



Random Election: Kenya Needs a Better System for Picking Its Leaders

By Patrick Gathara



Kenya is today truly in the grip of election fever. Political temperatures are rising, the economy is at a standstill as votes are counted and tallied. Politicians bicker over announced results and shenanigans at the Independent Elections and Boundaries Commission are causing severe headaches and divisive and online hate is still inducing nausea.

It begs the question of why we voluntarily put ourselves through this every five years. And whether the experience needs to be as terrible as it usually is.

And let's not kid ourselves. Elections have historically been traumatic events for Kenya. They are largely responsible for the fact that since independence, the country's economy has never had more than five years of consecutive growth above five percent. This trend has been [particularly evident](#) since the return of competitive, multi-party politics in 1992.

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Further, the worst cases of communal violence always happen around polling day, from the infamous “land clashes” that preceded the 1992 to the fighting in Likoni and elsewhere prior the 1997 polls, to the post-election violence of 2008. Between 1991 and 1997, election-related violence killed at least 2,000 people and displaced 400,000 more. A further at least 1300 were killed and 600,000 displaced by the 2008 violence.

Although the 2013 election was considered to be peaceful, nonetheless over 150 people died in violence in the months before the poll, the vast majority in raids in Tana River which [some blamed on politicians seeking office](#). On voting day, 13 people, including 6 policemen and an election official, were killed in [attacks at the coast](#) and at least [another 5 died in protests](#) following the Supreme Court ruling that bequeathed Uhuru Kenyatta the Presidency.

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So why do we do this? What is the value of elections? Across the world, many are losing faith in elections as a system of selecting leaders. In [an article in The Elephant](#), Dr Seema Shah writes that governing elites have so gerrymandered the rules governing elections that power has effectively been transferred from voters to candidates. This has “gradually distanced electoral processes from the people, and ... created electoral contests that hinge on little more than big money and elite strategy.” It is thus no accident that in one of the global studies she cites, less than half of respondents think elections are an essential characteristic of democracy. Others see elections as an aristocratic device meant to stop rather than enhance democracy. One such is [Flemish historian and writer David Van Reybrouck](#) who asserts that “the person who casts his or her vote, casts it away”. They propose doing away with elections and career politicians and simply regularly and randomly selecting citizens to run government. It is called sortition and is [not as loony as it may at first sound](#).

Basically, sortition is the way democracy was run over 3,000 years ago when the Athenians invented it (It wasn't an idea peculiar to democracies. In the Bible's Old Testament, various offices and functions in the temple were also determined by casting lots). The ancient Greeks saw elections as an aristocratic device, one designed to limit rather than enable democracy. In Politics, Aristotle states: “it is thought to be democratic for the offices [of constitutional government] to be assigned by lot, for them to be elected oligarchic”. According to [a paper by Bret Hennig of the Sortition Foundation](#), “it was well understood thousands of years ago that elections are aristocratic devices; ‘elite’ and ‘elect’, after all, share the same etymological root.”

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At the heart of sortition is a deep question regarding representation, which is the engine of representative democracy. Since it would be impossible to find a table big enough to sit 20 million adult Kenyans, and also because many of us have a life, it makes sense to select representatives to articulate our positions in forums like Parliament.

But if our representatives should be people who are like us, then elections are a really bad way to go about choosing them. “It is impossible by elections to choose normal people,” Yoram Gat, an Israeli software engineer told The Daily Beast. “Normal people are kind of anonymous.” Professional politicians, on the other hand, are anything but anonymous or normal. Just look at the characters in

the Kenyan Parliament.

In fact, across the world, political representatives are nothing like the people they are meant to represent. They tend to be richer and better educated. Parliaments almost never reflect the ethnic, gender and other characteristics of the societies that elected them. Further, elections tend to reinforce and reproduce social hierarchies -and generate ruling classes. They are today mainly contestations between and about elites. And since, even when well-run, they are easily gamed by the rich and influential, they give rise to hereditary political dynasties. Thus elections can both legitimize and facilitate the concentration of political power within and among a small group of families across several generations.

Sortition presents few such problems. Random sampling will, on average, produce parliaments that are pretty accurate reflections of society. It is why, in countries like the US where they have a jury system, jury members are essentially picked by lot to represent the judgement of society. Further, chance being inherently incorruptible, it matters not how much money is spent on campaigns. In fact, there would be no point in campaigning except to influence, not who is picked, but the issues they would prioritize in their tenure.

It is, of course, no panacea to political problems (such as ensuring, for example, that smaller groupings within society do not get ignored) but sorting has the added advantage of getting rid of career politicians -which, I'm sure, few would mourn. It would also eliminate dynastic politics of the sort we in Kenya have been historically treated to.

However, for the foreseeable future at least, elections -problematic as they may be- will remain a crucial component of democracy. They will continue to offer citizens symbolic occasions to renew and legitimize their governance system, to hold public officials to account, to debate differing visions of the future and review options for the deployment of their collective resources. However, a major problem is that in much of the world -and Kenya is a prime example of this- elections have become the only opportunity for citizens to do any of this.

Every five years, we are harangued into registering for the vote and into casting our ballots on voting day. Many commentators go so far as to declare your vote to be your voice and that a failure to vote is an abdication of the right to complain about government policy. In fact, President Kenyatta was fond of telling opposition supporters to stop complaining about his government and to wait for elections where they could do something about it. "You had your chance to lead. Now it's our turn," [his deputy, William Ruto, said](#) in response to sustained criticism from opposition leader, Raila Odinga. "Let us do our jobs. Help us, but give us room to do what we were elected to do. In a few years there'll be another election." In this formulation, there is the idea that in order to "do what it was elected to do" the government must be spared criticism.

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It is all hogwash. Voting is just one of the many mechanisms democracy should afford the people to partake in governance. In fact, it is not the casting of a ballot once every five years that is the crucial characteristic of democracy; many authoritarian systems feature elections. Rather, it is popular participation in everyday governance -in enforcing accountability and influencing the decisions government makes in between elections- that marks a system out as a democracy.

Elections only gain life and death importance when all other paths to accountability and

participation are blocked. And given the way their rules have been fixed, electoral contests have become more about legitimizing elite ambitions rather than solving the people's problems. Campaign manifestos illustrate this, focused as they are on highfalutin visions rather than fixing mundane, everyday problems.

This sets us up for a horrible cycle. Because there is no accountability and minimal participation of the voting public in governance after the election, politicians will promise anything knowing they do not need to deliver it. Voters, also knowing this, will prioritize what they can get during campaigns since there is no way of guaranteeing that you will get anything after. Thus voter bribery and improbable manifesto promises.

It also incentivizes corruption. For the candidates, there are incentives to spend huge amounts of money getting elected because it opens the gates to a world of looting and self-enrichment through corrupt contracting. And the more one can steal, the more largess one has to bribe the public at the next election, and so on.

Further, regardless of the nature of the system, there is little recognition of the fact that not voting remains a legitimate choice. One may either not wish to legitimize the outcome of an obviously flawed process or may prefer to participate in other ways. Just as voting should not be construed as the end of democratic participation, not voting should not be seen as surrendering all rights to other forms of democratic participation including complaining about the way leaders elected by others govern.

Instead of a ballot box fetish, our focus should be on participation after the vote. We should examine the many ways our system makes it difficult for ordinary people to participate in lawmaking or express their opinions and easy for the government to ignore them when they do. We should be concerned when peaceful protesters are beaten down, or online activism is disparaged and when MPs, under the pretense of giving effect to the constitutional right of recall, pass a law that makes it well-nigh impossible for their constituents to recall them.

In what is perhaps the most memorable phrase in his famous address at Gettysburg in the aftermath of the US Civil War, President Abraham Lincoln defined democracy as "government of the people, by the people, for the people". A democratic government is not about replacing the people with rulers. But rather about enabling citizens to participate in their own governance and that means it is always accountable to them.

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Which raises another set of fundamental questions that we need to grapple with. Are the people who are elected representatives or delegates? Are they there to faithfully reflect the wishes of their constituents or are they essentially given the authority to implement their own particular views?

During election campaigns, competing candidates and parties try to sell their solutions to the problems they identify. Those who are then elected can thereafter claim a mandate to implement those solutions. However, it goes beyond that. They will obviously, in their tenures, face issues and challenges that were not in their manifestos. How should they address them?

This creates a dilemma. Given that most citizens have neither the resources nor the inclination to delve into the intricacies of policy making, it is not at all clear whether it would be altogether

effective or desirable to subject every decision to a referendum or opinion poll. So whoever is elected must have some latitude to make decisions while still being ultimately accountable for them. But on what basis would a presumably uninformed electorate hold elected officials to account?

Resolving this dilemma is critical to ensuring electoral choices do not simply become forums for inaugurating unaccountable governments. There is simply no escape from the burden of citizenship. The expectation of good government must be accompanied with a determination to participate, to understand and try and influence policy decisions.

If this becomes the case in Kenya, then elections need not make us sick.

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