

The Normative Implications of Complexity: Selection and Function in the Design of Pluralistic Political Systems

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ABSTRACT: This paper makes three interrelated interventions within contemporary political theory. First it argues that many theorists, in particular those debating the relative merits of election versus sortition (or electoral democracy versus lottocracy), neglect the extensive *institutional pluralism* and corresponding *selection-mechanism pluralism* of democratic political practice. Second and most importantly, it argues their approaches to normative theorizing and institutional design are methodologically flawed. This is because pluralistic political systems are *complex systems* in which political ideals are often achieved primarily as *system-level emergent properties*, rather than as direct properties of their elements. Normative theories which fail to explain how their favored political ideals will be realized and sustained through the *interactions* between heterogeneous offices and institutions are thus inadequate. Third, the paper develops the foundations for a *functionalist approach to institutional design* more appropriate for pluralistic political systems. The key concepts are the *normative function* of the office within the larger political system and the *selection mechanism* chosen—including election, sortition, and relatively undertheorized options such as appointment and self-selection—along with two design principles: *incentive alignment* and *personality alignment* between officeholders and offices. Using this framework, the paper revisits two familiar topics: political partisanship and judicial selection.

KEYWORDS: democratic theory, complex systems, institutional design, pluralism, selection mechanism, functionalism, political theory methodology

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I. Beyond Electoral Democracy versus Lottocracy

A central theme of twenty-first-century political theory thus far is the critical reevaluation of elections. In an era of apparent democratic “crisis” (Invernizzi Accetti and Wolkenstein 2017; Urbinati 2016; Runciman 2013) and fear of “backsliding,” “erosion,” and “collapse” (Bartels 2023; Bermeo 2016; Cianetti and Hanley 2021; Fung, Moss, and Westad 2024; Gandhi 2019; Gerschewski 2021; Ginsburg and Huq 2018; Waldner and Lust 2018), a growing number of contemporary theorists have explicitly challenged the long-standing descriptive and normative identification of modern democracy with competitive elections. In so doing, they have drawn inspiration from classical Athens as well as traditions of participatory and deliberative democracy stretching back to Tocqueville ([1848] 2000), Dewey ([1927] 2016), and Arendt ([1958] 2018).

However, while their intellectual forerunners generally focused on variants of direct democracy as improvements over (Barber 1984; Pateman 1970; Wolin 2016) or complements to (Dahl 1989; Fishkin 2018; Mansbridge 1980; Smith 2009) electoral politics, what distinguishes the recent “lottocratic” tradition is their advocacy of sortition (Stone and Plan 2024) as an alternative mode of democratic *representation* itself. Lottocrats, often drawing on Manin (1997)’s historical analysis of the “aristocratic” character of elections, argue that sortition is a more desirable—and in particular, more authentically democratic¹—way of filling public offices (Bouricius 2018; Burnheim 1985; Guerrero 2014; Landemore 2020; Van Reybrouck 2016).

The lottocratic movement has naturally sparked much controversy. Two basic lines of electoralist response stand out. Instrumental defenses of elections argue that they more reliably secure desirable governance outcomes than lottocratic or non-democratic alternatives (Bagg 2018; Landa and Pevnick 2020; 2021; Shapiro 2016). Intrinsic defenses argue that electoral politics,

¹ Guerrero (2014) is a partial exception here, as he argues that lottocracy represents a desirable blend of democratic and epistocratic elements.

especially as organized by mass political parties,² is essential for realizing core democratic ideals such as self-governance and political agency (Urbinati 2006; Disch 2011; Chapman 2022), often further claiming that lottocracy abandons those ideals (Lafont 2020; Lafont and Urbinati 2024).

Many theorists have responded to the more monistic positions in this debate by advocating various hybrid models. Some call for bicameral elected-lotteried legislatures (Abizadeh 2021; Gastil and Wright 2018), while others propose using sortition for contestatory bodies (Bagg 2024; McCormick 2011). These aim to strike a balance between election and sortition, echoing similar hybridizing efforts to balance aggregation and deliberation (Dryzek and List 2003; Goodin 2008; Knight and Johnson 2011; Mansbridge 1980) as well as equality and meritocracy (Bai 2020; Chan 2014; Macedo 2013; Ziliotti 2020). Furthermore, many more monistic theorists, while defending their preferred selection mechanism, still acknowledge a residual role for the alternative one.

The trend towards hybridization is broadly welcome. The lottocrats' central insight is that competitive elections are neither identical to nor exhaustive of democratic politics, as participatory and deliberative theorists have long argued. Even "realist" political theorists need not be tethered to "minimalist" conceptions of democracy (Przeworski 1999; Schumpeter [1942] 2008)—summed up in Przeworski (1991, 10)'s memorable phrase, "a system in which parties lose elections."³ At the same time, many influential critics of democracy, who almost always presuppose an electoral-representative model (Achen and Bartels 2016; Bai 2020; Bell 2015; Brennan 2016; Caplan 2007), are likewise challenged by such reconceptualizations to reassess their premises. Political theorists

² I briefly discuss the recent literature in political theory on parties in Section IV.

³ The situation is somewhat different for social scientists seeking a operationalizable, measurable conception of democracy (Cheibub, Gandhi, and Vreeland 2010). However, the broader point still stands, and social scientists who operationalize democracy too narrowly risk overlooking a much broader range of plausibly democratic political phenomena, as Stasavage (2020) has recently argued.

and institutional reformers ought to expand their horizons accordingly, but without denying the value of elections altogether.

That said, I see three interrelated problems with the state of the current debate. First, the *range of institutions and selection mechanisms* under consideration is not sufficiently pluralistic or systematically theorized. The current focus on election versus sortition masks the extensive diversity of state institutions and corresponding selection mechanisms within and among both modern and ancient democracies. For instance, political theorists have generally neglected to theorize (or sometimes even recognize) the significant role of appointment and appointed officials in democratic practice.⁴

Second and most importantly, I take issue with the *argumentative strategies* many theorists use to defend their preferred packages of political ideals and institutional designs. These approaches generally connect a favored set of political ideals to comparative evaluative judgments about either broad electoral-representative versus lottocratic regime types or legislative institutions specifically.⁵ However, theorists who mainly focus either on regime types or one particular institution, I argue, risk committing what I will call *normative fallacies of composition*, resulting in institutional proposals with counterproductive unintended consequences. This is because, as I will explain, many core political ideals are *system-level* achievements which emerge from the *interactions* between different constituent offices and institutions in a pluralistic political system.

Third and finally, theorists often neglect the *office level* of institutional analysis and design, focusing instead at the regime or institution levels. This is problematic because election, sortition,

⁴ Some theorists have recently turned their attention to the by-far largest body of appointed officials in modern states, namely the administrative state and independent agencies (Cordelli 2020; Heath 2020; Rosanvallon 2011; Sunstein and Vermeule 2020; Tucker 2018; Zacka 2017; 2022). Moreover, many theorists have discussed the role of the judiciary and constitutional courts within democratic politics (Ely 1980; Dworkin 1985; Holmes 1995; Macedo 2013; Pettit 2012; Lafont 2020). However, both these groups of scholars do not theorize appointment in any systematic or sustained way. Rather, they largely take it for granted as a feature of current political practice.

⁵ McCormick (2011) and Bagg (2024) are important exceptions. I discuss in Section III.3.

and appointment are first and foremost formal selection mechanisms for assigning natural persons to particular offices. Design—or, more accurately, *redesign* (Goodin 1998)—choices about selection mechanisms thus crucially depend on a prior account of the office in question, above all its *normative function* within the overall political system.

This paper aims to address these three deficiencies. In Section II, I first motivate the need for greater appreciation of institutional pluralism within political theory and practice by revisiting the familiar example of classical Athens. Contrary to monistic depictions, Athens was neither straightforwardly a direct democracy nor lottocracy; rather, it is best characterized, like modern democratic states, as a “mixed regime.” The rest of the paper then systematically develops the implications of institutional pluralism. In Section III, I draw on insights from complex systems theory to articulate a general set of desiderata more suitable for normative theorizing about pluralistic political systems than prevailing approaches. I argue that, because the ideals a political system realizes are often system-level emergent properties, any adequate normative political theory must not only (1) articulate ideals, but also (2) specify individual offices and institutions which will constitute the system, *and* (3) explain how interactions between these elements will realize and sustain their desired ideals at the system level.⁶ I then critically review existing approaches in contemporary political theory using these criteria.

In Section IV, I lay the foundations for my own *functionalist approach to institutional design* in pluralistic political systems. In so doing, I develop a basic framework for organizing the wide range of formal selection mechanisms, drawing on the concept of a selectorate from comparative politics. On this approach, selection mechanisms for any office should be designed

⁶ My approach has some bearing on the debates between ideal theory versus non-ideal theory and political realism. However, it is motivated by very different concerns than these literatures, which are overly fixated on critiquing Rawls (1999; 2005). For insightful critical discussions of ideal theory, see Gaus (2016); Wiens (2012); (2016).

and evaluated based on their propensity to select officeholders who will realize the specific normative function of that office. In particular, different possible mechanisms will differentially promote *incentive alignment* and *personality alignment* between officeholder and office. Lastly, I apply this framework to revisit two familiar questions—What is the role of partisanship in democratic politics? How should judges be selected?—and then briefly conclude.⁷

II. The Importance of Institutional Pluralism: Revisiting Athens

My first, limited goal is simply to draw more explicit theoretical attention to a longstanding feature of democratic political practice, both ancient and modern: *institutional pluralism*, and correspondingly, *selection-mechanism pluralism*. These forms of pluralism, I argue, must not be overlooked or abstracted away as is done in many contemporary political theories.

Before going further, I need to specify some key terms. The foundation of my analysis is a tripartite distinction between office, institution, and regime. For my purposes here, these concepts are limited to *formal* political structures, namely those constituted by explicit, usually codified sets of rules, relationships, and responsibilities which the participating actors mutually acknowledge as authoritative.⁸ My distinctions correspond to the broader distinctions within sociology between micro, meso, and macro levels of analysis (March and Simon [1958] 1993, 17).⁹ The basic difference is between *individuals*, *groups*, and *systems*.¹⁰ On my account, an *office* is a rule-defined role held at any given time by a natural person, while an *institution* is a *group of offices*

⁷ Though space constraints prevent me from developing the thought further, in future work I hope to explore the possibilities for theory generalization beyond the formal structures which are my focus here.

⁸ Waldron (2016, 94) draws a similar distinction within the concept of competition, noting that political competition with “well-defined contests and clear-cut criteria for winning” is “arguably more properly described as competitive than what we call economic competition,” which does not have rule-governed win criteria.

⁹ We could also add a fourth level, the global. This is outside the scope of my discussion here, though.

¹⁰ These distinctions matter and are not merely terminological metaphors or conveniences. For instance, the random selection of a group can result in very different collective properties from those of any given individual, as Page (2007) and Landemore (2013; 2020) perceptively note. Also see List and Pettit (2011) for an insightful philosophical account of group agency as distinct from that of individual members.

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interconnected via formal rules and responsibilities,¹¹ and a *regime* (or state, polity) is an entire *political system* which includes both offices and institutions as elements.¹²

As Lane (2023) emphasizes, what distinguishes officeholding from “ruling” more generally is its explicitly limited, rule-governed character. Officeholders are chosen through *formal selection mechanisms* based on eligibility rules which determine the candidate pool, selection rules which determine an officeholder from among the candidates, and temporal rules which organize officeholding into regular time periods. In formalized political systems, these rules straightforwardly determine which natural persons serve as officeholders at any given time. My approach to institutional design here is restricted to such regimes.¹³

A pluralistic political system is composed of many *heterogeneous* institutions and offices. The systems that theorists are most interested in, especially but not limited to modern states, are all pluralistic in this sense—what we can call, echoing Rawls (2005), the “fact of institutional pluralism.” This includes but is not limited to the familiar distinction between legislative, executive, and judicial institutions along with corresponding offices such as legislator, chief executive, and judge. Any adequate theory of the modern democratic state, for instance, must further account for the distinctive roles of public administration and independent agencies as well (Heath 2020;

¹¹ My conception differs from many influential accounts which define “institutions” more broadly as any “rules of the game” or “humanly devised constraints that shape human interaction” (North 1990) or formal and informal “sets of rules that structure social interactions in particular ways” (Knight 1992). By contrast, my focus is on formal institutions as comprised of *interrelated offices*. This conception also reflects a crucial ambiguity in the ordinary usage of “institution,” namely that it can be applied at different levels depending on how one broadly or narrowly one understands the size of the group or the range of interconnections. For instance, a legislature or a state both might be referred to as an institution. Here, I use “institution” to refer mainly to meso-level entities like legislatures.

¹² This conception differs in emphasis from the familiar Weberian conception as well as Pettit (2023)’s recent “nomothetic” conception of the state as essentially a law-making entity. I discuss Pettit further in Section IV.

¹³ However, a political theorist cannot necessarily take the existence or robustness of such institutionalized processes for granted. Indeed, many scholars argue that the fundamental difference between democratic and authoritarian politics is that the latter lacks independently authoritative “rules of the game”—rather, arbitrary power and violence are the ultimate referees in such politics, regardless of the presence of formal institutions (Gandhi and Przeworski 2006; Svobik 2012). My framework, however, presupposes a baseline degree of well-functioning democratic politics, rather than attempting to suggest how to improve a situation of “competitive” or “electoral” authoritarianism (Levitsky and Way 2010; Schedler 2013).

Macedo 2013; Rosanvallon 2011; Zacka 2017; 2022). Some theorists have also insightfully noted that the role of citizen—or perhaps more narrowly, *registered voter*—is itself a kind of office within democratic regimes (Sabl 2002; Elliott 2023).

Given pluralism both within and across regimes, it is too simplistic to identify any one selection mechanism or institution with democracy writ large.¹⁴ Stasavage (2020) has recently made this point in his study of global “early democracy.” I will illustrate it with a more familiar example: classical Athens. Earlier theorists characterized Athens as a “pure democracy” (Madison [1787] 2009) or “direct democracy” (e.g. Dahl 1989) ill-suited to the challenges of scale and diversity. More recent scholars, however, have complicated this picture and emphasized Athens’s use of sortition to select many officeholders. Lottocrats, drawing on this scholarship as well as Aristotle’s *Politics*,¹⁵ often cite Athens as evidence that sortition, not election, is the characteristic selection mechanism of democracy and democratic representation.

However, I argue that far from vindicating lottocracy, the case of Athens actually more clearly supports a view of robust democratic politics as characterized by what Sabl (2002) calls “governing pluralism.” Like modern democratic states, classical Athens utilized a variety of different selection mechanisms for different types of institutions and offices, with significant innovation over time (Carugati 2019; Hansen 2020; Ober 2008). In simplified terms, participation (and leadership) in the Assembly was determined by self-selection, the courts by a mix of self-selection and sortition, and the agenda-setting Council and various more routine magistrates by sortition. Technical and “street-level” offices were filled by long-term appointees, i.e. public slaves

¹⁴ I make no attempt here to offer a positive definition of democracy, beyond an emphasis on egalitarian and participatory ideals. I am content for now merely to point out that efforts to identify democracy with a particular selection mechanism conflict with the pluralism of democratic political practice, both ancient and modern.

¹⁵ For example: “I mean, for example, that it seems to be democratic for officials to be chosen by lot, and oligarchic by election; democratic not on the basis of a property assessment, oligarchic on such a basis” (*Politics* IV:9, 1294b6-10; Aristotle 2017, 96). Sintomer (2023), however, argues that Aristotle’s own view was more nuanced, seeing sortition, election, and self-selection as complementary democratic selection mechanisms.

(Ismard 2017; Ober 2008, 237–38).¹⁶ Lastly, major executive officers such as generals, engineers, and naval architects were elected (Ober 2022, 290).¹⁷

Thus, while it is helpful to draw attention to sortition, it is simply false to claim that “for most of its 3000-year history, democracy did not involve elections at all” (Van Reybrouck 2016). Indeed, Manin (1997, 8–41) himself highlights the diversity of Athenian political practice, noting that “Athenians employed [sortition] side by side with election” (11). In short, even the classic case of ancient democracy was a highly pluralistic state—in Aristotelian terms, a “mixed regime,” which is also more accurately how Aristotle himself saw Athens (Sintomer 2023, 47).

Furthermore, while epistemic democrats (Goodin and Spiekermann 2018; Landemore 2013) rightly stress the value of lotteried institutions for organizing and utilizing the dispersed knowledge of diverse citizens (Ober 2008; Page 2007), the case of Athens likewise shows the importance of successful *balancing* between competing political demands beyond just egalitarian and participatory ones. Athens’s pluralistic regime was able to sustain *both* popular participation *and* distinguished individual leadership—Themistocles, Pericles, Thrasybulus, Demosthenes, etc.—a robust outcome generated through contestation as much as through cooperation (Finley 1985). As Manin (1997) recognized, different selection mechanisms result in *different types of people* as officeholders (see Section IV.3), and as epistemic democrats will appreciate, this diversity can have major system-level benefits. In other words, the success of democratic Athens was plausibly not directly due to any individual mechanism or institution, but rather something more like a *system-level emergent property*—a concept I develop in much more depth in Section III.2.

¹⁶ Slavery and the exclusion of women and immigrants, of course, must temper any account of classical Greek democracy. As Finley (1985) and others have pointed out, though, it is misleading to refer to Athens as an oligarchy, as its “minority elite” (i.e. citizenry) was far more inclusive than conventionally oligarchic regimes. Rather than relying only on dichotomous categories such as democracy and oligarchy, I will instead in Section IV.2 develop a more general, continuous conceptual framework using the concept of a selectorate.

¹⁷ Many of the most prominent figures in Athenian politics, such as Pericles, repeatedly held office as elected generals.

Thus, I concur with Sintomer (2023, 63)’s assessment that, while “elective affinities” certainly exist between sortition and democratic politics, “Historical investigation shows that sortition is not, ultimately, the essence of democracy.” Nor, we should add, is election. This is the lottocrats’ key insight, but it needs to be detached from overly monistic versions of their constructive project. Building a research program around a specific selection mechanism approaches the task of institutional design in the wrong way. It is akin to “method-driven” rather than “problem-driven” scientific inquiry (Shapiro 2005); both are hammers in search of a world of nails. Rather, I suggest that the more productive way for theorists to proceed is to take the pluralism of political practice seriously. This turns out to have major implications for how we ought to do political theory, the claim to which I now turn.

III. Methodological Implications of Pluralism for Political Theory

1. *Complex Political Systems*

The fundamental idea I wish to develop here is that pluralistic political systems are *complex systems* (Anderson 1972; Holland 1992; Jervis 1998; Ladyman and Wiesner 2020; J. H. Miller and Page 2007; Mitchell 2009; Simon 1962). In other words, pluralistic political systems are composed of heterogenous, *interdependent elements*,¹⁸ the interaction of which produces certain *emergent properties* of the system as a whole which are not reducible to the properties of its elements. Complexity thus grounds familiar forms of *explanatory* anti-reductionism (or “holism”)¹⁹ for the “special sciences” (Fodor 1974; 1997) as well as group entities (List and Pettit 2011; List and

¹⁸ There is disagreement about what exactly constitutes complexity or a complex system, for instance such as whether systems must be adaptive to count as complex, or whether (and if so, in what sense) heterogeneity is a necessary condition. I do not take a stance on these issues here. My aim is to draw on the basic, uncontroversial elements of complex systems theory in order to inform political theory.

¹⁹ Explanatory anti-reductionism is not the same as *ontological* anti-reductionism or “metaphysical emergence” (Wilson 2021). Nothing I argue here requires making ontological claims.

Spiekermann 2013). This does not mean that lower-level elements are irrelevant. Rather, it means that any analysis which focuses only *either* at the system level *or* at the element level will be methodologically inadequate. A defining feature of complex systems is *interaction* between and among different levels.

A further logical consequence of complexity is the risk of *fallacies of composition* in analysis. That is, since the higher-level entity has different properties from the lower-level elements, it is a fallacy to assume that because individual elements have a property that therefore the system as a whole does. Conversely, it is a reverse fallacy of composition to assume that because the system as a whole has a property, that therefore each individual element within that system must have that property as well.

Past theorists, often influenced by the rational choice tradition, have warned about the pervasiveness of fallacies of composition in reasoning about politics (Elster 1985; Hardin 1993). More recently, theorists associated with “New Diversity Theory,” drawing inspiration from Hayek (1979)²⁰ and Ostrom (1990; 2010) among others, have begun to integrate complexity theory into liberal philosophy (Gaus 2016; 2021; 2022). However, the systematic integration of these scholars’ insights into normative theorizing more generally is still underdeveloped, and their implications are not yet adequately appreciated within democratic theory in particular.

2. Political Ideals as System-Level Properties

One fundamental reason complexity is relevant for normative political theory is that many important political ideals are *system-level* emergent properties or outcomes. This point was in fact made long ago in democratic theory—though not in these terms—by Schattschneider ([1942] 2017, 60) in his study of the American political system when he famously claimed, “Democracy is not

²⁰ For discussions of the connections between Hayek and complexity theory, see Lewis (2012); Vaughn (1999).

to be found *in* the parties but *between* the parties.” Schattschneider’s key idea, which structurally resembles Schumpeter ([1942] 2008)’s “elite theory”²¹ and which subsequent party systems analysts (Sartori [1976] 2005) and “responsible party” theorists (APSA 1950; Rosenbluth and Shapiro 2018) have further developed, is that mass political participation and policy responsiveness to popular opinion over time have historically been, somewhat paradoxically, the *by-products*—that is, emergent system-level properties—of competition between internally hierarchical parties.²²

From a very different direction, advocates of a “deliberative systems” approach, influenced especially by Habermas (1996), have arrived at this basic line of thought as well. Essentially, they argue that deliberative democracy must be understood as an emergent property realized through the interaction of heterogeneous individual political elements, which are themselves not necessarily deliberative (Parkinson and Mansbridge 2012; Owen and Smith 2015; Dryzek 2017).

Both these approaches to systemic democratic theory have limitations. Responsible-party theorists often focus too narrowly on historically contingent electoral models and contestable understandings of realism (Chapman 2023), while deliberative-systems theorists fixate on one particular ideal, namely deliberativeness. The basic insight of both groups of theorists, however, is compelling, and my aim here is to generalize it with some help from the conceptual resources of complex systems theory. In short, normative political theory must not only articulate system-level ideals, but must also specify *how political ideals will be realized through the interactions of*

²¹ However, Schumpeter’s account of the ideals realized by party democracy is far more deflationary and skeptical—many would argue, excessively so (Mackie 2009)—compared to Schattschneider’s. I think Schattschneider’s broadly similar, but more historically informed and cautiously optimistic analysis is a more promising point of departure for a reform-oriented democratic theorist. By contrast, I think Schumpeter’s groundbreaking analysis of creative destruction is the more interesting and fruitful aspect of his work.

²² Relatedly, Tocqueville ([1848] 2000, Vol. II, Ch. 6) argued that democracy’s long-run advantage over “despotism” was not a direct consequence of its quality of governance, but rather a by-product of the “restive activity” which this sort of regime facilitates within society. See Elster (2009); Runciman (2013). A systematic analysis of state-society relations or a comparative evaluation of democratic versus authoritarian regimes, however, are outside my scope here.

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heterogeneous offices and institutions which may or may not directly realize the ideals themselves.

The point goes further: Attempting to directly realize the desired ideals at the element level may in fact be actively *self-defeating* (Elster 1983).²³

This is not to claim that the consequences of changes to a pluralistic political system are completely predictable. Indeed, one of the fundamental implications of complexity is that the behavior of such systems is near-impossible to predict fully, especially given the constraints of human *bounded rationality* (March and Simon [1958] 1993; Simon [1946] 1997). However, as Gaus (2021) argues, we need not adopt a Hayekian level of extreme pessimism about institutional design in response. In particular, we can more competently make comparative normative judgments within a certain “neighborhood” of possible social worlds sufficiently close to our own (Gaus 2016). For such a task, some theoretical approaches are *less wrong*, or *more adequate*, than others. My point is essentially that it would be a methodological advance for normative theory to be more centrally concerned with adequacy of its analysis of the interactions between the heterogeneous elements of pluralistic political systems, both existing and imagined. This would enhance the baseline credibility of our political theories and their analytical assumptions, thus making them more *robust* (Kirshner and Spinner-Halev 2023). More sustained focus on intra-level interaction effects and inter-level emergent properties would likewise improve our ability to offer constructive *design evaluations* to diagnose, correct, and avoid systemic institutional failures (Wiens 2012). Such a theoretical approach, like institutional design in general, must be iterative.

²³ While my claim implies that many system-level political ideals may be *by-products* of interactions between constituent political offices and institutions, it does *not* imply that all relevant system-level ideals are “*essentially* by-products” (Elster 1983, 55) [my emphasis]. That is, a given political ideal might be an emergent property, but it may not *necessarily* be so. However, I argue that the burden of proof is on the political theorist to argue explicitly whether their favored political ideal is a primarily an emergent property or directly realizable at the office or institutional level. This is precisely the burden of proof that, I contend, prevailing approaches to institutional design within democratic theory have thus far neglected.

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Drawing these threads together, then, we can specify more precisely the theoretical desiderata which any political theory that aims to offer institutional reform recommendations for complex political systems ought to meet. A more adequate normative political theory of this sort must perform three tasks: (1) articulate ideals, (2) specify the individual offices and institutions which will constitute the political system, and (3) explain how the interactions between these offices and institutions will realize and sustain their desired ideals at the system level.²⁴

3. The State of Normative Political Theory in Light of Complexity

Common argumentative strategies within contemporary democratic theory, however, fail to satisfy these criteria. More specifically, while most theoretical approaches satisfy criterion (1), many fail to offer a satisfactory account for (2), and they most frequently neglect (3).

Considerlottocratic and hybrid theorists who focus on the design of legislative institutions as the primary site of choice between election, sortition, or both (Abizadeh 2021; Bouricius 2018; Gastil and Wright 2018; Guerrero 2014; Landemore 2020; Van Reybrouck 2016), as well as theorists who endorse some version of a hybrid meritocratic legislature (Bai 2020; Chan 2014). They champion their favored selection mechanism in legislatures by reference to a variety of ideals such as popular agency, political equality, impartiality, accountability, responsiveness, descriptive representation, epistemic competence, and virtuous governance. However, they generally do not adequately explain how the implementation of their favored mechanisms for *a subset of the political system* would actually realize the underlying ideals to which their arguments appeal in the *system as a whole*. Legislatures do not operate in a vacuum, but rather in conjunction with

²⁴ One important question I recognize but am unable to explore further here is the role of *external* influences on the political system in question. Most systems are not fully *closed*; that is, external factors may affect their internal dynamics. If a system's behavior is largely determined by external factors, then any amount of internal institutional reform may be ineffective. (Many observers, for instance, make a critique of this sort about role of money in American elections.) For the purposes of this paper, then, my scope is restricted to political systems in which this is not the case. A more comprehensive theory, however, would analytically include potential external influences.

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various dissimilar offices and institutions in a larger political system—a fact sometimes overlooked by the legislative-centric slant of much political theory.²⁵

Reforms which alter one element, though, may thereby significantly change the nature of its interactions with other elements in ways counterproductive to the desired system-level ideals. For example, it is plausible to suspect that the adoption of a sortition-based legislature, by inducing far greater turnover and de-professionalization of legislative offices, would inadvertently result in executive empowerment, assuming the chief executive remains a directly elected official. In the United States, a shift to an unelected Congress would plausibly further intensify the plebiscitarian character of the “imperial presidency” (Dahl 1990; Froomkin and Shapiro 2023). It is questionable whether such an outcome would advance the political ideals favored bylottocrats.

Likewise, hybrid legislature proposals, whether elected-lotteried or elected-meritocratic, do not necessarily result in a clean division of normative labor by chamber, as their proponents implicitly assume. For instance, consider the system-level ideals of political equality or meritorious governance. If one chamber uses a more egalitarian or meritocratic selection mechanism, it does not necessarily follow that therefore the *overall legislature*, let alone the *political system as a whole*, will be more egalitarian or meritocratic. Such inferences are normative fallacies of composition. As critics of bicameralism and other supermajoritarian structures often argue (Schwartzberg 2014), the addition of additional “veto players” (Tsebelis 2002) may simply entrench status quos rather than promote the political ideals their designers intended.²⁶ Institution-level theorists thus owe an explicit account of how their proposed reforms can be expected to

²⁵ The disproportionate focus on the legislative reflects a long-standing preoccupation within political and democratic theory, dating back at least to Locke and Rousseau, on legislative power as “supreme” or “sovereign” and the legislator as the paradigmatic officeholder and political representative. Recent theorists of executive power, both modern and ancient, have explicitly challenged this assumption (Heath 2020; Lane 2023).

²⁶ Madison ([1788] 2009b, 264–65)’s explicit justification for bicameralism in *Federalist* 51, in fact, was to *weaken* legislative power by *dividing* it. This was based on an erroneous assumption that “in republican government, the legislative authority necessarily predominates.”

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change intra-regime interaction dynamics so as to actually produce improvements in the relevant system-level ideals.²⁷

Now consider theorists who seek to champion a general regime type over others—whether electoral-representative, lottocratic, direct-democratic, meritocratic, or epistocratic—according to a specified set of political ideals (Bell 2015; Brennan 2016; Lafont 2020; Landa and Pevnick 2020; 2021; forthcoming; Lafont and Urbinati 2024). I object that the generalized selection of all officeholders via a given mechanism will not necessarily realize the political ideals associated with that mechanism at the system level. Such an inference is also a normative fallacy of composition. To make the point another way, the rationale favoring a particular selection mechanism for any one office or institution does not necessarily carry over to other ones. In fact, generalizing the mechanism might be perversely counterproductive. A familiar example, discussed and criticized by theorists at least since Mill ([1861] 2010), is elected judges (see Section IV.4).

Many regime-level theorists, if pressed with this objection, would likely deny that they advocate strictly using one selection mechanism for *all* state offices. I suspect they would make intuitive exceptions for certain familiar cases—the military, judiciary, central bank, and so on. However, if so, they must provide a more fine-grained account of *which* kinds of offices ought to be selected according which mechanisms, *why*, and *how* these offices can subsequently be expected to interact. This is precisely what normative political theory for pluralistic political systems demands (see Section IV), but it is also what regime-level theories generally lack.

Other contemporary political theorists recognize to varying extents the methodological burdens which complexity imposes on institutional design. For instance, “realist” democratic

²⁷ Of the legislature-focused hybrid theorists, I think Abizadeh (2021) comes the closest to meeting this demand, though he does not explicitly answer the “veto players” objection to bicameralism. However, I think his arguments for a hybrid elected-lotteried legislature are more successful for his negative ideals, i.e. preventing elite capture of state institutions, than for his positive ideals, i.e. advancing political equality.

theorists (Bagg 2024; Klein 2022; McCormick 2011; Shapiro 2016), who emphasize the importance of contestation and balances of power, often analyze the interactional dynamics between different elements of the political system and social groups necessary to generate desirable outcomes. They are also more sensitive to the serious possibility of well-intentioned but counterproductive designs. As such, realists tend to suggest more targeted institutional reforms. Their proposals for sortition, for instance, are often tailored to supervisory and contestatory bodies, grounded in an account of the function of those institutions within the broader political system.

My main disagreement, instead, concerns criterion (1), namely these theorists' generally monistic conception of political ideals. The democratic realists construct their theories around a very broad negative ideal—anti-capture, anti-corruption, anti-domination—and propose to evaluate all institutional proposals through that lens. By contrast, I believe the most descriptively and normatively defensible interpretation of the modern democratic state is that it realizes a wide variety of ideals which are often in tension—or, a single ideal specified at such a high level of abstraction, e.g. the “common good,” that it lacks *operationality* (March and Simon [1958] 1993, 61) absent more specific, prioritizable, and thus contestable sub-ideals.²⁸ A normatively attractive modern democratic state will certainly promote egalitarian and participatory ideals, but it will do many other things as well, such as solve collective action problems (Mansbridge 2014; Heath 2020)—that is, improve Pareto efficiency²⁹—as well as maintain societal peace and stability (Knight and Johnson 2011; Landa and Pevnick forthcoming; Rawls 2005). Institutional and selection-mechanism pluralism are in turn desirable partly as a consequence of this *political value*

²⁸ For instance, Bagg (2024, 80)'s “deliberatively expansive” negative ideal of anti-“state capture,” defined as the use of state power to “advance the partial or private interests of a faction or group, at the expense of a broader public interest or common good,” I think risks falling into this difficulty.

²⁹ Pareto efficiency is one possible interpretation of the “common good.” However, it is both too broad and too narrow, compatible with significant distributional inequalities while excluding many important desiderata. For instance, the abolition of slavery is not Pareto-efficient, nor are any “hard choices” in public policy.

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pluralism. Thus, my normative orientation is much closer to that of Berlin (1969), Sabl (2002), Galston (2004), Gaus (2016), and Zacka (2017), among others. A key difference, however, is my elaboration of the methodological demands of pluralism for institutional political theory via the resources of complex systems theory.

The contemporary research program closest in spirit to my own is likely the pragmatic or problem-based approach to democratic theory (Allen 2023; Fung 2007; Knight and Johnson 2011; Warren 2017). The core commitments of pragmatism—which Knight and Johnson (2011) identify as fallibilism, anti-skepticism, and consequentialism, or what Allen (2023, 7) calls “the ongoing practice of experimentalism and judgment”—are all consistent with my approach. Fung (2007)’s concept of “pragmatic equilibrium”—that is, institutional consequences consistent with declared values—is implied by criterion (3). And Warren (2017), in particular, also explicitly frames his approach as a generalization of the deliberative systems literature to accommodate a wider range of democratic ideals, institutions, and mechanisms. However, I would like to generalize still further, beyond the framework of democracy itself. It is too constraining to try to organize all normative political theorizing and institutional design in terms of its relation to democracy. Not all political ideals which democratic states realize are specifically democratic—that is, egalitarian and participatory—nor should they be. Democracy should not be endlessly “conceptually stretched” (Sartori 1970) to encompass all values in politics, or else we risk masking serious value trade-offs and tensions by subsuming them all as “democratic” (Beerbohm 2011; Conti 2019). That said, the pragmatic democratic tradition offers a valuable foundation upon which to build a more general, more adequate approach to normative political theory and institutional design, in light of the implications of complexity in pluralistic political systems. The remainder of this paper seeks to articulate the basic framework for such an approach.

IV. Functionalist Institutional Design for Pluralistic Political Systems

How should we theorize the choice of selection mechanisms for offices in a complex political system? I advocate a *functionalist approach to institutional design*. The two central concepts are function and selection. In brief, the selection mechanism for any particular office ought to be tailored to the specific *normative function* of that office. I will first describe the concept of a normative function and next develop a basic conceptual framework for organizing the space of possible selection mechanisms. I then articulate two specific principles of selection mechanism design: incentive alignment and personality alignment between officeholder and office.

1. The Normative Conception of Function

We must first distance the concepts of function and functionalism from some of their modern historical baggage. They are often associated with the controversial sociological frameworks of Parsons (1951) and Luhmann (1995), often criticized as abstruse and tautological “grand theory” (Mills 1959).³⁰ In another context, Elster (1985), against defenders such as Cohen ([1978] 2000), criticizes functionalism without specified causal mechanisms as an invalid mode of explanation in Marx’s thought, inherited from Hegel.

The necessary step is to move from a purely analytical to an explicitly (though not exclusively) normative conception of function. This is essentially the approach taken by Habermas (1996), Sabl (2002), Warren (2017), Gaus (2021), and Pettit (2023) in their various recent invocations of functionalist concepts. The basic idea is that a particular entity’s function is the kind of task or role it *ought* to perform, if it is to be regarded as a “proper,” “healthy,” or “genuine” instance of that class of entity.³¹ Put in my terms, the *normative function of an office* is the

³⁰ For a discussion of Parsons-Luhmann systems theory, and in particular Habermas’s critique of it, see Heath (2009); Warren (2017).

³¹ Lane (2023) attributes such normatively functionalist reasoning to Plato in his conception of political rule. A modest version of Aristotelian teleology, shorn of its scientific explanatory ambitions, could be understood along similar lines.

contribution it makes to the realization and sustainment of an associated political ideal within the overall political system of which it is an element. This sort of functional division of labor is one way to interpret the classical principle of “separation of powers” ((Waldron 2016, 45–71). Typically, an office’s system-level function will be mediated through its function more directly within the structure of a specific institution—for instance, the role of the commander-in-chief within the larger military.

However, the function of any particular office, institution, or regime is not something externally “given,” straightforwardly observable, or even fixed. Rather, the attribution of a normative function is essentially an exercise in *constructive interpretation* (Dworkin 1985; James 2005; Pettit 2023; Sangiovanni 2008).³² Certain sources of evidence—the designers’ intentions, codified rules and responsibilities, and so on—are undeniably important, but none can be regarded as uniquely or exhaustively authoritative. This is in part because the function of an office, like that of a bodily organ, may significantly *change over time*, as historical-institutionalist scholars have rightly emphasized (Hall 2016; Mahoney and Thelen 2010; Thelen 1999). Given changes in the internal and external environment, an office may effectively come to perform very different tasks—that is, contribute to the realization of very different system-level ideals—than those for which it was originally designed. Any functionalist approach to institutional design must take this into account and be willing to update its interpretations and reform recommendations accordingly.

It is beyond the scope of this paper to offer a specific functionalist analysis of any particular political system and its constituent elements. My goal is simply to sketch a basic conceptual

³² Pettit’s approach seeks to give an “counterfactual genealogical” account of *the* distinctive “nomothetic” function performed by the state, namely the creation and maintenance of a regime of law. His method of reasoning is quite intriguing. However, I am more inclined to attribute plural *functions* to the modern (democratic) state, reflecting the plurality of ideals which it embodies and more directly the plurality of institutions and offices. An individual office or institution may be better described as having a singular function, and in this paper I talk in those terms. Nothing in my functionalist approach precludes an ascription of multiple functions to a particular office or institution, though.

framework appropriate for any such endeavor. A normative conception of function—that is, an account of the desired relations between office, institution, and regime—is essential for any theory which aims to offer institutional reform proposals for a pluralistic political system.

2. Selection Mechanisms: A Conceptual Framework

I now turn to the second key concept, selection. I develop a simple framework for understanding the wide range of formal selection mechanisms, encompassing election and sortition as well as relatively neglected options like appointment. The basic elements of selection are an office, an officeholder, a selection (and removal) process, a candidate pool, and sometimes, a selectorate. I focus here in particular on the selectorate, since I think it offers distinctive analytical value.

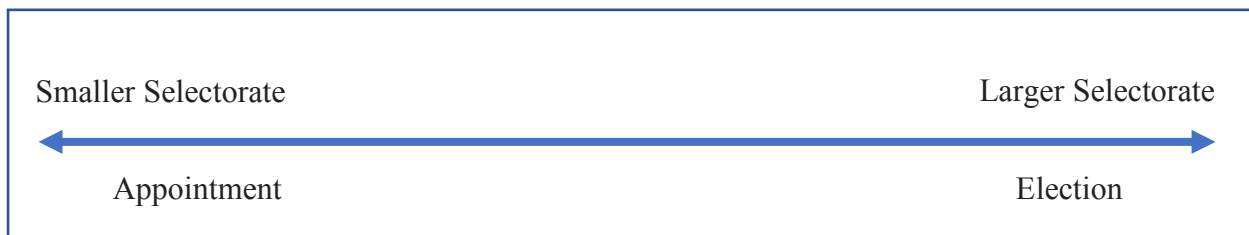
We can distinguish two broad classes of formal selection mechanism: those with a *selectorate* and those without one. Initially introduced to describe regime elites within Leninist political systems (Roeder 1993; Shirk 1993), the concept of a selectorate was later generalized by Bueno de Mesquita et al. (2003) to refer to any set of individuals with a formal role in the selection of political leadership. The key variable is the *size* of the selectorate relative to the population. Their so-called “selectorate theory” is influential but controversial among scholars of authoritarianism (Clarke and Stone 2008; Gallagher and Hanson 2015). This debate is orthogonal to my purposes here, however. I want to import the concept of a selectorate into political theory not for its possible explanatory power, but rather its *parsimony* and *generality*.

Seen through this lens, election and appointment turn out to be structurally similar—though, of course, substantively quite different—formal selection mechanisms situated at opposite ends along a one-dimensional continuum (see Figure 1). At one end of the spectrum, selection by a single-member selectorate is a paradigmatic case of appointment. However, other instances still aptly described as appointment might involve a multi-member selectorate, such as a committee or

legislature. On the other end of the spectrum, a paradigmatic democratic election’s selectorate includes all adult citizens of a society. However, a wide range of more restricted selectorates were of course common features of past “democracies” and “republics.”³³

One categorical difference between single-member and multi-member selectorates, however, is that the latter require internal *decision rules* to make collective choices. These include familiar aggregative options such as majority rule, supermajority rule, and unanimity (Schwartzberg 2014), as well “dictatorship” (Arrow [1951] 2012) or other forms of hierarchy (G. J. Miller 1992). The use of decision rules mean that the preferences and judgments of the group agent are not necessarily reducible to those of its individual members (List and Pettit 2011).

Figure 1. Selectorate-Mechanism Continuum



Self-selection—i.e., selectorate and officeholder are identical—is yet a further possibility. This is in fact the implicit selection mechanism for most versions of direct democracy—a point often made by critics. However, some theorists have noted that self-selection may be considered democratically legitimate under certain conditions (Landemore 2020; Montanaro 2018).

What is distinctive about sortition relative to appointment and election, then, is that it is a *selectorate-less* selection mechanism. Dowlen (2009) describes this as the “arationality” of a “blind break,” while Stone (2011, vii) likewise summarizes, “Lotteries sanitize decisions by

³³ Like many of our conceptual categories, the boundary between small-selectorate election and large-selectorate appointment exhibits a certain inevitable vagueness (Williamson 1994), as expressed in the well-known *sortes* paradox (Tuck 2008).

keeping reasons out.” That is, as a selection mechanism, sortition is a means of severing, for better or worse, the link between candidate pool and selected officeholder from human decision.

I have thus far only spoken about selection for office, strictly speaking, but a complete framework must also account for *removal* from office as well. Selectorate theory itself is not clear about this distinction and implicitly assumes that the selectorates for selection and removal are equivalent. However, there is nothing theoretically or normatively problematic about assigning selection power and removal power to different selectorates, based on different procedures. Impeachment is perhaps the most familiar example.

These simple building blocks can be further combined and elaborated in creative ways. For instance, a polity might utilize composite selection mechanisms which involve multiple stages. The officers selected at the conclusion of one stage may become the selectorate of another stage, such as when elected officers are then empowered to appoint other officers. Composite selection mechanisms may also involve multiple institutional selectorates. A familiar example is a two-stage, two-selectorate appointment process for judges through nomination of candidates by an executive, followed by legislative ratification or rejection. In addition, the selectorate for any given office may either be *internal* to a particular institution or *external* to it. For instance, in the executive departments of many states, the selectorates for promotions up to a certain grade are other officers of that department, while above those grades the selectorates are the legislature or chief executive. In sum, the possibility space of selection mechanism design is much larger and more complex than simply election versus sortition, yet can be neatly organized through a fairly simple framework.

3. Incentive Alignment and Personality Alignment

How do these two concepts, selection and function, relate to each other in a political theory? The answer, on my functionalist approach, is that the design of selection mechanisms for any particular

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office ought to promote the realization of that office's normative function within the overall political system. This may be conceptualized as an *optimization* problem, such as in conventional economic analysis and normative ideal theory (Gaus 2016)—that is, maximize the likelihood and/or degree to which the office realizes its function. However, the more realistic benchmark, given the demands of complexity and human bounded rationality, is to *satisfice* (Simon [1946] 1997) in adequately approximating the office's function.

At least two design principles can help guide our thinking about selection mechanism choices aimed at meeting this satisficing benchmark. They are *incentive alignment* and *personality alignment* between the officeholder and office. In other words, the selection mechanism—as one part of the overall design of the office more generally—ought both to incentive those candidates chosen as officeholders to realize their office's function *and* to produce personalities who are well-suited for the realization of that function.

I will not dwell too much on incentive alignment itself here. It is widely discussed in the social sciences, and there are well-developed relevant literatures on incentive design (Dixit 2002; Laffont and Martimort 2002). My point is simply that normative political theory needs to take their insights seriously for the design of selection mechanisms for office. Elections, appointment, and sortition, for instance, incentivize and de-incentivize candidates and officeholders in very different ways. Which is most desirable for any given office importantly depends on how those incentives align with the office's function.

Personality alignment, however, is equally important yet comparatively underdiscussed. This reflects a parallel neglect of the explanatory importance of individual personalities within the contemporary social sciences in favor of structuralist explanations or universalist rational choice analyses—though this too is now changing (Baturu and Elkink 2014; Krcmaric, Nelson, and

Roberts 2020). The fundamental point is that offices are held by *natural persons* with different skills, personalities, and perspectives which may make them more or less well-suited to realize a given office's function. The essential connection for institutional design is that different selection mechanisms will tend to choose and develop different personalities as officeholders. Plato recognized this, and his elaborate pedagogical-cum-selection proposals for his imagined city reflect this (Lane 2023). More recently, Manin (1997) describes elections as selection based on a "principle of distinction." As Landemore (2020, 97) puts it, "Elections, obviously, will always screen out certain personality types (the unambitious, introverted, less articulate, etc.)."

The key further point I want to make, though, is that what follows normatively for institutional design is not necessarily generalized random selection, but rather selection-mechanism pluralism. Sabl (2002, 305) calls this "the need for a division of moral responsibility and moral characters." The function of some or many offices may positively demand ambitious, extroverted, and articulate officeholders. The selection mechanism for such offices ought to be designed to meet their demands, a point which generalizes across the entire political system.

4. Applying the Functionalist Approach

With the space remaining, I will now briefly use my framework to revisit two familiar issues in the political theory literature. I do not take a direct stance in these debates, but rather aim to show how my approach can add useful analytical perspective. First, there has been a renewed appreciation for the role of parties and partisanship in democratic politics (Mair 2013; Muirhead 2014; Muirhead and Rosenblum 2020; Rosenblum 2008; Rosenbluth and Shapiro 2018; White and Ypi 2016). A functionalist theorist of institutional design, however, would caution that the desirability of partisan politics depends crucially on the office in question. Thus, we ought to be wary of overgeneralization. It is quite plausible, for instance, that partisanship is much more of a

desiderata for *legislators* than for executives or judges, as Muirhead (2014) in particular recognizes.³⁴ Selection designs which incentivize maximal partisan competition and select for partisan personalities, then, may be more appropriate for the former than the latter two.

Second, as aforementioned, the selection of judges via election, as is practiced for instance in some American states, has been a recurring topic of mostly critical discussion within political theory (Mill [1861] 2010). However, the politicization of appointed judges has long been a topic of study and controversy as well (Ackerman 2000; Balkin and Levinson 2001; Cameron and Kastellec 2023; Dahl 1957; Epstein, Knight, and Martin 2001; Ferejohn 2002; Hasen 2019; Hirschl 2008), and some theorists have recently suggested sortition as a selection alternative (Vandamme and Bello Hutt 2021). I am sympathetic to the line of thought underlying this scholarship, namely that judges fill a distinctive function within a pluralistic political system which may be promoted or impeded by their mechanism of selection. Madison ([1788] 2009b) had the requirements of a good judge in mind when he said in *Federalist 51* that “the primary consideration ought to be to select that mode of choice which best secures these qualifications.” A way to understand the approach sketched here, then, is as a generalization of the concepts and principles embedded within these insights about judicial selection to the entire range of state offices.

The founders of modern representative government aspired to create pluralistic political systems which would realize a variety of competing political ideals through the interactions of diverse offices and institutions. Their assumptions and thus their designs were often flawed, and the world has changed dramatically since their time. But this is not sufficient reason to abandon their original aspirations. Quite the opposite. I have argued that the demands of complex political life mean that their basic outlook has only become *more* relevant and necessary today.

³⁴ Whereas Muirhead focuses on articulating different “ethics” of partisanship for different officeholders, though, I focus on how institutional designers ought to align the incentives and personalities of officeholders with their offices.

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