Democrats, Epistocrats, and the Enfranchisement Lottery

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ABSTRACT

This article defends the enfranchisement lottery—a novel alternative to universal suffrage—against two types of challenges. Some political theorists have recently advanced arguments for traditional democratic institutions that suggest the impermissibility of the enfranchisement lottery as a method for constituting the electorate. On the other hand, epistocrats sympathetic to the idea of creating a more competent electorate have argued that the enfranchisement lottery might not be the best device to that end. Against both of these positions, the article contents that the enfranchisement lottery currently stands as an undefeated option to allocate the legal right to vote.

I

In spite of the many efforts to justify "democracy," political philosophers have failed to make a compelling case for an idea that almost everyone takes for granted: that universal suffrage is the only morally acceptable way of constituting the electorate in an election-based representative system. In this essay I pursue two specific goals. First, I seek to strengthen the case for the enfranchisement lottery as a permissible alternative to universal suffrage by addressing additional arguments—arguments I did not consider in my previous work, some of which are quite recent—that might suggest, contrary to my thesis, that universal suffrage is uniquely justified.[1] My second goal is to address the concerns of a second group of skeptics: not democrats who defend universal suffrage, but epistocrats who want a more competent electorate yet doubt that the enfranchisement lottery would secure it (as I have claimed it would). I shall argue that, compared to the epistocratic voting schemes currently on the table, such as competency tests or Jason Brennan's "simulated oracle" system, we do not have sufficient reason to believe that the enfranchisement lottery would be inferior.

My objective is thus to show that, at least in certain contexts, the enfranchisement lottery—relative to both universal suffrage and to some epistocratic alternatives—stands as an undefeated system for allocating the legal right to vote. This is not to say that the enfranchisement lottery is conclusively superior such that any country that fails to adopt it does something wrong. My thesis is more modest: in those contexts where the case for the lottery system is strongest, there is no other (voting) system that would defeat it, taking into account all relevant considerations.

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[1] *See* Claudio López-Guerra, *The Enfranchisement Lottery*, 10 POL., PHIL. & ECON. 211 (2011); CLAUDIO LÓPEZ-GUERRA, DEMOCRACY AND DISENFRANCHISEMENT: THE MORALITY OF ELECTORAL EXCLUSIONS (2014).

II

In this section I briefly explain the idea of the enfranchisement lottery.[2] Those who are already familiar with it may skip to the next section.

The enfranchisement lottery has two basic components. The first is a sortition that would disenfranchise most citizens for any given election. Prior to every contest, all but a random sample of those who would be enfranchised under universal suffrage—however you want to define it at the margins—would be excluded. I shall call this component the "exclusionary sortition" because it merely tells us who will not be entitled to vote in a given election. Indeed, those who make the cut through the sortition (let us call them "pre-voters") would not become automatically enfranchised. As with everyone in the larger group from which they are drawn, pre-voters are assumedly insufficiently competent to vote. Here enters the second component: to finally become enfranchised and vote, pre-voters would participate in a competence-building process carefully designed to optimize their knowledge about the alternatives on the ballot. For example, participants could join deliberative or jury-like mini-publics to acquire relevant information on the candidates.

This system promises to improve upon universal suffrage in a straightforward way. Initially, the group of pre-voters generated by the sortition would be a microcosm of the electorate under universal suffrage. It would have the same composition. Prior to the competence-building process, the two groups would actually be identical, except for their size. Thus, if we stopped here and adopted this half-baked version of the enfranchisement lottery, electoral outcomes would not change. This neutralizes potential complaints about unjust biases against certain groups in selecting pre-voters. The only additional difference between the two electorates comes from the competence-building process. These voters would ultimately be better informed under the enfranchisement lottery. This, I contend, gives us strong reason, from an epistemic point of view, to prefer the lottery to universal suffrage as it is now practiced.

This description of the enfranchisement lottery is deliberately general. My argument requires only minimum institutional specification. People largely disagree about the nuts and bolts of the political process. Some advocate for parliamentarism; others for presidentialism; some call for proportional representation; others for majority rule; and so on. If I offered a detailed version of the lottery, chances are few people would be persuaded. This, however, could be precisely because of the details, not the two essential features.

Instead, we will contrast the best feasible version of the enfranchisement lottery with the best feasible version of its alternatives, holding everything else constant. I ask the readers to make an honest effort to imagine the lottery in the most appealing way. The following are some important variables to think about. Who exactly would comprise the group of eligible participants in the sortition? How large would the random sample of pre-voters be? What random method would be employed? What exactly would the competence-building process involve? Would the electors actively participate in that process (e.g., in face-to-face deliberations), or would they merely listen to experts? Who would decide what the voters need to know about the options on the ballot? Would votes be publicized, as with legislators and judges? Would participants be economically

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[2] In what follows I draw heavily from my book, DEMOCRACY AND DISENFRANCHISEMENT, *supra* note 1.

compensated for their service? Would participation be compulsory? Various combinations of answers to these questions could make the lottery very unappealing. But that cannot be the starting point of a serious comparison with other arrangements.

<center>III</center>

In this section I examine some recent (and not-so-recent) arguments for "democracy" that may weaken my case for the enfranchisement lottery as an undefeated alternative. These are the arguments from *social equality*, *epistemic equality*, and *mass participation*.

<center>*A. Social Equality*</center>

An increasingly influential view provides that egalitarian relationships in general are inherently valuable, and that democracy is necessary for the relationships between persons as citizens to be egalitarian. To elaborate, a hierarchical society—one with inferiors and superiors, with some being subordinate to others—is by that very fact less valuable, even if no one is unfairly disadvantaged regarding the allocation of benefits and burdens within the association. Social equality is violated when citizens do not enjoy "equal control over the relationship,"[3] or when they lack an "equal opportunity to influence political decisions."[4] Relational equality, in short, needs democracy. But what exactly does this mean? In representative systems with elections, is universal suffrage necessary for nonsubordination? Would the enfranchisement lottery place some citizens in an inferior position?

Social equality theorists have not systematically addressed these questions, but they are aware of their relevance. As a first approximation to what social equality might require in representative systems, Kolodny provides as a plausible condition that citizens ought to have equal control in the selection of those who are to act as their agents. But he immediately clarifies that this is not the only plausible condition: "It might be acceptable that the agent is chosen by a delegate of the principal, or not chosen by anyone, but selected by lot."[5] In making this remark, Kolodny explicitly alludes to Alexander Guerrero's lottocracy and the enfranchisement lottery.[6]

How are we to decide between these plausible options? Some might try to settle the matter conceptually. One could argue, for instance, that the enfranchisement lottery provides everyone with an equal probability to have an equal opportunity to influence political decisions, but not with an equal opportunity proper, thereby being incompatible with Kolodny's account of social equality. But this argument is problematic. First, there is no reason to suppose that "having an opportunity to P" necessarily means that any given

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[3] Daniel Viehoff, *Democratic Equality and Political Authority*, 42 Phil. & Pub. Aff. 337, 357 (2014).

[4] Niko Kolodny, "Rule Over None II: Social Equality and the Justification of Democracy," 42 Phil. & Pub. Aff. 287, 303 (2014).

[5] *Id*. at 318.

[6] *Id*. at 318, n.34. *See also* Alexander Guerrero, *Against Elections: The Lottocratic Alternative*, 42 Phil. & Pub. Aff. 135 (2014).

person, if she wanted to, could attain P. Complaints about lacking an opportunity to P are often complaints about having no chance at all to be in a position to P. The enfranchisement lottery gives everyone an equal, positive chance to become a voter. Moreover, even if we conceded that "equal opportunity to P" means being in a position to P if that is our desire, this would not settle anything. We would still need to explain why social equality necessarily requires having an equal opportunity as opposed to an equal chance.

Is the rather plausible and widely shared notion that citizens qua citizens ought to have an equal standing violated in a society where, instead of universal suffrage, voters are randomly appointed prior to every election? Imagine a society with the following peculiar institution. At regular intervals, some citizens are randomly selected to enjoy all the luxuries of a life of extreme wealth—for twenty-four hours only. They become "billionaires for a day" (BFDs). It is hard to imagine that those selected for this position would enter into a relationship of hierarchical superiority with respect to everyone else. Their position is ephemeral: they go back the next day to join the ranks of ordinary people. This means that there is no continuous social relationship between them as billionaires and their fellow citizens. Along the same lines, being a non-BFD is not a fixed position: anyone could become a BFD at the next sortition. In these circumstances, there seem no good reasons to expect BFDs and non-BFDs to develop the reciprocal attitudes that characterize hierarchical relationships. The same reasoning applies to the enfranchisement lottery.

But one could object that the cases are different in a significant way. What BFDs do while they enjoy their position has no lasting consequences, whereas the actions of randomly selected voters are, collectively, quite consequential. Voters can say the following to non-voters: "Through our votes, we have shaped the terms of our political relationship, something you have not done." Is that enough to change their relative standing as equals? I doubt so. A non-voter can retort: "Perhaps, but the fact that you were in a position to do so has nothing to do with you. It could have been me or anyone else. Indeed, it might be me the next time. You and I are on a par." Empirically, there is no evidence that the actual use of randomly selected groups of citizens might undermine social equality.

To conclude, it seems implausible that the kind of political equality brought about by the enfranchisement lottery would not realize the value that we associate with social equality. The enfranchisement lottery would regard no one as having a stronger claim (outside the procedure itself) to political power than anyone else. How could this lead to a hierarchical society? It is clear that some—perhaps most—asymmetries of power are incompatible with egalitarian relationships (even though they may be justified, all things considered). But the enfranchisement lottery, to the extent it establishes a political asymmetry between those who have voted and those who have not, would suggest that not all political asymmetries are problematic from the point of view of social equality.

B. Epistemic Equality

According to some scholars, an analysis of the logic of voting—as opposed to other methods of processing individual preferences on an issue, such as acclamation—suggests that casting and counting votes confers a certain dignity on the enfranchised.[7] Moreover, when votes are weighed equally and aggregated through majority rule, individual citizens

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[7] MELISSA SCHWARTZBERG, COUNTING THE MANY: THE ORIGINS AND LIMITS OF SUPERMAJORITY RULE (2013).

can think of themselves as having maximal dignity because every voter is treated as having as much capacity for judgment on political matters as anyone else. This echoes some of the themes of relational equality, but in this case the importance of enfranchisement is ultimately about being individually recognized as possessing certain rational capacities independently of whether or not others are (not) thus recognized.

Critically, this is not about competence (our aptitude to make good political decisions at a given point in time) but about the capacity for competence (our rational capacity to become competent): "The presumption of epistemic equality that underwrites majority rule requires no assumption of competence whatsoever; each voter could be presumed equally myopic or stupid" with respect to some particular issue.[8] The affront to dignity comes from the thought that we lack the brains to do what it takes to become competent. Suppose you take a position on some political matter and I ask you to explain your reasons to me. If you told me, "Look, it's too complicated"; and by this you meant not that we now lack the time or something, but rather that I simply lack the capacity to understand the issue no matter how much effort I am willing to put to study the question seriously; then I would certainly feel denigrated. Whether you treat most other people in that way does not make much of a difference; I would still be offended by your suggestion that I lack the capacity to become sufficiently competent on the issue.

It should be plain that the enfranchisement lottery would not be objectionable in this way. It presumes everyone to be initially insufficiently competent to vote in the upcoming election—you might be John Stuart Mill reincarnated, but if you have no idea what the options stand for or what the issues are, your vote is as good as random. The lottery does not treat people as if they were unable to become competent. Quite the opposite: its whole point is to produce a more competent electorate without discounting anyone as unfit to be a part of it. No one is denigrated as lacking the intellectual tools to acquire and process all the relevant information to make a good decision. Thus, the enfranchisement lottery is compatible with the notion of epistemic equality outlined above.

C. Mass Participation

According to some theorists, something important would be lost if citizens did not have the opportunity to, and were not expected to, come together and vote in the election of political representatives. On this view, even if it were true (as many continue to insist) that the connection between an individual vote and political outcomes is very weak, mass participation in elections has a distinctive value. There are different accounts of what specifically is important about voting as an instance of mass participation. The following two seem the most prominent.

1. Mass Elections and Democracy

Consider: "The expectation of universal electoral participation does not arise because voting is special. Rather, the expectation of universal participation just *is* what makes

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[8] *Id*. at 118.

voting special."[9] The idea is that democracy suffers without mass participation. Elections, on this view, are extraordinary, ceremonial moments in which the sovereignty of citizens becomes patent: "Elections play a central role in the shared plan for collective self-rule because they ensure that the shape of public life manifestly depends (at least in a minimal way) on the equal authority of all citizens."[10] Although it would still have consequences, the ritual is diminished when only a few participate. And when only a few are *allowed* to participate, elections can no longer play that role. The possibility of every single person being counted at the critical moment of setting up a government disappears.[11]

We might agree that voting plays this valuable role in a "plan for democracy." The problem with this view is that it takes the value of democracy entirely for granted. It fails to answer the question of why it would be wrong to adopt a system lacking moments of institutionalized mass participation in which all citizens can see themselves as equal agents. We may suppose (for argument's sake) that only elections with universal suffrage "make manifest the equal political authority of all citizens."[12] But why should we establish a political system based on that idea? As I have mentioned, if our concern is an egalitarian one, why would it be wrong to adopt instead a system that honors the idea that, at least initially, no one has a stronger claim to political power than anyone else, but stops short of giving everyone a vote at every election? The enfranchisement lottery would certainly satisfy this criterion. To simply point to its undemocratic nature would beg the question.

2. Civic Engagement

Participation, some believe, transforms citizens in valuable ways. If the opportunity to participate were removed, then the possibility of this experience would be lost. The enfranchisement lottery, by excluding most people most of the time, cannot be expected to beneficially transform the citizenry.

An old version of this argument has already been seriously discredited. The idea is that participation is important to improve the character of citizens, and improving the character of citizens is important to improve the quality of government. This was John Stuart Mill's thesis in *Considerations on Representative Government*. We learn by doing. Without practical responsibilities, our traits and abilities will not develop to their full potential. If the great mass of society is disenfranchised, they will never become better citizens, and the polity will never be able to make progress (since the quality of the polity depends on the quality of its people at large). But Jon Elster has convincingly argued that the educational benefits of political participation are, if anything, "by-products" in an essential way.[13] This means that these alleged effects cannot be the reason for adopting democratic procedures because, if they were, they would not come about. The educational benefits of participation may only materialize if there are good independent reasons to

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[9] Emilee Chapman, Voting Matters: A Critical Examination and Defense of Democracy's Central Practice 117 (2016) (Ph.D. dissertation, Princeton University) http://arks.princeton.edu/ark:/88435/dsp013b591b991 [https://perma.cc/2RD4-BR9A].

[10] *Id*. at 118.

[11] Jesús Silva-Herzog, *El Juego del Voto*, Nexos (April 1, 2015), https://www.nexos.com.mx/?p=24508 [https://perma.cc/QZ4H-4R7J].

[12] Chapman, *supra* note 9, at 287.

[13] Jon Elster, *The Market and the Forum: Three Varieties of Political Theory*, in Philosophy and Democracy (Thomas Christiano ed., 2003).

believe that democratic procedures are appropriate for deciding political issues. This is unlikely to be the case if at the very outset we believe, to use Mill's own words, that "the agents, or those who choose the agents, or those to whom the agents are responsible, or the lookers-on whose opinion ought to influence and check all these, are mere masses of ignorance, stupidity, and baleful prejudice."[14] Sadly, people have been participating for a long time, and there is very little evidence that participation improves character.

But Mill offered another argument for participation invulnerable to the Elsterian critique. "Let a person have nothing to do for his country," Mill wrote, "And he will not care for it."[15] The idea is not that participation, or the right to participation, improves the character of citizens, but rather that it makes them more politically active in a beneficial way. In discharging their official duties as voters, one might grant that citizens perform poorly. However, this negative effect can be compensated by the way in which citizens' inclusion motivates them to organize and become more vigilant of public officials in general. As a result, the rascals might be under greater control in the end than in a system with arguably better voters but less attentive subjects. Disenfranchisement, in other words, enervates the governed in a way that creates greater opportunities for officials to abuse their power.

As far as I am aware, there is no evidence to support this theory. On the contrary, there are countless recent cases of democratization that have all but created an active citizenry of that sort. Perhaps, one might reply, universal suffrage is a necessary, not a sufficient, condition. Yet the evidence for this is still lacking. I cannot imagine any citizen thinking, "Oh, well, so we now have the enfranchisement lottery. This means that I will not be voting every few years. Maybe I won't vote ever again. So there is no point in joining those protests, reading the papers, calling my representatives, and supporting that association dedicated to scrutinize the use of public funds." This would be a huge breach of logic. And, if some people reasoned in this way, maybe we would be better off if they kept to their private affairs. In fact, the Millian version of the civic engagement argument can be turned on its head: non-voters under the enfranchisement lottery (i.e., most people in most elections) might feel even more motivated to participate in political affairs through other means when the opportunity to vote is no longer guaranteed. I think this makes more sense. In any case, at this point there is no compelling evidence that would settle this matter in a way unfavorable to the lottery system.

IV

None of the previous democratic challenges to the lottery system seems to undermine it as a permissible institutional arrangement. But perhaps things look different from an epistocratic point of view. Some critics have suggested that, even if the enfranchisement lottery were indeed epistemically preferable to universal suffrage, it may still be a suboptimal arrangement. They claim that other enfranchisement schemes might perform better. I shall focus on the alternative proposal to make voting conditional on passing a competency test and Brennan's idea of a "government by simulated oracle." I shall argue that the enfranchisement lottery remains undefeated relative to these alternatives.

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[14] J. S. MILL, ON LIBERTY AND OTHER ESSAYS 226 (Oxford University Press 2008) (1859).
[15] Id. at 240.

To be perfectly clear, my thesis is only that, based on the available evidence, no other enfranchisement scheme is superior to the lottery system *qua enfranchisement scheme*. I shall not compare the enfranchisement lottery with other epistocratic devices. Perhaps the epistemic value of a novel scheme of judicial review would be greater than that of the lottery. Or perhaps abolishing elections altogether in favor of a full-fledged lottocracy would be epistemically best.[16] My concern here is solely with the allocation of the franchise in a representative system based on elections. I only plan to defend the enfranchisement lottery (not as superior, but rather as not inferior) vis-à-vis competency tests and the simulated oracle proposal—devices that merely seek to make the electorate more competent.[17]

To respond to the criticisms that Jason Brennan and Ilya Somin have made of the enfranchisement lottery, I argue that competency tests and the simulated oracle fare no better. Brennan is sympathetic to the idea of the enfranchisement lottery, but he has two main worries. First, he thinks that it rests on an overly optimistic assessment of the capacity of deliberative democracy to improve the competence of voters. It seems easier and more effective to select the competent, rather than try to breed them, as the lottery system seeks to do. Brennan's second worry is that my proposal also rests on a conception of competence that is less demanding than the one that he thinks should guide our analysis. The two worries are obviously related: the lottery might be able to adequately inform voters if we assume a lower standard of competence, but not otherwise.

The idea of voting competence has two relevant properties for our purposes. The first is that it is a threshold notion. The world is divided into electors and non-electors, where the former has the same amount of power, and the latter lacks the same amount of power. There are no in-betweens (barring, for example, weighted and plural voting). To the extent that some ability is relevant for becoming an elector, the matter necessarily becomes one of determining whether people have *enough* of it. Personal variations above the threshold, however high or low we choose to place it, are not relevant: competence is equal. This is important because it could be the case that a certain arrangement produces electors with higher individual scores than other arrangements regarding the ability in question, and yet, for purposes of the task to be done, they would not be more competent. An MIT mathematician is not more competent at performing single-digit sums than someone with basic math training. Competence is task-relative in this way. An arrangement that reliably produces MIT mathematicians would not be, for the purpose of producing people capable of performing single-digit sums, superior to one that merely produces individuals with basic math training. This naturally raises the question of how we ought to understand the task for voters—this is the second property of the notion of competence that I want to discuss briefly.

Voters are not expected to accurately rank many alternatives on some cardinal scale of desirability. Instead, their task is to make a correct ordinal ranking of just a few alternatives (or, depending on the electoral system, perhaps they just must identify the least undesirable option, whether or not they get the rest of the ordering right). The latter requires a lower level of competence than the former. This is not to say that ordinal rankings are easy to make. They can be particularly challenging when the options on the ballot are very

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[16] See Guerrero, *supra* note 6.

[17] I do not address here other proposals, such as plural voting and deliberation day. I have said something about them in DEMOCRACY AND DISENFRANCHISEMENT, *supra* note 1.

similar—as the median voter theorem predicts they would be in certain conditions. In these cases, however, the electorate's behavior also becomes less consequential, precisely because the alternatives are similarly good or bad. Another important point is that voters are not supposed to be the only line of defense against bad decisions. Elections are indeed a filter. But how much we need them to filter depends on our ability to enhance the epistemic value of the political system by other means.

The point of these remarks is that we do not need an enfranchisement scheme that produces Platonic philosopher-electors. A body of electors with fewer abilities could be just as competent given the nature of the task in question, just as in the example above whereby the MIT mathematician is not more competent than the person with basic math training. For purposes of this discussion, however, it is very difficult (largely because it depends on so many variables) to pinpoint a threshold of abilities in order to distinguish the competent from the incompetent, and then evaluate on that basis how well different enfranchisement schemes perform. Instead, I will make two assumptions. The first is that the lottery's rival schemes—the voting test and the simulated oracle—would succeed at producing a fully competent electorate. The second assumption is that these rival schemes cannot screen for exceptional talents, such as an alleged ability to investigate the hearts of rascals-to-be before they manage to reach power. Instead, these schemes screen for knowledge or abilities that any person of ordinary intelligence can acquire with proper training.

Brennan's central point against the enfranchisement lottery is that it cannot turn ordinary people into good voters: "I doubt a couple of days of deliberation can impart [the required] knowledge—after a semester's worth of study, most undergraduates still don't understand, say, basic microeconomics."[18] Brennan claims that I seem to favor a lower standard of voting competence. But this can be misleading. As I understand our disagreement, the problem is not that I am willing to set the bar lower, having already agreed on what kind of knowledge is relevant. The disagreement concerns precisely the kind of knowledge that voters ought to have, not how much of it suffices. I am willing to concede from the outset that, if voters had to understand "the social science needed to assess candidates' performance or proposals," then the lottery's competence-building process might fall short or would become too costly.[19] What I want to argue is that voters do not need the kind of social-scientific understanding that Brennan seems to advocate.

It is clear, I believe, that the enfranchisement lottery can effectively inform voters on many of the facts that Brennan deems important: "Basic civics, recent history, candidate platforms, what powers different offices have," among other things.[20] The problem is that the lottery would allegedly fail to provide enough social-scientific knowledge to detect poor policy proposals. To argue against this, let me first distinguish among three conceptions of the social-scientific knowledge that matters. On the first conception, voters need to know—as far as possible, given the best available research—the likely consequences of different policy platforms. Specifically, they need to know if a policy is feasible and whether it will bring about as much good as its proponents claim. On a second conception, voters have to understand not only the likely effects of policies but also the social-scientific causal explanation. It is not enough to know that some candidate proposes

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[18] JASON BRENNAN, AGAINST DEMOCRACY 215 (2016).

[19] *Id.* at 164.

[20] *Id.*

policies that are likely to produce better results than the policies proposed by others. A voter also must understand why a certain policy, or set of policies, would bring about certain outcomes. Finally, on the third conception, the two previous ones fall short. In addition, voters must know how to generate social-scientific knowledge on the effects of policies. They have to be social scientists themselves, to some extent.

When Brennan suggests that voters should know, say, basic economics and political science, he seems to be committed to the second of these conceptions of social-scientific knowledge. But I do not think that this can be justified based on Brennan's own theory, where outcomes are the only thing that matters. Voters do not need to understand why, according to scholars, Policy A would produce better results than Policy B. They simply need to know that Policy A is thus preferable to the alternatives. One might argue that in order to know which policy is better, we need to know—and perhaps even be able to produce—the relevant social science. I think this is a mistake. We can call it the "expertise fallacy." It is not true that to properly rely on expert knowledge in deciding on X, the decision maker him or herself ought to be an expert on X. The relevant knowledge can simply be given to the decision maker. You do not have to be a neurologist in order to competently decide whether surgery is the best alternative to treat your child's brain tumor. You can consult with several qualified neurologists and make a competent decision on the basis of their aggregated advice. The same is true in the context of policymaking—and, by the way, it is true for voters and candidates alike.

If the social-scientific knowledge that voters require is indeed of the first kind, the next question is whether the enfranchisement lottery can deliver it. I would be surprised if there were any skeptics. Here is one way to go about it. As part of the competence-building process, candidates would be required to put forward specific policy proposals on the most pressing subjects and to advance claims on their expected benefits. Panels of specialists would evaluate the various proposals. For instance, fifty randomly selected tenured professors of economics would score the economic policies and related claims of each candidate. Finally, the prospective voters would learn the results of the evaluations. The interesting IGM Economic Experts Panel can provide some inspiration. Prior to its approval, the panel assessed whether the tax reform pushed by Republicans in the United States in 2017 would, as its supporters claimed, lead to economic growth. After weighting for each expert's confidence, only 2% of the members of the panel agreed that the reform (basically tax cuts for the rich) would promote growth, and 0% strongly agreed.[21] How long did it take you to read the last two sentences? That's how long it would take the enfranchisement lottery to provide information that is far more relevant than knowing all the microeconomics in the world.

The next and final issue I must address is whether the enfranchisement lottery would nevertheless be inferior to the alternatives under consideration—competency tests and the simulated oracle proposal. First let me say a word on the latter scheme, since readers might not have heard of it (voting competency tests require no explanation). The basic idea is that, at the time of casting their ballots (in the form of an ordinal ranking of the alternatives) voters also provide their basic demographic information and answer several questions designed to measure their political knowledge. This would allow us to know the political preferences of the most competent individuals within every relevant

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[21] *See* Tax Reform, Chicago Booth: The Initiative on Global Markets (November 21, 2017), https://www.igmchicago.org/surveys/tax-reform-2/ [https://perma.cc/VWP9-UAJM].

demographic group. Then, based on that information, the incompetent votes within each group would be converted into competent votes. What I want to highlight for my purposes is that the epistocratic device in the simulated oracle scheme is also a voting competency test.[22] So, in showing that one of these schemes is not better than the lottery implies showing that the other is not superior either.

I have argued that the enfranchisement lottery can effectively deliver the kind of knowledge that voters should have. Would a competency test nevertheless be preferable? Given the previous analysis, the answer would be plainly "no," unless the participants in the lottery's competence-building process failed to assimilate the information given to them. Indeed, one apparent advantage of competency tests is that we know that those who pass them, with very few exceptions, have the required knowledge. But there seems to be less certainty for the participants after the lottery's competence-building process. For a variety of reasons, more than a few will probably fail to acquire the relevant knowledge, even if it is effectively presented to them.

Is this sufficient to discard the enfranchisement lottery in favor of competency tests or the simulated oracle proposal? I do not think so. From an epistocratic point of view, the only thing that matters in the end is the effectiveness of the electorate, as a whole, in making correct choices. The fact (let us assume that it is one) that competency tests would produce electorates with fewer incompetent individuals does not by itself make competency tests superior to the lottery. For this to be the case, the electorate would collectively have to be superior in the sense of failing less often to make the right decisions. Having a larger number of competent members is not necessarily relevant, just as the superior abilities of the MIT mathematician do not make him more competent than the person with basic math knowledge for purposes of performing single-digit sums. To settle the matter, it would have to be clear, all else being equal, that there would be significant differences in the number of incompetent members in the electorates produced by these schemes. And this is not at all clear. I thus conclude that, given the current state of our knowledge, the enfranchisement lottery stands undefeated.

Ilya Somin has objected to the enfranchisement lottery on similar grounds. First, he has suggested that the competence-building process could not last long enough to guarantee that voters "understand anything approaching the full range of issues dealt with by modern government."[23] This would be an acceptable standard if it were reasonable to expect a suffrage system to provide a solution to political ignorance.[24] But that is not a reasonable standard. Whether the enfranchisement lottery does enough depends on our expectations. Surely it would fall short if, as Somin seems to propose, our goal was that of "overcoming voter ignorance."[25] But our task is different: to choose, as Brennan would put it, the least ignorant pig. What I have argued is that if we just want to select the best enfranchisement scheme among the feasible alternatives—based on epistemic considerations alone—the enfranchisement lottery seems to be second to none. To put it differently, based on what I have argued above, there are not as many reasons to prefer competency tests or the

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[22] One considerable advantage of the simulated oracle scheme over standard competency tests is that it would not be vulnerable to the so-called "demographic objection," namely, the worry that the electorate would be biased and fail to properly consider the interests of certain groups in the population.
[23] ILYA SOMIN, DEMOCRACY AND POLITICAL IGNORANCE 209 (2nd ed. 2016).
[24] *Id*. at 208. My emphasis.
[25] *Id*. at 209. My emphasis.

simulated oracle to the enfranchisement lottery as there are to prefer the latter to universal suffrage (again, leaving aside non-epistemic considerations).

Finally, let me briefly address a second main criticism put forward by Somin. He argues that the enfranchisement lottery is vulnerable to manipulation and capture by interest groups: "Whoever designs the jury deliberation process will have enormous opportunity and incentive to skew it in various ways."[26] This is true. Universal suffrage seems to have an edge in circumstances where proper institutional design cannot reasonably mitigate this risk. Yet there are countries where this would not be a serious concern. I have already dealt with this issue in *Democracy and Disenfranchisement*, so I shall not elaborate here. Let me instead turn to the comparison between the lottery system and the epistocratic alternatives under consideration.

Are there good reasons to believe that the kind of voter examination at the heart of competency tests and the simulated oracle proposal would be less susceptible to manipulation than the enfranchisement lottery? Not as far as I can tell. In the case of the lottery, the problem is that the information delivered to the voters can be biased in favor of some candidates. But it would be just as feasible to bias the content of competency tests. As Somin puts it: "Grave dangers arise from the fact that any voting test or scheme for giving 'extra' votes to the best informed must be approved by incumbent legislators."[27] This is generally correct, but it should be noted that Somin has not imagined these institutions, including the enfranchisement lottery, in the best possible light. There are many ways to largely shield them from the whims of incumbents. This can never be done to perfection, and in some circumstances it may not be possible. But this does not mean that the risks decidedly outweigh the potential benefits in every case.

CONCLUSION

If one can devise an enfranchisement scheme that is less inclusive than universal suffrage and yet immune to reasonable rejection, one would have shown that, contrary to what most democrats believe, there are permissible alternatives to the idea of "one person, one vote." The enfranchisement lottery was the result of my effort to find such a scheme. In this essay I have tried to defend it against two fronts. The first is the democratic front. I have addressed several new arguments—that is, arguments that I did not consider before—that might suggest that universal suffrage is the only permissible voting scheme. None of these arguments, I believe, succeed. The enfranchisement lottery, given certain circumstances, is an acceptable suffrage system. Epistocrats constitute the other front. Some authors have argued that the enfranchisement lottery does not go far enough, from an epistemic point of view. They have suggested that I might have overestimated its capacity to create a well-informed electorate, especially when compared to other feasible alternatives. Against this, I have argued here that the enfranchisement lottery, though not clearly superior to other epistocratic schemes, seems to remain undefeated, given the available theoretical and empirical evidence. This might change in the future, of course. Perhaps a superior suffrage system is devised at some point in the future and would lead me to revise this conclusion.

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[26] Ilya Somin, *Can an 'Enfranchisement Lottery' Solve the Problem of Political Ignorance?*, WASH. POST (April 25, 2016), https://www.washingtonpost.com/news/volokh-conspiracy/wp/2016/04/25/can-an-enfranchisement-lottery-solve-the-problem-of-political-ignorance/ [https://perma.cc/SAA8-E222].
[27] SOMIN, *supra* note 23, at 213.

But for the time being, the enfranchisement lottery seems to be an alternative worth thinking about, both for theoretical and practical purposes.