capture more transparent, they block cynical attempts to prevent action through fostering dissent and disagreement on unrelated issues, and they allow the legislature to develop expertise. The article concludes by discussing several concerns about single-issue legislatures: diachronic and synchronic policy coherence, budgeting and funding, the impediment to log-rolling and other cross-area legislative bargaining, and the impossibility of appropriate taxonomic division. These are worries, but I argue that we should take single-issue legislative bodies seriously as a way of expanding our institutional design options and that concerns about them plausibly have institutional design solutions.

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Here is a familiar story about electoral democracy. Modern policymaking is incredibly complicated. Addressing the problems of our world through political institutions is very difficult. Voters are rationally ignorant with respect to problems, solutions, what their representatives say they will do, what their representatives are doing, and whether what their representatives are doing is a good thing for them, their political community, or the world. This ignorance has many potential bad consequences. If elected officials are closely responsive to the ignorant voters, they will make bad decisions, resulting in bad outcomes. More plausibly, under many empirical conditions, this ignorance will simply serve to insulate elected officials from voter scrutiny, making them easy targets for capture and manipulation—which will also lead to bad outcomes.

There are different responses to this cluster of concerns. One response is to restrict who participates in elections or to distribute electoral power on the basis of education, so as to improve the epistemic quality of the decisionmaking. A second response is to restrict the scale of government, so that ordinary people will be comparatively better informed about what the problems are, what might constitute solutions, and whether those solutions are being implemented. I will briefly discuss these options, but I want to focus on what I believe to be a completely neglected alternative: single-issue (or area-specific or topical) legislative bodies, as opposed to generalist legislatures that cover a wide range of policy issues.

I begin by considering how existing political structures—particularly administrative agencies and legislative subcommittees—already introduce single-issue elements and area-specific decisionmaking, even within generalist legislative contexts. I then consider moral, epistemic, and anti-capture reasons for thinking that single-issue bodies would be comparatively normatively attractive. Some of the potential advantages include that they allow more time to be spent on particular issues, they shift focus from discussion of elected individuals to discussion of issues, they prevent issues from receding into the background (and thus prevent policy that is made largely in shadows), they allow people to focus on the issues that matter most to them, they help make efforts to achieve capture more transparent, they block cynical attempts to prevent action through fostering dissent and disagreement on unrelated issues, and they allow the legislature to develop expertise.

I then consider the question: why are extant legislatures generalist legislatures? Given the concerns raised above about voter competence, we might think that a central reason is that the burden on voters would rise dramatically if, instead of electing *one* representative, they have to elect—say—*thirty* representatives. This would seem to just intensify the epistemic burden and the resulting epistemic disaster. We see this already with "down-ballot" elections for offices like school board officials, judges, and sheriffs. I argue that there are electoral and lottocratic variants of single-issue legislative systems that would help to avoid this concern. I consider different forms they might take and advantages they might have over generalist legislatures. I then discuss several concerns about single-issue legislatures: diachronic and synchronic policy coherence, budgeting and funding, the impediment to log-rolling and other cross-area legislative bargaining, and the impossibility of appropriate taxonomic division. I concede that there are serious worries, but argue that we should take single-issue legislative bodies seriously as a way of expanding our institutional design options, and that concerns about them plausibly have institutional design solutions. I also suggest that single-issue, lottery-selected legislative bodies might help us reconceptualize and revitalize the role of citizens, the nature of political participation, the functionalist nature of political institutions, and the heart of democratic government.

I. THE IGNORANCE AND COMPLEXITY PROBLEM[2]

In other work,[3] I defend a functionalist conception of political and legal institutions, according to which political and legal institutions are tools that can help us address a wide range of problems that arise when creatures like us live in proximity to each other. More specifically, these institutions can help us achieve a wide range of aims and objectives that have significant moral value: living together in peace and safety, working together fairly and productively, protecting and delineating individual rights, promoting individual and communal welfare, supporting the development and protection of individual autonomy, achieving distributive and what I call "action-matching" justice, and promoting and sustaining conditions of social equality. I argue that these are all appropriate dimensions along which to evaluate political institutions, and I will here try to remain ecumenical about their relative importance.

Importantly, political institutions are not the only such tools that can help accomplish these morally valuable objectives, nor will they invariably succeed in helping us in this regard; different kinds of political institutions will be better or worse at filling this functional role. Perhaps most importantly, the success of any particular political institution in any particular sociohistorical context will depend on social, economic, and historical factors distinct from facts about the details of the institutional arrangements (although of course those arrangements can affect these factors).

One of these background factors in many modern political communities is the sheer size and complexity of the political communities and the corresponding size and complexity of their problems, along with (unsurprisingly) high levels of citizen ignorance about the details of those problems and potential solutions. Given democratic commitments, this ignorance imperils the functionality of our political institutions, setting us a deep problem—or so I will argue.

One consistent theme of political science research over the past fifty years is the significant extent of the ignorance of citizens in modern democracies, particularly in the United States, across almost every politically relevant domain. Ilya Somin notes that "[t]he sheer depth of most individual voters' ignorance is shocking to many observers not familiar with the research."[4] Larry Bartels says, "The political ignorance of the American voter is one the best-documented features of contemporary politics."[5] John Ferejohn writes that "[n]othing strikes the student of public opinion and democracy more forcefully than the paucity of information most people possess about politics." He continues, "Decades of behavioral research have shown that most people know little about their elected officeholders, less about their opponents, and virtually nothing about the public issues that occupy officials from Washington to city hall."[6]

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[2] This section draws on previous work, including Alexander A. Guerrero, *Against Elections: The Lottocratic Alternative*, 42 PHIL. & PUB. AFF. 135 (2014) [hereinafter, Guerrero, *Against Elections*]; Alexander Guerrero, *Defense and Ignorance: War, Secrecy, and the Possibility of Popular Sovereignty*, *in* SOVEREIGNTY AND THE NEW EXECUTIVE AUTHORITY (Claire Finkelstein & Michael Skerker eds., 2018).

[3] Alexander A. Guerrero, *Political Functionalism and the Importance of Social Facts*, *in* POLITICAL UTOPIAS (Kevin Vallier & Michael Weber eds., 2017)

[4] ILYA SOMIN, DEMOCRACY AND POLITICAL IGNORANCE 17 (2013).

[5] Larry Bartels, *Uninformed Votes: Information Effects in Presidential Elections*, 40 AM. J. OF POL. SCI. 194 (1996).

[6] John Ferejohn, *Information and the Electoral Process*, *in* INFORMATION AND DEMOCRATIC PROCESSES 3 (John Ferejohn & James Kuklinski eds., 1990).

This ignorance is both well-documented and unsurprising. As many have noted, it is not rational for individual voters to expend time and energy in becoming well informed about politics, given how unlikely it is that any one of their votes will be decisive.[7] Furthermore, modern policymaking is incredibly technical and complex. We do not know even basic facts about the problems or possible solutions. But even if we did, this wouldn't be the end of our difficulty. We would still need to have informed views about what ought to be done and which solutions should be pursued. Rarely will the recommended course of action be simple. Often it will be incredibly complicated, attempting to regulate the action of many diverse kinds of actors and entities. Is this policy proposal a good idea? Will this be good for me, for our country, for the world? Is this the right thing to do? This complexity should also limit our optimism regarding mass education as a possible response to the problem of voter ignorance, something I will discuss more below.

Here is an initial dilemma, with a challenge to the epistemic quality of electoral representative institutions on either horn: either (a) the elected representative institutions are tightly responsive to the (very ignorant) views of the citizens or (b) they are not.

If (a), then mass ignorance is guiding our political institutions in a way that is straightforwardly troubling, epistemically speaking, and otherwise. This is a familiar story, one of the original fears regarding electoral democracy and expansion of the franchise. Even if citizens might have the mental capability to gather evidence effectively, think intelligently about policy questions, and monitor their representatives (and some who mount this critique might also be skeptical of this), they don't have the time or the inclination to do this. They vote, instead, based on misinformation, simplified versions of the policy problems, and epistemically irrelevant considerations (like the appearance, height, or names of the candidates for office). If this is our situation—and the above evidence suggests that it might be—then the epistemic peril is obvious. The familiar phrase from the world of computer programming—garbage in, garbage out—would be an apt description of our situation.

Ultimately, it is an empirical question of whether elected representatives do hew closely to what their constituents believe and prefer. The evidence is mixed, but it suggests that they pay attention to some of their constituents and to some issues more than others.[8] The route to trouble is short and straightforward if the garbage in, garbage out story is correct. Perhaps it is not.

That brings us to the second horn of the dilemma: the possibility that elected representatives do not hew closely to what ordinary citizens believe or prefer in deciding what to believe or do. For those who favor representative democracy over direct democracy, one of the central motivations for doing so is the expected improvement in epistemic quality—something

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[7] For discussion and critical argument, see Alexander A. Guerrero, *The Paradox of Voting and the Ethics of Political Representation*, 38 PHIL. & PUB. AFF. 272 (2010).

[8] Martin Gilens has demonstrated that US policy is mostly responsive to the preferences of only the highest income Americans, if there is a conflict between those preferences and the preferences of the working- and middle-classes. *See* MARTIN GILENS, AFFLUENCE AND INFLUENCE: ECONOMIC INEQUALITY AND POLITICAL POWER IN AMERICA (2012). In WINNER-TAKE-ALL POLITICS: HOW WASHINGTON MADE THE RICH RICHER—AND TURNED ITS BACK ON THE MIDDLE CLASS (2011), Jacob Hacker and Paul Pierson argue that a significant source of the increase in income inequality over the last 30 years in the United States is the capture of American politics by the economic elite. Colin Crouch makes a similar case with respect to UK politics in POST-DEMOCRACY (2004). Lawrence Jacobs and Robert Shapiro argue that there was a decrease in political responsiveness over the last several decades of the Twentieth Century—the result of, among other things, an increase in the incumbency advantage (due in large part to an increase in the cost of running for office), and the proliferation of powerful, elite interest groups. *See* LAWRENCE JACOBS & ROBERT SHAPIRO, POLITICIANS DON'T PANDER: POLITICAL MANIPULATION AND THE LOSS OF DEMOCRATIC RESPONSIVENESS (2000).

one only achieves if elected representatives do not just defer to the beliefs and preferences of the ignorant masses. Some worry about this from a perspective of democratic control or concerns about elite domination. Those might be significant concerns. What I want to stress in this section is that other kinds of peril lie this way, too. Widespread voter ignorance results in a breakdown of the mechanism of electoral accountability—and we shouldn't welcome this, even on epistemic grounds. Why not? Because breakdown of the mechanism of electoral accountability results in political capture. Not only is political capture bad for reasons of elite domination; it is also a route to epistemic disaster and policymaking that is unlikely to help achieve the aims and objectives of significant moral value discussed earlier. These aims include living together in peace and safety, working together fairly and productively, protecting and delineating individual rights, promoting individual and communal welfare, supporting the development and protection of individual autonomy, achieving distributive justice and what I call "action-matching" justice, and promoting and sustaining conditions of social equality.

The argument in this section goes against the standard justifications for systems of electoral representative government, at least in terms of their advantages over direct democracy. Elected representatives embody a kind of compromise: allowing for the 'refining and enlarging' of constituent views and preferences, while having political institutions that are not completely untethered from what is in the interests of the citizens who are represented. In this vein, there are many reasons to think that systems of electoral representation will do relatively well by the lights of epistemic considerations. Representatives are, at least in principle, able to be largely devoted to the task of making law and policy. They have time to research the issues, consult experts and constituents, deliberate, and engage in discussion. They will often have a well-informed staff of people helping them so that they may develop a more informed opinion about what needs to be done, which problems should be prioritized, where there might need to be trade-offs, and so on. Representatives are in a position to make holistic decisions: thinking about the big picture, balancing competing interests and considerations, keeping an eye on budgetary limitations, and making judgments about urgency. And through the mechanism of electoral accountability, systems of elected representatives continue to require political officials to pay attention to the interests, beliefs, and preferences of those people on whose behalf they are supposed to be governing.

The problem is that for electoral representative systems of government these epistemic and agential virtues are only going to be present if there is what I call *meaningful* accountability. Responsiveness is tied to accountability—we expect electoral democratic systems of government to do relatively well by responsiveness because those systems have the particular mechanisms of accountability that they do. But responsiveness is tied only to meaningful accountability. Meaningful accountability is distinct from accountability simpliciter in that the former, but not the latter, is connected to *informed monitoring* and *evaluation* practices. Furthermore, without meaningful accountability, we should expect to see high levels of political capture. Let me fill in this story a bit more.[9]

Accountability through elections requires free, regular, competitive, and fair elections. Candidate A runs in opposition to some Candidate B, who runs on a platform that is at least somewhat different from A's. If A's platform is more popular, she will likely win the election. After being elected, she will have many decisions to make. These decisions will be monitored and evaluated by her constituents, perhaps aided in this by news media of various kinds, and the candidate will be held accountable for decisions made while in office when she next comes up

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[9] The argument in this section draws substantially on Guerrero, *Against Elections*, *supra* note 2.

for re-election. If elections are not free, regular, competitive, and fair, these mechanisms of accountability will fail. Without elections of this sort, Representative A might do whatever she likes once in office without fear of electoral punishment. She would be free to act in ways that are contrary to the preferences and beliefs of her constituents. And she would be free to do whatever might be most personally beneficial to her or beneficial to the causes she cares about.

Even in well-established electoral democracies, there are familiar concerns about electoral systems on the grounds that they are not adequately free, competitive, or fair. But even if these concerns were addressed, serious problems would still arise.

Meaningful accountability requires not just the ability to "vote them out," but also the ability to do this based on good information and actual evidence that bears on the quality of representation. This requires *informed* monitoring and evaluation. Ignorance can thwart effective monitoring of representatives, particularly (1) ignorance about what one's representative is doing ("conduct ignorance") and (2) ignorance about a particular political issue ("issue ignorance"). Of course, ignorance admits of degrees: one might know something about what one's representative is doing while remaining mostly ignorant. And one can know something about, say, global warming (or whatever) while remaining largely ignorant of the details of those issues and the policy alternatives relevant to dealing with them. In addition to conduct ignorance and issue ignorance, there is a related, third kind of ignorance that also poses a threat to accountability. Even if one knows what one's representative is doing with some issue, one may have no idea whether what one's representative doing is a good thing in general or whether what she is doing will be good for oneself. We can call these two kinds of ignorance "broad evaluative ignorance" and "narrow evaluative ignorance," respectively.

Conduct ignorance, issue ignorance, broad evaluative ignorance, and narrow evaluative ignorance all can defeat accountability: each type of ignorance can undermine the ability of ordinary citizens to engage in meaningful *monitoring* and *evaluation* of the decisions of their representatives. Quite simply, if I don't know what you've done, I can't hold you accountable for it. If I don't know anything about the issues or how to evaluate what you have done, I can't hold you accountable for voting yes, rather than no.

The basic concern is that elected political positions for which the elected officials are not meaningfully accountable to their constituents will be used to advance the interests of the socioeconomically powerful. Let us refer to this phenomenon as *capture*: an elected official is captured if he or she uses his or her position to advance the interests of the powerful rather than to create policy that is responsive or good (when doing so would conflict with the interests of the powerful). The suggestion is that in the absence of meaningful accountability, we should expect high levels of political capture.

Political capture is bad from an epistemic and agential vantage point. The agential side is clear enough and a familiar source of concern and disapproval: whatever elected officials *believe* about issues and policy options, they will be inclined to *act* to benefit the powerful interests who can keep them in power. On this view of capture, it is entirely possible that the politically powerful know exactly what they are doing, who it will harm, who it will benefit, and they are going ahead and acting anyway. Doubtlessly this does describe some captured elected officials.

But a different worry—and one that is perhaps more pernicious and more difficult to detect and address—is that captured elected representatives really do come to believe that the best policies are X, Y, and Z—where X, Y, and Z also are the ones preferred by the elite and the powerful. One route to this result is through motivated reasoning of a kind that everyone is subject to—we are very good at rationalizing and justifying the actions we take. But another

route to this result, one that is not incompatible with the first, is through systematic epistemic distortion that results from capture.

Focusing just on the epistemic side of things, captured representatives and institutions will typically have a perverse set of priorities which lead those representatives and institutions to fail to obtain or to generate relevant evidence. This can also lead captured officials and institutions to seek out testimony only from certain groups of people; to engage in distorted and only selective reliance on and attention to experts; to receive and disseminate misinformation if doing so is to the advantage of the capturing entities (as it often is); to discount or ignore relevant bodies of evidence and knowledge; to ignore evidence and knowledge when acting if doing so better suits the interests of the capturing entities; and to act with an unduly limited focus on the issues and problems that are most significant to the capturing entities, rather than to the broader political community. There will be powerful incentives to ignore or not seek out relevant evidence and sources of possibly relevant evidence, to generate and disseminate misinformation that serves the interests of the capturing entities, to consult and invoke expertise only asymmetrically (when doing so serves the interests of the capturing entities) and to otherwise ignore or undermine expert knowledge and to act to advance the interests of the powerful, even in those cases in which relevant evidence inclines toward other decisions. We should expect that technocratic and purportedly epistemically-useful institutions within the broader system—legislative hearings with expert testimony, legislatively-created administrative agencies or task forces—will also be effectively captured and turned into engines of ignorance as a result. Rather than improving the epistemic functioning of these institutions, they will mostly serve the ends of justifying the policies and decisions favored by the capturing entities, providing a veneer of epistemic respectability or inevitability to the decisions being made.

The basic argument on this horn of the dilemma is simple. Voter ignorance undermines meaningful electoral accountability. An absence of meaningful electoral accountability results in capture. And capture results in generally—although not uniformly—bad policy and policy that doesn't further the appropriate aims of political institutions.

Of course, this argument might be contested. The hope, however, is that the argument articulates a familiar set of concerns about electoral representative systems. These concerns are brought to the fore when one thinks about how little one knows about most of what one's elected officials do—what they spend their time investigating, who they spend their time listening to, who drafts the legislation they end up supporting, who has their ear. Or when one thinks about how complex some issues are, how much of what one believes about those issues is a result of information provided by a few powerful media institutions, how much money powerful interests have at stake, and how hard it is to create rules to adequately monitor the influence of these powerful interests and the way in which their actions and the practices of elected representatives might be distorting the epistemic environment.

II. Solutions to the Ignorance and Complexity Problem

There are a number of different solutions to the ignorance and complexity problem, a problem I see as the core problem of democracy today. Advocates of these different solutions sometimes differ in whether they see elected representative institutions as tightly responsive to the ignorant masses or not, offering various recommendations accordingly. The three main families of response that I will consider are as follows:

(1) <u>limit and select for quality</u>: improve the epistemic quality of participation by reducing and selecting those who can participate

(2) <u>general improvement</u>: through broad, general education or model-based simulation, improve the quality of effective political participation

(3) <u>reduce the epistemic burden</u>: allow broad participation, but reduce the scope of what individuals are epistemically responsible for knowing, reducing the epistemic burden so as to make it possible for individuals to do better

A. Limiting and Selecting

This first family of responses—limiting participation and selecting for epistemic quality—moves in the direction of taking political power away from those who are ignorant. These responses usually focus on taking political power away from voters, but also in some cases using selection procedures for political officials that would better ensure the competence of those officials. This family of responses includes different recommendations for what have come to be called technocratic, meritocratic, or epistocratic political systems.[10] One familiar example is that of plural voting or restricted suffrage epistocracy, in which political power through voting power is apportioned based on knowledge or expertise. Plural voting schemes give everyone a vote but give the relatively epistemically better off (somehow defined and determined) more votes. Restricted suffrage schemes limit who can vote on the basis of knowledge or education, usually assessed through some relatively general test. Meritocratic or technocratic systems either get rid of elections entirely or limit their use, instead using various examinations and grades in professional training programs to determine who should occupy various political offices.

Whatever other merits they might have, these systems run directly into concerns about political equality, the effects of background social inequality, and other concerns that such systems are "undemocratic" (a complaint that admits of many different specifications). Beyond these concerns, I worry that such systems might fail to do enough to remove the effects of voter ignorance or that they will run into epistemic (and thus outcome-focused) problems stemming from either capture or elite selection effects. I do not want to try to settle these issues here, however.

B. General Improvement of Citizen-based Input

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[10] For relevant discussion, see JOHN STUART MILL, CONSIDERATIONS ON REPRESENTATIVE GOVERNMENT (1861); D.E. Miller, *The Place of Plural Voting in Mill's Conception of Representative Government*, 77 REV. OF POL. 399 (2015); Thomas Mulligan, *Plural Voting for the Twenty-First Century*, 68 THE PHILOSOPHICAL QUARTERLY 268 (2018); Trevor Latimer, *Plural voting and political equality: A thought experiment in democratic theory*, 17 EUR. J. OF POL. THEORY 65 (2018); JASON BRENNAN, AGAINST DEMOCRACY (2016); DANIEL A. BELL, THE CHINA MODEL: POLITICAL MERITOCRACY AND THE LIMITS OF DEMOCRACY (2015). There is also a host of empirical work raising questions about the competence of elected officials, such as L. Sheffer & P.J. Loewen, *Electoral Confidence, Overconfidence, and Risky Behavior: Evidence from a Study with Elected Politicians*, 41 POL. BEHAV. 31 (2019); L. Sheffer et al., *Non-representative Representatives: An Experimental Study of the Decision-Making of Elected Politicians*, 112 AM. POL. SCI. REV. 302 (2017); Dana Griffin, *Citizens, Representatives, and the Myth of the Decision-Making Divide*, 35 POL. BEHAV. 261 (2013).

The second family of responses aims to remain broadly inclusive but to improve the epistemic quality of the input provided by voters. One familiar way in which this might be done is to work to improve education, voter knowledge, and voter access to information. This tradition is perhaps most commonly associated with the work of John Dewey and his focus on the importance of public education for democracy, but it also gets particularly vivid expression in the work of his contemporary, Marie Collins Swabey. In "Publicity and Measurement," Collins Swabey writes that "if democracy is not to be abandoned, some attempt must be made to devise ways in which what is of genuine public concern may be made to concern the public."[11] She is aware of the difficulty of getting voters interested in all that they would need to know, and the lack of their incentives in that regard, but suggests that "issues may be made to appeal directly to reflective consciousness by utilizing man's intellectual interests in art and science."[12] As she sees it, "the great problem . . . remains a problem primarily of simplification: how to pose complicated issues in an uncomplicated way so as to gain popular notice."[13] To this end, she advocates for the creation of a "great national bureau of publicity" that would use statistical analyses and "the skillful use of charts, graphs, and pictures" to communicate "what is known about the people to the people themselves."[14] And of course there are such real-world efforts: PBS, the BBC, and CSPAN—with varying ambitions and degrees of effectiveness. There are also proposals for various kinds of media reform, including regulation of social media entities such as Facebook and Twitter, all of which aim to improve the political and politically relevant information that we get through print, television, and social media sources. These aim to improve the information we have when making political decisions. In this vein, Regina Rini, for example, has argued for using Reputation Scores when individuals share stories and news articles on social media, to make it possible for people to gauge the likely quality of the information being shared.[15] And there are various entities that "fact check" assertions of politicians[16] and others who argue for tighter regulations concerning false or misleading political speech.

There are, of course, significant worries about the State being involved in creating the information outlets (as in the case of PBS and the BBC), or in regulating media entities, given concerns about political officials manipulating these outlets and regulations to insulate them from criticism, ensure support for them and their ideas, and so on. And there are worries, from a different direction, about the ability of the market to supply high-quality information outlets, given that such outlets might well be less interesting and entertaining, and thus unlikely to do well in a competitive media market.[17]

Rather than general, systematic attempts to improve education or the broad media and information environment, there are several proposals that attempt to employ various patchwork kinds of solutions. One such idea is that of a single day of national deliberation and political

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[11] Marie Collins Swabey, *Publicity and Measurement*, 41 INT'L J. OF ETHICS 96, 103 (1930).

[12] *Id.*

[13] *Id.* at 104.

[14] *Id.* at 110-11.

[15] Regina Rini, *Fake News and Partisan Epistemology*, 27 KENNEDY INST. OF ETHICS J. 43 (2017).

[16] Both FactCheck.org (www.factcheck.org) and the Pulitzer-prize winning PolitiFact (www.politifact.com) are particularly successful entities in this regard.

[17] For an early statement of this concern, see NEIL POSTMAN, AMUSING OURSELVES TO DEATH: PUBLIC DISCOURSE IN THE AGE OF SHOW BUSINESS (1985). He argues that the rise of television and market pressures for news and education to be entertaining have led to a decline in the general level of ability to engage with complex views, texts, and arguments.

engagement before national elections, such as the option recommended by Bruce Ackerman and James Fishkin.[18] A similar, more extended idea motivates James Fishkin's distinct advocacy for the "deliberative polling" of a random sample of the electorate. Those randomly chosen would be immersed in "the issues, with carefully balanced briefing materials, with intensive discussions in small groups, and with the chance to question competing experts and politicians." They would then be polled, and the results of this poll (and how it differs from the polling before the learning and deliberation) would be broadcast and communicated to the general electorate, prior to political primaries or elections. As Fishkin puts it, a deliberative poll is not meant to describe or predict public opinion; rather, "it has a recommending force: these are the conclusions people would come to, were they better informed on the issues and had the opportunity and motivation to examine those issues seriously."[19] The hope is that letting all voters know about the results of these polls would influence some of their views to be more in line with what they would be were the voter to go through this same experience of immersion, education, and discussion.

There are other possibilities that use similar 'shortcut' methods to improve epistemic input on the part of ordinary citizens. One interesting example is enlightened preference epistocracy (or "government by simulated oracle," in Jason Brennan's phrase), which draws on the work of Scott Althaus[20] and is developed in a systemic direction by Kristoffer Ahlstrom-Vij and Jason Brennan, among others. This kind of system works with ordinary citizens and their values but tries to estimate or simulate what those ordinary citizens would prefer if they were fully informed, based on surveys, demographic information, their performance on structured exams, and what is known about what "similar" people prefer if they are dissimilar only (or primarily) in their levels of knowledge. This kind of system might avoid worries about equality or inclusivity but runs into concerns about the precise structure of the simulation process, as well as concerns about acceptance and stability of the results of the simulation.

These last few ideas do not attempt to improve the actual epistemic situation of most citizens in any detailed or comprehensive way. That strikes me as sensible, at least under modern political conditions. The sheer amount of information and complexity that an individual would have to master about both policy and what political officials are doing is beyond what it is reasonable to expect from individuals, particularly given their current incentives. I am pessimistic that more general attempts at education, improving the media environment, regulating social media, and so on, will do enough to restore anything like meaningful electoral accountability, nor will it do enough to help improve the ordinary knowledge about politics, policy problems, and solutions. It is plausible that all of these ideas might help a bit on the margins and so might be worth pursuing, but I worry that they will not be enough to make a significant difference, either to prevent ignorance resulting in capture or to prevent ignorance from infecting policy judgments in other troubling ways. In short, these approaches might do better by lights of norms of political morality like political equality, inclusion, non-domination, and responsiveness, but I am skeptical that they will do much to address the core worries detailed above. Again, I do not take what I say here to be decisive, but it is worth continuing to look for other ideas and solutions.

C. Reducing the Epistemic Burden

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[18] BRUCE ACKERMAN & JAMES FISHKIN, DELIBERATION DAY (2005).
[19] JAMES FISHKIN, THE VOICE OF THE PEOPLE: PUBLIC OPINION AND DEMOCRACY 162 (1995).
[20] *See* SCOTT ALTHAUS, COLLECTIVE PREFERENCES IN DEMOCRATIC POLITICS: OPINION SURVEYS AND THE WILL OF THE PEOPLE (2003)

The ignorance and complexity problem articulated above does not stem from the fundamental incapability of citizens, except insofar as those citizens are time-bound and non-omniscient. Instead, it stems from a basic mismatch between (a) "epistemic demand" (what citizens need to know to ensure that good policy is being made) and (b) "epistemic supply" (how much time, access, and incentive citizens have to learn what they would need to know). Many of the above solutions are best understood as supply-side interventions. But we should also consider demand-side interventions: responses designed to reduce the epistemic burden on ordinary citizens.

Consider the possible use of epistemic shortcuts, heuristics, and signals—things that ordinary citizens might be able to learn about and pay attention to without needing to know all that much about the details of policy options, the nature of political problems, or what one's political officials are up to in any detail. Some have suggested that even if people are ignorant of much, that seems relevant in terms of policy detail and basic facts of politics, they can still make epistemically responsible decisions by using proxies, signals, and heuristics of various kinds to overcome their ignorance. One common idea—the theory of "retrospective voting"—is that voters can simply attend to whether things are getting better or worse for them or for those things they care about. If things are getting better, they can re-elect the incumbents, but if they are getting worse, they can vote the incumbents out. Importantly, according to this theory, citizens do not need to attend to the details of policy or political problems. A serious problem, however—detailed at length by Achen and Bartels, among others, and backed by empirical evidence—is that things go awry quickly when voters do not actually know what is causing things to go better or worse in detail. Voters will sometimes punish or reward incumbents for things that have nothing at all to do with their actual performance.[21]

Other strategies amount to a kind of deference to the monitoring and evaluation done by some other individual or group. For example, membership in a political party, endorsements from activist organizations or media institutions, and contributions and public endorsements from particular individuals all might seem to help individuals make decisions that are well supported by the evidence, even though they don't personally possess all the relevant evidence. But there are also problems with strategies of this sort. First, the proxies may either be too coarse-grained to help for particular issues or too fine-grained to save individuals any effort. Second, it can be difficult and time-consuming to determine which proxies are credible, particularly if one wants to find reliable but specific proxies for many different issues. This can take almost as much effort and be as challenging as doing the research oneself. Finally, for some issues, there may not be good proxies or signals. There may be issues that are low-profile or do not attract well-funded individuals or groups to do the necessary investigative work, and there may be issues for which powerful interests have a lot at stake and do everything they can to shape the available information and to obscure the nature of their interests and efforts. Again, more needs to be said, but there are significant worries about this route to addressing the ignorance and complexity problem.[22]

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[21] CHRISTOPHER ACHEN & LARRY BARTELS, DEMOCRACY FOR REALISTS: WHY ELECTIONS DO NOT PRODUCE RESPONSIVE GOVERNMENT 90-145 (2016).

[22] For general discussion of these shortcut and heuristic strategies, see, e.g., INFORMATION AND DEMOCRATIC PROCESSES (John Ferejohn & James Kuklinski, eds., 1990). Much of the work in this vein involves theoretical arguments based on formal models that assume, among other things, that the signals are significantly or even perfectly credible. *See, e.g.*, Randall Calvert, *The Value of Biased Information: A Rational Choice Model of Political Advice*,

A very different way of reducing the epistemic burden on individuals is to change the scope and complexity of political institutions. This might be done by changing the size of the jurisdiction—reducing the size of the political community and the size of the largest unit of government that has political power and is responsive to or shaped by citizen input.

Consider the mythical New England town hall meeting, at which all members of the political community would come together to decide what ought to be done. The imagined scope of political power is local, relatively small, and close to the lives of ordinary citizens. As a result, the issues and problems and policy options are ones that ordinary citizens can understand and comprehend, and which their ordinary life experiences prepare them to address. In addition to arriving with a better understanding of the issues, relevant facts, and potential solutions, citizens also have more obvious and immediate interest in engaging, as the scope of government makes it more probable that their input and ideas will make a difference to what happens, and what happens is of clear and immediate importance to their lives. Of course, this is all something of a just-so-story, and things might not work out quite this well in practice. Still, the basic idea should be clear, and it is one way of addressing the ignorance and complexity problem, at least under certain sociopolitical conditions. This line is at the heart of recent work by Ilya Somin and others, who recommend more decentralized, local government power, in part as a response to the problem of voter ignorance.[23]

Although there is much promise in this direction, there are also significant concerns, due to the nature of political problems we confront in the modern world. One concern is that very small political communities would lose out on efficiencies due to economy of scale in the production of goods such as education, health care, national defense, and much else. A bigger concern, perhaps, is that many of the modern world's political problems are ones that require large-scale, organized responses: climate change and environmental protection, terrorism and rogue militarism, food production and water supply, global pandemics and disease control, drug trafficking, immigration and protection of refugees, international trade and corporate taxation and regulation. While these and many other problems are hard to address as it is, they might become much more difficult with thousands and thousands of micro-scale political entities trying to work together to address them. Additionally, we may all be too interconnected through technology and transportation for this to be a promising idea.

We should be careful not to overstate what we know about these worries, and how they compare to our current situation. Although overcoming collective action and coordination problems is certainly more difficult as the number of parties increases, other things being equal, there might be ways of organizing and aligning on particular issues that could help address these

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47 J. OF POL. 530 (1985); Bernard Grofman and Barbara Norrander, *Efficient Use of Reference Group Cues in a Single Dimension*, 64 PUB. CHOICE 213, 213-17 (1990); and Arthur Lupia, *Busy Voters, Agenda Control, and the Power of Information*, 86 AM. POL. SCI. REV. 390 (1992). Lupia later notes the limitations of this model-based work: "these arguments are of limited helpfulness when we attempt to understand voter decision making in circumstances where information providers are not perfectly credible and may, in fact, have an incentive to mislead voters." Arthur Lupia, *Shortcuts Versus Encyclopedias: Information and Voting Behavior in California Insurance Reform Elections*, 88 AM. POL. SCI. REV. 63 (1994). Other work is also pessimistic about what can be accomplished by way of heuristics and signals. *See* James Kuklinski and Paul Quirk, *Reconsidering the Rational Public: Cognition, Heuristics, and Mass Opinion, in* ELEMENTS OF REASON: COGNITION, CHOICE, AND THE BOUNDS OF RATIONALITY (Arthur Lupia, Matthew McCubbins, Samuel Popkin eds., 2000).

[23] *See* ILYA SOMIN, DEMOCRACY AND POLITICAL IGNORANCE: WHY SMALLER GOVERNMENT IS SMARTER 17-37 (2013)

concerns, perhaps through structures of very limited federalism. And compared to a situation with a few supersize States with outsize influence and generally uncooperative attitudes, the thousands of micro-scale political communities seem to have their own advantages.

Still, even if these worries of collective action and effective joint agency were addressed, there would remain the epistemic problem: if the problems are large and complex and extend far beyond our small jurisdictions, going smaller has not resulted in reducing the epistemic demand on ordinary citizens in any significant way. Ultimately, although there is something attractive about a return to a world of much smaller political communities—for epistemic demand reasons and for others—it might be impossible to move back to that world, at least short of some near-apocalyptic scenario. And leaving questions of practicality aside, the concern about the mismatch between epistemic supply and epistemic demand remains—at least for those many problems that concern large-scale issues and conflicts.

In the next section, I want to introduce a different response to the ignorance and complexity problem: the move from generalist legislatures employing generalist representatives, to single-issue legislatures employing issue-focused representatives, as a solution to the ignorance and complexity problem.

III. SINGLE-ISSUE LEGISLATURES

A. Introduction

Consider the possibility of many single-issue legislative bodies, with each legislative institution focusing just on one policy area or sub-area. Each single-issue legislative body could have a standing role in addressing an issue (perhaps as one node in a large network of such single-issue legislatures, covering each of, say, agriculture, immigration, health care, trade, education, energy, etc.). Or it could be a one-off institution, brought into existence to make a specific policy decision. Mirroring discussions of legislative committees and subcommittees, we might call these "standing" and "special" legislative institutions. Let us begin by considering a version in which there are thirty standing single-issue legislatures, each one consisting of 300 representatives.

In the context of considering systems that might reduce the epistemic demand on ordinary citizens, this might seem like a crazy suggestion. Surely, if there were thirty distinct single-issue legislative bodies, each comprised of 300 representatives, all of whom had been voted on by ordinary citizens, this would just dramatically increase the epistemic demand placed on those citizens. They would need to know something about all of the different issues, something about all of the different candidates and their fitness for the role, and then they would have to monitor all of their representatives while in office, attempting to discern what they were doing, what policies were being put in place, and whether those policies were good ones to adopt. This would seem to be much worse! Indeed, this problem might well be one of the reasons that single-issue or issue-specific legislative bodies are—to my knowledge—basically unknown and undefended as a way of organizing systematic political decision making (though there may be other reasons, too, which I will discuss below).

That all seems right, given only the very simple option of doing things basically exactly as we currently do them, except multiplying the legislative bodies by thirty. We can, however, open up the possibility of single-issue legislatures as a viable option with the right institutional innovations. Let me briefly introduce two broad strategies, one which retains elections of representatives, the other of which uses sortition—random selection of representatives.

B. Elections and Single-issue Legislatures

As suggested above, the basic model that might first come to mind is one in which there are, say, thirty different single-issue legislative bodies, each consisting of 300 or so representatives, with representatives being elected from (and to represent) a territorial jurisdiction. On the simple version of this model, all citizens would vote to elect representatives for all thirty of the single-issue legislative bodies. This model is not promising because of issues stemming from the ignorance and complexity problem detailed above, and no one should be attracted to it. But, of course, it is not the only way that representatives on single-issue legislative bodies might be chosen by elections.

There are at least three more promising ways in which elections might be used, all of which rely on moving away from all citizens having a direct vote for representatives for all of the single-issue legislative bodies.

For example, citizens could *select* three of the thirty single-issue legislative bodies for which they would be electors. So, a citizen might be an education voter, an immigration voter, and a transportation voter, for example. Citizen preferences about and interests in the different issues would drive their participation and access to electoral power. We can call this kind of system a "single-issue legislative system with preference-based elector pools."

A second option would have all eligible citizens take a wide-ranging *test* of political knowledge, issue-specific knowledge, and issue interest, the results of which would then determine for which three of the thirty single-issue legislative bodies they would be electors. This test could be used to screen for background knowledge and understanding of relevant issues, introducing a meritocratic component. On the more democratic version of this system, everyone would be assured of being eligible to vote for representatives in three single-issue legislatures—the aim would be to put people in pools where they would be epistemically best off (or least badly off). We can call this kind of system a "single-issue legislative system with knowledge-based elector pools."

A third option would be to *randomly assign* citizens to be electors for three of the thirty single-issue legislative bodies. We can call this kind of system a "single-issue legislative system with lottery-selected elector pools."

In all three cases, there is a question of how long the assignment as elector would last. Plausibly, these selections should be for at least something like five to ten years, so that citizen electors could engage in the monitoring of those representatives who were chosen and the policies that they enact. Additionally, there is nothing magical about the number three. There is a trade-off between the extent of citizen power and participation and the epistemic burden on citizens. One could increase the number, thereby increasing the citizen power and the epistemic burden. And one could have citizens serve as electors for only one of the thirty to further reduce the epistemic burden.

Choices would also have to be made regarding the geographic distribution of electors. Strict attention could be paid to the representation of each geographically distinct political community (whether states, counties, provinces, etc.), so that each such political community would have an equal proportion of electors for each of the thirty single-issue legislative bodies. Or the system could disregard geography entirely, moving away from geography-bound territorial districting as recommended in certain contexts by Andrew Rehfeld, among others.[24]

Whatever choices are made in this regard, there would need to be new, non-geographically bound communities. These communities would enable candidates to campaign in view of their actual electors, to enable those electors to engage with each other, and to increase the access to information regarding the particular issues. So, for example, upon being enrolled as a voter for a legislative body, a citizen could then be provided with access to and information about the different candidates, policy proposals, and deliberations, as well as online and other forums in which to engage with other voters for that legislative body. There could be television networks and online platforms dedicated to each of the distinct legislative bodies, reporting relevant news, campaign information, and so forth.

C. Random-Selection and Single-issue Legislatures

Single-issue legislative representatives might also be chosen through randomly selecting representatives from the citizenry for each of the thirty single-issue legislative bodies (I have elsewhere titled this as a "lottocratic" system).[25] Obviously, the elimination of elections is a much more radical and fundamental response to the ignorance and complexity problem. Although there are other significant advantages to lottocratic political systems (which I detail elsewhere), here I will concentrate on the way in which single-issue legislative bodies, comprised of randomly chosen citizens, might be an effective response to the ignorance and complexity problem due to the single-issue legislative design.

Let me say a little more about the basic lottocratic institutional structure. The five key features of lottocratic legislative institutions are these:

> (1) <u>Single Issue</u>: there are many single-issue legislative bodies, with each legislative institution focusing on one policy area or sub-area. Each could have a standing role in addressing an issue (perhaps as one node in a network, of, say, thirty such single-issue legislatures, covering each of, say, agriculture, immigration, health care, trade, education, energy, etc.), or each could be a "special" one-off institution, brought into existence to make a specific policy decision.

> (2) <u>Lottery Selection</u>: the members of each single-issue legislature are chosen by *lottery* from the relevant political jurisdiction.

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[24] ANDREW REHFELD, THE CONCEPT OF CONSTITUENCY (2005).

[25] I have written about this combination of randomly selected citizen representatives and single-issue legislative bodies at length elsewhere, and I have a forthcoming book defending this system, which I call a "lottocratic" political system. *See* Guerrero, *Against Elections*, *supra* note 2; ALEXANDER A. GUERRERO, LOTTOCRACY: A NEW KIND OF DEMOCRACY (forthcoming 2021).

(3) <u>Learning Phase</u>: the members of the single-issue legislatures hear from a variety of *experts*, *activists*, and *stakeholders* on the relevant topic at the beginning of (and perhaps at various stages throughout) each decision-making session.

(4) <u>Community Engagement</u>: the members of the single-issue legislature spend significant amounts of structured time talking to, interacting with, and hearing from members of the public—including activists and stakeholders affected by proposed action—at the agenda setting, deliberation, drafting, and voting phases.

(5) <u>Direct Enactment</u>: the members of the single-issue legislature either (a) have the capacity to directly enact policy or (b) have the capacity to enact policy if it is co-authorized by the Executive Branch or, in some cases, jointly with other single-issue legislatures.

There are many ways in which one might implement a political system that had institutions with these features. The details will matter for many reasons, and I tend to think that many potential concerns about lottocratic institutions can be met with design reform and improvements, and that design details will differ depending on sociopolitical context. Still, it is helpful to have something of a clear idea in view, so let me specify a few more details to fix our attention.

Imagine that at the federal level, there will be thirty different SILLs, divided by issue area (agriculture and nutrition, education, energy, health, transportation, military and defense, environmental protection, communication, regulation of markets, trade, immigration, science and technology, workplace safety, etc.). This SILL network replaces the U.S. Congress in functional role of creating most law and policy, but with the possibility of delegation and supplemental regulation and enforcement through legislatively created administrative agencies that are overseen by a combination of courts and SILLs themselves. Each SILL consists of 300 people, chosen at random, to serve three-year terms, with 100 new people starting each year and 100 people finishing their term each year. All adult citizens in the political jurisdiction would be eligible to be selected. Imagine also that similar SILL networks also operate at the state and municipal levels of government, so that lottery-selected political bodies have become ubiquitous, and electoral representative legislatures very uncommon.

People would not be legally required to serve if selected, but the financial incentives would be considerable (perhaps around $500,000 each year, or a significant multiple of an individual's yearly income). Efforts would be made to accommodate family and work schedules (including providing relocation expenses and legal protections so that individuals or their families are not penalized professionally for serving). This significant salary would be contingent upon a SILL member not having prohibited contact with potentially interested people or entities while serving on the SILL and not receiving money or other forms of influence or benefit before or after SILL service (as well as agreeing to be monitored for continued compliance).

Each SILL would meet for two legislative sessions each calendar year, and the structure for each session would be something like this: agenda setting, learning phase with expert presentations, community consultation, deliberation/discussion, drafting, revising, and voting.

<u>Agenda Setting</u>: The SILLs will decide the agenda for the next session by a process of agenda setting. This process should have some balance of input from those already involved with the issue (experts, stakeholders, activists) in addition to the general public, perhaps through sophisticated deliberative-polling and political party organization. The members of the SILL will

take this combination of in-person proposals and polling information and vote for those items to have on the agenda for the next legislative session.

Learning Phase: For each item on the agenda, the SILL will hear from experts, activists, and stakeholders, providing general background and specific information relevant to the issue. Accordingly, there will be a process by which a person is allowed to speak to a SILL as an expert, activist, or stakeholder. In the case of experts, this requires both a process to determine whether a person counts as an expert (the *qualification assessment* process) and a process to determine which qualified experts are given an opportunity to speak (the *expert selection* process). Expertise might be recognized based on advanced degrees; years of professional experience; formal professional credentials from institutions with national or international accreditation; publication of research in independent, peer-reviewed journals; and so on. A different, but also important kind of expertise is the expertise that comes from experience, including occupational experience or lived experience. Whatever specific process is used, experts will need to explain the basis of their expertise, describe their credentials (if relevant), and disclose any actual or possible conflicts of interest due to sources of funding or employment. There are significant concerns and complications here. I discuss these issues at length elsewhere.[26]

Community Consultation, Deliberation, Drafting, Voting: After hearing from experts, SILL members will begin the process of developing and deciding upon legislative proposals and possibly eventually enacting a proposal. For most issues, this process should include consultation with non-members, either virtually (online) or through having the members return to the geographic area from which they came and hold town-hall style meetings, in which individual members or multi-member panels talk through the items on the agenda, talk about what the experts told them, and solicit questions and comments from those in attendance. There are two main purposes to this: (1) to inform non-members about the issues and proposals under discussion, and (2) to gather information and advice from members of the community.

The details of the deliberation and consultation phases will matter a great deal. Deliberation in the full-group and sub-groups would take place at various stages, but in a carefully structured way to ensure equal levels of participation, to avoid groupthink (through use of red-teaming and other counter-advocacy measures), and to prevent social pressure toward consensus. There is a considerable amount of empirical work on how to structure deliberation to avoid group polarization and to encourage the maximal epistemic contribution from all of the members of the group. SILL members will then work together to draft proposals. Some of this might be modeled by how drafting of legislation happens in other legislative bodies, with initial drafts or competing drafts written by different committees within the SILL. As with other legislatures, there might be drafting aides and consultants on hand who have expertise in drafting legislation, and who can help spot concerns of the formal (rather than substantive) variety. There would also be a period during which drafts are made public and comments are solicited from the broader community. There would then be a process by which proposals were put to a vote. In most cases, the votes would be aggregated to determine the result.

As with electoral variants of single-issue legislative bodies, there are yet further choices regarding who might be randomly chosen for which of the thirty single-issue legislatures, mirroring some of the options with respect to elections.

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[26] Alexander Guerrero, *Living with Ignorance in a World of Experts*, *in* PERSPECTIVES ON IGNORANCE FROM MORAL AND SOCIAL PHILOSOPHY (Rik Peels ed., 2017).

In one potential option, all citizens would be eligible to be randomly chosen to serve on any of the thirty single-issue legislative bodies, or on any of the legislative bodies in the jurisdictions in which they are citizens. We might call this the "pure" lottocratic option. As it does not run into the worries about epistemic burden on citizen voters that the electoral variant option does, this might seem considerably more attractive than that option.

A second option would allow people to identify those three or five (or whatever) issues in which they are most interested, routing them into the pool of citizens who might be randomly selected to serve as representatives working on that single-issue legislature. Call this a "preference-tilted" lottocratic system.

A third option would be to have all citizens take wide-ranging tests of political knowledge, issue-specific knowledge, and issue interest, the results of which would then determine for which three of the thirty single-issue legislative bodies they would be eligible. Even on this system, all citizens would be eligible to be selected as representatives; this option would aim to minimize the mismatch in knowledge, not to eliminate it entirely. Call this a "knowledge-tilted" lottocratic system. Obviously, in a more extreme version of this kind of system, this test could be used to establish a competence floor that individuals must be above in order to be eligible to be randomly chosen to serve on any particular single-issue legislature. That would make the system considerably more epistocratic and less democratic.

In summary, then, there are at least two distinct ways of developing single-issue legislative political systems.

> (1) Systems that employ elections, but with a subset of all citizens assigned as voters for each single-issue legislature, including:
>
> > (a) single-issue legislative systems with preference-based elector pools;
> > (b) single-issue legislative systems with knowledge-based elector pools;
> and
> > (c) single-issue legislative systems with lottery-selected elector pools.
>
> (2) Systems that employ a random selection of citizens to serve as representatives within the single-issue legislatures, but with variation in how purely random the selection is, which include:
>
> > (a) "pure" lottocratic systems;
> > (b) "preference-tilted" lottocratic systems; and
> > (c) "knowledge-tilted" lottocratic systems.

There are, of course, many more variations of electoral and lottocratic single-issue legislative systems that we might consider. The hope is to have put in view a few distinct options, and to have suggested the way in which institutional design alternatives might be deployed to forestall at least some kinds of concerns.

IV. GENERALIST LEGISLATURES

Before engaging in a comparative assessment of these possible single-issue legislative systems vis-à-vis their more familiar generalist legislative counterparts, it will be helpful to first say something relatively concrete about generalist legislatures.

As noted above, extant and historical legislatures have all been generalist legislatures—empowered to create statutory law and policy over a wide range of different policy topics and political issues, aiming to address a wide range of political problems and concerns. Despite being general, these legislatures have usually been something less than *fully* general. In the United States, for example, there is a clear (or at least nominally clear) division of legislative responsibility. For example, Article I, Section 8 of the United States Constitution sets out the explicit enumerated Powers of Congress, and the Tenth Amendment expressly states that "[t]he powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people." And there are divisions of political power and responsibility across federal, state, county, and municipal governments, as well as across legislative, executive, and judicial branches of government. Much of law and political science is devoted to understanding these overlapping and interacting components of a political system; to the ways in which power and responsibility is conferred, claimed, delegated, abandoned, duplicated, overlapped, exceeded, and manipulated; and to the complicated way in which jurisdictions are defined and defended. Still, despite these complexities, it is a striking feature that legislatures are importantly generalist and that the representatives elected to serve on those legislatures will work and vote on a wide range of issues and policy topics.

That said, within generalist legislatures, such as the United States Congress, there is still quite a lot of single-issue focus and discussion—almost entirely taking place in standing committees and subcommittees, and the occasional special committee. Consider, for example, the U.S. House of Representatives and its existing set of standing committees. They include:

Agriculture	Appropriations	Armed Services
Budget	Education and Labor	Energy and Commerce
Ethics	Financial Services	Foreign Affairs
Homeland Security	House Administration	Judiciary
Natural Resources	Oversight and Reform	Rules
Science, Space, & Technology	Small Business	Transportation & Infrastructure
Veterans' Affairs	Ways and Means	

The areas and issues covered by this particular set of committees are a function of the responsibilities and powers assigned to the House of Representatives, although they have changed over time in the details. The numbers of members vary, but typically include a few dozen representatives, drawing from both political parties. They also have further significant subcommittee structure. The Agriculture Committee includes the following six subcommittees, for example:

- Biotechnology, Horticulture, and Research
- Commodity Exchanges, Energy, and Credit
- Conservation and Forestry
- General Farm Commodities and Risk Management
- Livestock and Foreign Agriculture
- Nutrition, Oversight, and Department Operations

Each of these meets regularly, with a chair from the current majority party, and a ranking member organizing the participation of the minority party.

These committees are hugely important in the legislative process. Most modern legislatures are such that almost all bills that are introduced are referred to standing committees by the presiding officer of the legislative chamber. In the House of Representatives, for example, House Rule XII, clause 2 requires the Speaker of the House to refer a bill to the committee having "primary" jurisdiction over its subject matter. The particular committee assignment is decided upon by the parliamentarian of the House, a nonpartisan official, who makes referral decisions using a "weight of the bill" test to assign a proposed bill to the committee(s) with the most compatible jurisdiction. The parliamentarian looks to congressional rules and precedent to decide which committee should be given jurisdiction over a bill, with some legislative topics being required to be assigned to some committees (e.g. tax legislation must be referred to the House Ways and Means committee). These committee assignments are hugely consequential, as committees hammer out the details of bills and discuss and reach compromises. Most importantly, however, committees are where most bills go to die. Additionally, committees have the so-called "power of negation," or the ability to simply never move a bill from committee to consideration by the full body. As one text on the legislative process notes, "the vast majority of bills referred to committees never emerge for consideration by the full body."[27]

Some of these standing committees—Appropriations, Budget, Ethics, House Administration, Oversight and Reform, Rules, and Ways and Means—concern the raising and spending of money and the detailed operation of the House of Representatives, rather than direct substantive lawmaking. But the others are focused on particular policy areas.

Despite all of this intricate and detailed structure, very little of it is on the radar for most United States voters. Only political scientists and the most ardent of political junkies follow the details of membership and activity on these committees and subcommittees, the rules and processes by which members are assigned to committees, and the committee assignments for their own Congressional representatives. Furthermore, in the United States, understanding policy made on a particular issue might well require understanding the committees and subcommittees both in the House and the Senate, as well as Congressionally-created administrative agencies that work on the issue, in addition to the relevant Executive administrative agencies. There might also be relevant state and county legislative, executive, and administrative actors working on that issue. One theme of the discussion to come is that superficial generalism and attention to political personalities and individual characters masks—in troubling ways—the real complex machinery of what is being done through political institutions.

In addition to being generalist, legislatures centrally involve the use of representatives. In generalist legislatures, these positions are what we might call *expansive* political positions. These are positions such that those occupying them have extensive discretion regarding what they will do and a correspondingly complicated normative world to consider when trying to decide what they ought to do (they must decide, among other things, what reasons to consider and how they ought to weigh and assess those reasons). Those individuals occupying these positions might well directly consider how their actions will or will not advance the purposes of

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[27] WILLIAM ESKRIDGE ET AL., CASES AND MATERIALS ON LEGISLATION: STATUTES AND THE CREATION OF PUBLIC POLICY 28 (3d. ed. 2002).

the broader political and legal institutions of which they are a part. Elected representatives on generalist legislatures are charged with crafting legislation and policy and to do so in a way that is responsive to a complex panoply of normative considerations. As I've argued elsewhere, elected representatives face multiple competing norms regarding how they ought to behave: norms of fidelity (doing as they said they would); norms of deference (doing as their constituents would presently prefer); norms of guardianship (doing as would be best for their constituents); and moral norms of a more general sort, including moral norms regarding what would be best for the whole political community, what justice requires by way of helping the world's worst off, the future inhabitants of the political community, and future generations, and so on.[28] And, in addition to all the different individuals whose interests might be relevant, there are many different normative dimensions to those interests that might be relevant: equality, welfare, autonomy, and justice, for example. They must work to represent the majority, as well as minority interests; to think of the present but also the future; and to think of the people they represent but also the world. Moreover, these elected representatives must do so in a generalist way—trying to discern the right decision across a diverse array of topics such as airline regulation, agricultural production, education, healthcare, national defense, taxation, trade, transportation, and water regulation. They will be tasked with serving on special and standing committees, but they will also be asked to vote on legislation emerging from a vast panoply of committees.

There are questions we might ask regarding the ubiquity of generalist elected representative legislatures which operate through substantial use of issue-defined committees and subcommittees. It is, in a way, an intuitive way of organizing political decisionmaking, with both representatives (rather than direct democracy) and committees serving to help manage the epistemic burden that would otherwise confront ordinary citizens and elected representatives, respectively, in a complex policy world.[29]

There are other, more cynical perspectives, particularly regarding the use of committees and subcommittees. One view sees committees as an effective way for elected representatives to engage in rent-seeking, either for their own personal benefit or on behalf of interest groups upon whom they rely for re-election support. This theory notes that members have a significant amount of self-selection and control over their committee assignments and that representatives "seek appointment to committees with jurisdiction over areas about which they and their constituents have particularly intense preferences."[30] As a result, committees and subcommittees are typically composed of preference outliers, compared to other representatives and the broader polity.[31] Further, it is not surprising to see farm state overrepresentation on, say, the Agriculture Committee. A significant concern, then, is that committees and subcommittees may pursue policies that benefit a few active interest groups at the expense of the greater public good. This phenomenon, which is plausibly referred to as "capture," is well known, extensively studied, and something to which we will return in a moment.

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[28] Guerrero, *supra* note 7.

[29] For relevant discussion, see KEITH KREHBIEL, INFORMATION AND LEGISLATIVE ORGANIZATION (1991); Arthur Lupia & Matthew McCubbins, *Who Controls? Information and the Structure of Legislative Decision Making,* 19 LEGIS. STUD. Q. 361 (1994).

[30] Eskridge, *supra* note 28, at 29.

[31] *See* Barry Weingast & William Marshall, *The Industrial Organization of Congress; or, Why Legislatures, Like Firms, Are Not Organized as Markets*, 96 J. OF POL. ECON., 132 (1988); GLENN PARKER, CONGRESS AND THE RENT-SEEKING SOCIETY 74-81 (1996).

V. THE PROMISE AND PERIL OF SINGLE-ISSUE LEGISLATURES

Having introduced at least some rough details concerning possible single-issue legislative systems and extant generalist legislative systems, we can now turn to consider the central contention of the paper: that these single-issue legislative systems might be attractive alternatives to generalist legislative systems, particularly with respect to addressing the ignorance and complexity problem and associated concerns.

A. Addressing Ignorance and Complexity

Perhaps the main reason to think that single-issue legislatures should be taken seriously is that, with the right structure, they might help address the problems stemming from citizen ignorance and policy complexity. I won't rehearse the details of that problem—framed in terms of a dilemma—for generalist elected representative legislatures, taking it as a serious problem—perhaps the central problem of democracy in modern political conditions. How might single-issue legislatures help?

On the three more attractive electoral versions, they straightforwardly lessen the epistemic burden on individuals through focusing their attention on a few issues, rather than on the huge and unwieldy task of monitoring a generalist legislature and a generalist representative. In the terminology discussed above, this is an epistemic demand side intervention, reducing what voters need to know to do a decent job epistemically. Depending on the design details, voters might stay focused on a small number of issues for a significant period of time, thereby improving their understanding of the policy domain, problems, and viable options. In all three variants, there are electoral pools defined for each single-issue legislative body, with the variation depending on whether those pools are defined by voter preference, voter competence, or random selection. There are normative trade-offs across these different options: one concerning interest and autonomy, one centered around epistemic quality, and one concerning fairness and equality—but I won't go into those further here. And there might be reasonable objections to limiting the issues over which individual voters can have any (even remote) chance of affecting political outcomes. Even this worry can be overstated, however, given how little chance any individual voter currently has of affecting the electoral outcomes with respect to the selection or policy choices of generalist representatives.

On the lottocratic versions of single-issue legislative bodies, the ignorance and complexity problem is addressed by (1) removing the principal-agent, ignorant voter electoral accountability structure as a way to increase the likelihood that political choices will be made by representatives acting in the public interest; and (2) by educating and empowering ordinary citizens to make policy directly, bringing their particular perspectival concerns, preferences, and values to bear on making policy, but also improving their knowledge relative to the general population. On the pure versions of lottocratic systems, the single-issue legislative bodies will be true microcosms of the broader society and will reflect those varying preferences and values so that even those who are not chosen can see the randomly-chosen representatives as "indicative" representatives, to use Philip Pettit's term. As he puts the idea of indicative representation:

> The essential difference between responsive and indicative representation is easily stated. In responsive representation, the fact that I am of a certain mind offers reason for expecting that my deputy will be of the same mind; after all, she will track what I think at the appropriate level. In indicative representation things are exactly the other way around. The fact that my proxy is of a certain mind offers reason for expecting that I will be of the same mind; that is what it means for her to serve as an indicator rather than a tracker.[32]

The basic thought behind the lottocratic system is that members of the single-issue legislatures will be—at least over a long enough run of time—broadly descriptively and proportionately representative of the political community, simply because they have been chosen at random. They will not have in mind the idea that they are to *represent* a particular constituency, nor should those not chosen to see themselves as standing in a principal-agent relationship with those who have been randomly chosen. Rather, the fact that an individual member of a SILL comes to have certain views about an issue, after hearing from experts and engaging in consultation and deliberation, is a kind of evidence that members of the political community who share contextually relevant characteristics with that individual would also come to have those views, had they gone through that same educative and deliberative experience. We might have never thought about an issue, and we might know almost nothing about it, but we can reasonably believe that if we had learned more about it, or if we were to learn more about it, we would have come to a similar aggregate judgment. These lottocratic systems serve both to reduce epistemic demand—reducing how much each of us must learn or know; and to increase epistemic supply—making sure that those who are involved in making decisions on an issue are relatively well informed about that issue. Capture might still occur, something I will discuss below, but it will not be as a result of mass citizen ignorance.

B. Avoiding Policymaking in Shadows

Voter ignorance casts one kind of shadow over policymaking in generalist electoral representative contexts. For many issues, citizens have no idea what is being done, what ought to be done, or even what the contours of the political issue or political problem are. This makes it possible for special interests to lobby for political outcomes that are to their benefit and not to the benefit of all or most of us, and to run and make viable candidates for elected office who will effectively be in their back pocket, at least when working on those issues that remain obscured in shadow. This is a common problem currently in those areas in which we see the most single-issue focus: administrative agencies. Capture of these regulatory agencies is common, in large part because there is little or no public attention or awareness of what these agencies are doing.

Even with a less ignorant citizenry and with a more active and engaged set of monitoring practices, a different kind of shadow can be cast simply due to the brightness of the light shined on a few issues. Hot-button issues can be used to draw attention, time, discussion, and energy toward some topics and (effectively) away from others. With a generalist legislature, it might seem reasonable and even appropriate to have one or two issues—health care reform, immigration reform—dominate the political discourse and political attention for a year (or two, or three . . . .). But what is happening with all the other issues and problems that political

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[32] Philip Pettit, *Representation, Responsive and Indicative*, 17 CONSTELLATIONS 426, 427-28 (2010).

institutions might be addressing? A significant worry is that here, too, is a significant source of captured policymaking.

Single-issue legislatures of both the electoral and lottocratic type will at least make it more likely that a wide range of political issues will receive attention, rather than only a few. This is one reason to prefer the existence of standing single-issue legislatures, rather than "special" ones that might come into existence only upon a kind of triggering condition—at least if those triggering conditions concern citizen attention and action. It also highlights the importance of thinking about the specific issues to which the legislature is devoting a standing committee.

C. Making Attempts at Capture Transparent

One worry about single-issue legislatures might be that they make capture too easy, as they let special interests know exactly where they should focus their efforts. An obvious response to this is that this is already abundantly the case, as the detailed committee and subcommittee structure should make evident. But an additional response is that by moving policymaking on all issues out of the shadows, this will make capture and efforts at capture more transparent, even when they are not made more difficult.

Here is one place where the electoral versions of single-issue legislative bodies seem likely to run into more problems than the lottocratic versions, particularly if the electoral pools for particular single-issue legislatures are publicly known and thus, subject to targeted advertising and information/misinformation campaigns. It still might be expensive and relatively inefficient to try to influence the views of a large pool of voters on an issue, but this seems like a concern that would be at least as serious as it is with generalist legislatures, particularly if the electoral pool is based on voter interest, rather than on voter knowledge or selected at random.

In the lottocratic case, it is plausible that capture would be considerably more difficult. Lottocratic representatives are chosen at random from the jurisdiction and don't need to run for office, so there will be no way for powerful interests to influence who becomes a representative, or to ensure that the only viable candidates are those whose interests are congenial to their own. Because there is no need for them to raise funds for re-election, it should be easier to monitor representatives to ensure that they are not having contact with or receiving funds from powerful interests either during or after their service. If this is possible with juries in high profile cases, it should be possible in the case of lottocratic representatives, as well. And since lottocratic representatives rotate regularly, the cost of "buying off" particular individuals would be much higher, even if it could somehow be accomplished surreptitiously. It would not be possible to capture entrenched elected representatives who had powerful roles in relevant committees and subcommittees and to count on them being an ally for decades—alliances that become only stronger and more powerful over time as the captured representatives benefit from incumbency advantages, increased seniority, and correspondingly greater influence.

A concern for lottocratic systems, particularly those that employ a significant "learning phase," is that powerful interests might try to influence who is identified as a qualified expert and who is selected as an expert to speak. This is a concern, but it seems one that might be surmountable. For example, if there are high non-political hurdles to becoming an expert in a particular field (advanced degrees from nationally and internationally accredited educational institutions, peer-reviewed publication, and so on), and if there are strict disclosure requirements mandating that experts disclose sources of funding and employment, this concern should be

lessened considerably. Additionally, there could be institutional mechanisms that make capture of experts even more challenging. For example, the accredited community of experts for a particular field could nominate or certify some individuals as candidate experts (in the way that, say, the American Bar Association gives ratings for proposed Supreme Court nominees), and then experts could be chosen at random from this pool of accredited experts. To achieve capture of experts, then, would require not just buying off an individual, but an entire academic field. There is a worry about the politicization of science and the university—something already underway—under any system that uses experts, but the hope is that these effects can be kept in check. Given that experts in the lottocratic system are not empowered to make policy directly, this would seem to be a particularly expensive and difficult route to influence—certainly harder than under the existing system. Even if capture is possible, by focusing attention on particular issues and bringing some scrutiny to who is speaking to representatives and speaking as experts, the hope is that efforts at capture would be easier to notice and detect.

D. Issues, Not Personalities; Cooperation, Not Conflict

Moving from generalist to single-issue legislatures should help to shift political discourse from a focus on the personalities and character of candidates to the underlying political problems and possible solutions to them. This shift might also help reduce the manufactured conflict within our political communities, where certain high-disagreement issues are highlighted to draw attention from other issues where we might otherwise take effective political action. There would still be some single-issue legislatures dealing with highly controversial topics, but those controversies would not animate and structure all political discourse and political alliances.

The structure of modern politics in the United States is framed around the candidates of two dominant political parties. As Achen and Bartels demonstrate, partisan loyalty and in-group/out-group thinking deeply affect almost every aspect of the electoral process and the political participation of citizens. In particular, these dramatically affect how we evaluate evidence, what we believe about politicians and political issues, and what issues we take to be most important and in need of urgent response.

One likely possibility is that with single-issue legislatures, political party structure and organization will be destabilized significantly, if not eroded entirely. This might have worrisome consequences of synchronic and diachronic policy coherence, something I will discuss in a moment. But it might also help to allow people in the political community to come together to work on issues where there is agreement and preference alignment. Moving from a generalist legislative process to a single-issue legislative process opens up places for us to identify issues on which we agree, moving us out of the situation where all political and electoral attention is concentrated on those few issues which most deeply divide us. This also will help reduce the introduction of misinformation relating to these issues, as there will be no incentive to maintain and reinforce our political divisions. This is true even with electoral single-issue systems, but it is particularly likely to be true with lottocratic systems, which eliminate the use of elections entirely.

For both electoral and lottocratic single-issue systems, the focus would shift at least some distance away from candidate personalities and toward policy issues and policymaking. We would no longer have to respond to our policy ignorance by trying to pick our favorite person of those running for office. Focusing on personality and character is arguably a rational response to electoral politics in the face of almost complete ignorance of the issues, but it is made

unnecessary once the focus is not primarily on deciding which candidate to entrust with power, but rather which policy would be best. Again, this will be more prominently the case with the lottocratic variations.

Lottocratic systems seem quite likely to lessen and potentially eliminate the current in-group/out-group dynamics. Without generalist representative elections, and without elections at all, we would lose the horse-race element, the explicit confrontation of us versus them, the sense that "our team" will either be stably dominated or dominantly in power for four (or however many) years. We would not have clearly defined teams, at least not in the same way. There is a question of what new forms of political participation and political engagement would emerge, how activism and petitioning would refocus, under a lottocratic system. I take up this question in other work but will leave it open and unanswered here.

If lottocratic institutions make it possible for us to move beyond elite capture and control of political institutions, then we may see other benefits in terms of in-group/out-group dynamics. If part of the story of our apparent division is a story of manufactured conflict, where the most powerful members of society keep us from working together by creating this sense of two teams (and handing each team a set of policy positions and political candidates that are basically agreeable to the most powerful), then lottery-selection and single-issue focus might be a way of breaking down these divisions. This is good for political community certainly, but it also is good for repairing our epistemic community, allowing us to relearn how to trust and rely on each other, removing the incentives to denigrate the rationality and evidential sources of others in our community, and helping us work together to build the investigative and research institutions that can help us understand and address the most urgent problems we face.

E. Productive and Revitalized Citizen Participation

Going back at least to the America chronicled by Alexis de Tocqueville, robust, energetic, and vigorous participation in political life has been a centerpiece of electoral representative systems of democratic government. In stark contrast to authoritarian, repressive political systems, there are many channels for political participation—voting, protesting, petitioning, speaking, writing, assembling, organizing, running for office, creating and working within political parties, donating money and time to electoral campaigns, donating money and time to political issues and causes that one cares about—and robust protection of those channels.

For most of us who have grown up in electoral representative democratic political communities, these are seen as essential parts of political life and political engagement. They are also seen as deeply intertwined with *elections*. Almost all of our political activity is structured around campaigns and candidates for elected office, while speech and political organization remain structured around getting people elected and affecting candidates' platforms, along with protesting, petitioning, and lobbying those who have been elected to threaten them with electoral consequences.

This might give rise to a worry about those variants of single-issue systems that operate via lottocratic mechanisms. Without elections and with selection of political representatives happening through a process of random selection, what will happen to political participation? If we are not one of the relatively few who are chosen, what are the rest of us to do? And even if we have elections, if those are not generalist elections in which all of us are engaging the exact same debates and questions, will that have deleterious effects on political participation and political community?

In response to this worry, it is worth beginning by noting that just as the precise details and contours of political participation within an electoral context were not fully known or understood prior to electoral systems becoming commonplace (the founders of the American Republic had little inkling of the role that political parties would play, for example), so, too, it is hard to know exactly what forms political participation would take within a lottocratic political context or single-issue electoral context. It might well take some time before all the different avenues of political participation and political involvement in these systems would take shape, and it is ultimately an empirical question exactly what form they would take.

It is also worth noting that political participation is far from perfect within generalist electoral representative contexts like those in the United States. Many people are almost entirely politically inactive—not even bothering to vote regularly—and this may be less driven by apathy and more motivated by a sense that their participation makes no difference or that the system is rigged against people like them. As noted above, there is some empirical support for this suggestion by Gilens and others.[33]

It is worth stressing, too, that under a lottocratic system there will be many substantial channels for ordinary citizens to participate in political life. Citizens might be randomly chosen to play a very significant role, serving on one of the single-issue legislatures. If these were ubiquitous at the federal, state, and municipal level, the odds that a person might serve on one would become quite considerable. This kind of participation is hugely more substantive and significant than what most citizens get in electoral representative democracies.

But that is only one way in which ordinary citizens might participate in political life under lottocratic systems. There still will be many of the exact same avenues of influence: protesting, petitioning, speaking, writing, assembling, organizing, creating and working within political parties, donating money and time to political issues and causes that one cares about. One could attempt to influence both particular single-issue legislatures and representatives through the community consultation and learning phase and agenda-setting mechanisms, either as an individual or (more effectively) by organizing with others. And one could attempt to affect broad popular opinion on issues that one cares about, thereby altering ordinary citizens' beliefs on these topics and thus, the beliefs of those who might be randomly chosen. On some versions of the idea, one might be expected to follow the working and deliberation of those single-issue legislatures one is most interested in, paying attention to the policy discussions as one might to the candidates running for office. Again, the precise form this participation would take will be different than what we see with elections.

Significantly, citizens being active within these channels of participation is very likely to causally affect what political actions are taken in a way that corresponds to the substantive nature of that participation. Indeed, this might be better than it is under generalist electoral representative government. If we worry that elected representatives are captured or insulated from meaningful political accountability, then ordinary citizens might often find themselves speaking to people with closed ears. On the other hand, randomly selected citizens working in single-issue legislatures will be open to hearing from others, particularly those who might be most affected by the policy options under consideration. And many of those randomly selected will actually be from the groups most affected—unlike with electoral representative democracy. Additionally, the move away from elections might be expected to lead the participation to be more focused on issues and policy, not electability and personality. All of this might be expected to increase the interest in political participation and lead to a *more*, rather than less, engaged citizenry.

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[33] *See* Gilens, *supra* note 8; Hacker and Pierson, *supra* note 8; Crouch, *supra* note 8.

F. Single-Issue Perils?

The foregoing sets out some of the reasons to find single-issue legislatures a potentially promising option. But there are numerous concerns, in part simply because there has been so little in the way of experimentation with systems of this kind. Here, I want to note some of the more central concerns as I see them. I am optimistic that these concerns—real though they might be—admit of institutional design responses rather than being insurmountable worries, but I cannot make that case in full here.

One set of concerns with single-issue legislatures stems from the disaggregated, decentralized nature of non-generalist legislative bodies. Included in this set are concerns about synchronic and diachronic policy coherence. What, if anything, will ensure that what one legislature does will make sense, given what others are doing? In the lottocratic variants, what will ensure policy coherence over time if randomly chosen citizens are rotating through office? For both of these worries, it is possible that political parties and the development of ideology might structure even issue-specific debates, although it is by no means clear how or whether this would happen in practice. It is also possible that the use of sunsetting provisions and other means of legislative ossification might be used, when certain conditions occur, to help prevent overly drastic pendulum swings in policy. For the issue of diachronic policy coherence and for the related issue of taxonomic division of political areas, there could be institutional mechanisms that allowed for the merger or joining of two or more single-issue legislatures upon noticing interaction or overlap in a particular policy proposal. This issue already arises with generalist legislatures and their use of committees, and in some cases, a bill or portions of a bill will be assigned to more than one committee or will be assigned to them sequentially.

It is worth stressing, too, that although these might be real worries, they are not unique to single-issue legislatures. Generalist legislatures also experience incoherence at a time and over time, as one party comes into power and another one loses power, or as policy with respect to one issue sits poorly with what is being done on other issues. There are opportunities for log-rolling, vote-trading, and cross-area compromise that emerge in generalist legislature systems, and those are often important for balance-of-power reasons in systems with two dominant political parties. It is less clear that these would be essential in the context of single-issue legislatures if the political party structure is destabilized.

Other questions that arise are those having to do with taxation, budgeting, scoring legislation, and the regular operations of the single-issue legislatures. Here, one institutional option would be to have "meta-assemblies" that correspond to the Appropriations, Budget, Ethics, Administration, Oversight and Reform, Rules, and Ways and Means committees within a generalist legislature committee framework. These could be comprised of representatives chosen through elections (in the electoral variants) or lottery (in the lottocratic variants) or perhaps through the use of randomly selected veterans of previous service on one of the single-issue legislatures. It might also be possible to use mechanisms of popular budgeting and priority-setting, as in the well-known case of Porto Alegre, where broad community input influences the general distribution of public resources toward political problems.

CONCLUSION

Modern policymaking is incredibly technical, information-intensive, and complex. Ordinary citizens cannot be expected to know all that they would need to know to hold generalist elected representatives meaningfully accountable, and in the absence of meaningful accountability, we should expect policy that is the product of special interest capture. The ignorance and complexity problem is perhaps the core problem of democratic government today. There have been a number of responses that attempt to address this problem, but many of these have various unattractive features or do not seem adequate to addressing the problem.

In this paper, I introduced and considered a new kind of institutional response: using single-issue rather than generalist representative legislatures. I considered various forms these single-issue legislative systems might take and identified some potential advantages and concerns. What I have said here is far from conclusive, but I hope that it is suggestive of institutional ideas and theoretical and practical debates worth pursuing regarding a broader range of legislative models.