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The main thesis of this paper is that in the context of modern warfare and national security, there is a fundamental tension between standard electoral democratic systems of government and popular sovereignty. More bluntly: electoral democracy is incompatible with popular sovereignty, a prerequisite of political legitimacy, at least in the arena of national security. The incompatibility arises due to five distinct but interrelated factors. First, confidentiality: strategic requirements of confidentiality and secrecy undermine meaningful political accountability. Second, voter ignorance: national security policy is technical and complicated to an extent that the average voter lacks the information and competence required to hold elected political officials meaningfully accountable for enacting responsive policy. Third, voter psychology: national security policy is an area--like criminal justice policy--in which low information leads to easy psychological distortion due to voters' fear, the difficulty of responding rationally to small probability events, the conceptualization of "emergency" and "urgency", and the salience effects of bad outcomes in the national security context. Fourth, electoral pathology: national security policy is an area--like criminal justice policy--where elected officials have dramatically and inappropriately circumscribed policy options, given the electoral repercussions of appearing "weak" on security (like appearing "soft" on crime) and given that many of the most significant costs of ineffective policy are borne by others--either people in other countries or future generations of Americans. Fifth, money: national security policy is a "high financial value" policy arena--there is a lot of money to be made by a relatively small number of individuals and corporations, making lobbying and electioneering for certain political outcomes a very high value proposition for those entities. These five factors work together and overlap in complex ways. The end result is that national security policy created by elected officials (and their appointees) is (a) largely unresponsive to the core beliefs, values, and preferences of those in whose name it is enacted and (b) bad policy generally and bad policy for those in whose name it is enacted. Thus, in the arena of national security policy, we have at most nominal popular sovereignty, not real popular sovereignty.

The first part of the paper will make this case, discussing and expanding on these factors. The second part of the paper will consider what might be preferable to using elected officials to make national security policy from a perspective of popular sovereignty, given the real-world strategic and practical constraints. I will consider, in particular, the use of what I call "lottocratic" institutions. These institutions have been used to reform election law and voting systems in Canada and other places, and they consist of lottery-selected individuals charged with making policy and/or with policy oversight, but only after hearing from and interacting with a wide group of relevant "experts." I will consider some of the advantages and concerns about these institutions, and in particular whether they could lay claim to be institutions that would better achieve popular sovereignty than their electoral rivals. I will conclude by discussing the

possibility of an "unbundled" sovereign executive branch, and discussing some of the implications of a skeptical verdict regarding the possibility of popular sovereignty.