

A gradualist path towards sortition

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1. Introduction

Conventional wisdom holds that building democracy takes time. Deliberative democracy will likely prove no exception. To that end, this chapter will explore one possible path towards more deliberative institutions and decision-making in the form of Gastil and Wright's proposal for a Sortition Chamber. Our thesis is that deliberative innovations, notably a sortition chamber, require a gradualist approach to implementation. While other authors in this volume may take for granted that some form of sortition chamber will be institutionalized and focus instead on design questions, we probe the necessary conditions preceding institutionalization. To support this thesis, we shall make an argument comprising four main claims.

- 1.) Sortition is a promising deliberative innovation.
- 2.) A strong, unaccountable deliberative device like sortition may delegitimize citizen deliberation and future deliberative innovations, in particular a sortition chamber.
- 3.) A weaker deliberative device like citizens' consultation is effective though often blocked by a lack of institutional footing.
- 4.) Citizens' consultation, once proven to be effective and regular, opens one path towards enhanced deliberative innovations like the sortition chamber.

Claim 1.) will not be developed here beyond the point that a sortition chamber's "hybrid legitimacy" may allow it to overcome critiques addressed to one-shot, single-issue consultative or

empowered mini-publics which may lack institutional footing¹. Such mini-publics face multiple challenges: significant social or political uptake, electoral accountability, capture by interests, political redundancy, representativeness, biases, frames². If a sortition chamber *prima facie* meets or precludes these different critiques, it represents a striking contribution to democratic innovations beyond mini-publics.

That said, we must work out claims 2.), 3.) and 4.) in individual sections below. While examples in 3.) and 4.) will mainly be drawn from the European Union, we maintain that this argument is broadly applicable at local, regional national and transnational levels. We argue that, if institutionalizing consultative mini-publics is desirable and feasible at the EU level, it will be all the more so at other levels throughout the decision-making process' different stages.

¹ We owe the expression "hybrid legitimacy" to Julien Talpin, "How Can Constitutional Reforms Be Deliberative? The Hybrid Legitimacies of Constitutional Deliberative Democracy" in Min Reuchamps and Jane Suiter (eds.), *Constitutional Deliberative Democracy in Europe* (Colchester, UK: ECPR, 2016), pp. 93-108. Whereas Talpin's hybrid concerns whether epistemic, common-sense, democratic and representative legitimacy can accrue in one constitutional setting, we only mean that the sortition chamber's blend of empowerment, continuity and embeddedness could secure several forms of legitimacy which other kinds of mini-publics lack by dint of design.

² For a synthetic account exploring these challenges, see John Parkinson, *Deliberating in the Real World: Problems of Legitimacy in Deliberative Democracy* (Oxford, UK: Oxford University Press, 2006).