Experts and Sortitionist Democracy: Incompatible Allies?

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Introduction

At first sight, ‘epistocracy’ or rule by experts seems incompatible with rule by a random sample from the population. On the one side professionals well versed in rational argument based on scientific evidence, on the other side a motley crowd of janitors, waitresses, housewives and old age pensioners expressing prejudices and irrational gut feelings. Sortitionist democracy must be inferior to electoral democracy, where experts may stand a somewhat better chance to join decision-making bodies – depending on the political party they are affiliated with.

And yet, advocates of sortitionist democracy point out that the diversity of perspectives in a randomly selected assembly will lead to more intelligent decisions and more creative solutions of problems – under certain conditions – than the sociologically more homogenous elected assembly. Empirical studies of citizen assemblies, citizen juries, deliberative opinion polls, G1000 and similar experiments are said to confirm this. And interest in these experiments seems to be growing in many countries.

A closer look at these experiments might reveal, however, that ‘epistocrats’ do play an important role in most cases, even if they will not be numerous in randomly selected bodies, given their relative scarcity in society. Members of citizen panels often consult experts before they make a decision. So even if experts are refused at the front door, they may enter through the back door.

Is this a good or a bad thing, from a democratic perspective? Experts might enlighten the citizens and enhance their options, but also manipulate them directly or indirectly, e.g. by framing the issues. In this paper I will draw on empirical studies as well as normative arguments and utopian models in order to find out what the role of experts might be and should be in sortitionist democracy. First, however, the idea of sortitionist democracy might need some clarification.

Sortitionist democracy

The ancient Greeks, who invented the term ‘democracy’, associated it with sortition. Plato and Aristotle are quite clear here: ‘offices filled by lot, either all or at any rate those not calling for experience or training’ (Aristotle, [1962: 237]; see also Plato, [1955: 329]). Election was seen as an aristocratic principle: ideally at least, the ‘best’ (aristoi) would be elected. In Athens, most officials were selected by lot, albeit from a restricted pool of citizens who had sworn a solemn oath, whereas women, slaves and immigrants were excluded. Yet sortition was combined with assembly democracy. The allotted officials in the Council of 500 prepared and executed decisions taken by the popular assembly, while the allotted members of popular juries (dikasteria) could review and nullify unconstitutional laws passed by the assembly when they had been challenged by citizens in court; later, allotted legislators (nomothetai) would make and review laws (Hansen, 1991: 161-224, 246-265).
Modern democrats generally preferred election to sortition, as Bernard Manin has argued, probably because elections implied consent and hence legitimacy, which decisions taken by randomly selected citizens lacked. Only elected officials would represent the interests of the people (Manin, 1997: 8). If they failed to do so, they would not be re-elected – at least in theory.\footnote{Kathleen Bawn and her colleagues have shown that (at least in the US) most voters do not monitor their representatives closely and are easily influenced by ‘obfuscation and phony credit claiming’, so that many if not most representatives are re-elected no matter what they did in Congress (Bawn et al., 2012: 589).}

In recent years, however, sortition and random selection of officials seem to make a come-back in democratic theory. It may be related, as Yves Sintomer has pointed out, to the development of modern statistics and its application to opinion polling and market research (Sintomer, 2007: 104-108, 110-111). A random sample from a population of a certain size is perceived as ‘representative’. It may represent the population in a passive or descriptive sense, as distinguished from the ‘substantial’ or ‘active’ representation by elected officials (Pitkin, 1967: 60-91, 112-143). Increasingly, the results of opinion polls and surveys are interpreted as if ‘the people has spoken’, not only in the media, but also in scientific publications by serious scholars.\footnote{To give one arbitrarily chosen example: the political scientists Klaus Armingeon and Kai Guthmann analysed a random sample of about 26,000 Europeans and concluded that ‘30 per cent of Europeans trusted their parliament’ (Armingeon and Guthmann, 2015: 431).}

Advocates of sortitionist democracy consider descriptive representation superior or at least equal to substantial representation (see for example Callenbach and Phillips, 1985: 13-17; Guerrero, 2014: 167; Mueller, Tollison and Willett, 1972: 60; O’Leary, 2006: 106-107; Sintomer, 2007: 138-139, 144-148). Elected representatives tend to come from dominant groups. In most elected legislatures well-educated and relatively wealthy white middle-aged males seem to be over-represented and women, manual workers, migrants and gays or lesbians under-represented or even completely absent (Bovens and Wille, 2009: 47-58). In a random sample, if sufficiently large, all groups will be represented proportionately. The allotted legislature will be a microcosm or miniature of the population. Critics warn that even then the well-educated white men might dominate the deliberation and manipulate the outcome, but this could be prevented by competent facilitators and other arrangements like homogeneous sub-groups deliberating before plenary sessions are held (see for example Karpowitz, Raphael and Hammond, 2009). At any rate, it seems plausible that a randomly selected legislature will be more inclusive and more representative of the population than an elected one. As Hanna Pitkin has noticed – rather critically – it fits in with a radical democratic ideology of equality and popular sovereignty (Pitkin, 1967: 84; see also Sintomer, 2012: 7).

Apart from inclusiveness, sortitionist democracy has (at least) two other important advantages in the eyes of its proponents. It will prevent or undo the formation of a political elite or cartel of professional politicians who might be tempted to manipulate and corrupt their voters and serve their own private interests rather than the common interests of the people.
(Callenbach and Phillips, 1985: 33-36; Goodwin, 1992: 45-46, 120-121; Guerrero, 2014: 164-165; Delannoi, Dowlen and Stone, 2013: 32-33). Populists, who (by definition) worry about corrupt elites manipulating the innocent people, should favour sortitionist democracy, as David van Reybrouck has argued (Van Reybrouck, 2013: 145-146). A maverick member of the (federal) Belgian parliament, Laurent Louis, elected in 2010 through the People’s Party (Parti Populaire), put forward a proposition to select the federal parliament through sortition (Louis, 2013). Yet for some reason – ignorance, realism, opportunism? – populists usually seem to prefer referendums to sortition. This anti-elitist argument appeals not only to populists but also to pluralist democrats – who also worry about elites but do not see the people as a homogeneous entity – and even to aristocrats. After all, sortition was used in the aristocratic Republic of Venice (in combination with election) to select officials from noble families, thus preventing the dominance of one family (Dowlen, 2008: 99-105; Buchstein, 2009: 155-164).

And finally, it is argued that an allotted legislature will deliberate more and take better, more creative or more impartial decisions than an elected parliament. Whereas elected politicians tend to follow party discipline and ignore arguments from other parties, allotted legislators will be less partisan and more open-minded (Callenbach and Phillips, 1985: 17-19, 48-50). Elected politicians probably use more rhetoric and demagoguery in order to get re-elected, whilst allotted members of parliament can afford to be honest as they do not have to please voters and media (Sintomer, 2012: 6-7; O’Leary, 2006: 107). Moreover, the diversity of opinions and the ‘wisdom of the crowd’ in an allotted assembly might produce more novel ideas and creative solutions to political problems (Buchstein, 2009: 393; Landemore, 2013; Sutherland, 2008: 73-84).

No doubt there are other arguments in favour of sortition, e.g. saving on election campaign costs, but the three discussed here seem to be the most common and the most substantial. Moreover, they correspond roughly to three different models or discourses of sortitionist democracy, it seems to me, even if advocates of this type of democracy tend to be rather eclectic in their argumentation and often propose institutional arrangements that should cater to all three concerns. In fact, most of the arrangements proposed tend to be hybrid constructions, combining sortition with election. Thus Callenbach and Phillips want to replace

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3 Following Kirk Hawkins, Scott Riding and Cas Mudde I regard populism here as a set of ideas and a ‘Manichaean approach to the political world that equates the side of the Good with the putative “will of the people” and the side of Evil with a conspiring elite’ (Hawkins, Riding and Mudde, 2012: 3). It stands in opposition to elitism as well as pluralism – pluralists reject moral dualism and accept differences of opinion, while elitists tend to mirror populists, perceiving the elite as good and wise and the people as stupid and bad.

4 By that time, he had fallen out with the Parti Populaire and acted as an independent MP. Not very surprising, the proposition was rejected. In 2014 he headed the list of a new party but failed to get re-elected. In 2015 Louis was condemned to six months conditional imprisonment because he had denied the holocaust.

5 In the party programmes and manifestos of the populist parties I have studied such as the Austrian Freedom Party (FPÖ), the French National Front (FN), the Flemish Bloc/Flemish Interest (VB), the Dutch Party for Freedom (PVV) or the Canadian Reform Party, sortition was never mentioned.

6 Buchstein uses a similar trichotomy of Argumentationsfiguren, albeit with different names: ‘fair representation’, ‘participative’ and ‘deliberative quality’ (Buchstein, 2009: 390-393).
the elected House of Representatives in the US by an allotted ‘Representative House’, while retaining the elected Senate (1985). O’Leary suggests a People’s House as a third chamber with the power to veto and initiate bills (2006: 96-104). Sintomer proposes an allotted Senate in France which would advise the elected Assembly and amend the constitution (2007: 163-164). Advocates of pure sortition without election are still rare, as far as I know, and have published so far only a few papers – understandably, as they articulate rather utopian ideas far removed from political reality today. I will concentrate on them, however, as I am interested in the consequences of a pure sortitionist democracy for the role of experts in the political system.

One could expect that radical democrats will be wary of experts. Even if experts try to be neutral, they might transmit the values of the well-educated, dominant groups in society. Let us imagine an example. An allotted legislature has put immigration policy on the agenda. A majority of its members might intuitively prefer restrictions on immigration, as public opinion polls suggest. In particular manual workers may worry about competition with migrant workers on the labour market, others are concerned about housing shortage, and a large group of – usually – less educated members feel an emotional aversion against foreigners but may not have given the matter much thought so far. A minority of well-educated professionals, academics and businessmen favour a more liberal immigration policy. They may have more affinity with the experts invited to inform the legislature about the pros and cons of immigration, and they probably musters more ‘interactional expertise’, as Collins and Evans defined it: ‘being able to understand science things and discuss science things but not do science things’, an essential quality in mediating between scientists and public (Collins and Evans, 2007: 35). The experts might either convince the majority that their worries are not founded in facts, or confuse them to such an extent that they will abstain when proposals for a stricter immigration law are put to the vote. In the end, the well-educated minority may have its way – a good thing perhaps from a cosmopolitan or humanitarian point of view, but a bad thing in terms of descriptive representation. The legislators of working-class background will have a hard time explaining their change of mind to fellow workers in the pub the next day. Another case might be income redistribution, which the legislators with a lower income might favour until experts tell them that it would have bad effects on the labour market and on trade, for instance. And let us imagine a third case: two Muslims introduce a proposal for sharia courts, dealing with divorce and other family problems. When experts warn them about the protests this might trigger in a secular society, they withdraw their proposal and possibly withdraw from the legislature altogether, feeling alienated and frustrated. A similar fate might await gays arguing for the right to marry and adopt children in a traditional Christian or Muslim society.

Radical democrats would regret all this ‘mainstreaming’ and conformism, no doubt, as it detracts from the representativeness of the assembly. So they might exclude experts from the deliberations of the allotted legislature altogether. Alternatively, they might invite sufficient ‘counter-experts’ to contradict the established experts. Critical scientists, perhaps experts in migrant studies, women’s studies, gay studies, Marxists and other ‘emancipatory
scientists’ might encourage the representatives of minorities to become more conscious of their interests and more eloquent and self-confident in articulating them.

Anti-elitists will probably be more ambivalent in their attitude towards experts. Populists may share the aversion of radical democrats, especially in the examples mentioned where a majority changes its mind about immigration policy or income distribution. However, they do not share the radical-democratic sympathy for alienated minorities: gays and Muslims just have to adapt to the majority opinion of ‘the people’. Pluralist anti-elitists will be less hostile to experts, provided the latter present a plurality of views and perspectives.

Deliberative democrats need experts to inform and enlighten the allotted legislators. They do not only accept but stimulate that the latter may change their minds about issues in the process, as they acquire more information and a broader understanding. Of course, they also want to make sure that experts remain impartial, or compete with each other if they defend different viewpoints.

**Experts in sortitionist utopia**

Three utopian models of ‘pure’ sortitionist democracy will be discussed here.\(^7\)

The first is the model proposed by Laurent Louis. The elected parliament in Belgium should be replaced by an allotted legislature, to be renewed every two years (Louis, 2013). Members can be recalled if they fail to fulfil their duty. Louis copied the Athenian notions of *dokimasia, graphè para nomon, euthynai* and *eisangelia*: before accepting their office, the allotted citizens will have to prove their moral integrity; during and afterwards they can be sanctioned for corruption or other misdemeanors. Political parties will be banned, in order to guarantee ‘the democratic freedom and independence of the citizens’ (Louis, 2013: 18). The allotted legislature will elect a government consisting of specialists instead of prominent members of political parties (Louis, 2013: 15). It is not clear if the legislators will be able to consult or hire experts. If not, one could imagine they would be at a disadvantage in debates with the ministers who are experts themselves and can no doubt draw on the expertise of their civil servants.

A more sophisticated model has been developed by Terry Bouricius and David Schecter. Descriptive representation is their first purpose, followed by diversity of perspectives, opportunity to participate, time, accountability, corruption prevention and deliberation – so they combine the three perspectives I have distinguished, albeit in a particular order that may or may not be arbitrary (Bouricius and Schecter, 2013: 5-6). Bouricius has worked as a policy analyst and administrator, after serving ten years as member of the Vermont House of Representatives, while Schecter has done mainly projects for non-profit organisations. They would replace the elected legislature by six different bodies, all randomly selected and temporary: an Agenda Council which suggests topics for new bills;

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\(^7\) It is a pragmatic selection from a very small population. I could have included John Burnheim’s ‘demarchy’ but his model seems similar though less sophisticated than that of Guerrero; while his combination of sortition and anarchism makes it difficult to compare with others, and probably even less realistic (cf Burnheim, 2006).
Interest Panels which draft bills about particular issues; Review Panels which amend and review the draft bills; Policy Juries which vote for or against the bills; Rules Councils which decide on procedures; and an Oversight Council which evaluates implementation of the laws (Bouricius and Schecter, 2013; see also Bouricius, 2013). Membership in the councils and panels would be voluntary, except for the Policy Juries which have to be representative of the entire population. Executive officers (called Administrators by Bouricius and Schecter) might be elected or appointed by yet another randomly selected citizen body, the Executive Hiring Panel, and evaluated by a Performance Review Panel and possibly recalled by an Accountability Jury (Bouricius and Schecter, 2014).

Experts could enter their system in two ways. They could volunteer for the Interest Panels or they could be invited as witnesses by Review Panels and possibly also by Policy Juries (Bouricius, 2013: 10, 11; Bouricius and Schecter, 2013: 5). The Oversight Councils might make sure that sufficiently different experts will be invited to present their views; they are also responsible for hiring and firing proper staff for the other allotted bodies (Bouricius, 2013: 14). It is not clear yet how experts will be selected and prevented from manipulating the Review Panels and Policy Juries (see also the mild criticism of Guerrero, 2014: 159-160). Bouricius believes the means of incorporating expert advice is a critical issue, but that these procedures should be developed and refined by the Rules Councils. Yet one could also imagine a separate Expert Hiring and Monitoring Panel being charged with the selection and monitoring of the experts.

Another model has been advocated by Alex Guerrero, a young philosopher at the University of Pennsylvania. Like Bouricius and Schecter he calls for a legislature consisting of multiple allotted bodies, related to different issues or policy areas – agriculture, health care and so on – but integrating the different stages of the legislation process (Guerrero, 2014). Each ‘single-issue lottery-selected legislature’ (SILL), consisting of 300 members serving three-year terms, would meet for two sessions a year. Membership would probably be voluntary but very well-rewarded (Guerrero seems cautious here, 2014: 156). Each SILL will set its own agenda and listen to experts before discussing the items on the agenda. Guerrero spends some time discussing the qualification assessment and selection of experts, and seems quite aware of the danger that experts might be ‘captured’ by powerful interests, e.g. the pharmaceutical industry (2014: 160-162, 174-176). In some cases it might be better to ‘eliminate the expert stage’ (Guerrero, 2014: 175). Yet in most cases his ‘lottocracy’ (a term he prefers to ‘sortitionist democracy’) combines ‘the virtues of policymaking by ordinary people with policymaking based on expertise – it has both democratic/populist and epistocratic appeal’ (Guerrero, 2014: 171). Like Bouricius and Schecter, Guerrero lists a variety of arguments in favour of sortition; however, he lends a little more emphasis to anti-elitist arguments like prevention of corruption than to descriptiveness and deliberation, it seems to me (2014: 164-172).

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8 Bouricius and Schecter write that Policy Jury members ‘listen to pro and con arguments’ – presumably presented to them by experts (2013: 5).
9 Email 15 March 2016.
With some bravado, one could conclude that this short survey of sortitionist models confirms the expectations formulated in the previous section, at least in two of the three cases. Louis and Guerrero show the ambivalence towards experts one might expect from anti-elitists, and from populists in particular. True, Bouricius and Schecter, classified (with some difficulty) as radical democrats, do not display the critical attitude associated with this category – but perhaps deep-down they are deliberative democrats, after all? Another and slightly less problematic conclusion might be that experts are not really excluded by any of the three radical sortitionists. Even so, the evidence is quite thin. Perhaps this paper comes too early: sortitionism is scarcely out of the egg, especially in its radical variety. A few years from now, Guerrero, Bouricius and Schecter might have developed their ideas in more detail and published books rather than articles.\(^{10}\)

This would be a disappointing end of story, of course. Fortunately, there is more material, provided by practical experiments with allotted assemblies I can draw on to complete this paper.

**Experts in sortitionist experiments**

Sortitionist democracy has not been implemented anywhere, as far as I know, neither in a pure nor in a hybrid construction. However, it has been simulated in various experiments, under different conditions and different names: citizen assemblies, citizen juries or panels, consensus conferences, minipublics and so forth (for an overview see Smith, 2009: 72-110; and Lucardie, 2014: 141-148). Only a few of them can be discussed here.

In the context of this paper, the citizen assemblies organised in two Canadian provinces and in the Netherlands between 2004 and 2006 to design a new electoral system are particularly relevant and useful, for one reason because they have been documented quite well.\(^{11}\) Moreover, the provincial governments of British Columbia and Ontario had promised to submit the outcome of the assemblies’ deliberations to the electorate in a referendum. Around 150 citizens were selected in two stages: first a random sample was drawn from voter lists or local administrations and those selected were invited to a meeting, then a second sample was drawn from the ones who declared they were willing to take part in the assembly (Rose, 2009: 218-219). The second sample was stratified with respect to age, gender and electoral districts in Canada, and gender and provinces in the Netherlands, while the absence of Aboriginals was later compensated for in British Columbia (James, 2008: 109-111; Leyenaar, 2009: 15). It was a time-consuming exercise, members spent ten or more weekends studying, discussing and designing electoral systems.

Experts came from universities nearby and far away to inform the participants about different systems and their consequences. David Farrell, author of a well-known handbook on electoral systems, visited the Canadian as well as the Dutch assemblies. His book was recommended reading for the citizens. He and other political scientists had been invited by the

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\(^{10}\) Bouricius tells me he is still working on a book (Email of 14 March 2016).

\(^{11}\) The Dutch name was *burgerforum*. 
staff, which had been appointed (in British Columbia) by an all-party committee of the legislature (Lang, 2007: 40). Yet when members asked for an additional expert on the representation of women, their request was granted and Lisa Young came to discuss this issue with the assembly (Lang, 2008: 100). Apart from the interactive lectures of the academics, the citizens received written material. Most of them seemed to have done their homework and acquired a fairly solid understanding of electoral systems. As Jonathan Rose concluded, citizens had been transformed into ‘citizen-experts’ at the end of the year (Rose, 2009: 230). In the terms of Collins and Evans, they had become interactional experts. As a consequence, however, they had difficulty explaining their choice of a new electoral system to the public at large – especially in British Columbia, where the assembly opted for the Single Transferable Vote system (STV), but to a lesser extent also in Ontario where a Mixed Member Proportional system was chosen (Pearse, 2008: 79-80). This might have contributed to the failure of the project (in both provinces) to win the required qualified majority in the referendum.\footnote{In the Netherlands there was no referendum; the government decided to implement one rather minor proposal from the Burgerforum and rejected the other proposals, even though these involved rather modest amendments to the PR system.}

The experts tried to remain neutral and impartial, rather than advocating a particular electoral system. And they did so successfully, according to most citizens (Fournier et al., 2011: 102). Of the Dutch citizens in the Burgerforum 80 per cent felt the experts had not shown a preference for any system (Rose, 2009: 229; Van der Kolk, 2008: 15). Patrick Fournier and his colleagues also provide evidence that the way the experts presented and defined the different electoral systems did not produce a systemic bias among the citizens (Fournier et al., 2011: 102-103; see also Lang, 2007: 51-52, 58). Farrell, however, watching the Dutch academic experts present the STV system in the context of multiple district systems rather than proportional list systems, noticed that this might have discouraged Dutch citizens from choosing STV (Van der Kolk, 2008: 15). Van der Kolk does see a problem here and suggests experts should possibly be encouraged to present conflicting information.

Electoral systems only indirectly affect people’s daily lives and vital interests and the pros and cons of the various systems are relatively clear and predictable, so understandably the citizens (and organisers) generally trusted the experts. Discussions on nuclear power, genetic modification or climate change are a different ball game: they do involve substantial economic interests, they may directly affect people’s lives and are rarely debated without emotions – even among academics. Even the same data might be interpreted differently. If randomly selected citizens are invited to discuss controversial issues like this, surely they should be confronted with experts presenting different viewpoints and conflicting information.

This confrontation with competing experts occurred in the ‘citizens’ conference’ (conférence de citoyens) organised by the Parliamentary Office Evaluating Scientific and Technological Choices (Office parlementaire d’évaluation des choix scientifiques et technologiques) of the French National Assembly in 1998 about genetic modification of
plants in agriculture. A national polling institute took a small sample (15 citizens) from the French population, stratified in terms of gender, age, region, occupation, political and religious preferences (Boy, Donnet Kamel and Roqueplo, 2000: 783). A pilot committee of seven academics – three social scientists, four specialists in the subject – prepared a list of experts in the widest sense of the word: not only academics but also spokespersons for environmental organisations, farmers’ associations, consumer unions, Greens and corporations like Monsanto and Danone. The citizens selected 27 experts from this list, who would inform them about the issue in two preparatory weekends (and a Saturday) and answer their questions in a public conference. This proved more difficult than anticipated: experts failed to understand some questions or were unable to answer them, in particular about the risks involved in genetic modification. Yet people did listen to each other. Immediately after the conference the citizens drafted a report, recommending several precautionary measures but not a ban on GM. The three social scientists concluded that the conference proved that citizens can acquire sufficient knowledge to engage in a meaningful and nuanced discussion about a complicated issue. Moreover, it laid bare the uncertainty and lack of knowledge among experts. Thus it provided an important contribution to the public debate – regardless of the impact of its specific recommendations, which is more difficult to gauge according to the social scientists (Boy, Donnet Kamel and Roqueplo, 2000: 799-807).

The French experiment is not unique. Similar conferences, citizen juries and citizen panels have been organised in many different countries, nation-wide or at a local level. The American political scientist James Fishkin developed a variety which he registered as a trademark under the name deliberative opinion polls. Participants are exposed to different points of view, as balanced and accurate as possible, in written form and by oral presentations from competing experts (Fishkin, 2009: 119-128). They are polled before and after the deliberation. Usually they changed their mind without giving up their basic values and core beliefs; e.g. they remained tough on crime, while becoming more nuanced and cautious (Fishkin, 1995: 168). According to Fishkin, they reached the conclusions ‘people would come to, were they better informed on the issues and had the opportunity and the motivation to examine those issues seriously’; he also called it a prescriptive rather than a descriptive poll (Fishkin, 1995: 162). Often an advisory committee of different stakeholders is convened to select the written material and the experts. Sometimes the deliberative opinion poll has a direct impact on policy-making. A township in China implemented practically all recommendations of randomly selected citizens after several polls about infrastructural projects and other budgetary priorities between 2005 and 2008 (Fishkin et al., 2010: 446). The citizens had questioned experts selected by a committee of local party officials (Fishkin et al., 2010: 437). This procedure might raise doubts about the impartiality of the experts. However, Fishkin and his colleagues found that the citizens did not adopt the opinions of the local elites but rather moved away from them (Fishkin et al., 2010: 442-443).

13 It was inspired by the consensus conferences organised regularly by the Danish Board of Technology, but differed from these in some respect; for one, consensus was not a goal in the French case.
In Spain, about twenty citizen juries were convened during the 1990s to discuss urban planning, tourism and other policies in various regions (Font and Blanco, 2007: 561-562). Citizen juries, registered as a trade-mark in the US by Ned Crosby and his associates, consist usually of 24 randomly selected citizens (Crosby and Nethercut, 2005). In Spain the citizens received information from experts from the (local or regional) public administration as well as from universities and other external institutions. The experts were usually selected by the staff, taking into account suggestions from local government and sometimes from a commission representing different political parties (Font and Blanco, 2007: 569, 575). The impact of the juries on policy-making varied, but was usually modest.

In The Netherlands, Dave Huitema and his colleagues organised two citizens’ juries in the province Flevoland, one on water management in the city of Lelystad and the other one on land-use planning at the provincial level (Huitema, Van de Kerkhof and Pesch, 2007). Though randomly selected (from postal addresses), the juries were not representative in every aspect: highly educated middle-aged males and (as a consequence?) progressive liberals were over-represented (Huitema, Van de Kerkhof and Pesch, 2007: 299-301). In the first experiment expert witnesses were selected by the organisers. To maximise pluralism, they had invited witnesses (as they called their experts) advocating particular interests, like fishermen, farmers and so on. Yet the citizens objected, preferring (supposedly) neutral witnesses from the provincial government or civil service. So the second time the organizers consulted the citizens and had them select some witnesses themselves (Huitema, Van de Kerkhof and Pesch, 2007: 303).

From this brief survey of sortitionist experiments one can infer that experts play an important role in informing the randomly selected citizens, whether in citizen assemblies on electoral reform, in a citizen conference on GM, or deliberative opinion polls and citizen juries on various policy issues. As Mark Brown aptly remarked, ‘citizen panels themselves incorporate the expertise element of democratic representation’, as they foster dialogue between lay people and experts and might even function as a clearinghouse for expert knowledge on particular topics (Brown, 2006: 214, 215). Thus they contribute to democratic representation by making expertise itself more democratic, and by articulating the perspectives of diverse social groups on salient issues. He also argues, however, that they lack two other key elements of democratic representation, public authorisation and accountability (Brown, 2006: 221). Descriptive or statistical representation is rarely perfect in the various experiments, and even if it is, it could not substitute deliberation by the citizenry at large in his opinion (Brown, 2006: 216).

There may be tension between descriptive representation and the influence of experts on an allotted citizen assembly or panel. Most organisers of citizen panels make sure the experts are either neutral or compete with each other if they represent divergent interests and viewpoints. Even so, one cannot always exclude subtle manipulation or unintended effects of framing, of presenting options in a particular order or context, of source effects or reference group loyalties, as Vincent Price and Peter Neijens warned already in 1998 (Price and Neijens, 1998: 159-161, 167). The civil servants, for instance, who were trusted by the citizens of Flevoland to be neutral and impartial, might have political opinions, too, which
indirectly affect their presentations and the way they answer questions. This is speculation, however. When the influence of experts was actually measured, in the citizen assemblies on electoral reform in Canada and the Netherlands, it proved to be rather modest. Unfortunately, it has not been measured in most other experiments, as far as the literature tells us.

Conclusion and evaluation

Are experts and sortitionist democracy incompatible allies? Radical-democrats who strive for descriptive representation might be concerned about the influence of experts on the randomly selected citizens. If an expert (consciously or unconsciously) encourages conformity to dominant values and opinions he might intimidate or confuse citizens with different interests and deviating opinions, especially when they belong to minorities – or even majorities – with a lower status and less education. However, experts might also support and stimulate these citizens to become more aware of their interests and more self-confident in articulating them. Lisa Young seems to have done this in the British Columbia Citizens’ Assembly with respect to women. This requires a careful selection of experts and counter-experts, either by a committee representing different political parties and movements (including critical or protest movements) or by the citizens themselves, or both (as in the French citizens’ conference and some Spanish citizen juries).

Even so, one may wonder if pure descriptive representation by allotted citizens is not an illusion. With or without properly selected critical experts, deliberation may lead to opinion changes and detract from the representativeness of the sample. Moreover, descriptive representation requires large samples – to represent all minorities. And it requires compulsory participation, to prevent over-representation of the usual suspects (highly educated middle-aged white men), whilst the less educated, lower status groups stay home or remain silent during the deliberations. Even with these conditions fulfilled, pure sortitionist democracy might lack legitimacy in the eyes of the many citizens who will not be selected for a legislative body. Therefore, I would argue that sortitionist democracy will not easily satisfy radical democrats. In order to achieve their goal – all citizens taking part in political decision-making – they should not leave all power in the hands of allotted representatives, but (at most) a part. They should combine sortitionist democracy with some form of direct or participatory democracy, such as the referendum and popular initiative or neighbourhood assemblies and participatory budgeting, or both (more about this in Lucardie, 2014, especially 154-164). This hybrid combination may have its problems, too, as the Canadian experiment showed: the allotted citizens probably felt quite frustrated and disappointed when their carefully elaborated proposals for a new electoral system were rejected in referendums. Nevertheless, a hybrid combination seems preferable from a radical-democratic point of view to pure sortitionism (or to other forms of extreme democracy, for that matter).

Sortitionist democracy seems less problematic from an anti-elitist perspective. Even if the sample is not perfect in a statistical sense and participation not compulsory, an allotted legislature will not be dominated by a professional political elite – as is the case with most elected legislatures. The allotted citizens may change their mind, as long as they do not all conform to the opinion of an intellectual elite. Experts are welcome, provided they present
different viewpoints and different interests. Therefore, they should be selected either by the citizens themselves or by an all-party committee or some similar pluralistic body.

Deliberative democrats cherish diversity, too, and care even less about descriptive representation than anti-elitists. Allotted legislators should be able to articulate different perspectives and articulate different interests. Yet they should also acquire knowledge, overcome prejudices and broaden their views. As a consequence, they will no longer represent the people in a descriptive sense, but in a prescriptive sense, in the terms of Fishkin. Experts are needed to stimulate this learning process. Of course, they should not manipulate or mislead the legislators. A non-partisan committee of academics should select impartial experts – as in the case of the Canadian and Dutch citizen assemblies. Or alternatively, competing experts or ‘witnesses’ should be invited from interest groups and movements to confront the allotted legislators with a variety of viewpoints and perspectives, as happened with the Spanish and Dutch citizen juries.

Conclusion: experts and sortitionist democracy are not incompatible, but depending on the perspective and the conditions – careful and balanced selection of experts, in particular – they may be even close allies. To quote Alex Guerrero again, sortitionist democracy (or in his terms lottocracy) combines ‘the virtues of policymaking by ordinary people with policymaking based on expertise – it has both democratic/populist and epistocratic appeal’.
References


