Is Sortition Democracy Compatible with Capitalism?

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Abstract

This paper is a theoretical exploration of the compatibility of capitalism and sortition representative democracy. Scholars have been interested, both from critical and empirical perspectives, in the relationship between capitalism and democracy. However, what most researchers have been in mind at the time as 'democracy' is *electoral representative democracy*, liberal democracy in other words. There are few pieces of research on the compatibility problem between capitalism and sortition democracy, except for Erik Olin Wright's small writing (Wright 2019). This is the reason why I explore this topic in this paper. The basic assumption of this paper is that capitalism and democracy become to be compatible when both democracy is liberalised, and capitalism is democratized. Based on this assumption, my argument s four folds. First, sortition representation may not meet a condition of compatibility because it does not include a liberal element as free competition among multiple political parties. Second, while sortition democracy cannot rely on the 'power of number', it might be able to contribute to accumulating an alternative power resource as the 'power of reasons' for democratic control of capitalism. Third, to understand how sortition democracy can play a role for compatibility, exploring the 'boundaries struggles' (Fraser) over nature (ecology) and reproduction (care) from the sortition perspective is helpful. Finally, further democratization of capitalism is possible through bringing a sortition representation directly into capitalism.

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Introduction

While having long coexisted, capitalism and democracy are originally separate principles or mechanisms (Macpherson 1966). When capitalism and (electoral) democracy developed in the 19th century, theorists such as Karl Marx, John Stuart Mill and Alexis de Tocqueville considered that the two could not be linked. However, the 'twentieth-century experience of capitalist societies' provided a refutation of 'this nineteenth-century hypothesis' of the 'incompatibility' of capitalism and democracy. The coexistence of both is what is known as 'liberal democracy' (Offe 1984: 179). For them to be compatible, they needed to incorporate features of each other, i.e. 'the marketization of politics and the politicization of the private economy' (Offe 1984: 182). In other words, democracy on the one hand became *liberal democracy* or *electoral representative democracy* by adopting the principles of liberalism, which are also common to capitalism, in the form of competition between parties through elections, while capitalism on the other hand accepted the principle of equality, which is a feature of democracy, through regulation and intervention by the welfare state. Thus, in the second half of the 20th century, democracy as electoral representative democracy and capitalism as the welfare state capitalism became compatible. As Torben Iversen and David Soskice write, '[d]emocracies positively reinforce advanced capitalism and a well-functioning advanced capitalism reinforces democratic support' (Iversen and Soskice 2019: xii).

This relationship between capitalism and democracy was discussed in the 1970s and early 1980s, especially by theorists influenced by Neo-Marxism, who argued about their incompatibility (Habermas 1973; Offe 1984). Since then, their compatibility seems to have long been considered self-evident, with the 'end of history' (Fukuyama) due to the regime change of the socialist system. Nevertheless, in recent years, studies have emerged that shed new light on the relationship between capitalism and democracy (Chiba 2022; Hall 2022; Iversen and Soskice 2019; Streeck 2014; 2016; Tamura 2018). Electoral representative democracy is basically in mind when those scholars consider the compatibility of democracy and capitalism. However, there is no inevitability that the relationship between capitalism and democracy should be considered exclusively in terms

of *electoral* representative democracy. Indeed, more recently, studies have emerged that shed light on this issue from the perspective of deliberative and participatory democracy (Bua 2022; Vlahos 2022a; 2022b). Of course, the revival of interest in enterprise and workplace democracy, which is referred to in Section 4 of this paper, also involves the relationship between capitalism and democracy.

With these research trends in mind, this paper focuses on a type of representative democracy that is *representative*, but different from *electoral* democracy; namely, *sortition representative democracy* or *representative democracy by lot*.[2] Rapidly growing interests in sortition can be found in recent political theory (Delannoi and Dowlen 2010; Gastil and Wright 2019; Lopez-Rabatel and Sintomer 2020; Okazaki 2019; 2021; 2022; Sintomer 2023; Van Reybrouk 2016; Yamaguchi 2020a; 2020b; Yoshida 2021). Discussions around lotteries often question the link between elections and democracy, and it is often argued that lotteries are the way forward for democracy.[3] However, the interest of this paper does not lie in questions such as whether a lottery is more democratic than an election. This paper focuses solely on the compatibility of sortition democracy with capitalism.[4]

There can be a variety of sortition democracy. One that is relatively familiar and also one of the key triggers of the revival of interest in lottery today (Van Reybrouk 2016) is deliberative mini-publics. Among various forms of mini-publics (Curato *et al*. 2021), those having *parliament-like* nature are of interest to this paper. The most typical of these (although not realised) is legislature by lot, including in the case of one of the bicameral chambers (Gastil and Wright 2019; Okazaki 2019). Added to this are those citizens' assemblies which have a clear connection with the legislature, such as the Irish Citizens' Assembly for Constitutional Reform, the French Citizens' Assembly on Climate Change,

[2] In this paper, the terms 'sortition (lottery) system', 'sortition (lottery) democracy' and 'sortition (lottery) representative system' are used as basically synonymous with sortition representative democracy.

[3] However, regarding the relationship between electoral and sortition systems, not many argue that the electoral system should be *completely* replaced by a sortition system. Rather, many commentators propose a bicameral system with an elected parliament and a sortition parliament. See Okazaki (2019).

[4] The question of whether democracy by lot can be understood as 'representative' can also be a subject of debate; rather, it is a form of participatory democracy. In this paper, however, 'sortition democracy' is understood as a kind of *representative* democracy; a sortition representative democracy.

and the Citizens' Council in the German-speaking Community of Belgium. As is the case with these examples, these types of mini-publics that are more directly involved in decision making are often referred to as *citizens' assemblies* as a concept. The emergence of these citizens' assemblies or mini-publics could be called the 'second wave' of the revival of sortition today (Sintomer 2019). When this paper uses the term the sortition representative democracy, it has these institutions in mind.

Few considerations on the compatibility of sortition democracy with capitalism exist, except for one written by Erik Olin Wright as a 'postscript' (Wright 2019) to an article he co-authored with John Gastil (Gastil and Wright 2019). It is thought to be.

This text by Wright, drawing on Marxist theories of the state and democracy, attempts to show the significance of addressing the question of the extent to which the lottery system has the potential to go beyond capitalism by posing the question: 'Would a sortition process be more likely to support or oppose popular mobilizations with egalitarian objectives, such as income and wealth redistribution?' (Wright 2019: 42) However, due to the fact that it is a very short text, Wright's answer to the previous question is limited to 'depend on the political, economic, and cultural context of sortition reforms' (Wright 2019: 42). This paper continues Wright's message and goes further in examining the relationship between capitalism and sortition representative democracy.

How should we think about the compatibility of sortition democracy and capitalism: what was needed to make capitalism and democracy compatible in the second half of the 20th century was (1) the *liberalisation of democracy* and (2) the *democratisation of capitalism*. If this is the case, then the compatibility of sortition democracy and capitalism depends on the answers to the following two questions. First, can sortition liberalises, in some sense, democracy? Second, would sortition make capitalism, in some sense, democratising?

This paper is structured as follows. Section 1 examines whether sortition could meet the demand for the liberalisation of democracy. In contrast, Section 2 discusses whether a sortition representation system could bring about the 'democratisation of capitalism'. The focus here is on the possibility of accumulating power resources as the 'power of reasons' through a sortition representative system. Section 3 focuses on the domains of

environment and *care*, which are separated from, but closely related to, capitalism, and discusses the extent to which sortition representation can control the 'boundary struggle' (Fraser) between these two and capitalism in a democratic way. Section 4 examines the possibility of bringing sortition representative democracy inside capitalism beyond the realm of politics in the narrow sense. Finally, in the conclusion, after summarising the contents of the paper and confirming the potential of sortition democracy in relation to capitalism, the question of whether sortition representative democracy is compatible with capitalism or whether it results in incompatibility is answered.

1. Liberalisation of Democracy Through the Sortition Representative System?

In the contemporary revival of sortition, it is often argued that sortition is the embodiment of democratic principles. However, from our concern in the compatibility of capitalism and democracy, the liberalisation of democracy is also important (Macpherson 1966: 11). This section, therefore, addresses the question of whether it is (also) possible to find 'liberal' elements in the sortition system. Seiki Okazaki addresses this issue (Okazaki 2021). What Okazaki attempts to do is to 'bring out the liberal potential of the lottery system'. Liberal potential means whether the lottery system contributes to the 'restraining power' of the state (Okazaki 2021: 53). In contrast, this paper focuses on whether a liberal element such as (free) market or competition can be found in the lottery system. In what follows, we will divide our discussion into two phases: the phase of the election of representatives by lottery and the phase after the election.

First, let us examine the phase of representation. In an electoral representation, it was precisely in this phase that the principle of liberalism was said to have been incorporated into democracy as the electoral competition. In the case of a lottery representation, however, competition in this sense does not occur. Here, a person's selection as a representative is not the result of competition, but the product of chance. If we allow a

veto when elected by lot, we can find a kind of *liberal* principle there. But that is not the same as freedom of competition.

Secondly, what about the phase after the selection of representatives? In this phase, a sortition representative system has the potential to achieve *free* deliberation than an electoral representative system. Indeed, in deliberative mini-publics, lotteries (random selection) are used for their member selection because it is believed that this allows participants to deliberate freely in their capacity as *individuals* rather than as representatives of a particular social group (Fishkin 2009). Representatives in electoral representative systems are often seen as *agents* of voters/citizens as *principals*. However, if representatives are agents in the literal sense, free debate and deliberation by them would be difficult because they are bound by the interests of their principals. There are also certainly several reasons for representatives to belong to political parties. However, from the perspective of free deliberation, joining a political party is a restriction on the free deliberation of each individual representative.

In contrast, a lottery system, for better or worse, would have the effect of freeing representatives from these constraints under an electoral system. First, a representative chosen by lot is not the agent of a particular person. It would be possible for a representative by lot to be regarded as a representative of the political community concerned as a whole. In this case, the representative by lot would be expected to speak and act with the political community concerned in mind. Nevertheless, it is important to note that representatives in this case are not agents of specific or individual interests. In other words, not being agents, they are likely to be relatively free to speak and deliberate. Secondly, representatives by lottery are not selected as members of a particular political party or other group, but only as individuals. This means that representatives by lot are not bound by the particular position of a political party or other social group.

Thus, a sortition representative system is more compatible with freedom than an elected representative system, especially in the post-election phase mentioned above. However, that freedom is different from freedom in the sense of free competition. Therefore, lottery representative democracy cannot be seen as a liberal/liberalised democracy in the sense of affinity with capitalism.

What might this imply? One possibility is the *incompatibility* of sortition representative democracy with capitalism. As lottery democracy cannot be understood as the liberalisation of democracy (in the capitalist sense), the consequence could be the incompatibility of the two. However, what this incompatibility means requires further consideration, because at least two possibilities of it can be envisaged. One is the possibility that democratic control over capitalism becomes ineffective. Electoral democracy means the liberalisation of democracy where capitalism is also transformed as the Keynesian welfare state to become compatible with democracy (Offe 1984). However, the shift from electoral to lottery democracy means that it increases the degree to which it is 'foreign' to capitalism. As a consequence, effective control of capitalism by democracy may become more difficult. In contrast, another possibility is that a sortition representative system could promote a more egalitarian reform of capitalism. Sortition representative systems may provide a base for 'nonreformist reforms' (Wright 2019: 42), which Wright examines with reference to André Goltz. Underpinning this possibility is the expectation that a sortition representative system could lead to more *free* deliberation than an electoral system. If the principle of liberalism in the sense of free deliberation acts to constrain the principle of liberalism in the sense of market and competition, it may be possible that lottery democracy could control capitalism more than ever.

Let me summarise the above considerations. Whether capitalism and democracy are compatible depends on whether, on the side of democracy, its *liberalisation* is possible. Unlike electoral representative democracy, sortition representative democracy does not bring about the liberalisation of democracy in the sense of introducing market and/or competition into democracy. The liberal element it could bring is *free deliberation*. Liberalisation in this sense may be difficult to be compatible with capitalism. And, in this case, sortition representative democracy may reveal the inherent tension between capitalism and democracy.

However, the compatibility problem also has an aspect of *democratising capitalism*. The free deliberation element of sortition representative democracy may contribute to democratic control of capitalism and thus make capitalism and democracy compatible. This issue will be explored in the next section.

2. Democratization of Capitalism Through the Sortition Democracy?

2.1. Meaning of Democratization of Capitalism

This section examines the possibility of *democratising capitalism* through lottery democracy. As already mentioned, we can suppose the compatibility of capitalism and democracy not only as the liberalisation of democracy explored in the previous section but also as the democratisation of capitalism as well. The question addressed in this section is therefore whether lottery democracy can contribute to the democratisation of capitalism.

First, it is important to confirm what is meant by the democratisation of capitalism in electoral representative democracy. Put simply, it was the formation of a political majority in representative democracy by social democratic political forces, and the mitigation of the negative aspects of capitalism through the development of the welfare state by the social-democratic government. The power resource theory of the welfare state development offers a clear examination (Korpi 1983; Esping-Andersen 1985; Shinkawa 2014). In capitalism, the power resource is the private property (especially ownership of the means of production), whereas in democracy it is the power of numbers. The working class is disadvantaged under capitalism because it is the 'have-nots'. However, under democratic politics, it can exercise its power of numbers by giving political support to and voting for social democratic parties. Social democratic parties, building on support from the working class but extending their wings to other classes by presenting universalist social welfare programs, come to power through class coalition strategies (Esping-Andersen 1990). Once in power, social democratic parties revise the negative aspects of capitalism through regulatory and welfare policies. For example, by developing unemployment benefits and pension schemes, people are *decommodified* and become less dependent on the market to survive (Esping-Andersen 1990). In this way, capitalism is democratised through electoral representative democracy by means of the formation of the welfare state.

How, then, can we envisage the democratisation of capitalism through the sortition representative democracy? In the following, I point out that the sortition representative democracy, unlike the case of the electoral representative democracy, cannot depend on any groups as the social basis of democracy and it may result in difficulties in accumulating the power resources necessary for the democratisation of capitalism (2.2), and argue that, however, there is a possibility of accumulating a kind of power resource through deliberation (2.3).

2.2. Unreliableness on Social Groups and Another Power Resource

One major problem is that in a sortition representation, it is not possible to envisage in advance a working class or, more generally, a social group that has interests to democratise capitalism, as is the case in an electoral representation. It is difficult to see members in a sortition assembly as representatives of a particular social group or class. Of course, individual people chosen by lot may belong to the working class, the middle class or even the capitalist class (bourgeoisie). However, representatives by lot are not elected to represent the interests of social groups or social classes. They are selected just as *individuals*. There is no guarantee that these mere individuals will necessarily be in a position ‘against capitalism’. If this is the case, then a sortition representative democracy lacks a power resource to resist capitalism; it is the power of numbers.

What should we think about this? It is important to confirm that representation by lot does not guarantee any particular conclusion. Sortition representation involves uncertainty or contingency in a twofold sense. First, the procedure for selecting representatives leaves the very outcome to chance (Yoshida 2021). In a sortition representative system, it is even more impossible to predict 'who will be elected' than in an elected representative system. Second, the process of deliberation is also uncertain. In an electoral representative system, political parties exist and there is a distinction between government and opposition. This increases, for better or worse, the certainty of the deliberation process in parliament; proposals by the government party are more likely to be adopted. In this sense, deliberation in an electoral parliament is, to some extent, what

is anticipated in advance.[5] In contrast, deliberation in a sortition representative system cannot be expected to be certain in this sense. There is no distinction between the ruling party and the opposition party, nor even between factions. As a result, the outcome of deliberation would literally depend on the deliberations there.

Can be a sortition representative system characterised by such uncertainty and contingency against capitalism? I contend that if it can, it would be through the 'power of reason' (Cohen 1997: 78; Gutmann and Thompson 2004: 43; He and Breen 2021: 2; Saito 2017: 223). It means, in other words, that a sortition representative system may generate discourses through deliberation that can contribute to the democratisation of capitalism. Sortition representation may not depend on any *social* basis for the democratisation of capitalism. However, it may achieve *political* equality through relative nullification of the influence of the social status of each individual and may finally reach a conclusion that promotes the democratisation of capitalism through deliberation based on mutual examination of the validity of reasons.

2.3. The Prospect for the Accumulation of Power Resource

The question here is how much we can estimate the possibility of 'against capitalism' through the accumulation of the 'power of reasons'. As already mentioned, the sortition representative system is by nature a system characterised by uncertainty and contingency. In other words, the system lacks the opportunity to systematically accumulate the power resources needed to democratise capitalism. In the case of an electoral representation, one could expect a cycle in which social democratic parties relying on and making a coalition with social classes would gain the government, realise welfare state policies, and then further strengthen their social base by creating further political support among the working class and others. In a sortition representative system, however, representatives are only periodically replaced by lot. The newly selected representatives do not have any organisational or collective relationship with the previous representatives. Furthermore, the distinctive feature of the sortition representative system is that it does not rely on any social base such as working class. Viewed in this way, even if a decision making that can

[5] But the extent of certainty of the deliberation process would vary between majoritarian and proportional systems.

contribute to the democratisation of capitalism is made by a sortition assembly, it just happens by coincidence.

However, from a different perspective, it is not impossible to accumulate power resources in a sortition representative democracy. Our concern here is the possibility of the 'pool of reasons' through deliberation in a sortition assembly. Originating with Jürgen Habermas (Habermas 1997: 56, 59), the term is elaborated by Jun'ichi Saito (2017) and Shin'ichi Tabata (2020). It examines the accumulation of reasons that can be regarded as valid through the communication of people in the public sphere at large. The pool of reasons thus accumulated is expected to define the range of political decision making (Tabata 2020: 45). If this is the case, we can say that the power resource for the democratisation of capitalism in the sortition representative system is the power of reasons, i.e., the pool of reasons accumulated through deliberation. Under a sortition system, working-class solidarity and the power of numbers may not be useful power resources for the democratisation of capitalism. However, it can be said that the deliberations there themselves may form a power resource as the pool of reasons.

However, it is still controversial whether the public sphere, where the pool of reasons is expected, includes sortition assemblies. This is because it could be argued that an emphasis on sortition representative systems leads to a disregard for the role of the public sphere. Indeed, such criticisms have been levelled at sortition. Scholars have criticized mini-publics as an 'abandonment of mass democracy' (Chambers 2009) or as 'shortcuts of democracy' (Lafont 2020). As a sortition system is also a representative system, the problem of divergence between those who represent and those who are represented is at least potentially present. It is, therefore, necessary to consider the question of in which cases a sortition representative system can contribute to the pool of reasons.

Cristina Lafont's consideration (Lafont 2020) is useful. Despite warning against the democratic shortcuts through mini-publics, Lafont does not reject mini-publics outright. Mini-publics can be useful for 'democracy without shortcuts' if they serve as 'considered public opinions' at the social level, and when they are utilised to empower people so that the political system responds appropriately to those 'considered public opinions' (Lafont 2020: 138). Lafont identifies three uses (Lafont 2020: 146-159). The first is contestatory

uses of mini-publics. This is when social minorities use the conclusions/recommendations of mini-publics, which differ from the position of the majority, to justify their own position. The second is vigilant uses. This means, for example, when the conclusions/recommendations of the mini-publics differ from the majority's opinion in society, people use them to be wary of any problems with the information available to them. This also applies when the conclusions/recommendations of the mini-publics are in line with the opinions of the public in society, but the government's policy formulation differs from them, and people use the conclusions of the mini-publics as clues to scrutinise the government's policy. Finally, there are anticipatory uses. This refers to the use of mini-publics for enhancing the visibility of policies and disseminating sufficient information in order to 'enable a proper public debate' and to collectively determine 'which priorities, interests, and values should guide the political decisions in question' (Lafont 2020: 158).

The mini-publics envisaged by Lafont are not the same as the sortition representative system in this paper. This is because, as noted in the introduction, the latter refers to something more 'parliamentary' and with a distinct connection to the executive and/or legislature. Nevertheless, by positive reference to Lafont's argument, the theoretical path that the parliamentary-like sortition assembly envisaged in this paper contributes to the pool of reasons in society, to the accumulation of power resources through its role in the formation of 'considered public opinion' among a wide range of people in the society outside of mini-publics can be clarified.[6] Sortition representative democracy cannot rely on any social group against capitalism. But it might be able to accumulate the power resource as the pool of reasons through the realization of political equality and deliberation, and therefore to make decisions for democratizing capitalism.

[6] It should be noted that Lafont herself does not entirely deny that mini-publics can play a decision-making role (Lafont 2020: 159-160).

3. Democratizing Capitalism Through Sortition Representative Democracy: On the Boundary Struggles on Social Reproduction and Nonhuman Nature

In this section, the potential of sortition representative democracy to contribute to the democratisation of capitalism is further explored. Specifically, it looks at *social reproduction* (care) and *nonhuman nature* (ecology) and examines whether sortition representative democracy can deal with these issues, with particular attention to their potential.

3.1. Why Nature and Reproduction?

Why does dealing with the issues of nature and reproduction make sense for the question of the democratisation of capitalism? The answer to this question is that the two are quite closely related to the very existence of capitalism. If such issues can be *democratised* through a sortition representative democracy, this would demonstrate the compatibility of capitalism and democracy through the sortition system.

This section is for confirming that nature and reproduction are closely related to the existence of capitalism. What is refereed is the recent works of Nancy Fraser (Fraser 2014/2017; 2020; Fraser and Jaeggi 2018). Fraser's argument is that capitalism (in a narrow sense) cannot exist by itself, but requires non-economic/non-commodified realms and therefore has the potential for crisis.

Fraser is increasingly critical of capitalism. Her argument is similar to the Neo-Marxist theories of capitalism and the state by Claus Offe (Offe 1972; Offe 1984) and Jürgen Habermas (Habermas 1973) in the 1970s and early 1980s. [7] In other words, Fraser

[7] Fraser has remarked that her arguments on the mechanism of the existence of capitalism are ‘closer to Karl Polanyi than I am to Lukács or the “Frankfurt School”’ in that she sees capitalism as dependent on its background ‘non-economic’ conditions and inputs (Fraser 2020: 1331). However, if the ‘Frankfurt School’ means Offe and Habermas during the 1970s and early 1980s, the situation is different. Indeed, Fraser's understanding of capitalism is like Habermas and Offe, although she herself does not refer to them directly; only James O’Connor, a Neo-Marxist scholar, is referred. Offe and Habermas tried to understand ‘late capitalism’ in terms of the contradictions between the economy and other domains; between the ‘commodification’ sphere and the ‘decommodification’ sphere. Of course, this is not surprising if one recalls that Fraser was originally a theorist who was influenced by Habermas' theory and has critically ingested it (cf. Fraser 1990).

examines capitalism not as a mere economic system, but as something that can only be existed on the basis of non-economic 'background conditions'. The three 'non-economic' background conditions are social reproduction (care), ecology (nature) and polity (power) (Fraser 2017: 146-152). Capitalism is constituted of the 'institutional separations' of the economy from these three zones, even though they are really connected. Fraser, like Offe, also examines this as 'it [capitalist commodification] depends for its very existence on zones of non-commodification' (Fraser 2017: 152). To express this feature of capitalism, Fraser calls it an 'institutionalised social order' (Fraser 2017: 153).

The form of capitalism as an institutionalised social order is not immutable. It is defined by 'boundary struggles' over the state of the separation of the economy from social reproduction, nature and polity:

> My claim is that how and where capitalist societies separate and divide economy from polity, production from reproduction, and the human from nature, is defined through social and political struggles. (Fraser 2020: 1332)

It is important to confirm that Fraser does not believe that the boundary struggle will inevitably bring the transformation of capitalism into a post-capitalist economy. This is because, for Fraser, the relationship between capitalism and each of the other three spheres 'develops together' and is 'codefined' (Fraser 2020: 1333). Therefore, 'a struggle over where to draw the boundary between any of these is therefore not necessarily the same thing as opposition to capitalism as such.' (Fraser 2020: 1333)

What then is the reason for reconceptualizing capitalism as an institutionalised social order in which the economy and the other three spheres coexist in contradiction? I think that Fraser's answer to this question is more appropriately called democratic than anticapitalist[8] even if her own writing seems to oscillate between these two moments.[9]

[8] In Fraser (2020), reference is sought to the concept of 'parity of participation' that she presented in her discussion with Axel Honneth on recognition and redistribution (Fraser 2020: 1336). Not only this, but I believe that 'democracy' is consistently at the basis of Fraser's theory. It runs from the relatively early critical reflection on Habermas's theory of the public sphere (Fraser 1990) through to *The Scales of Justice* in the 2000s (Fraser 2008).

[9] This impression is strengthened when I read Fraser's latest book, *Cannibal Capitalism* (Fraser 2022).

That is, she contends, under the recognition that the concrete form of capitalism depends on boundary struggles, that what is important is 'to create social conditions under which people can work out for themselves what kind of communities, what kind of families, what kind of relation to nature they want', i.e. 'to create conditions under which people can make such determinations under conditions under fair terms, under conditions of non-domination and freedom where the process is not pre-emptied in advance by the market' (Fraser 2020: 1336). In other words, what matters is the very thing that people can decide what kind of relationship they want between economy and other realms 'under conditions of non-domination and freedom', understanding that capitalism requires (functionally [10]) the three decommodified spheres.

Based on Fraser's argument above, the question of whether sortition representative democracy allows people to decide for themselves the relationship between the economy and other realms will be considered below. If people can decide for themselves, then it must also be possible (if not inevitable) to curtail the extent to which capitalism is *capitalist* (as, for example, the welfare state has been) as a result of boundary struggles. In Fraser's discussion, three other zones of the economy were mentioned: polity, nature and reproduction. The following part of this section examines the question of whether sortition representative democracy, as a legislative mechanism for the polity, has the potential to democratically control the boundary struggle between the other two zones-nature and reproduction - and economy. If that possibility is reasonable, it means that there are prospects for the compatibility of capitalism and democracy through a sortition system.

3.2. Nature (Ecology)

First, let us discuss nature. Can a sortition representative democracy democratically control the boundary struggle between economy and nature?

Theoretically, we can point to the possibility of decision making from a long-term perspective that a sortition representative system possesses. In general, in an electoral representative system, representatives/politicians must be aware of winning the next

[10] Fraser herself told that her idea of capitalism as an institutionalised social order is not functionalist because it emphasizes the significance of boundary struggles.

election (even if it is not their top priority). As a result, representatives/politicians may not be enthusiastic about issues such as the environment that need to take a long-term view of the results of their efforts and, therefore, are less likely to become short-term achievements. On the other hand, voters are also more likely to focus on short-term interests and concerns. Moreover, in electoral representation, short-term interests over the long-term interests of society tend to be pursued typically by a small economic elite, while future generations (which do not currently exist) are not included as voters. This *myopia of democracy* is found in electoral representative systems (Mackenzie 2021; see also Mackenzie 2016; 2018; Niemeyer and Jennstål 2016; Saijo 2020).

In contrast, in a sortition representative system, the term of office of the representative is determined independently of elections. Therefore, representatives do not need to take care of their performance during the term for re-election. In other words, representatives by lot can tackle issues without having to consider the constraints of elections. Of course, this does not necessarily mean that sortition representation necessarily makes taking long-term perspective possible. However, it can be argued that the absence of elections removes a disincentive to take a long-term perspective. Furthermore, by deliberating under these circumstances of sortition representation, [11] the short-term interests that the lottery-selected representatives may still have may be reviewed and reshaped in a different way than they were initially (Mackenzie 2021). Moreover, if, as the idea of 'future design' proposed by Tatsuyoshi Saijo (Saijo 2020), the role of future generations is assigned to certain people among the representatives selected by lottery, the potential for sortition representative system to take a long-term perspective would be further enhanced.

Indeed, nature is one of the areas where sortition representative democracy is being introduced. Take, for example, the case of the French Citizens Convention for Climate (Mikami 2022: 38-43. See also Landemore 2020: 111-114 especially). It was established in 2019 based on the demands of the participants of the Yellow Vest Movement and

[11] However, whether or not a sortition representative assembly should be a 'deliberative' assembly is itself a point of contention. Some scholars envisage a decision by 'deliberation within' (Goodin) of individual representative rather than mutual deliberation (Okazaki 2019; Yamaguchi 2022. See also Tamura 2022).

various activists and practitioners in an open opinion letter to President Emmanuel Macron. It submitted a 149-item, 460-page recommendations to the Government after seven meetings between October 2019 and June 2020. President Macron then issued a response to them to all participants of the Citizens' Assembly, stating that 146 of the 149 items would either be put to a referendum or parliamentary deliberation or implemented as direct executive orders. Subsequently, following a proposal by the French Government and deliberation and passage by Parliament, the Draft Law on Climate Change Action and Strengthening Resilience was delivered in August 2021. This law contains a number of regulations, mandates and bans to combat climate change. This French case seems to show that sortition representative system could become the site of 'politics against the market' (Esping-Andersen 1985).

3.3. Reproduction (Care)

The next issue is about social reproduction (care). Can a sortition representative system democratically control the boundary struggle between economy and reproduction? Here, I would like to consider this question from two perspectives.

The first is from the perspective of the myopia of democracy pointed out in the environmental case. As in the case of the environment, if care is also an issue that requires a long-term perspective, then a sortition representative system would be more responsive than an electoral representative system. At first glance, the issue of care appears to be a 'here and now' issue, i.e. a short-term problem. For example, for those who suffer from 'one-operation parenting' [12] or are unable to enrol their children in nursery, the issue of care is a problem that requires immediate resolution. However, care is also a problem that should be viewed from a long-term perspective. This is because care is often a cross-generational issue. Caregiving/care-receiving relationship or 'dependency' is often established between cross-generational people, for example between adults and children (childcare) or between adults and elder people (elderly care). In the first place, people are usually forced to change their position in life in the order of (1) being cared for as a baby,

[12] The term 'one-ope ikuji' (childcaring by one-person, mainly by woman/mother) emerged in the late 2010's and quickly became a well-known term in Japan.

(2) caring for children and the elder as an adult, and (3) being cared for as an elderly person (Okano 2012). And if the time axis is further extended, relationships with generations before birth and after death can also be seen as part of care.

Second, in terms of the transmission of demands for care into the decision-making system.[13] Can we find an advantage of sortition representation over electoral representation in this respect? The first thing to be pointed out is that electoral representative systems have not functioned adequately in this respect. In the current (still existing) norm of gender division of labour, demands regarding care are more acute for women than for men. Therefore, in order for them to be adequately mediated into decision-making institutions, it is important that care is not merely raised as an 'idea', but that women themselves are present in such decision-making institutions or in the processes of mediation into them. This is what Anne Phillips calls the 'politics of presence' (Phillips 1995). From the perspective of the politics of presence, the under-representation of women in electoral representative democracy is problematic. Of course, the problem of women's under-representation has now been ameliorated by the introduction of some form of gender quotas in many countries. However, the fact that electoral representative democracy requires gender quotas to improve women's under-representation seems to indicate the limitations of electoral representative democracy. This is because it means that the application of the electoral principle alone cannot ensure the *presence* of women, but is therefore supplemented with the quota.

What about the sortition system? A sortition system has the potential to achieve a 'politics of existence' better than an electoral system. This is because, with a lottery, women can be expected to make up almost half of the representation. In other words, a sortition representation system has the potential to achieve a more descriptive representation of women. This is interesting to recall that the lottery system is generally better suited to representation as *individuals* than to representation based on *social groups*. This is because it means that, at least in the case of women, even if they are selected as *individuals*, through the sortition system they can consequently be in a position to exercise

[13] Whether the factors of care-friendly policy making and decision-making can be attributed solely to institutions of representation is a controversial issue. For example, the role of 'national machineries' and 'femocrats' has often been noted in gender studies.

numerical power as a *group* of women. And if this is the case, given that, at least in the current situation, women are more likely to be forced to be involved in the sphere of care and reproduction than men, the introduction of a sortition system could mediate demands in the sphere of care and reproduction more towards the site of representative democracy. This may change the relationship between capitalism (the commodification sphere) and the reproduction sphere (the decommodification sphere) in a way that places more emphasis on the latter.

However, there is a problem with the above argument. What is expected in a sortition representation system is *not* the accumulation of power resources as *numbers*, but the accumulation of power resources as *reasons* through deliberation. In the above discussion, it is not certain whether women selected by lottery will fully participate in deliberations and thereby contribute to accumulating the power of reasons through sortition representation. Indeed, some studies suggest that women do not participate in deliberations on an equal footing where men are also present (Beauvais 2021; Karpowitz et al. 2012; Kosuda 221). Even if they are well represented in terms of numbers, the potential exists for exclusion to be created through the process of deliberation in the arena. This is what Iris M. Young calls 'intrinsic exclusion' (Young 2000). If this is the case, it is not enough to ensure the power of numbers through a sortition representation system. It would then be necessary to further devise the design of the deliberative process, for example, by creating opportunities for deliberative sites exclusively by women (Mansbridge 1996, see also Karpowitz *et al*. 2009).

4. A Road to Incompatibility? Democratizing Economy Through Sortition Representation

So far, we have examined the compatibility of capitalism and democracy when democracy in the sphere of politics, as distinguished from the economy, becomes a sortition representative democracy. We have argued that the compatibility of capitalism and democracy can be found under a sortition system by showing that it also has the

potential to accumulate the power of reasons, and therefore has the potential to make make decisions that are regulatory and counter to the logic of capitalism, and to democratically control the 'boundary struggle' (Fraser) between economy, care (reproduction) and environment (nature).

It is important to note, however, that the compatibility between capitalism and democracy is not achieved just by increasing the control of the latter over the former. As noted at the beginning of this paper, capitalism and democracy are essentially separate principles or mechanisms. They became compatible when capitalism was *democratised* to a certain extent and democracy was *liberalized* or *capitalised* to a certain extent (liberal democracy). However, no matter how much capitalism has become democratised, as long as it is compatible, this does not mean the *complete* democratisation of capitalism.

What, then, will happen to the relationship between capitalism and democracy if capitalism is *further democratised*? Will it still be within the framework of compatibility? Or does it mean that compatibility becomes impossible? Further democratization means the expansion of the concept of democracy toward *economic democracy*. This paper, of course, addresses this question in the context of the case of sortition representative democracy, rather than economic democracy in general.[14]

What we have in mind here as further democratising capitalism through sortition representation is a proposal to introduce it in decision-making in private companies. This is one type of workplace democracy. Interest in workplace democracy has experienced a resurgence in political theory in recent years (Anderson 2019; Endo 2020; Frega *et al*. 2019; Landemore and Ferreras 2016; Matsuo 2021; Osawa 2020). Among them, Isabelle Ferreras's research is so important for this paper because she proposes a kind of representative democracy in firms as *economic bicameralism* (Ferreras 2017). Ferreras argues that, based on the historical development of the democratisation of the economy, 'the progressive transition of work from the private sphere to the public' in her words (Ferreras 2017: 11), throughout the Nineteenth and Twentieth centuries, and by extension, Economic Bicameralism constituted of a *Capital Investors' House of Representatives* and a *Labor Investors' House of Representatives* could be proposed. While Ferreras does not

[14] See, for example, Cumbers (2020) as a contemporary brief introduction to economic democracy. Modern classics of it should include Pateman (1970) and Dahl (1985).

consider the application of sortition to her economic bicameralism, I want to say that envisioning it as what is based on a sortition system is not far-fetched, at least in the light of the previous examinations in this paper.

A more positive defence of lottery-based representative democracy in the firm and workplace is developed by Simon Peck (2021). Peck has in mind worker-owned firms (WOFs). What he takes issue with is the 'organisational degeneration' of WOFs. It refers to a kind of 'oligarchy' coming to dominate the supposedly organisationally democratic WOFs (Pek 2021: 194). Various proposals have, of course, been made to prevent this organisational degeneration. However, proposals oriented towards direct democracy are unsuitable for large-scale firms, and electoral representative systems ultimately cannot overcome oligarchic tendencies. Rather, elections may be a 'major cause of organisational degeneration and its consequences' (Pek 2021: 198). Pek, therefore, proposes sortition as a solution to organisational degeneration. The significance of it is twofold. First, a sortition system reduces the risk of 'oligarchization' of firms and workplaces. Second, it can ameliorate the apathy of workers and their consequent low participation in the governance of firms (Pek 2021: 199-200).

How should Peck's proposal be assessed? First, one possible objection is that his proposal cannot be applied to firms in the normal sense of the term, as it was conceived with WOFs in mind. However, this objection seems to be addressed to some extent by combining Pek's idea with Ferreras's proposal. Ferreras proposed a bicameral system in a firm consisting of a House of Capital Investors and a House of Labour Investors. I suggest a sortition system could be adopted for the House of Labour Investors at least. [15] In this case, the effect of a sortition system on the company-wide oligarchization would be limited, as it would not be applied to the House of Capital Investors. Nevertheless, it would deter oligarchization among workers and improve the low level of participation among them.

Secondly, however, there is a possible question as to whether the introduction of a sortition system for only one of the bicameral legislatures would result in a weakening of

[15] In recent other article (Pek 2023), Pek explored the possibility of strengthening Fereras's economic bicameralism in terms of the experiences of various cooperatives. But he does not talk about the possibility of sortition there.

the power of the workers' side. In other words, would it weaken the deliberative and bargaining capacity, and 'presence' of the House of Labour Investors vis-à-vis the House of Capital Investors, since 'competent' members of the workers' side would not necessarily be selected to represent them in the house of Labour Investors? I would like to answer this question as follows. First, the capacity of the Labour House by lottery to deliberate is not necessarily reduced. As Pek also states with reference to Dryzek's argument (Pek 2021: 201), participants in lottery forums are often able to deliberate well. What, then, about the bargaining power or 'presence' of the Labour House vis-à-vis the House of Capital? In this regard, it should be recalled from the discussion in Section 2 of this paper that the power resource in a sortition representative democracy is the power of reasons. The introduction of the lottery system allows the power of reasons to operate where other power resources might otherwise have been important, and to expect that the creation of a pool of reasons in the firm and workplace at large will transform the power relations between workers (the Labour House) and capitalists (the Capital House).

Conclusion: Compatibility or Incompatibility?

This paper examined the question of the compatibility of capitalism and democracy, which has received renewed attention in recent years, from the perspective of sortition representative democracy, which has also experienced a revival of interest in recent years. Overall, the paper argued that sortition representative democracy has as much potential to realise 'politics against markets' (Esping-Andersen 1985) as electoral representative democracy used to. A sortition representative system, being a lottery system, cannot rely in advance on social and collective foundations and the 'power of numbers' based on them to be against the economy. Nevertheless, sortition representative democracy can use the 'power of reasons', the 'power of deliberation' in other words, as its unique power resources.

Ultimately, the introduction of sortition representative democracy will lead to the question: What will be the relationship between capitalism and democracy? Will the two

become compatible in a new way? Or could there be a scenario in which the compatibility is dissolved? The answer to this question is a matter of conjecture. Nevertheless, based on the considerations in this paper, we would like to answer it as follows. First, if the introduction of a sortition representative system remains in the realm of politics in the narrow sense of the term, it would be a *compatible* scenario, comparable to an electoral representative system. However, the degree of democratisation of capitalism would differ between cases of success and failure in accumulating the power resource of the power of reasons, as was the case with electoral-type representative systems. Secondly, if the sortition system is brought beyond the narrowly defined sphere of politics and into the sphere of *economics* (capitalism in a narrow sense) as an institutional form of economic and workplace democracy, it would achieve a democratisation of capitalism that is more than an electoral representative system.

Beyond that, is the incompatibility of capitalism and democracy? The answer to this question will depend on the extent to which democracy in firms and workplaces makes decisions that alter the capitalist structure of private ownership, and whether the accumulation of such democratic decision-making in individual firms and workplaces poses a 'threat' to the capitalist system of private property. As democracy is a type of politics and therefore its result is contingent, the fact that decisions are made through it does not necessarily mean that capitalist property rights are immediately denied (cf. Matsuo 2022).

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