

“Sortition and 21<sup>st</sup> Century Democracy  
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This conference began with a quote from John Kennedy – “the great enemy of truth is not the lie, but the myth.” I believe that the great enemy of truth about *democracy* is the myth that there is only one democratic way to choose representatives -- through elections.

As Dr. Serageldin suggested, we have been confusing one means of choosing — elections — with democracy itself. And as Dr. George Ishak said, “In the 21<sup>st</sup> century, we should find new ways to select representatives.” Sortition is one of those ways. Actually, it is not a new way, it’s a very old way. It was used more than elections in ancient Athens, and people wrote about it here in Alexandria 2,000 years ago.

My two colleagues have described specific proposals for incorporating sortition into political system design. I would like to talk about a whole set of proposals, and a menu of options.

I have been researching proposals like these, and I have also co-authored one. I have found 18 such proposals so far, and I have had the pleasure of corresponding with the authors. They come from Australia, Denmark, France, Germany, Greece, Ireland, South Africa, the U.K., and the U.S. Together, they represent many new possibilities for democracy.

My talk will have three parts. First, I am going to review the rationale for the use of sortition and “mini-publics” – that is, representative samples of the public. I am also going to respond to some common objections to this idea. Second, I am going to describe a menu of options for incorporating mini-publics into political systems. Third, I am going to pose some important questions that have not yet been addressed within these proposals.

I will begin with a basic question - why would anyone want to incorporate mini-publics into government, when we already have elected representatives? Here are six reasons.

First, **representation** - mini-publics are much more representative of the people than elected bodies are - for example, in terms of class, gender, ethnicity, religion, life experience, and point of view.

Second, **diversity** - mini-publics are much more diverse in their perspectives than elected bodies, and diversity is an important asset for good decision-making.

Third, **independence** - the members of mini-publics don't have to please campaign donors, party leaders, or the media. As Iain Walker pointed out, they can make decisions that would be very hard for elected bodies to make.

Fourth, **cooperation** - within elected bodies, the purpose of defeating other parties and winning future elections often makes cooperation difficult. In the United States, it recently led to shutting down the government in order to gain political advantage. Mini-publics are free from this imperative.

Fifth, **deliberation** - by eliminating the competitive pressures of elections, sortition enables mini-publics to engage in real deliberation, instead of the adversarial speech making that we often see in elected bodies.

Sixth, **equality** - with mini-publics, the opportunity to be a decision maker is equally available to all the people.

I would now like to address some common objections.

First, **competence** - would randomly selected members of the public be competent to do the work of policy making?

With mini-publics, we are concerned with the competence of groups, not individuals, and that competence has been proven many times in the kinds of experiments described earlier today. In addition, most of the proposals give individual mini-publics considerably less responsibility than today's all-purpose legislatures.

Second, **willingness to serve** - would ordinary people be willing to leave their jobs and take on the role of political representatives?

Some of the proposals only require a short-term commitment, similar to jury service. For longer terms, people would be well paid, and though many might decline, we would only need enough willing people in order to recruit representative samples.

Third, **accountability** - how could randomly selected representatives be held accountable to the people?

Mini-publics *are* the people. They are representative samples of the public with no need to please campaign doors or party leaders, so they would only need to be accountable to their own consciences.

Fourth, **participation** - with elections, everyone gets to vote, but with sortition, how could people participate if they weren't selected?

There are many ways. Terrill Bouricius has proposed giving all interested people the power to propose legislation, and there are many well-tested processes for extending participation beyond the member of mini-publics.

Finally, **the people's right to choose** – how could anyone justify taking away the people's right to choose their leaders?

With elections, people can only choose their leaders between competing members of the political class. With mini-publics the people *become* leaders.

Now, what are some options for incorporating mini-publics into government? One is to add a new mini-public to the existing structure. Ethan Leib has proposed a randomly selected fourth branch of government that would perform the function of initiative and referendum. Kevin O'Leary has proposed a randomly selected third chamber for the U.S. Congress that could veto bills, initiate a few bills, and force a vote on bills stuck in committee. John McCormick in the U.S. and Lawrence Hamilton in South Africa have proposed a "People's Tribune" with similar powers, that could also impeach public officials.

Another option is a legislature with one chamber elected and the other randomly selected. The randomly selected chamber could have full legislative power, or the two chambers could have separate functions. Keith Sutherland in the U.K. and Leigh Gollop in Australia have proposed that the elected chamber could develop legislation and the randomly selected chamber could decide. Ned Crosby has proposed a system for the U.S. with an elected Senate that would draft legislation and propose programs and agency directors, and a randomly selected House of Representatives that would make the final decisions.

A third option is to replace the elected legislature entirely. Campbell Wallace in France has proposed a single randomly selected Assembly, with all legislative powers except setting its own salaries. John Gastil and Erik Olin Wright have proposed a randomly selected legislature for the U.S. - a stratified random sample, balanced by class, gender, and race.

Alexander Guerrero has proposed a legislature composed of *multiple* randomly selected bodies organized by issue, with separate randomly selected bodies to coordinate across issues and resolve conflicts. Terry Bouricius has also proposed a multi-body, randomly selected legislature, but with the bodies divided primarily by function, including self-selected bodies to propose legislation, and temporary policy juries to make the final decisions.

Terry and I have proposed extending this model into the executive branch. Dr. Mohammed Madkour asked – "how does sortition deal with making the executive accountable?" In our proposal, the elected, policy making chief executive would be replaced by a public administrator who would be chosen by one mini-public, overseen by a different one – and if necessary, removed by a jury. This would be a sortition-based version of the Council-Manager system of government, used in many U.S. cities.

An important question for all these proposals is how they could be implemented in a gradual, incremental way. The authors of these proposals have suggested five strategies:

- Start with a local implementation, then do more local implementations, then expand to higher levels
- Start with one issue, then expand to more
- Start with a body with limited powers, then expand the powers
- Start by choosing a portion of legislators by lot, then increase the proportion

I believe that adding these ideas to the tool kit could help to enable better democracy. However, there are important questions that have not been addressed by any of these proposals. I would like to pose some of them now.

What are the best ways to enable meaningful participation for people who are *not* selected to fill mini-publics?

What new democratic possibilities now exist because of modern communication technology? (For example, meaningful deliberation among very large groups)

Within mini-publics, what could be done to avoid reproducing structural inequalities within the larger society - for example, by gender, class, and race?

What decision voting methods should be used to make decisions in mini-publics? For example, could consensus or cumulative voting be used to overcome the tyranny of the majority?

How could mini-publics be incorporated into executive branch planning and budgeting, on an ongoing basis?

All these proposals represent only a small step in a large project, but hopefully it's a step in the right direction. No one has all the answers, and if we are going to invent better forms of democracy, we will need to invent them together. I would be glad to provide more detailed information, and I welcome your questions and your ideas.

On behalf of myself and my colleagues, I want to thank all of you for choosing to spend this day listening to all these new ideas. And to Dr. Serageldin and our hosts at the Library, I would like to say . . .

*Shukran gazilan, wa shukran gazilan :ala husn diafitkum!*