



Embedding Multi-Body Sortition

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Introduction

The use of democratic lotteries (sortition) as a basis of democracy is as old as ancient Athens, but is undergoing a dramatic revitalization today. There have been many notions of how to incorporate democratic lotteries as a permanent part of modern democracies. Most of these ideas about institutionalizing (or embedding) sortition into self governance have focused on the deliberative benefits of having diverse and representative bodies engaged in developing or winnowing policy options, for other “decision-makers” to consider. This is an unnecessary and narrow limitation on the potential of sortition.

While the idea of replacing an elected legislative chamber with one selected by lot is a simplistic and untenable notion, increasing the responsibilities of sortition bodies is desirable – if done appropriately. A key point to appreciate is that there is no “one size fits all” design that is suitable for sortition. Different tasks and functions require different procedures and designs in terms of size, duration, deliberative procedures, etc.

It is also important to recognize that sortition need not be limited to policy and deliberative tasks.¹ A representative sample of citizens could be empanelled periodically

to assess the performance of department heads or chief executives. These panels might have the authority to remove poor performing executives and initiate the formation of a randomly selected recruitment and hiring panel to find a replacement. Sortition could also be used in a similar manner to select board members or trustees of NGOs, unions, or co-ops, where elections are also often extremely problematic.

Multi-Body Sortition

In this document I want to focus on an optimal design for democratic control of a national legislative process, which I refer to as multi-body sortition. For municipal or regional implementations, some of the elements might be modified or eliminated, and the number of members would likely also be adjusted. The recent implementations embedding sortition as a permanent part of governments in East Belgium and Paris have incorporated some aspects of this design.

There are a variety of distinct tasks involved in developing, assessing, adopting and implementing government policies. It is a mistake to have each of these separate tasks performed by the same group of people, or by the same procedures. Not only are different design characteristics appropriate for different tasks, but the performance of



1. *In ancient Athens nearly all executive or administrative tasks were overseen by numerous randomly selected panels of ten magistrates each – essentially taking on the executive function, while the policy-making function was handled by the randomly selected Council of 500 (boule), and in the reformed Athenian democracy, new laws were adopted by the randomly selected legislative panels (nomothetai).*



one task actually hobbles the ability of that group of people to perform certain other tasks. For example an allotted and diverse body that develops a policy proposal, by the very act of deliberating and coming to common agreement on a good policy to propose becomes unfit to judge the quality of their own handiwork. Whether it be due to pride of authorship, groupthink, information cascades, undue deference to high status or eloquent members, or other undesirable reasons, a final yes/no decision on adopting the fruits of their work needs to be done by a different group of people, who aren't psychologically invested in adopting it.

In common practice currently, this task is typically taken on by elected policy makers. However, as I have [written elsewhere](#), relying on partisan politicians with campaign imperatives (including fund-raising, and vilification of partisan opponents) is deeply problematic. Ideally, a much larger, short duration jury would be called (perhaps with quasi-mandatory service, as with court jurors), to hear the pro and con arguments and vote on final adoption. This assures accurate and informed representation of the population, without hidden agendas, partisan tribalism, or manipulation of media. Because this system relies on a vast number of everyday people to take on the tasks of self government – serving for a time, and then returning to their regular lives – this helps avoid the concentration of power. This is also a reason to divide up the tasks so that no individual group of people has too much power, but also so they don't suffer information overload and have too much of a burden.

Rather than retrace the lengthy process that led to the multi-body sortition design (see more [here](#)), in this document I will simply lay out the design, with justifications for each element.

The design


Core bodies

Agenda Council

On a regular basis a randomly selected Agenda Council would be created to set the agenda for policies or laws deemed important to review or change in the coming period of time. This body might consist of 150 members, and be excused at the end of their task. A serious problem with the current system of politicians setting the agenda is the need to mobilize voters by selecting hot-button issues that make it easy to vilify other politicians. It is also electorally inconvenient to raise issues that are highly complex, or don't have easy sound-bite policy options, unless the reality on the ground has forced this agenda item forward. A random sample of citizens has an interest and motivation to hear from a variety of opposing experts, and to take a long-term view (rather than the next election cycle), and so is likely to generate an agenda more beneficial for society (if not any particular party). The Agenda Council would issue a call for proposals on each of the agenda items selected.

Interest Panels

Good ideas for policy are spread throughout society, and this is a compelling reason to open the gates wide for draft proposals on the agenda topics. Here self-selected Interest Panels would be useful, as people who would never run in an election, or could not win, may have crucially important insights to offer society. The ancient Athenian concept of *isegoria* suggests that anybody who wishes can contribute to the democratic process, by offering ideas and information (in this case through joining an Interest Panel.) This is real civic participation, as opposed to partisan public relations, which are the center of electoral participation.



These interest Panels could be structured in a variety of ways. As one example: A group of perhaps ten people could self-organize (perhaps with a common concern), while others could be randomly matched with other volunteers in more diverse panels. There would be as many panels as needed to allow anyone who wishes to participate to do so. These panels would be generating raw material, rather than making any final policy decisions, so their lack of representativeness is less important. However, because they know that their work product will have to pass muster in front of subsequent genuinely representative bodies, they have an incentive to craft proposals that serve the common good, rather than just some special interest.

Review Panels

Review Panels would be created to tackle each topic on the Agenda Council's call. They might have perhaps 150 members. Their task would be to examine the proposals generated by the Interest Panels.² They could select one proposal, or combine pieces from several, or ask some Interest Panel to make some revisions, etc. The goal would be to generate a final policy or draft bill. Interest Panels would be selected by a democratic lottery process similar to that used by citizens' assemblies today, likely using a two round lottery – first to find people willing to put in the required time and effort, followed by a stratified random sampling to constitute a roughly representative body.

Because their workload would be substantial, a significant portion of the population would probably decline to serve, so stratified sampling would be necessary to approximate representativeness. However, since they also would not be making a final yes/no decision on legislation, their rough representativeness and small size (150 is too small to have an adequately high probability of accurate representativeness in any event) facilitates active give-and-take deliberation. These bodies would benefit from great diversity, while also being mostly free of special-interest self-selection bias and corruption. Their task would be to prepare a final piece of legislation for a Policy Jury to consider and vote up or down.

Policy Juries

Since the Review Panels would be relatively small (needed for good deliberation) and not have mandatory service, they would lack the needed legitimacy to decide on behalf of the community. This would be the job of the much larger (at least a thousand member) Policy Jury, ideally selected by democratic lottery with quasi-mandatory service (civic duty in a democracy). The Policy Jury would learn about the policy proposal from a variety of opposing experts, hear pro and con arguments, and vote to pass or reject the bill. In some cases, they might decide to refer a bill to referendum instead, but this would only be in unique circumstances where public acceptance of the policy is more important than its actual impact. Using a one-off Policy Jury instead of elected politicians is a key feature of this design.



2. *There are many possible ways to wade through a huge number of proposals, if that is what they get. This might involve random subsets of members reading a small random selection of the proposals, to weed out redundant, unacceptable, or trolling submissions, etc. It is possible to give every proposal a chance of advancing, while not so burdening the panel members that the task is unmanageable.*



Meta-Legislative Bodies

Rules Council

A lottery-selected Rules Council (with new members regularly rotated in) would be constantly monitoring how the system is functioning, to propose improvements. Changes might have to do with the lottery process, the size or duration of bodies, the procedure for selecting expert witnesses, etc. These changes would also go to a Policy Jury to assure that proposed changes would not inappropriately increase the power of the Rules Council itself.

Oversight Council

This lottery-selected body would be responsible for monitoring the performance and impartiality of facilitators, researchers, and other staff. It might be appropriate to have this body drawn from a pool of people who have previously served on some sortition body. Allegations of bias or corruption by some staff member would be handled by this body. The key is that to avoid Mechels' "iron law of oligarchy," the process must not be in the hands of staff, but must have democratic oversight by a constant supply of new randomly selected members.



References

- Terry Bouricius. 2023. *ARCHIVE - The Trouble With Elections: Everything We Thought We Knew About Democracy is Wrong* in [this link](#)
- Terry Bouricius. 2013. *Democracy Through Multi-Body Sortition: Athenian Lessons for the Modern Day* in [this link](#)