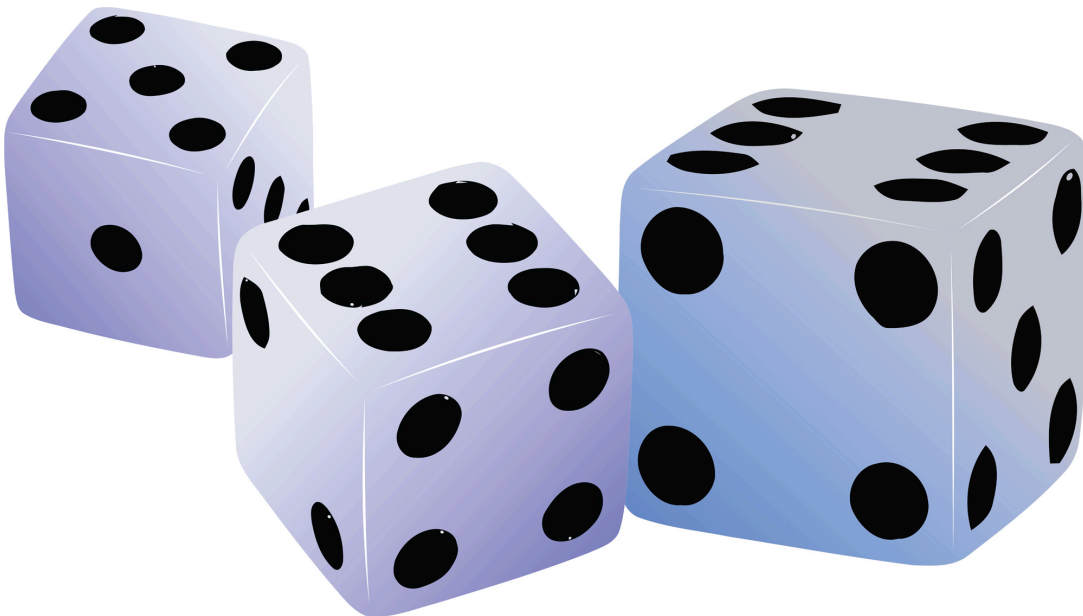


Sortition and Deliberation in the EU: An Alternative for Electoral Democracy



Lysette Jacomijn Meuleman
S1441116
Leiden University
July 27, 2014
lysettemeuleman@live.nl

A Thesis submitted in partial fulfillment of the requirements of the degree of
Master of Arts in European Union Studies

Supervisor: Dr. mr. A.I. Richard

Second Supervisor: Prof. Dr. J.Q.T. Rood

Date of Submission: July 27, 2014

Word count: 21.914

Word count with footnotes and bibliography: 23.582

Abstract:

Democracy is under pressure in Europe. On national levels trust in politicians and the political system is decreasing, satisfaction is low and protests are increasing. People feel not heard by their chosen representatives and some start to experiment with other forms of democracy. This discontent is especially visible in relation to the European Union that is accused to have severe democratic deficits. This started a debate on the current electoral representative system. This thesis investigates if the democratic deficit of the EU can be solved by introducing citizens' bodies based on sortition, the random selection of citizens instead of electing representatives.

Content:

Chapter 1 Introduction	9
1.1 Introduction	9
1.2 Research question	11
1.3 Chapter overview	12
Chapter 2 Methodology	15
2.1 Methodology	15
Chapter 3 Democratic Deficit	17
3.1 EU's deficit debate	17
3.2 Deficits in the EU	18
3.3 Citizen participation opportunities	21
3.4 Deficits addressed by sortition	24
Chapter 4 Sortition and Deliberation Initiatives Past to Now	25
4.1 Definitions	25
4.2 Origin of sortition in public office	26
4.3 Modern projects involving sortition and deliberation	28
4.3.1 Local and regional projects	28
4.3.2 National and more ambitious projects	29
4.3.3. State led projects	31
4.4 Theoretical models involving sortition	33
Chapter 5 Advantages, Disadvantages, and Essential Elements	39
5.1 Introduction	39
5.2 Advantages	39
5.3 Disadvantages	43
5.4 Essential elements	46
Chapter 6 Sortition and Deliberation in the EU	51
6.1 Introduction	51
6.2 Buchstein and Hein's 'House of Lots'	52
6.3 Evaluation of Buchstein and Hein's model	54
6.3.1 Good points	54
6.3.2 Criticisms	55
6.4 Own model	58
6.4.1 Practicalities	58
6.4.2 Functions: Agenda Setting	60
6.4.3 Functions: Legislating	61
6.4.4 Institutions: Effect on Status Quo	63

6.5 Does this model solve the democratic deficits?	65
Chapter 7 Conclusion	69
7.1 Conclusion	69
7.2 Discussion	73
Bibliography	77

Chapter 1 Introduction

1.1 Introduction

Democracy has been spreading over the globe up to the point that now about half the world has democratic governance of some sort, and 15% of the countries are considered to be fully democratic (Davidson 2013). Yet now, despite the calls for more democracy in the Arab Spring, global democracy came to a standstill. What is even more, according to Davidson in the Huffington Post, democracy in parts of Europe even declined due to chosen solutions to the economic and financial crisis (Davidson 2013). Democracy has always been in transformation¹, but since its establishment in modern times, one element remained: the focus on elections. Democracy is equated with elections, parties and voters. Governments are always contested, but now ironically, many signs of protest are directly aimed at these features essential to electoral representation. Other prominent features of the current changes include an increasingly educated electorate, transformed information access and flows due to digital developments, and an increased focus on leaders. This has changed the relationship between citizen and politician, it has become more reactionary. These changes are not always beneficial to the functioning of the system. In Europe these changes are visible in all countries, yet in different forms and to another extent. It is seen that while parties are still very important in campaigns for their money raising capabilities, organizational structure, candidates' selection, etc., their membership is steadily decreasing. At the same time, voter volatility is increasing, and parties can no longer count on a stable voter base. Furthermore, leaders have become more important than individual representatives or party ideology or program. Voters have often no personal connection to their representatives, or even know who they are. Furthermore, it has become harder to form coalition governments, and

¹ See for an elaborate discussion Manin's *The Principles of Representative Government* (1997).

² For further details of the use of lot in Athens see Trimidas (n.d.) and Dowlen (2009)

³ Assuming that people from the ages 20 to 70 are included in the pool from which the members are chosen. This means 330 million citizens (Eurostat 139). There are 200 participants per term of 2,5 years. For the time that someone is suitable to be selected there are 20 terms, thus 4000

citizens are more dissatisfied with politics in general. Trust is low. What people tend to forget is that electoral representation is just one form of democracy.

In essence democracy is a system of governance that grants equality of opportunity to govern to everyone. Full democracy in the meaning of all citizens governing at the same time equals no democracy at all as it becomes anarchy. Therefore all forms of democracy are necessarily of a mediated form, of which the best known is a system of representatives by election. Widely believed to be the ultimate form of freedom and democracy, ironically elections aim to do the contrary: they create an aristocracy. This is not an aristocracy of blood, but of virtue and merit. When democracy as we know it in the North Atlantic was established in the 18th century in France and the USA, the founders believed that the representatives should be superior to the ordinary citizen in terms of wealth, talent and virtue. The equality in democracy did not lie in the equal opportunity to be chosen, but to choose (Manin 1997: 94-119). Elections than contribute to the forming of an elite, chosen by the electorate based on subjective characteristics that may, or may not, be the best qualities for being representatives. These are subjective criteria, not objective ones (Manin in Landemore 2007). Given the dissatisfaction with current politics, and the fact that electoral representation is elite forming and thus not ultimately democratic, it might be time to look at alternatives. How can the challenges that the current system poses and the increased dissatisfaction with politics be turned around? Are there other forms of democracy possible? One of the alternatives that has come up in the last decades and is increasingly explored by both academics in theory and practitioners worldwide is the selection of representatives by lot. In short this comes down to substituting selection of representatives by election to selection by random selection. No elections and votes, but a lottery. This in essence is argued to be closer to true democracy since not only an elite is chosen, but truly all people have equal opportunity to govern. There have already been experiments and projects worldwide that embrace this idea of lottery, generally called sortition. So far it has been only used on ad hoc basis, and in many different forms. Yet, the roots of this system of governance lie in the ancient polis of Athens, 508 to 332 B.C. (Tridimas n.d.: 3).

1.2 Research question

The aim of this thesis is to analyze the system of sortition and to see whether it could be applied to the European Union. The EU is a relevant level of analysis because some of the main challenges of electoral representation are clearly visible at this level. One of the main justifications for choosing people to represent the population is accountability of the representatives to the voters. This accountability is especially weak at the EU level. For accountability to work, it is essential that voters can assign responsibility. In their analysis of electoral representation Przeworski et al. name several important elements that must be in place in order to judge who is responsible for what policy. Firstly, they argue that coalition governments make it more difficult to see who is responsible for a certain policy or course of action. Secondly, for accountability to be effective, voters must be able to vote parties out of office. Thirdly, there must be an opposition to monitor the government and to inform citizens (Przeworski, Stokes & Manin 1999: 48). Especially in the European Union these elements seem to be insufficiently existing or entirely missing. This might be the reason that there is so much debate over the democratic deficit of the European Union. Looking at the situation in the EU it seems that there is really no accountability possible. For the average voter who is not that much informed of the details of EU decision-making the EU is a complex system that is hard to understand. The Commission, EP, and the Council are all involved in the legislative process. Moreover, the EU is aimed at decision making on a consensus basis that complicates it even more to see who is responsible for what policy and policy direction while moreover the Council deliberates behind closed doors. Secondly, there is no government in the EU and therefore parties cannot be voted out of government. In extreme cases parties can be voted out of the Parliament, but it would mean a major shift in voting behavior that is not very likely. Thirdly, since there is no government, but there is a consensus seeking practice, there is also no clear opposition. Parties work together in shifting alliances and all try to influence legislation. Thus the conditions laid down by Przeworski et al. for accountability to work are not present in the EU. This complicates the argument for electoral representation and makes the EU an excellent case to see if

alternatives are possible. The research question of this research is if sortition can be applied to the European Union to solve the democratic deficit.

1.3 Chapter overview

In order to arrive at the conclusion, the thesis is structured into several parts. The research starts with a methodology section in the second chapter. For sortition to be presented as an alternative form of democracy and to be a viable alternative, sortition should not only be possible to implement, but also improve the current situation. Therefore in chapter three the democratic deficits in the electoral representation system in the EU are identified. The deficits that are possibly solved by sortition are singled out. Since a major goal of democracy and an advantage of sortition is that citizens have the opportunity to participate in legislation, that chapter will also investigate what opportunities currently exist in the EU for citizens' participation and how successful these mechanisms are. From chapter four onwards, the focus shifts to sortition entirely. In this chapter sortition is traced from Ancient Athens, via medieval Italy to modern experiments. Different forms of sortition are identified and analyzed. Except from existing projects also theoretical models will be explored. These projects and models give insight in the uses of sortition and deliberation as well as hint at advantages and challenges of these models. Chapter five will further elaborate these advantages and disadvantages from which a list of essential elements that need to be present or taken into consideration when making a model of or implementing sortition is derived. Chapter six will be dedicated to the implementation of sortition on EU scale. Buchstein and Hein have already presented a design for applying sortition in the EU. The interesting part of the model for this thesis is a House of Lots, a second chamber of Europe wide randomly selected citizens that is able to initiate legislation and scrutinize proposals from the Commission. This model will be considered and criticized. Lastly, this thesis will present a new model, based on the research done above. This model proposes a combination of regional and Europe wide citizens bodies that has both an agenda setting function as well as the ability to judge legislation proposed by the Commission. This model aims to make use of the possibilities and advantages that sortition offers while at the same time considering the

limitations of the scale of such a project in the EU. The conclusion will include a discussion of the possibility and desirability of implementation of this model.

Chapter 2 Methodology

2.1 Methodology

Even though sortition has been used in the past as a form of government and although in the last decades there have been projects on a large scale involving fundamental legislative questions, sortition is a long way from being implemented on a continuous basis with any substantial power. The shift from democracy as elections to democracy by lot is simply too big and the idea too novel and unknown. Therefore this thesis is mostly a theoretical study. It is a thought experiment to investigate the possibility of sortition and deliberation in the EU. Nonetheless, it will not, as some other theorists have done, envision a utopia of what the perfect, ultimate sortition model could be. The analysis of sortition and the proposed new model will be grounded in reality and on the situation as it currently stands in the EU. The only obstacle that will not be taken into consideration into designing the model is the support from both politicians and citizens alike. Except for the lack of this support, the model should be able to be implemented and functional in the short term.

The research is based on qualitative research. Since sortition has never been applied on EU level, or on any comparable scale geographically and institutionally in a Union of 28 sovereign countries, there is no direct data available. However, there have been a number of experiments with sortition and deliberation on smaller scales. These projects on regional, national, or local levels reveal essential information about how sortition functions and what is needed for a successful process. These projects form the basis on which this thesis builds. The projects will be analyzed and the data extrapolated to the EU level. The projects used are described in detail by their organizers or academics who have done research into the topic of sortition. Their findings and analyses will be included in this research. Most of the data used in this thesis is derived from secondary sources. No raw data will be collected. Furthermore, the

designing of the model for the EU is based on knowledge of the functioning of the EU.

This thesis will contribute to the overall knowledge of sortition and its possible implementation, and its benefits over electoral representation. Even if the final conclusion must be that sortition via the models currently available is not desirable, this research project offers a starting point for further discussion of alternatives and possible solutions for the democratic deficits in the EU. Even though it might be a long way for sortition to be implemented truly, the ideas presented here might be adapted and used in other forms that are more acceptable at the moment.

Chapter 3 Democratic Deficit

3.1 EU's deficit debate

If sortition is a remedy for the discontent with and failure of democracy, than first these deficits must be identified. Since the start of the European Community there have been debates about the democratic nature of the EU and its legitimacy. In the literature the term democratic deficit is “used to describe the perceived lack of democratic structures and processes within the EU’s institutions, in contrast to those that prominently exist at the national level within the Union” (Sieberson 2008: 446). Crombez argues the democratic deficit as two elements: the output and the political process itself. The output refers to if people get what they want from the EU, and the political process if the “voters [are] adequately represented in the different steps of the process and have the means to exercise influence on it” (Crombez 2003: 103-104).

To improve the EU’s democratic system measures have been taken, for example by increasing the power of the EP. But these have not resolved the gap between the EU and its citizens. EP voter turnout in its elections is ever falling, and the EU is still seen as distant and out of influence of ordinary citizens. Furthermore, many people do not feel that their interests are represented in the EU. This has sparked a debate on whether there is a democratic deficit. A large part of the public and the media argue that there is, and some academics support their view, while other academics argue that there is no deficit at all. It is complicated since the question whether there is a deficit or not depends on the view of the nature of the EU. The EU can be seen as an intergovernmental organization, a federal state or a hybrid between the two options. This nature has consequences for the extent to which the EU must be democratic and what rules and procedures are needed to ensure its democratic legitimacy (Sieberson 2008: 447).

An ideal democracy cannot exist, and thresholds on defining a deficit are debatable. For example, democracy is partly measured by the trust people have

in state institutions. However, there is no standard to what level of trust constitutes a democracy. Is a democracy reached when 50% of the people trust the institutions, or does it need to be 80%? Furthermore, more democratic control does not always increase trust. It shows that non-participatory institutions such as the army are trusted more than participatory ones such as national parliament (Moravcsik 2004: 338). Furthermore, even if people get the chance to discuss Europe, they don't, as was seen in the European elections (Moravcsik 2004: 339).

3.2 Deficits in the EU

The literature on the democratic deficits is extensive and ever growing. To fully grasp every part of it would be a thesis in itself. For the purposes of this thesis only the most common arguments why a deficit exists are listed and explained. However, it will not be a thorough discussion of whether there is or is not a deficit. Rather, it is argued that it is not only of importance whether there is a strict theoretical deficit, but also whether the people feel the EU is representing them properly and whether they feel they have an influence on policy making in the EU. Even if the EU satisfies the democratic rules, a perceived deficit may still undermine the EU's legitimacy.

The main democratic deficits identified are:

- 1) Complexity of the EU system: the EU is a complex system with three main legislative bodies: the Council, the Parliament and the Commission, with additional other bodies such as the Court of Justice and regional committees. All these bodies have committees, working groups, Coreper etc. to support their functioning. The institutions have different powers and tasks, which also differ between policy areas. A large part of the EU citizens do not seem familiar with the functioning of these institutions. Furthermore, it can be hard to see the link between the broad aims of the EU and its everyday action (Siebers 2008: 189).
- 2) Power and control: over time there has been an increase in executive power and a decrease in national parliamentary control. The Council has gained in power, and is accountable to national parliaments, but these

find it difficult to exercise any control and to sufficiently scrutinize the councils' actions (Follesdal & Hix 2006: 534-535).

- 3) Lack of transparency: even though this problem has been decreasing over time, and the EU might be just as, or even more transparent than national governments, criticisms are made that much is deliberated behind closed doors (Sieberson 2008: 196). A second problem may be that many people do not know how and where to find the information they want.
- 4) Delivery failure: the EU has traditionally been very focused on economic policies, while it is argued that recently citizens also expect the EU to address social problems. Thus there is a lack of social legitimacy (Sieberson 2008: 198). Furthermore, because of lack of control of citizens, the EU can adopt policies that would be unacceptable on national level (Follesdal & Hix 2006: 537).
- 5) Lack of a European demos: there is argued to be no common shared values in the EU and no common identity or language (Sieberson 2008: 200).
- 6) The EP is too weak: even though their powers have increased, they have no right of initiative yet (Follesdal & Hix 2006: 535).
- 7) Lack of participation: citizens feel there is a lack of opportunities to participate in EU politics. This has been argued to generate disillusionment, distrust and dislike of the EU, which in turn reinforces ignorance and unwillingness to participate in EU politics (Moravcsik 2004: 331).
- 8) Lack of accountability: the EU is often seen as being managed by technocrats who have no connection to the public and who are not being held accountable for their actions to their constituency (Sieberson 2008: 194). The EP is directly elected and thus theoretically accountable, but as explained in the introduction its elections have a second order nature in which more national than EU issues are being discussed. Moreover, very few voters know the MEP's they are voting for and party lists are country based. The Heads of Government/State and ministers of the Council may not be elected at all and indirectly at best. Further they are accountable only on national level. Furthermore, the Commission is appointed by the

European Council and approved by the EP, but can only be discharged as a whole, not individually and it is not accountable to the public at all.

There are checks and balances, yet overall the influence of citizens on the legislators is low (Sieberson 2008: 195; Follesdal & Hix 2006: 536).

Furthermore, people lose the perception of accountability if the steps of delegation become too big (Crombez 2003: 105). Theoretically indirect elections still create accountability, but it is not always seen as such.

People lose trust if electoral control is too far removed. Moreover, the system in the EU is different from the domestic systems, and thus people have problems relating to it and understanding it (Follesdal & Hix 2006: 536).

- 9) As has already been referred to in the introduction there is a more fundamental democratic deficit that has been ignored by the large share of academics in this field, but is being brought to attention increasingly. That is the fact that elections are not democratic at all. Accountability is argued to be the main mechanism ensuring democracy in current electoral representation. Through elections representatives are accountable to voters and have voters control over their representatives who aspire to be re-elected. In elections voters can punish representatives for bad conduct and vote for new representatives which they believe will do better (Przeworski, Stokes & Manin 1999: 29). Furthermore, anticipating elections will pressure representatives to do what they believe the voters would want them to do, with the aim of securing their re-election. This would have an indirect effect on public policy (Przeworski, Stokes & Manin 1999: 29). This accountability of representatives relies heavily on the availability of information. Lack of information on the precise conduct of politicians or on what policies would have been best under the circumstances makes it impossible to judge representatives' performance in office (Przeworski, Stokes & Manin 1999: 45). A further complication is that elections are not very efficient mechanisms to control politicians. Voting a party out of office does not guarantee that the new government will do any better (Manin 1997: 177). Moreover, voters are more likely to cast their vote with an eye on the

future and expected actions of representatives, rather than on analysis of past behavior (Manin 1997: 180). Promises can be made, but not enforced. At the same time it has become more unpredictable what a politician has to deal with in his term. Therefore personal trust in the representative, and especially in the leader, has become more important than actual plans or past performance (Manin 1997: 221). For a more elaborate analysis of this mechanism see Przeworki et al. (1999).

- 10) Electoral representation assumes equal opportunity to vote and equal weight in the choosing of the representatives. Yet this equal weight can be questioned too: in the one-person-one-vote system votes are equally weighted, but influence is not. Some persons, parties, or other organizations have, because of their position, network or money, disproportionate power in election campaigns, information creation and dissemination, and etc. This distorts the equality of citizens and reinforces the existing elite.

As mentioned, these democratic deficits are debatable and there is no consensus. However, this thesis takes the view that perceived deficits are also a problem for the legitimacy of the EU.

3.3 Citizen participation opportunities

As appears from the list above, an important criticism of the EU is the lack of opportunity for citizens to participate or otherwise assert influence on EU's policy. As this thesis explores an alternative form of democracy that places much emphasis on citizens' participation, it is useful to investigate what possibilities exist at the moment in the EU. At the moment there are a number of channels through which citizens can be involved. The channels can be divided into two categories. The first one contains some modes of participation that mainly involve the flow of information, while the second describes channels that give citizens more substantial rights or means.

The first category encompasses channels aimed at giving information to the citizens, as well as channels for citizens sending information towards the politicians or civil servants.

- 1) Public consultations: every citizen, group or business with a certain interest in the issue can give their opinion of a proposal of the Commission before it is sent to the Council and the Parliament (Europa.eu).
- 2) Consultations per policy sector: every Directorate General establishes an information flow between the Directorate and the citizen. This is done by giving information via White and Green papers, and receiving by consultation documents, committees, expert groups meetings etc (Europa.eu).
- 3) Other advice and information services: these include channels through which the EU presents information to the EU citizen and channels by which the EU citizen can make their opinion known. This includes the Eurobarometer, opinion polls, and consultations (Europa.eu).
- 4) Contact: citizens can contact a Member of the European Parliament, a Commissioner, or Representative of the Regions or Economic and Social Committee, either by personal mail or by commenting on online postings (Europa.eu).
- 5) SME test panel: The European Commission organizes panels with small and medium sized business to discuss forthcoming EU legislation. These businesses are selected by the Enterprise Europe Network (Europa.eu).
- 6) Sinapse: Sinapse is an online platform for information exchange between expert groups and advisory bodies and such, with the aim of promoting a better use of expertise in the EU (Europa.eu).

Belonging to the second category are the channels for which information exchange is not the main goal, but where the citizen requests the politicians to undertake action or conveys power to the politician.

- 1) European Citizens Initiative: through this initiative citizens can call on the Commission to propose legislation on an issue. At least 7 citizens of at

- least a quarter of the Member States of the EU must form a committee that assembles at least a million signatures in support of the initiative. The Commission must give a response to the initiative and explain the reasons for taking, or not taking action. The Commission is not obliged to make a subsequent proposal, but through the set up of the Initiative this is more powerful than contacting a Commissioner personally (Europe.eu).
- 2) **Petition to European Parliament:** all EU citizens and residents, as well as businesses and other organizations headquartered in the EU can petition the parliament on issues related to the EU policy that affect them directly. This can take the form of a complaint or a request. The EP can on basis of such petition bring under the attention infringements of rights by any EU or national authority (Europe.eu).
 - 3) **Complaints:** Citizens can file complaints to the European Commission, to the European Ombudsman or report fraud (Europe.eu).
 - 4) **Election of European Parliament** (Nentwich 1996: 7).
 - 5) **National elections:** through national elections the head of state/government and the ministers are elected or chosen, and these take seat in the Council. Furthermore, national parliaments have influence on EU policy in different ways (Nentwich 1996: 7).
 - 6) **Protest and demonstrations:** these kinds of actions call strongly on Brussels to change or stop a certain policy, but demonstrations are difficult to set up, especially Union wide, and thus are rare (Nentwich 1996: 11).
 - 7) **Mass media:** in national context mass media have a strong influence on politicians and on agenda setting, but on European level this is more difficult, because there are no real European mass media or even trans border media (Nentwich 1996: 11).

As is seen there are quite some ways to participate in the European Union. However, the question arises whether these are effective and how much influence citizens actually have. The only direct participation channel is the election of the Parliament, which is every five years. Influence of an individual voter is small in elections and due to rational ignorance many people do not vote

at all. The time and energy spend on researching which party represents ones interests best is not balancing out to the little value of ones vote. For the rest of the channels it is questionable how much influence people have, and whether it is proportional to the amount of time and energy. Furthermore, all the channels, except for election, are non-binding, and advisory. Interest groups or associations arguably have better access than individual citizens, because there is power in numbers and such groups have better resources to lobby (Nentwich 1996: 12).

3.4 Deficits addressed by sortition

This chapter has outlined the democratic deficits and current participation possibilities in the EU. While sortition is not the resolution for all deficits, it is expected to improve some. First sortition will create new possibilities for participation and influence of citizens in the EU. If the design implemented is extensive enough, this would solve the problem of lack of participation possibilities, but also the delivery failure of the EU. If citizens are included in the agenda setting and legislation making, they can ensure the EU is addressing all the topics citizens find important. Thirdly, sortition schemes often include deliberation between citizens. This will contribute to discussions about values, identities etc. This can promote knowledge of each other and the forming of a European demos. Whether this will really come about is uncertain, but promoting a better understanding of each other is a first step. Fourthly, sortition addresses the lack of accountability in the EU in several ways, by including ordinary citizens in the legislative process to check the politicians directly, or by substituting politicians by citizens on rotation basis. Furthermore, the lack of transparency can be decreased because if more citizens are directly involved in the EU there will be a better understanding of and spread of information about the EU. Finally, sortition addresses the criticism that modern democracy is not really democratic, but rather creating a political elite. Whether sortition is actually able to solve these deficits also depends on the design chosen, if it is able to do so at all.

Chapter 4 Sortition and Deliberation Initiatives

Past to Now

4.1 Definitions

In the previous part of this thesis is discussed which (perceived) democratic deficits are found in the European Union. As one of the problems is the lack of input from European citizens in the decision-making, the part above also explored what the current participation possibilities are. Also, the deficits that are possibly solved by sortition were identified. The next part of the thesis will be dedicated to sortition itself. This chapter will investigate what sortition is, how it has been used in pre-modern times, and how it has resurfaced in modern periods. By exploring these designs it will lay a basis for the next chapter in which the advantages and disadvantages of sortition are identified. Lastly, the analysis of sortition designs provides a list of essential features of a sortition design to be successful.

The term sortition refers to selection by lot, and is often applied to the selection of public officials (Trimidas 1; Dowlen 2009: 298). Because the choice is made by lot and not based on judgment on the basis of features of the available options, the most essential element of sortition is the absence of rationality. The choice is not influenced by reason, hence it is, as Dowlen terms it, arational (Dowlen 2009: 305). The use of sortition can, according to Dowlen, only be just if this arationality is used well, thus to prevent any human interference with the choice. Reason can be applied to determine the pool from which is chosen, but the choice itself must be mechanical and arational. This arationality ensures the protection of public process from manipulation (Dowlen 2009: 308). The underlying thought is that while in designing the pool can be ensured that the subjects are sufficiently qualified for the position at hand, the random selection ensures that no manipulation can take place in the selection from the pool and that no false reasons can be used to forward one option above another (Trimidas 6). Sortition has many side effects, but the main reasons why it has been used is

firstly, to choose between subjects that are different but similar to ensure equality; secondly, to promote deliberation and compromise; and thirdly to improve participation in politics of all strata of society, and improve representativeness in order to prevent the forming of an elite (Buchstein & Hein 2010: 124). Beauty or eloquence of speech are not necessary to successfully fulfill a public office, but are promoting ones chances of winning an election. Since lot determines these qualities randomly at birth, sortition can be used to redistribute equality. The arationality of sortition can eliminate false reasons and unrelated qualities for the decision at hand. One important note here is that it should only be used where these qualities are not needed, such as in public office (Goodwin 1984: 201).

The use of sortition is often combined with deliberative elements. Deliberation refers to the interaction and discussion of the people involved in an event. The academic use of the term refers to the analytic decision-making by a public body and the inclusion of democratic values of equality and respectful social conduction of a forum or event. If deliberation is conducted on a wider scale and over a period of time, one can speak of deliberative democracy (Gastil & Richards 2013: 256). In this thesis decision making bodies will be explored that are deliberative, thus aimed at discussion and consensus, and/or bodies that are chosen by sortition, thus random selection. Most will combine the two features.

4.2 Origin of sortition in public office

The first use of sortition known is that in the polity of Athens from 508 to 332 BC (Trimidas 3). Sortition was used for the distribution of almost all public offices. In Ancient Athens sortition was used to ensure equality among the citizens, and the right to speak and contribute was an important element of their political system. Furthermore, the legislative tasks were divided between separate bodies (Bouricius 2013: 1). The Boule, a council of 500 randomly selected citizens, prepared the agenda for the Assembly, which consisted of all citizens willing to attend. This Assembly selected 100 of the in total 700 public offices by election. These were specialized offices such as the staff of the army and treasurers. The other 600 offices were granted by lot. Not only public

officials were chosen by lot, also the courts were assembled through this mechanism. From a pool of 6000 citizens, each morning about 2000 jurors were selected to judge that day (Trimidas 4; Dowlen 2008: 32). Even though all citizens could in principle be selected for office, some offices required extra qualifications such as an age threshold or a certain minimum income (Dowlen 2008: 33). Holding an office was on voluntary basis, and while one was reviewed on good character and conduct before taking office, he was not judged on competence (Trimidas n.d.: 5). The nature of the pool was confined due to the definition of citizen in those times as this only included free men².

Eventually sortition was lost in Ancient Greece, but the system resurfaced in Italy. The model was vastly changed in this period. In thirteenth century Florence many rival factions of important families yearned for power over the city. Sortition here was used to prevent too much power falling into the hands of one family. The most important body was the Signoria, which made foreign policy, initiated proposal laws, and controlled the administrative bodies. To be part of the Signoria, citizens had to be selected. In each of the 6 parts of the city citizens or organizations could nominate a person they deemed competent enough for office. These lists were examined by a city commission and those names agreed upon were put in a pouche. Through random selection names were drawn from this sack to fulfill the positions. There was a high rotation level as the term of office was only a few months (Sintomer 2010: 474; Van Reybrouck 2013: 72). There was less emphasis on deliberation, since there was little opportunity for discussion, and immediate decision on the proposed bill (Sintomer 2010: 476). Thus here the focus of the system was not on equal participation as in Athens, but on the division of power between the rival factions. Similar as in Athens, citizenship was defined narrowly (Sintomer 2010: 476).

Sortition was found on a smaller scale some centuries later in Switzerland where from 1640-1837 random selection was used to select mayors (Trimidas n.d.: 6). Since 1730, in England criminals were tried by juries composed by lot. The main aim here was to prevent corruption and stacking the jury (Dowlen 2008: 38). This jury system is still used in several countries today and is the only

² For further details of the use of lot in Athens see Trimidas (n.d.) and Dowlen (2009)

systematical use of sortition known in modern times, in relation to public office at least.

4.3 Modern projects involving sortition and deliberation

Yet since the 1970s there has been increasing attention for the use of sortition and deliberation in the public sphere. Some academics have researched the theoretical value and assumptions of this system, while others have composed experiments to bring it into practice and find out if and how it actually functions. In order to give an indication of the possible uses and forms of sortition and deliberation a wide spectrum of these projects will be reviewed below.

4.3.1 Local and regional projects

To demonstrate that citizens were capable of understanding complex issues and deliberating on them, Ned Crosby designed Citizen Juries and Policy Juries. Through random selection he brought 24 citizens together to deliberate on a certain topic (Slaton 2001: 358). Even though the results demonstrated that indeed ordinary citizens are capable of formulating sensible policy recommendations, it had little effect on actual policy. Because the juries were not linked to government, their results were not taken into consideration by the policy-makers.

This requirement was better fulfilled in the project of the Center for New Democratic Processes in Minnesota. The focus was the impact of agriculture on water quality in this American State. The main aim of the project was not only to rely on the visions of the interest parties, which had a background in agriculture, but also to involve the entire population and include interests or views that were not organized. The project created regional and state panels that were partly filled through random selection, and partly by selecting people from informational meetings, which attendants were not representative for the population. In the panels the participants discussed the issue, and the recommendations were sent to the relevant organizations. Despite the fact that interest groups were engaged with the project from the start, only few of the recommendations were adapted in their programs and even fewer were found back in legislation (Crosby, Kelly & Schaefer 1986).

Since the 1970s Vincent Campbell and James Fishkin have been experimenting with deliberation via deliberative polls (Slaton 2001: 358). The underlying assumption of deliberative polls is that the opinion of the people is important, but that often the public is not well informed of the issue at hand. A simple opinion poll does not accurately reflect the opinion of the population, but is biased. Many people 'guess' an answer or agree to what they think the interviewer wants to hear. To find the real opinion deliberation is needed (Luskin, Fishkin & Jowell 2002: 458). Since 1994 Fishkin has conducted many deliberative polls, which all follow a similar pattern. In a weekend about 300 citizens come together to discuss a certain issue or topic. This is done both in small groups to ensure that everyone can participate and in large plenary settings to spread the knowledge gained among all members and to avoid small group processes such as groupthink. In the beginning of the process experts and representatives of political parties are available to be questioned and provide information (Luskin, Fishkin & Jowell 2002: 455). Both at the beginning and at the end of the process a poll is taken. A comparison shows that people often change their opinions during the process as they gain knowledge of the issue and discuss the multiple perspectives of it (Luskin, Fishkin & Jowell 2002: 459). These projects show that ordinary people are capable of understanding complex issues and of taking all interests into account (Slaton 2001: 360). These polls can be used to inform legislators of the people's opinion, but do not have a concrete link to legislation making. Thus what action would be taken on the final result is questionable.

Many more relatively small deliberation- and sometimes sortition experiments have taken place. Most resemble the deliberative polls, but are often conducted on a smaller scale. The majority aims to advice the existing legislative branch, rather than replacing it by a citizens' body.

4.3.2 National and more ambitious projects

Apart from the small projects discussed above, also some more ambitious initiatives have taken place, either in number of participants or in scope. In Canada, the provincial Oregon Citizens' Initiative Review in 2010 was designed to review proposed laws. Randomly selected citizens formed two groups that

would review the law proposals and write a recommendation for the entire population who would vote for the law in a referendum. It was expected that if citizens would analyze the proposals and inform the wider public, this would increase knowledge of the proposals and thus better reflect the opinion of the public on these issues. The evaluation of the project showed that the review of the laws was successful and that the discussions indeed lead to a better understanding of the issues at hand and a high quality recommendation. However, the public remained largely unaware of this project and thus did not take the recommendation into account when voting in the referendum. A new Review project in 2012 was more successful and saw an increase in awareness amongst the population (Gastil & Richards 2013: 265).

The Civic Forum in Northern Ireland was an advisory consultative body, established in 2000. The Forum did not use sortition to establish the participants, but was aimed at including civil society and deliberation. The participants were representatives of civil society, including business, trade unions and voluntary sectors. This caused unrest from the beginning as it was not clear what groups should be included exactly, and how to decide this (Bell 2004: 568). Furthermore the aim of the Civic Forum was not entirely clear, and its members had differing views. Some argued that the forum must react on requests from the Northern Ireland legislative Assembly, while others took a more proactive role and argued that the Forum should prepare materials they found important for the Assembly to study (Bell 2004: 570). This severely impacted its effectiveness.

In Belgium the G1000 project was established in 2011. Here deliberation was key. It was founded in the period after the elections of 2010 in which it took 541 days for the political parties to form a government. In reaction the founders of the G1000 argued that citizens should come into action and participate in the democracy. The first phase consisted of an online questionnaire to investigate what citizens identified as their major concerns. In the second phase 1000 citizens were selected through both random selection and recruitment to participate in a Citizens Forum. This large forum deliberated the 3 major concerns identified. Information was provided and moderators facilitated the small group discussions. Furthermore, translators were available for the groups

who combined French-Dutch- and German speaking citizens. Furthermore, simultaneously the whole population was invited to participate in online discussions, or in local table discussions instead of in the central discussion in Brussels. These lasts were self-selected, but did ensure more than a doubling of the participation. In the last phase, a smaller randomly selected group of 32 citizens discussed the results of the second phase and formulated policy proposals (G1000).

4.3.3 State-led projects

The contemporary experiments explained so far aimed at deliberation for its own sake, or for informing or advising the government. Two experiments have gone beyond that and involved citizens actually proposing legislation. This was justified on the grounds that it involved topics that were difficult for political parties to reform, because they were directly influenced by its reform. Thus it was regarded only fair if citizens would propose a new system.

In the Canadian province British Columbia a citizens body was set up to propose a new electoral system. It was found important that of every region 1 man and 1 woman were part of the project. Thus via stratified sampling 200 voters per region were selected, and from the ones who responded positively 10 were randomly selected to come to an information meeting about the reform project. Of the volunteers at the end of the meeting 1 man and 1 woman from each region were randomly selected, which lead to a panel of 160 citizens (Milner 2005: 5). These participants came together during about 10 weekends to discuss amongst themselves, and in addition many regional public hearings were held to involve the larger public. Also here experts, policy makers and politicians were involved to complement the information given in briefing materials and to answer questions (Milner 2005: 4). In the end the participants came to consensus about the form of the new voting system in British Columbia. This proposal was then voted upon in a provincial wide referendum where it failed to

win the necessary 60% majority and was subsequently not adopted (Gastil & Richards 2013: 264).

The second project took place when the newly elected Icelandic government issued a constitutional review process in the wake of the financial crisis and the crash of the Icelandic financial (banking) system. Due to party politics Iceland had not been able to change its constitution since its independence of Denmark. In the aftermath of the crisis the time was ripe for a reform. 1000 citizens were stratified randomly selected to form the National Forum. This forum debated for one day on the principles and values the new constitution should be based on. A Constitutional Committee was formed from seven people appointed by political parties to “gather information, analyze core issues and propose ideas for constitutional revision” (Bergmann 2013: 3). Furthermore, Parliament established an election in which the 25 members for the Constitutional Assembly were chosen. This Assembly would revise or redraft the Icelandic Constitution, based on recommendations from the National Forum and the Constitutional Committee (Bergmann 2013: 3). The members of the Constitutional Assembly were ordinary citizens elected by the Icelandic population. Campaigning was difficult since the media did not know how to approach an election of over 500 candidates and in the end only a third of the population voted (Bergmann 2013:5). Even though the participants were not representing any political party or interest group, in the end many of the 25 chosen candidates were previously known to the public and a large part were positioned on the political left. Once in deliberation, the Constitutional Assembly was very open to participation of the public, although this was contrary to normal constitutional procedures and advice from experts. Through television and internet people were encouraged to give their views, however, since the Assembly only had four months to get to a result, not all was processed (Bergmann 2013: 8). Further the Council was not keen on working together with Parliament or political parties, to prevent them from gaining preference access. Furthermore, the project was plagued by opposition from politicians. The Independent Party that had just lost their government seat in the previous election was fervently against. Even though the Progressive Party called for the exercise, many of its parliamentarians did not support it throughout the process,

while also part of the government ministers did not approve of the project (Bergmann 2013: 3). This created an alienation of the political elite from the eventual draft. Eventually a referendum was held of seven questions on the draft as a whole and on some of its parts. There was a 50% turnout, with a two-thirds majority voting in approval of the new constitutional bill (Bergmann 2013: 13). However, the final decision lies with the parliament.

4.4 Theoretical models involving sortition

Even though electoral reform can be argued to be an important issue, all the above-mentioned experiments are of relatively small scale and of an ad hoc nature. However, there have been calls to incorporate sortition on a permanent basis into the political structure. So far, these have only been theoretical designs. It is worth looking closely at them though, since these designs show what can be possible if sortition would be fully embraced instead of reluctantly allowed by politics. Therefore in the following part these designs are explored.

The design Gastil and Richards propose aims to improve direct democracy. They identify three stages in a democratic process: the identification of the problem, the proposal of a solution and the decision of the voters on the proposal. This process could take form in five citizens bodies selected through sortition. The identification of a problem should be done by a so called Priority Conference. This is a body of about 400 people that would identify issues in society that call for government action. The conference could be called for by a petition of citizens or by the government to hear citizens concerns (Gastil & Richards 2013: 266). The second body is the Design Panel. Once there is a legislative proposal, an interested party or group can, against payment, call for evaluation and review of the proposed law. The panel would consist of 24 citizens who would, through a 5-day deliberation process, review the law and propose changes. If the paying party accepts these changes, this would be mentioned in the guide for citizens advising how to vote in the final referendum and lower the required threshold for adoption (Gastil & Richards 2013: 269). The third body is a Citizens assembly, which consists of 150 voters that will deliberate for 8 weekends to advise the legislature on a proposed law. The fourth body is the Citizens' Initiative Review, which is a randomly selected body of 24

citizens who deliberate and write an informational recommendation for the citizens' guide of the referendum to inform the voters about the proposed law. Lastly, the Policy Jury consists of 50 stratified randomly selected citizens who judge on the final proposal. Depending on how this body is called into existence, a two-thirds majority or a simple majority is required in the referendum (Gastil & Richards 2013: 270).

Bouricius has a more extensive and revolutionary proposal, which not only is about reviewing and influencing legislation, but replaces the entire electoral representational system by one based on sortition.

1) The first body is the Agenda Council, whose aim is to identify problems in society and the topics legislation is needed for. Bouricius argues that the participants in this body could be volunteers, which can be randomly selected from a larger pool that is representative for the whole population (Bouricius 2013: 9).

2) Interest Panels will propose legislation on the topics identified. These groups are formed by volunteers from the whole population and there can be as many panels as can be filled by volunteers. The average group size would be 12. Interest groups can form their own panels to introduce their view on a topic, but panels can also contain more perspectives to find a more balanced view (Bouricius 2013: 9-10).

3) The Review Panels will review all proposals done by the Interest Panels. To ensure certain knowledge of a topic, a panel will be confined to proposals on a certain issue. The participants will be randomly selected volunteers, who will not be able to give preference for a topic, to prevent interest entanglement. The panel would consist of 150 members, who serve for 3 years, with overlapping rotation. Through deliberation and information gathering, including expert hearing, the panels review the proposals and write one final proposal based upon the ones from the interest panels (Bouricius 2013: 10-11).

4) Policy Juries will vote on the proposal from the panels. They are designed to prevent small group processes as group think or other tunnel vision processes. Furthermore, less extreme proposals would be written by the Review Panels, because the panel needs to ensure a pass in the Policy Jury. The Policy Jury

would only vote on one piece of legislation and will be based on mandatory service. Their task is to ensure the quality of the proposals and to take into account minority rights and the common good. The Policy Jury has at least 400 members, and would not deliberate, but rather vote immediately on the proposed legislation in a secret vote (Bouricius 2013: 12).

5) The Rules Council is not part of the legislative process as such, but instead is concerned with the rules governing the bodies to ensure they function effectively. Bouricius argues it could be wise to select the members from the pool of citizens that has already participated in other bodies, to ensure familiarity with the system (Bouricius 2013: 13).

6) The Oversight Council is concerned with the staff. They ensure the quality and fairness of the people doing the presentations for the other councils, and handle the complaints (Bouricius 2013: 14).

The design by Bouricius is an extreme example and hard to imagine to be implemented. It argues for a complete substitution of the contemporary political body and system. Furthermore, it presumes a very active citizenry to fill all the positions. Even though everyone can participate, it is likely that the same group of people will form the Interest Panels and therefore create a new elite who propose all the legislation. Other authors have taken a middle road and merely argue for an adjustment or complementation of the current system. Dahl already in the 70s proposed a mini-populus, later called a mini-public. It was a rather simple addition consisting of randomly selected bodies formed to advice public officials on all levels, including mayors, governors, members of House and Senate, and even the President. These bodies would meet every few weeks and discuss issues amongst themselves and with the public officials. It would promote the interaction between citizens and politicians, but has no enforceable power (Buchstein 2010: 441). A second proposal from Dahls hand is a more ad hoc adaptation from the mini-populus. The parliament or other political institution could call to set up an advisory body if wished for. About 1000 citizens would discuss a specific issue in several weeks at length, with a policy recommendation as result (Buchstein 2010: 442). The benefit from such an approach is that issues are deliberated in more depth, while on the other hand

the convening of a body is dependent on the will of the parliament. Such mini-publics would enlighten the citizens and strengthen the legitimacy of the politicians (Buchstein 2010: 442).

O'Leary introduces a more extensive adaptation, in this case on the House of Representatives and the Senate in the United States of America. Each of the American districts would have, in addition to the House representative, a public representation of 100 people chosen by lot, with a term of 2 years. After deliberation recommendations on proposed legislation would be forwarded to the public officials (O'Leary in Gastil & Richards 2013: 264). Alternatively, O'Leary also proposes a People's House consisting of 435 people. This House would also be able to introduce bills, or reject ones (O'Leary in Gastil & Richards 2013: 264).

Zakaras designed another adaptation on Congress. He argues for the abolishment of the Senate, on both state and federal level. The chamber would be replaced by a Citizens Chamber, consisting of randomly selected citizens. The whole eligible population would take part in the draw, but participation is voluntary. The House is styled to the House of Representatives, with the number of members per state depending on the size of the population. The chambers would not have the same tasks and rights as the original House of Representatives. The Citizen's chambers are not allowed to initiate legislation, but they are required to review the proposals of the elective chambers. The elective chambers first vote on a bill proposal, and afterwards the citizens' chambers could ratify it, or review it in more detail. They could either approve or veto the bills, but not amend it. Further they would be in charge of drawing the district lines after a census date (Zakaras 2010: 457). Sutherland envisions a similar proposal as he also argues for a mix of elective representation and sortition, with two separate bodies both voting on the same proposals (Sutherland 2012).

An easier and more practical way to involve more citizens in decision-making process is proposed by McLean. He introduces statistical democracy. Instead of voting once in every four years, McLean argues that more direct democracy is needed. Furthermore, the model he proposes will make sure that every citizen has a chance to be involved. Thus truly to govern and be governed

in return. McLean argues for electronic opinion polls amongst a large group of the population. The size of the poll is determined by the size of the whole population divided by the number of years average people are allowed to vote, thus from 18 to the average age people die. The pool is then sufficiently big that every citizen has a reasonable chance to be included in the pool once in a lifetime. The participants are randomly selected and will take part for a full year. They will vote electronically on every bill that is brought up for a vote in the parliament. This is a very representative system, but no deliberation is involved. If the peoples poll and the parliament vote differently on a proposal, a nationwide referendum would be held to settle the matter (McLean in Schmid 370).

Lastly, and closer to the topic of this thesis, Buchstein has theorized how sortition can be applied in the European Union to strengthen legitimacy there and to lessen the democratic deficit. He arrives at three recommendations. Firstly he argues that the Commission must be reduced to 15 Commissioners selected by a weighted lottery. Secondly, he argues for randomly selecting members, chairs, and rapporteurs of committees in the European Parliament. Lastly, he argues for the establishment of a House of Lots consisting of randomly selected citizens as an extra chamber in addition to the European Parliament. Because in chapter 5 this design will be further explored and analyzed, no further attention will be paid to it here.

The beginning of this chapter showed that deliberation and sortition are successful mechanisms to involve people in the legislative process. The experiments confirm that people are capable of making decisions and legislate on complex issues. The second part introduces some possible ways in which sortition can be implemented. Each has its benefits and challenges. Some designs ask a lot from participants, while others are simpler, but also transfer less power. Some give more room for deliberation, but therefore might lack efficiency. It is a delicate balance that needs to be found. Therefore in the next chapter, the benefits and challenges of sortition are identified and essential elements distinguished.

Chapter 5 Advantages, Disadvantages and Essential Elements

5.1 Introduction

This overview has shown that over the last four decades many projects involving sortition and deliberation have been conducted. Some have been successful in reaching their aims, while in failed projects the obstacles for their optimal functioning can be identified. It is demonstrated that this new form of democracy can be implemented at all levels of governance, from local projects to national level and even international scale. This has inspired some to dream beyond the current politically acceptable ad hoc projects and to design permanent structures of public participation. Some of these plans seem to be mere adaptations of the current electoral system, while others argue for a complete overhaul of the system and envision a radical break with electoral democracy. However, to establish that sortition experiments function is not enough to argue for implementation of such schemes. A new system should be better than the former one to justify its implementation. Thus sortition and deliberation should bring about more advantages than electoral representation. Therefore, the following part will look at the underlying assumptions of sortition and deliberation that make it valuable instruments and their advantages and disadvantages. It aims to answer the sub question if and why sortition and deliberation should be implemented at all.

5.2 Advantages

A principal element of sortition is that it ensures that all citizens are considered equally. People have the same chance of being selected, regardless of their differences and no favors are possible based on pre-existing connections (Dowlen 2009: 310; Buchstein 2010: 437; Engelstad 1989: 27; Carson & Martin 1999: 22). This reflects the democratic values that every person is equal and should have the opportunity to govern and to be governed in return. However, in

an electoral representative system, not all citizens have the same opportunity to be chosen. There are several obstacles to the full employment of democratic values. Firstly, in an election people do not treat all candidates similarly as they choose their own criterion to judge the candidates. Secondly, the candidates emphasize their differences to position themselves as being superior to other candidates in order to convince the electorate of their suitability for office. Thirdly, an election campaign focuses on other talents than the public office as well. A candidate with handsome features would have a higher chance of being chosen, while these features do not reflect his suitability for office. Lastly, and this is especially true in some countries: in order to be selected as a candidate and in the following campaign for office, candidates have to spend private resources which sets rich people at an advantage (Tridimas n.d.: 9). From these four elements follows that certain people are at an advantage to being chosen in an electoral representative system. Furthermore, sortition is a more respectful form of selection. If someone is not chosen, this is due to chance, and not to personal worth. The result of the draw has not the connotation that someone is better than the other. Losers are not personally responsible, or unworthy. Winners on the other hand can also not claim victory, as it is not to their doing that they are selected (Dowlen 2008: 44; Engelstad 1989: 27). The system values consensus over competition.

Even more, sortition does not only promote equality of all citizens, it functions as a protection against conflict and domination. It reduces factionalism, as selection does not depend on what faction one comes from, but grants everyone the same chance for being chosen (Tridimas n.d.: 11; Dowlen 2009: 309). Furthermore, it reduces elitism and elite power (Tridimas n.d.: 11; Engelstad 1989; Carson & Martin 1999: 23). In electoral representation not only individual chances are unequal, the system also favors some groups over others. Electoral democracy is dominated by political parties, financial donors, lobby groups, and the media and their opinion polls. These parties set the context for the elections and have the power to dominate and frame the information available. The citizens have little influence on this process and are only allowed to vote. This creates a gap between the population at large and the small political elite (Dowlen 2008: 24). Furthermore, because of the party system, it is difficult

to enter politics independently, without being part of one of the parties. The top of the party decides who will be a candidate and on what place of the list. This increases favoritism and forces representatives to adhere to the party line (Dowlen 2008: 24). In Ancient Athens, exactly for these reasons electoral democracy was seen as aristocratic. Sortition systems on the other hand allow every citizen an equal chance to be selected. Furthermore, sortition promotes more independent politicians and other policy makers. No one is dependent on a party or other groups to gain office and thus does not have to adhere to any interest. The official is truly independent (Dowlen 2009: 311; Dowlen 2008: 44). This independence is also seen in the relationship between state and citizen. In electoral representation this is a mediated relationship, in which political parties channel participation. In a sortition scheme, however, political parties are removed. The state is seen as impartial and citizens are directly part of the state (Dowlen 2008: 42).

Another important element of sortition is that it promotes and increases citizen participation. People in electoral systems are deterred from standing candidate because of the prospect to compete against more powerful or influential candidates. Sortition removes this obstacle (Dowlen 2009: 310; Dowlen 2008: 41). Participation can even be enhanced when attendance is mandatory, or even when people can only decline after being chosen instead of voluntarily listing themselves for selection (Dowlen 2008: 46). This engages people who would not have listed otherwise. This has as a secondary benefit that it gives more chances for self-realization furthering character forming and inducing self-respect (Engelstad 1989: 27; Carson & Martin 1999: 22).

Furthermore, sortition increases better representation if the pool from which the selection is made comprises the whole population, and if enough people are chosen. It ensures that minorities, for example, are represented proportionally (Mueller et al in Tridimas n.d.: 7; Carson & Martin 1999: 23). Also the diversity of the representatives is enhanced and is much higher than in electoral representation. If the selection is large enough, the representatives will reflect the general population quite closely. The effect is enhanced when participation is mandatory rather than voluntary (Dowlen 2008: 46). However, this cannot be ensured, nor will it necessarily bring about better legislation than in electoral

representation (Dowlen 2008: 45). Moreover, sortition and deliberation ensure median outcomes. The outcome of the legislation process is thus more likely to be close to the median voter (Tridimas n.d.: 12). Due to deliberation the extreme proposals will not be passed.

Furthermore, sortition reduces corruption (Tridimas n.d.: 11; Carson & Martin 1999: 23). Since no one can influence who will be in office due to the random selection, no favors can be called upon later as no deals can be made beforehand. Once in office, sortition cannot prevent people from taking bribes obviously (Dowlen 2008: 43; Buchstein 2010: 437). Additionally, sortition is more efficient than electoral representation. If many people are equally suitable for fulfilling a certain position, sortition is an efficient way to choose between them. Elections are always paired with campaigns and cumbersome procedures, which decrease time- and costs efficiency (Engelstad 1989: 29; Carson & Martin 1999: 23).

Further, in electoral campaigns one group is often contra posed against another group and differences between political parties are enlarged. This increases polarization (Engelstad 1989: 30; Carson & Martin 1999: 23). In coalition governments this makes it more difficult to govern together after a harsh campaign and it is harder to explain such shifts to the voter. This polarization is absent in sortition, especially where deliberation is involved. Furthermore, framing is reduced. In these mediatized times, frames are important structures to understand and position an issue, in and outside of politics. This can be problematic because such frames determine how people perceive, think about and act on a certain issue. Politicians have to speak within a certain frame to reach the voter, to make him or her believe and support a standpoint. Calvert and Warren argue that the importance of frames will be diminished in sortition, because people do not have to be re-elected, which incentivizes these frames (Calvert & Warren n.d.: 15). Furthermore, Calvert and Warren argue that if politics is not about ideology, but about problems, frames would become less important as well (Calvert & Warren n.d.: 15). Ideology in itself is a certain frame from which problems are analyzed. If removed it can be seen that problems can be perceived from different perspectives. Lastly, sortition and deliberation address the growing discontent with the political class and

decreases the political rhetorical show. Instead it promotes a better interaction between political elites and the general population (Sintomer 2010: 482).

5.3 Disadvantages

It is clear that sortition has real advantages above electoral representation. The main advantages are equality, promotion of participation, and deterrence of conflict and domination. The same features that cause the benefits raises some questions on its functioning as well. Therefore in the following part the disadvantages to sortition and the obstacles that need to be overcome for its successful implementation will be discussed.

Sortition supports equality for all citizens regardless of their differences, but also removes the opportunity to vote the best suitable candidate into office (Tridimas n.d.: 13). Sortition removes bad reasons to select someone from the equation, but also the good ones. In the end the result may be a lower quality of representatives. Peter Stone argues on this point that only where candidates are relatively equal or where the gain from omitting bad reasons is larger than the loss from omitting good ones, would sortition would be justified and fair (Stone 382-389). Sortition is an irrational mechanism of choice, while some argue that rational judgment is needed. Dowlen retorts that the context is very rational indeed. The rules of the selection are rational, only the selection itself is absent of reason (Dowlen 2009: 300; Engelstad 1989: 31).

Further, there are some doubts if sortition truly prevents elitism. Conall Boyle argues for example that it is exactly the elite who implements deliberation schemes and processes. This may empower certain groups over others. Experts, for example, may gain undue influence in the deliberation process and the information made available may be biased instead of balanced. This tends to favor the parties that have implemented the process, thus remaining the status quo and hindering radical changes (Boyle 1998: 411; Sintomer 2010: 481).

Some critics question the legitimacy of sortition. Electoral representation is based on the premise that everyone is allowed to vote, and thus that the representatives are supported by a large part of the population. In a technocracy or in functions that are appointed, legitimacy is derived from expertise and knowledge. Both are not the case in sortition designs. Sortition and deliberation

designs rest on output legitimacy and the belief that through deliberation reasonable results will be achieved (Sintomer 2010: 482). The question is whether this output offers enough legitimacy to be chosen above electoral representation.

In addition there are some questions concerning the suitability of the people chosen by lot. Sortition omits accountability: since people cannot be voted in or out of office, they are not accountable to anyone (Tridimas n.d.: 13). This means that the public has no control over the representatives, and the officials have no incentive to act in the common interest. Therefore some might question the responsibility of the selected participants. When people are selected by chance it is argued that they might not take their task seriously and are not involved enough to invest time and energy to consider all the perspectives. Furthermore, they might not feel as responsible for the wider society as elected representatives are argued to be (Engelstad 1989: 32). On top of that comes the question of motivation. Are people actually waiting for more participation in politics and legislation-making if that involves spending a large part of their time on it, and being away from family and friends (Buchstein 2010: 440)? Furthermore, Engelstad poses that although people have an equal chance to participate and even though the whole population is involved, sortition does not necessarily lead to the implementation of the popular will. He argues that participants will not be equally motivated or able to interpret what the people want and implement popular majority will accordingly. Elections than at least give a better ability to control who is in office (Engelstad 1989: 32).

While sortition is argued to narrow the gap between society and politics through public participation, it is questioned if this gap will be bridged. It is proven in the experiments involving deliberation that the deliberation process informs the participants and changes their opinion. Although this may be a more informed or enlightened opinion, the result is that it will divert from the opinion of the general public. One example of this effect is the British Columbia reform, where through deliberation a group of citizens wrote a proposal on reform of the voting system. The proposal was not supported by the general public, and the referendum threshold was not met; the reform was not implemented (Sintomer 2010: 481). Therefore even in sortition and deliberation designs there will still

be a gap between the policy-makers and the rest of society. Moreover, discussions are found to be of better quality if held behind closed doors thus arguing against transparency often promoted in sortition designs (Sintomer 2010: 481).

Moreover, questions are raised about citizens' abilities to manage complex issues (Tridimas n.d.: 13). Especially EU legislation can become very technical and specialized. The question is whether people without a specialist training will be able to make good legislation on these complex issues. This element is even more pressing as Tridimas sees a danger of diminishing knowledge in the legislation process. He argues that in sortition models, more inexperienced people would be selected for office while they would have fewer incentives to acquire knowledge since their term is short and they cannot be reelected. This could be harmful for the general welfare, as the quality of legislation would decrease (Tridimas n.d.: 14). The quality of deliberation is called into question as well. Discussion in small groups may be distorted by small group processes such as groupthink, in which more extreme outcomes are generated, or the disproportional influence of one of the group members as some people are better at voicing their opinion and defending their interests than others (Buchstein 2010: 440). Deliberation is not free of power- and social relations. These will empower some participants more than others and will skew the output into the favor of the ones holding most social, economic or cultural capital (Sintomer 2010: 481).

Finally, an important question is what role civil society will play in a sortition system, and how organized interests will be involved. Sortition is individual-based, and representation of groups is excluded. Yet most change comes from, or is at least supported by civil society. Can real change then be achieved without these organized interests (Sintomer 2010: 481)?

Lastly, deliberation is aimed at consensus. If not unanimity, a great majority would have to agree on a proposal that probably will be the result of long discussions and compromises. What is the effect on the quality of the policy? Will real change be possible if all proposals are compromises (Sintomer 2010: 481)?

Some of these disadvantages can be argued to also count for electoral representation, while some others can be countered by taking preventative measures. The critique that deliberation in small groups would lead to distorted group discussions is not only reserved for sortition and deliberation designs. These processes also occur in electoral representation systems. Furthermore, such anomalies can be prevented due to system changes, such as both small group and plenary sessions and a qualified moderator.

It is argued that people would not be able to understand complex issues, however, the experiments with sortition and deliberation show the opposite. Furthermore, as also in Ancient Athens was the case, not all public offices should be open for sortition. In Ancient Athens specific offices such as Army generals or treasurers, for which very specific knowledge and virtues were required, were not subject to sortition, but to election or appointment (Dowlen 2009: 299). Furthermore, the pool from which candidates are selected can be adjusted to ensure the suitability of the candidates (Dowlen 2009: 300). And as is shown in the experiments, deliberation takes place in groups, balancing out the extremes in the group also in terms of suitability, experience or ability (Dowlen 2008: 31).

Carson and Martin retort on the critique of loss of accountability due to loss of control through re-elections and the loss of sense of acting in the public interest that even though no one is individually to blame for a bad decision, the group as a whole is. Everyone is decision maker, and no one can be replaced. This is especially true in direct democracy where all the population is involved. If everyone is responsible for a decision, as a community, there is indeed a strong incentive to make decisions in the interest of the community. Furthermore, in politics, very few politicians actually are punished for the decisions made (Carson & Martin 1999: 30) and as shown earlier in this thesis, effective accountability is lacking in electoral representation as well.

5.4 Essential Elements

It is difficult to cast a final judgment on the balance between sortition and electoral representation because any judgment depends on how much value is placed on its underlying principles. In designing a model for sortition and deliberation it is important to optimally use its advantages and limit its

disadvantages. The analysis of the designs and experiments shows what designs function properly, and what can be improved. It also highlights some elements that must be included in a design to function optimally and thus should be taken into consideration when applying a scheme to a case study. Therefore below follows a list of elements that are essential for the fully and successfully functioning of sortition and deliberation.

- 1) **Independency:** participants must be independent, thus not part of an interest group or party (Dowlen 2008: 57). Or at least they should not represent such an organization or hold, while in office, any allegiance concerning their decisions made.
- 2) **Power:** the citizens' body must have power. The impact of the final recommendation or decision must be clear from the start, and there must be taken some action on it (Dowlen 2008: 58; Bouricius 2013: 7; Crosby, Kelly & Schaefer 1986: 171). A purely advisory body, whose recommendations are easily laid aside, will fail to motivate people on a continuous basis as they find too little result on the investment of their time and energy. Furthermore, people feel even more neglected and disappointed in politics.
- 3) **Complementation:** even though a radical change of legislation process might seem interesting and exciting, it is also not reasonable. Thus to be successful, the designs should be complementing electoral representation and not undermine it (Dowlen 2008: 58; Sutherland 2012).
- 4) **Transparency:** the lottery selecting the public officials should be transparent and in public. This is to guarantee its fairness (Dowlen 2008: 58), but it might also be promoting its existence and legitimacy. Not only the sortition process should be transparent, the legislation body should also be open and transparent and maintain a link with the population, for example through public meetings, websites, etc. (Dowlen 2008: 59).
- 5) **Rotation:** sortition and deliberation should always be combined with rotation and limited terms of office (Dowlen 2008: 59; Bouricius 2013: 7). However, designs should take into account the need to retain and transfer knowledge (Dowlen 2008: 59). This can be done by overlapping terms of

- office or the ability to serve Councils concerning procedures of the sortition scheme after having served in an occupation of legislator.
- 6) Education/Training: It is important to instruct the participants when selected and to facilitate their service. Furthermore, it is necessary to educate the general public of the legislation procedures (Dowlen 2008: 60). Information on the issue under review of the citizens' body should be made available to educate the participants of deliberation, with the condition that it is balanced and not propaganda (Crosby, Kelly & Schaefer 1986: 171).
 - 7) Remuneration: service should be remunerated in some sort of way, depending on the time and kind of service. Furthermore, if the service is so extensive participants need to leave their job, they should have the right to return (Dowlen 2008: 60; Bouricius 2013: 7).
 - 8) Obligatory nature of participation: there needs to be a careful analysis and decision on the voluntary or mandatory nature of service (Dowlen 2008: 60). Mandatory service increases representativeness of the citizens' body tremendously. However, this might not be accepted by the public in all circumstances. Especially for longer services, in larger geographical areas, obligatory service might be contested.
 - 9) Deliberation: procedures should be aimed at deliberation, with open discussions and freedom of political expression (Dowlen 2008: 61).
 - 10) Size: the groups should not be too large (Fishkin 2002: 223), yet also not be too small. In groups too big deliberation will not take place and not all participants will have a chance to speak. Yet groups too small are not representative or will suffer from groupthink or polarization. Thus a design that shifts between small group discussions and plenary session will be best.
 - 11) Representation: the public body must be as representative of the population as possible (Crosby, Kelly & Schaefer 1986: 171).

If a sortition and deliberation design incorporates these elements, it is more likely that it will be supported by the general public, and that people will be motivated to take part in it. The results of such a body will have meaning, and

due to the remuneration everyone is able to take part and will feel valued. Yet there is also a need to find a balance between conflicting elements of deliberation. Bouricius outlined a few important conflicts. If participation is mandatory this will increase the representativeness of the body, however, some people with low motivation will also be selected and might decrease the result. Secondly, short terms of office will increase the participation rate and will decrease the chance of corruption, however it will also have an effect on the knowledge and expertise gained on a problem, and thus might affect the quality of the output. Thirdly, the aim is to have give every citizen the right to speak and be heard, however, some will be more likely to speak than others. This self-selection will skew the final result. Fourthly, as mentioned before, deliberation may increase the overall knowledge of a group and enhance decision-making, however it runs also the chance of omitting superior knowledge of one or lead to groupthink or polarization (Bouricius 2013: 8).

Chapter 6 Sortition and Deliberation in the EU

6.1 Introduction

Now the full and diverse potential of sortition is understood and its models and possible consequences and essential elements are discussed, this thesis turns to the implementation of sortition in the EU. Incorporating sortition and deliberation in the EU can be justified on two grounds: by accepting the statement that in its origin modern democracy is aimed to create a political elite via elections and thus is not fundamentally democratic, or by the premise that sortition and deliberation would decrease or solve, some of, the democratic deficits existing or perceived to exist in the EU. The deficits that could be addressed include firstly the lack of accountability in the EU. By establishing a new institution or another way in which citizens have influence on the legislation making in the EU, there is no direct accountability mechanism instated, but the EU is less technocratic. The politicians have an additional incentive to remain in contact with citizens because part of them has to approve legislative proposals. Secondly, sortition offers the possibility for the delivery failure to be resolved, as citizens could gain influence on the issues dealt with in the EU through agenda setting capabilities. Thirdly, deliberation would attack the lack of a European demos. By coming together and discussing important problems and issues with people from all over Europe a common sense of belonging could come about. Lastly, and very importantly, the lack of opportunity to participate would be solved as sortition ensures the participation of citizens in the legislative process in the EU. Using the research and analyses of the first chapters, this second part will explore the possibility of applying sortition and deliberation to the EU. It is shown that sortition may work in smaller settings on the local and national level, but this does not guarantee success at other levels of government as well. Even though critics argue this can be possible, the European Union is a different entity with institutions that are not entirely compatible or comparable to the ones on national levels. Furthermore, the composition of 28 countries is a complicating

factor. Since Buchstein and Hein already have developed a model how sortition can be incorporated in the EU to improve its functioning, it will be explored if this model satisfies the essential criteria and will be assessed on its general expected performance. Afterwards a new model will be proposed that is expected to be more feasible, based on the analysis of the previous models.

6.2 Buchstein and Hein's 'House of Lots'

In previous parts of this thesis, Buchstein and Hein's model has already been mentioned. Here the design will be more elaborately presented to understand it thoroughly. Buchstein and Hein argue that through their models' implementation of lot the problems of non-transparency and inefficiency will be decreased and the democratic deficit, which they understand to be the lack of influence of citizens on the EU legislation and its politicians, addressed. In order to solve these deficits, they propose three adaptations to the EU system: firstly, the downsizing of the Commission to 15 Commissioners whose nationalities are chosen via a weighted lottery. This measure would increase the efficiency of the EU as there are fewer commissioners and the commissionerships are of relevant size and importance, thus every commissioner would have substantial power (Buchstein & Hein 2010: 140). The second adaptation involves the selection of members, chairpersons and rapporteurs for the committees in the EP. The current selection is done on basis of expert knowledge and there is a high continuity of people being selected, with some people being rapporteur many times, while others are never chosen. Buchstein and Hein argue that this creates power structures and gives lobbyists undue influence. To improve this system, sortition can be installed to select the members of the committees, the chairpersons and the rapporteurs, based on party size. This would break the power structures, improve the quality of the reports and give every parliamentarian a chance to participate (Buchstein & Hein 2010: 144). Lastly, Buchstein and Hein propose a 'House of Lots', a citizens' body additional to the elected EP. Its members are selected by random selection from the population of the EU based on the degressive proportionality principle, for a term of 2,5 years. The authors argue that a citizen should be able to be selected only once in his or her life and that the remuneration should be equal to

that of elected parliamentarians. Participation in the House should be obligatory to avoid overrepresentation of certain groups (Buchstein & Hein 2010: 147). To function effectively, the House of Lots should meet both in small working groups with members selected through lot and in plenary sessions, and be facilitated by staff and policy experts. The staff is used for general proceedings and the moderation of the discussions, while the policy experts are invited to inform the citizens on the issue at hand and answer any questions concerning the topic. This is needed to give the citizens the relevant background knowledge to adequately scrutinize the proposals, but also gives the experts influence on the outcome. This is further elaborated upon later in this chapter. Furthermore, it should have a forum in which EU citizens could communicate with the House. Its financing would come from stopping the move of the EP between Brussels and Strasbourg (Buchstein & Hein 2010: 149). This body would solve several problems. First there would be a likely decrease of polarization due to a more open discussion as citizens are independent of political clients and lobbyists, and thus are free to break with frames and old argument structures. Secondly, a House of Lots would increase participation of citizens and increase deliberation in the EU. As a side effect, more involved citizens would increase transparency due to increased need for information and increased knowledge of the EU.

The task and functions of the House of Lots Buchstein and Hein envision are quite extensive. The House would be able to give advice and suggest changes on proposed legislation to the EP, the Commission and the Council. Moreover, it should have veto power. The House is given a period of 14 days after a proposal is published to decide whether it wants to scrutinize the bill or not. If so, the House then has 90 days to reject or adopt the proposal. Furthermore, the citizens' body should be allowed to initiate legislation. When it does, there should be a new legislative procedure, with lower majority quotas and only one reading for the EP and Council. This is because of the higher deliberative and participatory quality of the House (Buchstein & Hein 2010: 148). The common idea of the House of Lots is that it would not have to approve every decision made in the EU, but rather has the right to do so. Not every proposal would be discussed, only the ones the House finds important. Due to this pressure the

other institutions would take the citizens' view better into account, while efficiency is not hindered (Buchstein & Hein 2010: 150).

While Buchstein and Hein have proposed a model in which sortition is inserted in three ways, this thesis will only look at the last idea, the House of Lots. The other two ideas are very interesting and could well improve the functioning of the EU, yet this thesis is focused on sortition with as major goal incorporating citizens.

6.3 Evaluation of Buchstein and Heins' model

6.3.1 Good points

Installing a House of Lots is an appealing idea, that indeed more theorists on this topic have suggested (see the models of Zakaras, Sutherland and O'Leary). This paragraph will explore this models use of sortitions benefits and its ability to solve democratic deficits. Buchstein and Hein's model seems to create new channel for citizens' participation that in contrast to current participation channels, offers great influence of citizens in the EU. The House would not only be able to reject proposals it finds unacceptable, but also propose issues its members find important for the EU to deal with. This increases sustained motivation for the participants as well as increases the legitimacy of the EU, as it addresses the lack of opportunity to participate and the delivery failure of the EU at once. If its members discuss their work with family and friends a spreading effect could take place in which a much larger forum for the EU would be created and more people could be involved and feel they have more influence in Brussels. Furthermore, due to their veto power and right to scrutinize all bills, the House of Lots has real influence in the EU. It is not just an advisory body that can easily set aside. If the House has no majority, a bill will not be adopted. This gives citizens influence in the EU. It is not just an elite group on which people find it hard to have influence, but a representative part of the society itself. More influence of citizens could attract more media attention and better education for the EU and together with higher participation levels, people would have more insight in the EU's structure and complexity and understand its functioning. Moreover, if the House of Lots has an open discussion style and channels of communication such as a website, transparency could be increased.

Compared to national governments, the EU is already transparent, while people consider it to be less open. Thus it is also a question of not only having documents available, but also about its availability and about bringing it to the people.

Another deficit that could be solved is the lack of a European demos. The members of the House need to gain understanding of their values and principles to come to a common understanding of a proposal or a problem. This deliberation increases understanding of each other and might promote a common identity, or at least a common feeling of being European in addition to having a national identity. This creation of a European demos might also go beyond the participants themselves. However, it is not certain to what extent their family and friends who are not part of this project would be influenced by this process.

Importantly, the essential elements of a successful model are found in this design. Due to its complementary nature, this model is easy to implement. The current institutions continue to exist, and electoral representation is not removed. Yet the House gains real power and influence, and thus power shifts among the institutions. Further, the participants are independent, and do not represent any interest group or part of society and the decisions they make are based on their own knowledge and experience. The House has real influence in the decision making process, which ensures its' participants motivation. Buchstein and Hein do not refer to transparency specifically for this body, but it is well suited to be open to the public and to maintain links with society through websites and forums etc. The participants of the House can be trained, even though this is not explicitly named in the design, and lastly, the remuneration of the participants is generous, as it is equal to the salary of the European Parliamentarians today.

6.3.2 Criticisms

The model of a House of Lots proposed by Buchstein and Hein is an ambitious design, which gives citizens a lot of power in the EU. Yet even though most of the essential elements are present in this model, some are lacking, and other are not strong enough to overcome the weaker features of this design

which makes it less desirable or even theoretically hard to implement. Let us first explore the practicalities of such a House of Lots. Buchstein and Hein argue for a mandatory term of 2,5 years, with Strasbourg as the central meeting place where all the deliberation takes place. This would mean that members of the House would stay most of the week in Strasbourg. This could cause a lot of resistance from the participants as they find it too much interference with their daily, family life. A small part of society, which is not home bound, would find the remuneration and sense of duty enough balance for the inconvenience. However, a large part of society is expected to be less favorable to the idea of being away from family and friends during such a long period of time. For example parents would be parted from their children for half the week and especially from decentralized places it is not easy to travel back and forth. This is likely to result in resistance to the mandatory nature of the service, or against the whole model.

The second problem, which is partly related to the first, is the problem of motivation. Some people love to be involved in government, to make legislation or to scrutinize proposals. However, many people rather find other employment. To oblige people to abandon their chosen work for something they are not interested in would lead to demotivation of the participants and hinder the process. It can be argued that it is a duty, as jury duty in some countries is as well. But these juries have a short-term character, often just a few days, with only some difficult cases taking longer, up to months. This is a radically different dynamic than a 2,5 year term. For a large part of society being chosen to participate in the House of Lots would not seem like an opportunity, but more like a punishment and burden which in the long term would very likely decrease motivation, efficiency, legitimacy and quality of legislation. Furthermore, in this design, people would have to quit their job without guaranteed return. This poses a risk when they return to the job market after their duty with a gap of 2,5 years of missed experience, and lag in knowledge of current (technological) developments. Experience in politics cannot (always) make up for this.

Promoting public participation is important for sortition and this design. However, due to the small number of participants participation is negligent. In a House of 200 members, chosen from 28 countries and a population of more than 500 million of which about 330 million are in the suitable age range of about 20-

70, only one in 82500 citizens are chosen in a lifetime.³ The chance of being selected is so small that many people will not even know anyone who is selected. In comparison, the chances to be called for jury service in the U.S., are about 1 in 20, even though this differs per state and county (DeRusha 2012). This chance for participation is not even taking into account the effect of a weighted lottery based on degressive proportionality, which increases chances for some, but decreases it for others even more. This has a vast effect on the legitimacy of the House. Where elected parliamentarians represent their constituency and are at least somewhat accountable, selected parliamentarians are not formally representing anyone, except themselves. Thus the legitimacy comes from output, and the idea that everyone gets a chance to govern. But if that chance is too small, this legitimacy decreases quickly.

The last problematic feature is the role of the organized lobby. Buchstein and Hein argue that the use of sortition using the three components of their design would prevent or disable power structures and diminish the power of lobbyists due to rotation of the people in key positions. The establishment of the House of Lots is not directly used for decreasing the power of lobbyists, yet lobbyists may have a key role in the Houses' functioning. In order to discuss a legislative proposal the participants need to be more informed about the problem at hand, which is in the experiments so far done by having staff gathering and composing a balanced information package and inviting experts to be questioned. This would also be the case in the House of Lots. However, it is hard to judge when an information package is 'balanced'. This is an opportunity for the establishment to gain power and for lobbyists to establish influence on the House. Lobbyists are valuable because they represent genuine interests of part of society. They can provide valuable information for effective legislation as many lobbyists are experts and experts are often asked to work for lobby groups. In the EU lobbyists may be the main source of information for legislators and parliamentarians. This provides them with a lot of influence on the final outcome. Seasoned parliamentarians know how lobbyists work; the House of

³ Assuming that people from the ages 20 to 70 are included in the pool from which the members are chosen. This means 330 million citizens (Eurostat 139). There are 200 participants per term of 2,5 years. For the time that someone is suitable to be selected there are 20 terms, thus 4000 positions. Thus 330 million divided by 40000 means one in 82500 citizens is selected.

Lots on the contrary consists of inexperienced citizens, whose relationship with lobbyists may be more unequal. The experience of lobbyists in Brussels and their knowledge of a subject may lead to more influence of lobbyists instead of less, as it is probably easier to outmatch citizens than career politicians. Yet it is not possible, nor desirable, to prevent lobbyists from informing the participants. If the groups in society lobbyists represent, such as civil society, or businesses, are not heard and taken into account in legislation making legitimacy will decrease all the same. Lastly, due to not overlapping terms, the maintaining of knowledge is not guaranteed or even supported. The whole body is installed and dismissed together after 2,5 years. Within this timeframe a lot can be learned, but the first year will be an insecure period with an inexperienced body, which may be reflected in a weaker House.

The conclusion of the analysis of the design of Buchstein and Hein is that the main problems of this model are the small number of participants, the long term of service, and the centralized place people physically need to gather. It is an appealing idea that citizens from all countries come together and deliberate, and it certainly aids understanding of each other's perspectives and improves legislation that is endorsed by and beneficial for all member states' population, but it is also very impractical. It is hard to conceive that this model would gain support from a substantial part of society, even if sortition would be widely acknowledged as a justified means of selecting public officials.

6.4 Alternative model

6.4.1 Practicalities

That one proposed model is deemed not successful in addressing the democratic deficits adequately and has some practicalities that make it improbable to implement, does not mean that it cannot be done at all. Therefore in this part of this thesis a new model is proposed that tries to incorporate the advantages of sortition while diminishing the disadvantages.

The model of Buchstein and Hein showed that it is important to retain the representativeness and thus the mandatory nature of such a project, while at the same time not disturbing people's lives disproportionately. The amount of time

and energy put into deliberation must be of an acceptable level to people who are selected to participate for otherwise the support for such a project diminishes quickly. Therefore it is better not to organize one EU wide body, but to decentralize it into geographically based areas so that people would not have to move (semi)-permanently, and could meet without too much travel time. The first thought would be to have nationally based areas, however, this reinforces the nation-states separation in the EU. A more interesting idea would be to create transnational regional bases. The regions would be geographically based, but not take in to consideration borders. In border regions the groups would contain different nationalities, promoting interaction between different national identities and perspectives, and promote, at least for part of the populace, a deliberation between them. The regional groups could exist of 200 participants in a region of 5 million citizens of the EU. This would mean that there are about 100 regional groups in the EU. The EU wide meeting could also consist of 200 participants, selected through degressive proportionality and lot. As previous projects have shown, it can be expected that these groups meet once a month, with a term of one or two years. Furthermore, it is best if the people in the groups have overlapping terms, so that experience is retained and transferred. To promote a EU wide discussion, representatives from these regional meetings could be chosen by lot to attend EU wide meetings. These could be held four times a year, either with the same or other representatives. It would be conceivable that this representation is voluntary, but only after the selection. Thus everyone is included in the selection, but is allowed to refuse if chosen. At both the regional and EU level the discussion must take place in alternately small groups and plenary sessions. Translators should be made available if needed and staff must provide balanced information on a discussion topic. Professional moderators to facilitate the discussions and ensure equality within the group are essential.

A disadvantage of this model is that it might reinforce regional prejudices or confirm stereotypes and create for example a north/south divide. A European wide body based in Brussels would be preferable for true EU wide deliberation. This could be possible but only desirable if it was increased in size and would incorporate for example 5,000 to 10,000 people, divided over smaller groups of

200 members for deliberation and would also meet only once a month. This is not very practical, as it would need a lot of translators. Furthermore, it would ask more time investment from the participants, as the travel time would be longer, from people's homes to the airport and then flying for up to 3 hours while the availability of flights at convenient times to arrive is restricted. This limits deliberation time. Moreover, the 10,000 people will never be able to deliberate all together, thus they must either vote after deliberation in small groups, or still there must be representatives chosen to communicate between the many groups. Therefore, the first proposal with regional groups might not be ideal, but the best option anyway.

6.4.2 Functions: Agenda setting

In the projects experimented and theorized on, citizens' bodies have different functions. Given the identified democratic deficits, it would be important to provide the groups with an agenda-setting task. This will address the delivery failure problem and give citizens more influence in the EU in a relatively easy manner. In the regional meetings the participants can introduce issues that they find important for the EU to be involved in or make legislation on. This could be broad issues people find the EU should generally be involved with, or more specific and detailed problems where the participants could also give direction to the solution. If one regional group defines a problem, this is communicated to the other groups, and if more than half of the groups agree with half or even a 2/3 majority, all groups have to discuss the issue first on regional level, and then the representatives also discuss it at the EU level. With a simple majority, a recommendation can be sent to the Commission with the question to look into this topic and write a proposal on it. In principle the Commission must formulate a proposal. In cases in which the Commission thinks that the issue is really not suited for legislation, they have to explain this to the EU level representatives. They might either agree with the Commission and drop the issue, or disagree, in which case the Commission must still formulate a proposal and send it to the EP and Council in an ordinary legislative procedure. The EP and Council can then decide whether to go through with the proposal or not.

6.4.3 Functions: Legislating

In order to sufficiently democratize the EU, citizens should be involved in some way in the legislation process as well. Legislation making is far more complicated than signaling problems in society. The writing of law proposals requires more and more detailed knowledge of the issue, more debate, and a common idea of the solution to a problem. In the experiments described earlier in this thesis, for example the British Columbia electoral reform, it is seen that citizens are indeed capable of making legislation. However, it is also made clear that these experiments took place in the time frame of a year in which in several weekends only one topic was handled. Furthermore, there was only a limited number of people and one centralized group. Yet the more groups and the more people, the more time is needed to achieve consensus. Nevertheless, it is valuable to find a form in which power over the EU's output is given to the citizens' bodies described above.

This could be done similarly as Buchstein and Hein proposed in their model: the citizen groups have the power to scrutinize all bills proposed by the Commission. They select the ones they find most important and discuss these in their groups before deliberating further in the EU wide meeting. This EU meeting can send a recommendation to the EP and Council. It is doubtful however, if there is enough time to thoroughly understand an issue and discuss it within such a short timeframe. Since the regional groups only meet a weekend a month, few issues can be discussed and little time can be dedicated to them or otherwise the legislation procedure will drag on for too long. Furthermore, if the recommendation is sent to the EP and the Council there is no guarantee these two bodies include the elements into the final compromise between them. Having full-scale negotiations between the citizens' body, the EP and the Council will not be possible due to the limited time available for the citizens' body.

Therefore it is preferable to give the citizens' groups power over the final proposal, after the EP and Council have reached a compromise. This could be done for only the most important, and not all proposals. Which ones are found most important and voted on is up to the regional groups. The voting on a proposal could take the form of a veto. The final proposal would be sent to all regional groups, discussed there, then discussed on the EU level and voted for.

This could include a vote by all regional groups or just at the EU level. A vote on the regional level would be the preferable option representation wise. However, on the EU level means a real EU wide deliberation, in which new insights can come up and participants learn the views of all the different nationalities. This is something the regional groups miss. However, a solution could be that the representatives can write a recommendation in which the different standpoints and arguments are made clear and in that way inform the regional groups. It is also preferable to have the regional groups vote, because it omits another layer of representation since the EU wide group might be perceived to be one step further from the population at large.

Then there is the question of degressive proportionality. The regional groups should not be based on degressive proportionality, but rather be formed equally, giving all people equal chances to be chosen regardless of where they live. All regional groups are of equal size, but some countries' population is much larger than others' and thus has many more groups and groups that consist entirely of one nationality, while the smaller countries have only mixed groups. In the random selection for the EU wide meeting, it might turn out that there is no representative from a small country selected at all. Therefore, it could be desirable to have some weighting in the EU wide meeting by selecting only one representative from groups with a majority people coming from large countries, and more representatives from groups with a majority from small countries. In the integration of the EU there is a constant search for balance between small and large member states and it would only be logical if this would also be reflected in a citizens' body to avoid the domination of large states and ensure protection of small member states.

In the spirit of this digital time, internet must play a role in this design. It can facilitate interaction within the citizens' groups and interaction with the whole population. A platform could be set up to accelerate the choosing of relevant proposals and facilitate discussions on these proposals in between meetings, and between regional groups as well. Face to face deliberation is still preferred, as this has the potential to be of higher quality. Discussions online can be more easily misunderstood, and anonymity and distance do not always advance civilized discussions. Furthermore, in these discussions people who

think and type fast will be more present than reflexive persons while in physical dialogues moderators can ensure a balanced conversation. Video calls would be an improvement, but would be a challenge to conduct with larger groups. Thus the internet is especially useful complimentary to meetings. Furthermore, the internet can be used to facilitate contact with the entire population of the EU. The goals of the citizens' body will be enhanced if there is an information flow to and from the groups to the public. The public can be easily informed on the activities of and proposals discussed in the body, while also generating input for the agenda.

Summing up, while there is a possibility to introduce the citizens' groups as another negotiating actor in the legislation process, it is preferable to give them the power to veto legislation on the final proposal, sent it back once to the EP and the Council with a recommendation, and have one final discussion and vote on the final proposal. Not all proposals could or should be discussed by the citizens' groups. There is simply not enough time, and not all proposals would be interesting enough for lay people. However, the fact that every proposal can be chosen makes that the Commission, EP and Council take the wishes of the citizens' groups more into consideration. This pressure would result in legislation that is closer to what citizens expect from the EU, while ensuring the quality of legislation.

6.4.4 Institutions: Effect on Status Quo

The design described above would give citizens much more influence on the EU and would change the balance of power as it stands today. As the institutions must agree to implement this, it is worth investigating what such a proposal would mean for the other institutions in Brussels. For the Commission there would be the least change in the *modus operandi*. The Commission is the only body that can initiate legislation, and it remains this way. Currently, the EP and Council can instruct the Commission to formulate a policy and through the Citizens Initiative citizens can petition the Commission to investigate and legislate on a certain topic. The establishment of the citizens groups would only mean one more actor who can ask the Commission to look

into a problem. It will give such a proposal more legitimacy, knowing that the citizens have asked for the proposal themselves.

The EP however could feel to have gained either a competitor or an ally. On the one hand, now the EP is seen as the only direct representation of citizens and thus another body made of citizens themselves could undermine the power of the EP. This is especially the case if the EP and the citizens groups do not agree on an issue. Who then is really representing popular will? This could result in a power struggle between the EP and the citizens' body that could undermine the legitimacy of both of them, and their mode of selection could be questioned. This could lead to a polarization between the electoral representation and sortition system. On the other hand, if the EP and the citizens groups do agree, this could mean that the EP has a stronger stand against the Council. The groups can act as an extra leverage for the EP to move legislation into their desired direction.

The Council is likely to lose power. With the citizens' groups there is another actor in the game and thus the Council will have to take into account and compromise with a new set of wishes. It becomes harder to compromise in their favor, because they know the citizen's groups, who can veto it, scrutinize the proposal. It is less likely, but not impossible that they can use the citizens groups as an argument to move the EP into their desired direction. This may be possible if the EP is not on one line with the citizens groups, and the Council can use this by discrediting the EP for not truly representing peoples' interests.

At any rate, the dynamics will change. Parliamentarians would be likely to seek contact with the citizens groups, to inform them, to discuss with them and ultimately to find a common line. Of course the EP is not an unified body, but an agglomeration of interests. So every group will do their best to gain support from the regional groups, as they strengthen their position and legitimacy. This is not necessarily a bad development, as it promotes a dialogue between elected career politicians and selected temporary members of a citizens' body. For the Council it is less likely that they will seek interaction with the citizens groups. The Heads of State/Government are nationally based, while many of the groups will be international. Furthermore, the Council will have less to win.

Also interest groups will be impacted by the new actor in the EU and will change their tactics. In this design not only the EP and Council should be lobbied, but also the citizens groups. This might be done directly by lobbying the regional or EU wide groups, although this is not likely to happen. The rotation of the participating citizens is high, and especially in the regional groups there are many participants. Thus to lobby enough to be effective would take a lot of energy, time and costs. This is somewhat less for the EU wide meetings, but still, there the cost-effectiveness can be questioned. Therefore it is more likely that the lobby groups would lobby the information flow towards the citizens groups. They might point out certain legislation proposals they want the citizens groups to scrutinize and change, or veto. Furthermore, they might try to influence the information the citizens groups receive. In order to scrutinize a proposal, the groups need information about the issue, which can be, partly, delivered by a facility staff who compose a balanced information package. Furthermore, experts might be invited. Lobby groups might try to influence these information packs and the choice of experts. This is not necessarily a bad development. Lobbyists are already a valuable information source for the EP and the other institutions in Brussels. They represent interests that the institutions are also interested in. However, one of the assumptions of the citizens bodies is that they receive fair information on which they can base their judgment, in the absence of topic specific own experience, and that all interests have the same means to influence legislation. This should thus be ensured.

6.5 Does this Model Solve the Democratic Deficits?

The aim of this thesis is to see whether sortition and deliberation could be applied to the EU and whether it could solve the democratic deficits. The proposed model shows that indeed it should be possible to apply sortition and deliberation to the EU while not decreasing its effectiveness and efficiency. Rather it will positively affect the deficits. Firstly, the delivery failure of the EU will be reduced if not solved entirely by implementing this proposal. Citizens do not have to rely on politicians to devise a program, on which they vote and then that the politicians choose what the citizens find important, but can directly influence the Commission to propose legislation on a certain topic, and can even

give direction. This is an improvement on the Citizens Initiative that also provides citizens an opportunity to address issues but this procedure has proven to be cumbersome and it is difficult to comply with the rules. Furthermore, even if enough signatures have been collected, the Commission can still deny taking any action. In this proposal the Commission can no longer deny proposing legislation. At the same time, the structure of the regional groups and EU wide plenary sessions prevents issues that are not carried by a large part of the EU to be included and the involvement of the EP and Council ensures the quality of the proposal and gives a backdoor to not adopting it, as these bodies have to find an agreement on the proposal.

There is little risk for too much legislation as a result from tit-for-tat practices between the regional groups. The terms of the citizens' groups are too short for supporting proposals of one group for returning support for another. This can prevent issues that are not widely carried, but only condoned by some in return for issues that they find important to be pressed anyway. At the same time, if so many citizens are in favor, in all parts of Europe, this gives a lot of legitimacy to the legislation made in the EU. Even if it is not part of the current issues legislated in the EU. By adding another actor in the legislation process there is a risk of slowing down legislation. After the Parliament and the Commission the citizens' body needs time to deliberate, form an opinion, and vote or recommend changes. As the bodies meet only a weekend a month, a decision might be delayed by several months. This could be contained by adding a time limit before a decision must be reached. Moreover, there is a risk that, due to the veto power of the citizens' body, legislation is blocked. This is also the power of the new body: citizens can block legislation they do not agree with, and therefore have real influence in the EU. The expectation is that it will not happen regularly, as the citizens' body only handles a small part of the legislation and people are not necessarily against EU legislation, only against some specific measures. But even if legislation is blocked, it means that a large part of the EU society is against it, and thus it would be ultimately more democratic to stop it than to adopt it anyway.

Chapter 7 Conclusion

7.1 Conclusion

This essay started out with a critique on electoral representative democracy. It explained that even though currently this system is seen as the most democratic system, and even equated to democracy itself, it was established with the aim of creating a new aristocracy. Instead of granting equal opportunity to all citizens to govern, it creates an elite based on subjective characteristics favorable for being chosen, but not necessarily for governing. Furthermore, it argued that there are signs of dissatisfaction with politics, politicians and the system at large. In the last years this has culminated in protests, demonstrations and citizens looking for alternative ways of communication and governance. The Occupy movement is one of the best-known examples, but so are the indignados in Spain and Greece, and the G1000 in Belgium. The overall feeling is that politicians do not listen to the people, that there is a wide gap between the voters and the representatives, and that the people do not have any influence on public policy. Are there alternatives? Research shows that the first forms of democracy were not based on electoral representation, but on the choosing of officials via random selection of citizens. In the last decades this has been brought back to memory and experimented with in many smaller and several larger projects. These projects have been quite successful in showing the value and potential of sortition based democracy. Therefore it is only logical to examine what its value can be to what is considered the system with relatively many democratic deficits: the European Union. This thesis has taken up the task to investigate the possibility of implementing sortition in the EU, with the aim of concluding whether it is possible, whether it will resolve the democratic deficits, and what would be a reasonable system for the implementation of sortition. Even though there are authors in the field of study of sortition that have envisioned government entirely based on sortition and citizen participation and have omitted electoral representation, in this thesis a more realistic approach is

chosen. Instead of redesigning a new system, the model presented here is merely an adaptation and complementation of the existing institutional structure. Changing government so radically as doing away with electoral representation is virtually unthinkable. Instead relatively small changes can still show the added value of sortition while being challenging enough to be implemented. The chance that sortition will be incorporated in the near future at the local, national or especially the EU level is very small. Nevertheless, the exercise in this thesis is useful for thinking about possible adaptations of the current system.

The research question was two folded: firstly, the question was whether there is a suitable design for successful implementation of sortition in the EU. The conclusion that can be drawn here is that sortition can be established in the EU. Due to the regional citizen's bodies, the limited term, and the limited timeframe for meetings, all citizens can be expected to participate without too much interference in their life that would lead to aversion of the system. The EU wide body ensures interaction and discussion between all parts of the EU. The experiments and projects analyzed for this thesis show that deliberation between randomly chosen citizens is possible, even on complex topics. If given the time and right circumstances people are capable of investigating and understanding complex problems and finding a common solution that is supported by a large part if not the whole group, while taking into account the interest of minorities. The limited task of only agenda setting and scrutinizing the most important legislation ensures that the task is manageable.

The second question this thesis set out to answer is just as important, but more difficult to answer. Can sortition resolve the democratic deficits in the EU, and, accordingly, is it justified to argue for its implementation? Is sortition more beneficial than electoral representation in this case? This question asks for a more elaborate answer. This thesis identified a number of (perceived) democratic deficits of which some were imagined to be, partly, resolved by the inclusion of sortition in the EU. The thesis exposed some mixed results.

The first democratic deficit clearly assessed in a favorable light is the delivery failure of the EU. Sortition can easily close this gap. At the moment, people are intended to be voting in elections on party programs, while in reality, they often do not. Even more, the EU elections are of a second order nature.

People often vote based on arguments that are not related to the EU or not based on knowledge of the party programs. Therefore there is little relation between EU legislation and citizens' expectation of the addressed issues. The people that do have a lot of influence because they are in frequent contact with the officials in the EU and specialize in this area are lobbyists representing interests of mainly business and environmental groups. This has as a consequence that the EU is focused mainly on internal market and economic issues, with some increasing attention for the environment. This is not necessarily what the common European citizen wants or needs from Europe. By including citizens' bodies in the EU legislative process and giving them agenda setting possibilities, this delivery failure should be resolved. All citizens selected in one of the regional bodies can bring problems or issues to the table that they find the EU should include in their legislation. Given that enough other people, including from different regions agree, the EU wide citizens body can order the Commission to investigate the issue and make a legislative proposal. In this manner citizens have direct influence on what issues the EU deals with.

The second democratic deficit that is fairly simple to assess is the lack of participation opportunities in the EU. The analysis of current possibilities has shown that participation is possible, but in order to be able to have some effect at all, a lot of time and energy has to be invested. Yet, even then it is not certain policy is actually affected. Through the implementation of the proposed model, citizens participation is improved tremendously. Not only will people be participating, they will also have direct influence on the legislation. It is a particular participation possibility, as it is not voluntary or of own motion, but mandatory for the individuals chosen by lottery. Via this way people cannot choose to participate when they feel like it for furthering or questioning an issue that they find important. This sets it apart from the other participation opportunities, and might disqualify this measure for some. Yet at the same time it increases participation, as all citizens are included. The groups are designed in such a way that citizens also have a reasonable chance of being selected to participate. The inclusion of all citizens in the legislative process in the EU will very likely increase attention for and knowledge of the EU also among the part of

the population that is generally not involved and would not make use of other participation opportunities.

The third democratic deficit is the lack of a European demos. The resolution of this deficit will be much harder to achieve than the previous two, because it is not related to institutional arrangements directly. A European demos is part of culture and is a process that takes time, is hard to steer, and might despite all efforts never be achieved. The citizens' bodies have a regional transnational character that promotes cross border interaction. This interaction is essential for developing an understanding of each other's situation, values and norms. This understanding is a necessary, but not sufficient element of creating common demos. Therefore, the citizens bodies can be argued to provide a place that supports the creation of a common identity, but it is in itself not a resolution of the lack of a European demos.

The fourth identified deficit is the lack of accountability in the EU. The representatives of the EP are chosen, but it is not felt that they are responsible for their actions to the voters. This is even reduced for the ministers in the Council or the non-elected Commissioners. As explained in the introduction, accountability of representatives is imperfect at best, and non-existent in other views. The complex system of the EU with its working groups, committees, multiple bodies and consensus seeking and compromising culture make it virtually impossible for the voter to really hold their representative responsible, as they hardly know their achievements. Introducing citizens' bodies into the legislative process does not directly solve this problem. The relation between voter and representative of the different institutions does not change.

Furthermore, the people selected into the citizens' bodies are not accountable to anyone whatsoever. They are purely acting on their own accord. Yet it can be argued that despite these two conditions the randomly selected bodies are justified and can improve the functioning of the electoral system. The first argument is that the citizens in the citizens' bodies are not representatives and do not have to be held accountable. The rotation ensures that everyone has a large chance to govern and the random selection ensures that the citizen's body is a reflection of society and includes all minorities. Thus the whole accountability issue is avoided. Furthermore, since citizens cannot be reelected

and have no partisan alignments, their decisions will take better the common good into account.

The citizens' bodies do act as a strong pressure for politicians to take into account citizens' views. Since the citizens' bodies have veto right over legislation, the politicians are forced to take their wishes into account when they make legislation. If the measures are too different from what the public wants, it will not pass the citizen bodies. Even though not all proposals will be scrutinized, all proposals can be chosen. This will promote a better dialogue between the EP, the Council and the people. This in essence has the same effect as accountability, namely control over the actions of politicians. In this model the veto right functions as a pressure tool for the citizens to influence the legislation by the representatives.

7.2 Discussion

The model proposed in this thesis can be taken as a first design that can be adapted if needed. However, certain elements must be safeguarded for otherwise chances are high that politicians will tweak the model to their advantage, and undermine its functioning. The crucial elements of sortition must be kept, for if not the whole project will fail. Yet there are also some elements that are not sufficiently clear yet. The question that has not been answered in the research on this topic, including this thesis, but that is of importance for the quality and success of sortition and deliberation, is what information is given to the people in order to deliberate and how this information is gathered and its quality ensured. In all research on sortition and deliberation it is stressed that the staff will provide an information package with balanced information for the people to use in their deliberation. This is needed, because randomly chosen people will likely know little about a certain topic. Yet a lot of issues taken on in politics are not straightforward, but rather contested. The solution of a problem will depend on the information chosen. Therefore all the researchers stress the importance of balanced information provision. However, except from the emphasis on the quality of the staff, it is not clear how this should be ensured. It is expected that lobby groups will quickly jump into this opportunity to include their information and standpoint into the package. It is likely that the offices with

the most money or best networks are most successful and thus they can steer the legislative process their way. It can be argued that this lobbying already happens, and so nothing would change. Lobby groups are already influential by offering information to politicians. The difference here is, that politicians have a career in politics. In which they learn about topics, they learn about lobbying, and they learn how the game is played. The randomly chosen citizens however, do not have this experience, or the time to learn it. They have to rely on the information given, supplemented by their own experiences. This potentially gives both the established elite, and the interest representations a lot of power to influence the information given to the citizens' body and the direction of their recommendations. This could be countered by the effect of the regional basis of the citizens' bodies. If information packages will be assembled on regional basis, or maybe for some groups together, there may be differences in information received. The many regional bodies make it also more difficult for lobby groups to influence all groups at the same time and to the same extent. If interaction between the groups, and certainly at the EU level body, is sufficient, it can act as a safeguard against too much undue influence. A related pitfall could be that instead of breaking the dominance of the elite, one of the aims of sortition and public participation, the elite position will be strengthened. The elite will implement the scheme, and is thus in a position to influence its information flow in their favor. Power struggles for controlling the staff will be likely.

Another question, one that can only be found resolved during its implementation, is if there is enough time for the groups to carry out their tasks in the design presented. It is unrealistic to ask from people to take a year or more of from work to do their duty in a citizens' body. Some countries do have mandatory military service, but this only applies for young people, in a system that is adapted to this situation. These people have no ties, no job to leave, and they have no additional problems finding a job afterwards. The people chosen in a sortition scheme as proposed will include people with many other responsibilities. Thus a model must be designed which limits duty to a few weekends or maybe weeks in a year. Question is whether this is enough for both agenda setting and reviewing legislation, while ensuring quality of deliberation both in the regional groups and interaction and discussion between the regions.

The optimum balance of time and issues can only be found during the implementation of such a system.

If everything is taken into consideration, is sortition in the EU desirable or not? This thesis has shown that it is possible, that it has beneficial effects on some democratic deficits and some expected possibilities for others. It will certainly give citizens more influence on legislation, it will expectedly bring about better legislation that is more adapted to what the average citizen expects from the EU, instead of what powerful lobbies want. Citizens might put more areas of legislation on the table at the EU instead of only national level, leading to a broadening of the EU, while they might also pressure for more power of the EU in areas already legislated on at the EU level. As side effects it will also bring about a better understanding of the EU, its institutions, and decision-making process. This might create possibilities for wider and deeper cooperation between the member states in the EU. Not all politicians and political parties will welcome such development. Some will definitely resist a broadening and deepening of the Union. Yet by introducing this sortition scheme the Union will develop not only as the politicians in the top positions want it to develop, but also as the citizens that make up the Union do. That is what true democracy stands for: the government of the people by the people. And for that, sortition is an excellent tool.

Bibliography

- Bell, V. (2004). In Pursuit of Civic Participation: The Early Experiences of the Northern Ireland Civic Forum, 2000-2002. *Political Studies* 52, 565-584.
- Bergmann, E. (2013). Reconstituting Iceland, Constitutional Reform Caught in a New Critical Order in the Wake of Crisis. *Conference Paper for the Conference Political Legitimacy and the Paradox of Regulation, Leiden, January 2013*, 1-15.
- Bouricius, T. G. (2013). Democracy Through Multi-Body Sortition: Athenian Lessons for the Modern Day. *Journal of Public Deliberation* 9:1, 1- 19.
- Boyle, C. (1998). Organizations Selecting People: How the Process Could be Made Fairer by the Appropriate Use of Lotteries. *Journal of the Royal Statistical Society. Series D* 47:2, 291-321.
- Buchstein, H. (2010). Reviving Randomness for Political Rationality: Elements of a Theory of Aleatory Democracy. *Constellations* 17:3, 435- 454.
- Buchstein H. & Hein, M. (2010). Randomizing Europe: The Lottery as a Political Instrument for a Reformed European Union. In G. Delannoi & O. Dowlen (Eds.), *Sortition Theory and Practice* (pp. 119-157). Exeter: Imprint Academic.
- Calvert, A. & Warren, M.E. (n.d.). Deliberative Democracy and Framing Effects: Why frames are a Problem and How Deliberative Minipublics Might Overcome them. Retrieved May 10 2014 from http://www.politics.ubc.ca/fileadmin/user_upload/poli_sci/Faculty/warren/Calvert_and_Warren_-_Deliberative_Democracy_and_Framing_-_9-10-12.pdf
- Carson, L. & Martin, B. (1999). *Random Selection in Politics.*, Westport, CT: Praeger Publishers p. 1-100.
- Carson. L. & Martin, B. (2002). Random Selection of Citizens for Technological Decision Making. *Science and Public Policy* 29:2, 105-113. (referenced by Carson)
- Crombez, C. (2003). The Democratic Deficit in the European Union: Much Ado about Nothing? *European Union Politics* 4:1, 101-120.
- Crosby, N. & Kelly, J.M. & Schaefer, P. (1986). Citizens Panels: A New Approach to Citizen Participation. *Public Administration Review* 170- 178.

- Davidson, K.A. (2013, March 21). Democracy Index 2013. *The World Post*. Retrieved from http://www.huffingtonpost.com/2013/03/21/democracy-index-2013-economist-intelligence-unit_n_2909619.html
- DeRusha, J. (April 23, 2012). Good Question: How Do You Get Picked for Jury Duty? *CBS Minnesota*. Retrieved from <http://minnesota.cbslocal.com/2012/04/23/good-question-how-do-you-get-picked-for-jury-duty/>
- Dowlen, O. (2008). *Sorted: Civic Lotteries and the Future of Public Participation*. Toronto: MASS LBP, 13-68.
- Dowlen, O. (2009). Sorting Out Sortition: A Perspective on the Random Selection of Political Officers. *Political Studies* 57, 298-315.
- Engelstad, F. (1989). The Assignment of Political Office by Lot. *Social Science Information* 28:23, 23- 50.
- Europa.eu. Communication department of the European Commission. Retrieved May 10, 2014 from http://europa.eu/index_en.htm
- Eurostat. Europe in Figures: Eurostat yearbook 2009. Retrieved 28 June, 2014 from http://epp.eurostat.ec.europa.eu/cache/ITY_OFFPUB/KS-CD-09-001-03/EN/KS-CD-09-001-03-EN.PDF 139
- Fishkin, J.S. (2002). Deliberative Democracy. In R.L. Simon (Ed.), *The Blackwell Guide to Social and Political Philosophy* (pp. 221-239). Malden: Blackwell Publishers.
- Follesdal, A. & Hix, S. (2006). Why there is a Democratic Deficit in the EU: A Response to Majone and Moravcsik. *JCMS* 44:3, 533-562.
- G1000. Platform for Democratic Innovation. Retrieved May 26, 2014 from www.g1000.org
- Gastil, J. & Richards, R. (2013). Making Direct Democracy Deliberative through Random Assemblies. *Politics and Society* 42:2, 253-281.
- Goodwin, B. (1984). Justice and the Lottery. *Political Studies* 32, 190-202.
- Landemore, H. (2007). Is representative Democracy Really Democratic? Interview with Bernard Manin and Nadia Urbinati. *La Vie des Idees.fr*. Retrieved April 10, 2007 from <http://www.booksandideas.net/Is-representative-democracy-really.html>

- Luskin, R.C. & Fishkin, J.S. Jowell, R. (2002). Considered Opinions: Deliberative Polling in Britain. *British Journal of Political Studies* 32, 455-487.
- Manin, B. (1997). *The Principles of Representative Government*. New York: Cambridge University Press.
- Milner, H. (2005). Electoral Reform and Deliberative Democracy in British Columbia. *National Civic Review*, 3-8.
- Moravcsik, A. (2004). Is there a 'Democratic Deficit' in World Politics? Framework for Analysis. *Government and Opposition Ltd.* 336-363.
- Nentwich, M. (1996). Opportunity Structures for Citizens' Participation: The case of the European Union. *European Integration online Papers*, 0:1, 1-21.
- Przeworski, A., Stokes, A.C., Manin, B. (1999). *Democracy, Accountability and Representation. Chapter one: Elections and Representation*. New York: Cambridge University Press.
- Reybrouck van, D. (2013). *Tegen verkiezingen*. Amsterdam: De Bezige Bij.
- Sieberson, S.C. (2008). The Treaty of Lisbon and its Impact on the European Union's Democratic Deficit. *Columbia Journal of European Law* 14:3, 445-465.
- Sintomer, Y. (2010). Random Selection, Republican Self-Government, and Deliberative Democracy. *Constellations* 17:3, 472-487.
- Slaton, C.D. (2001). New Models of Citizen Deliberation. *Symposium/Futures* 33, 357- 360.
- Sutherland, K. What Sortition Can and Cannot Do. Paper presented at the 62nd Political Studies Association annual international conference, Belfast, April 2012.
- Tridimas, G. (n.d.). Constitutional Choice in ancient Athens: The Rationality of Selection to Office by Lot. *Constitutional Political Economy* (Forthcoming).
- Zakaras, A. (2010). Lot and Democratic Representation: A Modest Proposal. *Constellations* 17:3, 455-471.