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Deliberative Mini-Publics as a Democratic Alternative: The Normative Desirability, Technical Feasibility, and Political Viability of Sortition²

Mini-públicos deliberativos como una alternativa democrática: la deseabilidad normativa, factibilidad técnica y viabilidad política del sorteo

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Abstract: Democratic societies are currently facing a legitimacy crisis, as evidenced by citizens' distrust towards political institutions and parties, as well as the emergence of anti-democratic responses. To address this crisis some civil society actors and scholars have proposed alternatives based on radical egalitarian principles that can be classified as "real utopias". To overcome the contradiction between utopia and reality, these alternatives need to extend beyond what is considered normatively desirable and must also be both technically feasible and politically viable. This paper aims to analyze sortition and mini-publics as one of those alternatives.

Resumen: La emergencia de propuestas antidemocráticas y la desconfianza ciudadana hacia los partidos e instituciones políticas reflejan la crisis de legitimidad que atraviesan actualmente las sociedades democráticas. Para abordar esta crisis, algunos actores de la sociedad civil e investigadoras/es han propuesto alternativas basadas en principios igualitarios radicales que pueden ser clasificadas como "uto-

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pías reales”. Para superar la contradicción entre utopía y realidad, dichas alternativas deben extenderse más allá de lo normativamente deseable y deben ser también técnicamente factibles y políticamente viables. El objetivo del presente artículo es analizar el sorteo y los mini-públicos como una de esas alternativas.

Keywords: democratic alternatives, real utopias, sortition, deliberative mini-publics.

Palabras clave: alternativas democráticas, utopías reales, sorteo, mini-públicos deliberativos.

INTRODUCTION

THE LITERATURE HAS IDENTIFIED the legitimacy crisis currently facing democratic societies using various terms such as “democratic regression” (DIAMOND 2021), “democratic malaise” (ESCOBAR & ELSTUB 2019), and “democratic breakdown” (TOMINI & WAGEMANN 2018). These terms are reflective of the distrust that citizens have towards political institutions and parties, as well as the emergence of anti-democratic responses. Indeed, several political actors and authors have proposed different methods to address this crisis by reviewing and challenging the moral values considered fundamental to democracy (GARCÍA-MARZÁ 2020). As some scholars have identified, these proposals range from those suggested by populist leaders (MOFFITT & TORMEY 2014) to epistocratic systems (BRENNAN 2017), technocracy (LAFONT 2022), the datification of the public sphere (VAN DIJCK 2014), and even illiberal forms of governance (JENNE & MUDDÉ 2012).

Acknowledging the threat posed by this democratic revisionism, certain sectors of civil society and academia have also proposed new approaches and strategies to deepen democracy by restoring its moral and citizen-oriented dimensions (GOLDBERG & BÄCHTIGER 2023; GANUZA & MENDIHARAT 2020; GASTIL & WRIGHT 2019; SINTOMER 2018; VAN REYBROUCK 2016; among others). Some of these ways of democratizing democracy can be classified as “real utopias”, a term coined by Wright to describe “utopian ideals that are grounded on the real potentials of humanity” (2010, 6). The goal is to theoretically and empirically establish alternatives based on egalitarian principles that go beyond voting-centric models of democracy. To overcome the contradiction between utopia and reality, any proposed alternative must meet three dimensions: normative desirability, technical feasibility, and political viability. Although these dimensions often overlap, they should be analytically distinguished (SOLA 2021).

Normative desirability involves exploring the potentials of alternatives from a normative standpoint, considering the values at stake without being constrained by practical limitations. However, through the subsequent dimensions, practical constraints and implementation details are addressed, transforming the initial ideal alternative into a more realistic proposition. Technical feasibility delves into the various systems that can harness or develop the ideal potentials of those alternatives. Ultimately, an alternative's feasibility depends on formulating coherent and compelling strategies that not only pave the way for future implementation but also mobilize the necessary social forces to support it when conditions are ripe. These considerations are then assessed through the lens of political viability, which examines the support the proposal may receive from social and institutional forces, situating the normative and technical dimensions within a specific political context. This dimension evaluates whether transforming existing political structures and institutions would lead to the intended desirable consequences in a sustainable and robust manner.

One of these real utopias developed by Gastil and Wright (2019) is based on the recovery of sortition from the ancient world and its updating under the framework of deliberative democracy. In other words, it is based on “the selection of citizens by lottery for engagement in political or policy discussions” (FARRELL & STONE 2020, 228). Wright and Gastil proposed creating a bicameral system consisting of an elected chamber and a randomly selected chamber, with equal powers to propose legislation and vote on the proposals of the other chamber. These authors are not alone in their call for the use of sortition in contemporary politics, “an increasing number of scholars, activists, and even elected representatives have called for the *(re)introduction* of random selection” (JACQUET *et al.* 2022, 296, emphasis added). Sortition began to be used during the 4th century BC in the Athenian polis as the main tool for appointment to the public office (MANIN 1997). Sortition, rotation, and elections were integrated into a system of control and accountability that served as an anti-oligarchic principle (MORENO PESTAÑA 2019). Sortition was also used during the Renaissance, but in non-democratic contexts, such as the Italian city-states of Florence and Venice, and the Crown of Aragon and Castile (SINTOMER 2018). However, the reasons for its use remained consistent, focusing on the decentralization of political power, avoidance of conflicts between powerful families, and the prevention of corruption (MANIN 1997).

In the 1970s, random selection was reintroduced as a democratic innovation in response to various initiatives such as Peter Dienel's planning cells, Ned Crosby's citizens' juries, and James Fishkin's deliberative polls (RUBIÃO 2018). These initiatives, along with other similar processes that use random selection and deliberation, are commonly referred to as “civic lotteries” or “mi-

ni-publics” (GANUZA & MENDIHARAT 2020). Mini-publics, together with other innovations like neighborhood councils and participatory budgets, emerged “as a response to social movement’s claims for a greater inclusiveness of the political process” (TALPIN 2015, 781). In other words, they constituted a means to tackle the crisis of legitimacy encountered by representative democracies (HABERMAS 1973).

The revival of the debate on sortition as an alternative to voting-centric models of democracy prompts us to reflect on its normative desirability, technical feasibility, and political viability. While its desirability has been extensively addressed in the literature, its technical feasibility is still being contested. The political viability can shed light on this debate and ultimately justify the possibilities of turning the potential of sortition into reality. In this paper, I aim to explore these three dimensions. The section on normative desirability will address the implementation of sortition from a normative standpoint, appealing to five values at stake: moral, educational, epistemic, feminist, and deliberative. The technical feasibility will expose the three imaginaries from which sortition is defended nowadays: radical democracy, anti-politics and deliberative democracy. As it can be challenging to draw distinct boundaries between these perspectives in practice, the focus will then shift to the two general approaches that claim to leverage sortition’s potential: the strong and the weak vision. Given that the former is the most utopian (FARRELL & STONE 2020), the final section will mainly concentrate on the political viability of mini-publics, one of the potential applications of the lottery within the weak vision. This section will undertake a thorough examination of the criticism and challenges faced by mini-publics, while also considering their perceived legitimacy from the perspectives of both policymakers and citizens. In doing so, it will assess the political viability of mini-publics by analyzing their support from academic, social, and institutional forces. As a conclusion, some final reflections will be presented that discuss potential areas of future research and the questions that need to be addressed in order to explore those avenues.

I. NORMATIVE DESIRABILITY OF SORTITION

The lottery as a selection technique is often compared to elections in terms of their intelligibility and the subsequent defense and criticism they receive. This comparison stems from the idea that one possesses what the other lacks (MALLESON 2018). For instance, thinkers such as Aristotle, Rousseau, and Montesquieu considered random selection to be a more democratic tool compared to elections, which were seen as an aristocratic method meant to dis-

tinguish certain individuals from others (MANIN 1997). It is important to note that the intrinsic tendencies that differentiate these selection techniques can be adapted to different situations with varying levels of effectiveness (MORENO PESTAÑA 2021). While these tendencies determine the normative desirability, they must be integrated into a system that can effectively exploit their potential—technical feasibility—and justify their political viability. With that said, we will now examine the qualities that make it normatively desirable to randomly select individuals who participate in institutional policy.

Random selection, apart from its political use, is also utilized as a social research technique in probability sampling. This method ensures that all elements of the population have an equal probability of being selected, allowing for the capture of a statistically representative sample from which generalizable results can be obtained (HERNÁNDEZ SAMPIERI *et al.* 2015; CORBETTA 2010). The representative logic behind this technique forms the primary technical aspect of supporting the use of sortition (FARRELL & STONE 2020; FISHKIN 2018; SINTOMER 2018; BOURICIUS & SCHECTER 2013; among others). The idea is to obtain a sample of people that descriptively represents the population as a whole, as opposed to electoral representation that often favors individuals from privileged groups in the population (ABBAS & SINTOMER 2022). The debate lies in how and for what purpose the representative sample is integrated into the political process, which will be examined in the following sections.

The values at stake in the concept of descriptive representation and the fair redistribution of opportunities for selection are moral, educational, epistemic, feminist, and deliberative. The first one is linked to the ideal of radical equality (ABBAS & SINTOMER 2022), which does not refer to equality in leadership ability, building coalitions, or managing bureaucracy, but rather an equal ability to exchange ideas and collaborate in crafting purposeful lives together (KHOBAN 2022). This ideal implies not having to subscribe to the notion that only a few expert individuals are qualified to participate in policymaking. As argued by Farrell and Stone, random selection is the only way to truly respect the equality of citizens' claims, believing that "every citizen has an equal claim to serve on a decision-making body of some sort (just as we assume that every citizen has an equal claim on the right to vote)" (2020, 234). Therefore, using drawing by lots to open new channels of citizen participation helps to institutionalize the value of democratic equality beyond electoral participation.

Descriptive representation involves the participation of lay citizens and is thus linked to the educational value of promoting socialization in political capital (MORENO PESTAÑA 2015). Increasing opportunities for political participation, as Barber (1983) or Pateman (1970) hypothesized, serves the purpose of educating individuals in essential democratic participation skills such as co-

operation, reciprocal recognition, civic virtues, and socio-political awareness. Such educational initiatives can have a significant impact on the formation of a politically conscious and active citizenry, thereby strengthening democratic values and institutions.

Landemore (2012; 2013) defends descriptive representation from an epistemic standpoint, specifically appealing to the cognitive diversity that comprises it. Her arguments stem from Condorcet's theorem, which asserts that collective intelligence leads to better results than individual intelligence. While this theorem is commonly used to justify elections, Landemore argues that the quality of cognitive diversity is more important than numerical quantity. If the input of electoral processes is derived from aggregation of individual preferences rather than collective intelligence, the outcome will simply be a sum of those preferences. If the tendency of electoral processes is to select people from the most privileged groups of the population, the output is unlikely to be cognitively diverse. Therefore, electoral representation is not the most appropriate method for taking advantage of Condorcet's theorem.

The inherent tendency of sortition is that, by not considering any reason other than randomness, it allows for a wide cognitive diversity to be captured. The mere capture of this diversity does not guarantee the formation of collective intelligence; rather, it is necessary to bring together these diverse ways of seeing and experiencing the world. For this reason, Landemore argues that the epistemic component of the political decision-making process would be enriched through deliberative processes that randomly select the people who will participate. By bringing together a range of varied causal inputs, it is easier to address social problems from the plurality that is constitutive of our societies, leading, according to the aforementioned theorem, to better results.

A diverse environment can help reduce social and ideological polarization. As noted by Sunstein (2002), people tend to form homogeneous and polarized groups due to their desire for social acceptance, and therefore are less likely to present arguments that contradict the majority opinion. Randomly selecting members from diverse groups can facilitate the pooling of divergent arguments and counteract this tendency. This approach can also be applied to the formation of large ideological groups, such as political parties, which can help focus the debate on problem-solving rather than cognitive disputes between polarized perspectives (GANUZA & MENDIHARAT 2020).

This defense of descriptive representation is also supported from a feminist perspective, given the idea that knowledge is socially situated (KHOBAN 2022). Feminist epistemologies suggest that the position and social conditions of the knower affect what and how they know (HARAWAY 1988). Some of the parity measures used to ensure descriptive representation, such as electoral gender

quotas, can be exploited for personal gain. For example, in the French elections, some candidates used gender quotas to remove rivals or select inexperienced women in order to strengthen their leadership (MORENO PESTAÑA 2021). In contrast, randomly selecting a descriptively representative sample of the population guarantees parity without the risk of exploitation for individual gain.

On the other hand, gender quotas have been criticized for reinforcing the divide between professional politicians and the general population, which impedes genuine descriptive representation (KHOBAN 2022). Even if women are given access, they enter a masculinized environment that views caregiving responsibilities as a hindrance to their careers, resulting in women hiring poorer caregivers or abandoning their careers at some point (MORENO PESTAÑA 2021). The lack of equitable distribution and social organization of care can result in a transnational migration effect to meet the global demand for care labor, often placing immigrant women in a position of assuming a double burden of paid and unpaid care work (TORNIS & RECIO 2013; DÍAZ GORFINKIEL 2008). As Moreno Pestaña argues, “without measures that bring out the women who are worst placed in the care chains, any democratization of politics is impossible” (2021, 120). In this regard, sortition can be an effective tool for democratization, opening the political field to the most disadvantaged social groups and promoting in turn genuine cognitive diversity.

Random selection is also associated with impartiality and neutrality (DOWLEN & COSTA 2016). Unlike individuals who belong to established political power structures, those selected by lot do not have to attend to any particular interest dictated by political parties or other external actors (BOURICIUS & SCHECTER 2013). This gives them a unique deliberative advantage over professional politicians (MORENO PESTAÑA 2021; NEBLO *et al.* 2010). Moreover, randomly selected individuals are unencumbered by concerns such as media image and electability, allowing them to change their opinions and pursue the common good more effectively, even if it means supporting measures that are unpopular among certain sectors of society (GUERRERO 2014).

Finally, sortition has been linked to humility, responsiveness, and a challenge to the status quo. According to Sintomer, randomly selected representatives do not possess any individual power or legitimacy, thus fostering a “collective ‘legitimacy of humility’ based on their impartiality and quality of deliberation” (2018, 347). Consequently, these representatives base their authority on their impartiality rather than personal achievements (GOODWIN 1992). This “legitimacy of humility” promotes responsiveness since they have a greater commitment to their positions and are more likely to comprehend and respond to the genuine concerns of the public (GUERRERO 2014). Additionally, Khoban (2022) suggests that sortition, by reducing the presence of people

who benefit from the status quo, could be a key strategy for developing policies that identify and counteract systemic and structural injustices.

Overall, the reintroduction of random selection in contemporary politics is expected to enhance the democratic legitimacy of political systems by virtue of these inherent and desirable tendencies (VANDAMME & VERRET-HAMELIN 2017). The technical feasibility of implementing sortition in the political system will be crucial for leveraging its potential.

2. TECHNICAL FEASIBILITY OF SORTITION

Nowadays, the integration of sortition into political systems is defended by three different imaginaries: radical democracy, anti-politics, and deliberative democracy. These imaginaries differ in their ultimate goals, aiming for self-governance, the complete elimination of conflicts, and the increase of democratic legitimacy, respectively (ABBAS & SINTOMER 2022). However, they all recognize some of the virtues of sortition, such as impartiality, radical equality, descriptive representation, and epistemic enrichment. To maximize these virtues, the three imaginaries share two fundamental design criteria: limited terms in office and rotation. By limiting the time of participation, it is promoted that more people engage in these types of experiences, which can be considered a good strategy to ensure equality and reinforce broad cognitive diversity. Moreover, these two design elements are associated with hindering corruption by making it difficult for randomly selected individuals to establish political careers and form clientelistic relationships with external agents (BAGG 2022; OWEN & SMITH 2018; VAN REYBROUCK 2016; GUERRERO 2014; among others). Although Abbas and Sintomer's (2022) categorization of three imaginaries is useful for understanding the various perspectives and objectives underlying the integration of sortition in political systems, in practice, it can be challenging to establish clear-cut boundaries between them, as we will see in the following discussion.

There are generally two main approaches to integrating sortition into the political system: substitution or complementation of electoral representation. Farrell and Stone (2020) label these as strong and weak visions of sortition, respectively. The proponents of the strong one, after diagnosing a series of problems related to electoral representation, which they consider to be irresolvable, advocate for a radically different legislative system. For instance, Bouricius and Schecter (2013) propose the creation of seven randomly selected chambers, each with a unique composition and function. The legislative process would involve the following stages: problem identification, develop-

ment of bills, review and modification of those bills, and a binding vote. Each chamber would have its own Support Staff responsible for seeking information and engaging with experts and stakeholders. Additionally, the Oversight Council would supervise each stage of the process. According to the authors, this proposal is an internally dynamic and idealized design that can self-learn and adapt to different contexts. They justify this dynamism for two reasons: the Agenda Council, which would be in charge of identifying problems that require legislation or modification, and the Rules Council, which would be responsible for creating and modifying rules for each chamber depending on its dynamics.

Guerrero (2014) also advocates for complete substitution, but with some key differences from the previous proposal. In hislottocratic system, each chamber has binding decision-making power and is configured thematically, rather than functionally. This means that each chamber would focus on a specific issue, such as education, environment, health, etc. Experts representing opposing positions would participate in each chamber to provide citizens with contrasting and diverse information for deliberation. Each chamber would consist of 300 members, and the proposed duration is three years, with 100 members replaced annually. Participation in this system would be voluntary, as the author believes that forcing it could undermine the quality of deliberation and corrupt the process. However, Guerrero proposes several measures to encourage participation and reduce biases, including high economic remuneration, family security to cover possible care tasks, and job security to ensure that participants do not face consequences for temporarily leaving their jobs. To further reduce biases, the author suggests promoting a culture of participation to the extent that it is viewed as a civic duty, and developing control mechanisms to prevent the abuse of positions.

Guerrero concludes by acknowledging that his proposal has been a thought experiment—a utopia that may not yet be feasible in society. Nevertheless, he suggests that we should keep it as a horizon of possibility and approach it with small steps to evaluate and learn from this type of practices and, along the way, prepare the participatory and deliberative culture of the population. These small steps are being taking today by the weak vision of sortition as a way of complementing electoral representation. This can be achieved either through the random selection of some members of political parties or through the creation of new spaces for citizen participation that utilize civic lottery, commonly referred to as mini-publics (VAN REYBROUCK 2016).

There have already been at least two political parties that have implemented sortition. The first example is the Morena party in Mexico, which originated as a social movement in 2010 and became a party in 2014. Morena

maintained a horizontal organization by using a triple method of candidate selection combining election, *insaculación*³, and survey. This method was applied to federal and local deputies, as well as municipal councils, with 50% of positions elected through *insaculación* (SERAFÍN 2018). This allowed outsiders who would not have had the opportunity to participate in the institutions to have a political voice (SINTOMER 2018).

Another example is the Spanish political party Podemos, which was born from a social movement in 2011 and institutionalized in 2014. Although it initially refused to select candidates randomly, it ended up doing so in 2017, with 17.5% of the members of the standing committee in Valencia and Murcia (SINTOMER 2018). Feenstra (2017) analyzes the internal debate that took place among the different Podemos groups before its institutionalization as a political party. The group led by Pablo Iglesias, who opted exclusively for the use of election, argued that this would allow them to choose the most competent candidates to face the upcoming elections. As Feenstra explains, in this debate, competitive metaphors and a hierarchy of values that prioritize the effectiveness of “the best” prevailed over a more horizontal structure employing a mixed selection method combining sortition and election.

It is in mini-publics that we can find more cases where sortition has been applied. Mini-publics involve randomly selecting a representative sample of society to participate in a deliberative setting, including the presence of experts and stakeholders who defend opposing positions on the topic being discussed and facilitators who promote respect for all opinions and symmetry in contributions (HARRIS 2019; FISHKIN 2018). The aim is to discover how citizens would approach an issue if they had the time and resources to learn and deliberate about it (GANUZA & MENDIHARAT 2020). Depending on their goals and design, mini-publics can be called by various names, such as citizens’ juries, planning cells, citizens’ assemblies, deliberative polls, and other similar terms. According to Courant’s classification (2019), there are seven different types, ranging from permanent spaces dedicated to legislative functions or policy control/evaluation to temporary spaces used for consultation, reviewing citizen initiatives, decision-making, modifying or developing constitutions, and managing complex and long-term issues.

Within this variety of designs and purposes it can be distinguished two waves in the use of lottery through mini-publics (SINTOMER 2018). The first wave emerged as a response to the demands of social movements in the 1960s and 70s. Its aim was to complement electoral representation through consultative means, associated primarily with the imaginary of deliberative democracy

³ “*Insaculación*” is a Spanish term used to describe the process of placing items in bags and randomly extracting them (SINTOMER 2012).

rather than the radical or anti-political one. The mini-publics of this wave served as participatory laboratories that demonstrated how lay citizens can transform their opinions and acquire political competencies in handling complicated issues through deliberative processes (BUTTON & MATTSO 1999). In contrast, the second wave of mini-publics represents a hybridization resulting from the lessons learned in the first wave and adaptations to different contexts and normativities by practitioners (SINTOMER 2018). This hybridization is characterized by the mixing of the three imaginaries, particularly those of deliberative and radical democracy.

The Irish Constitutional Convention provides an example of this mixing, integrating representative, deliberative, and radical democracy. The convention brought together 33 representatives and 66 individuals selected by lot to deliberate on nine issues proposed by Parliament. Following the success of the Convention, the Citizen Assembly was formed in 2016, this time only with randomly selected citizens. Through the deliberative work of the Assembly and a subsequent referendum in 2018, the criminalization of abortion was removed from the Constitution, a very controversial issue in the country that had generated polarization both among representatives and in society for forty years (GANUZA & MENDIHARAT 2020).

The Conference on the Future of Europe, which took place from March 2021 to June 2022, is another case that combines different democratic imaginaries: representative democracy with deliberative and anti-political democracy. This mini-public involved 800 European citizens selected by lot and 443 elected representatives from various levels of governance. According to Oleart (2023), the anti-political imaginary prevailed, which aims to neutralize conflicts. There are two ways to channel conflict into this kind of processes: by involving experts and stakeholders who offer diverse perspectives, or by maintaining a continuous connection with the public sphere. However, in this case, neither of these methods was fulfilled. The experts who participated did not offer opposing or pluralistic positions but instead purportedly 'neutral' inputs. Despite establishing two channels of connection with the European participatory structure, a multilingual platform and decentralized events, they had little influence as they were not meaningful (OLEART 2023). Therefore, this mini-public failed to channel conflicts effectively.

The previously discussed Irish and European cases are just two examples among the hundreds that have been conducted. Due to the large number of cases, several questions have been raised regarding the design and specific objectives of mini-publics. The debate includes their role in political decision-making (SETÄLÄ 2017; LAFONT 2015), the binding nature of their outcomes (ZABDYR-JAMRÓZ 2019; BROWN 2018), and the ideal scope of appli-

cation, such as local, regional, state, or international (CARSON & HART 2011). There is also discussion on the format of mini-publics, such as online, face-to-face, or hybrid (PAULIS *et al.* 2021), the number of participants and duration of deliberations (BOUILANNE *et al.* 2020), and the inclusion of politicians in the process either directly in the deliberations or as part of a supervisory committee (CARSON 2021).

This ongoing debate is also associated with the various criticisms and challenges that these democratic innovations face. Exploring this criticism, as well as understanding the conditions under which deliberative mini-publics can be perceived as legitimate agents, will enable the development of a final point dedicated to assessing the political viability of this type of democratic reform.

3. POLITICAL VIABILITY OF MINI-PUBLICS

The use of sortition through mini-publics as a means of enhancing democratic practices has faced various lines of criticism, which can be broadly categorized into three themes: citizen incompetence, descriptive representation, and civil mass participation and impact on political systems. These criticisms question various aspects of the normative desirability of sortition and, as a result, raise doubts about the potential of mini-publics to generate democratic legitimacy. However, to generate legitimacy, any mechanism must be perceived as legitimate itself (OFFE 1987). This section will thus examine these categories of criticism and explore the perceived legitimacy of mini-publics from the perspectives of policymakers and citizens.

3.1 *Citizen incompetence*

This category of criticism questions the ideal of radical equality associated with sortition and revolves around a widespread view of citizens as politically incompetent. This notion of competence can be parsed into two fundamental aspects: political knowledge and the capacity to effectively apply that knowledge in civic endeavors (MARCIEL 2022). Accordingly, as noted by Jacquet *et al.* (2022), the core argument asserts that lay citizens not only fall short of attaining these two facets but also lack the inclination to engage in decision-making on political matters.

It is important to remember here that these arguments “are often identical to the reasons once put forward for not allowing peasants, workers or women to vote” (VAN REYBROUCK 2016, 171). In other words, they reflect the antidemocratic liberal tradition that justified the exclusion of the working

classes and women from the political order. This perspective persisted even among the most progressive thinkers like Stuart Mill, who advocated for suffrage expansion, yet still supported an unequal distribution of voting weight based on criteria such as obtaining university degrees or political expertise gained through specific professions (MORENO PESTAÑA 2021). This created a hierarchy of political judgment rooted in meritocratic criteria that remained inaccessible to the broader population.

This tradition is currently reflected in the elitist and technocratic visions of democracy, which argue that only a few expert individuals are qualified to participate in policymaking (RUBIÃO 2018). Tools of selection that do not distinguish between different personal capacities have no place in a political imaginary that values only expert knowledge and the effectiveness of “the best”. However, the premise that this type of knowledge ensures political effectiveness has not been supported by research (GANUZA & MENDIHARAT 2020). Once again, with reference to the work of Landemore (2012; 2013), what ensures reaching epistemically superior results are not the individual competencies of a few experts, but the collective work of a cognitively diverse sample. The added value of mini-publics in this regard is that they guarantee double diversity: that of those selected by lot and that of experts and other civil society actors who defend opposing positions on the topic under discussion. Therefore, these spaces of citizen deliberation maintain the criterion of having expert knowledge but complement it with the different ways in which citizenship views and experiences the world.

Numerous experiences with mini-publics have demonstrated that participants acquire competence and become qualified for political tasks thanks to the conditions that facilitate deliberative settings in these democratic innovations (FISHKIN 2018; SETÄLÄ *et al.* 2010; LUQUE 2005). This category of criticism, in light of the above, could be taken as a challenge that they have to face rather than as reasons to discard the use of mini-publics due to a supposed general incompetence of citizens: to devise mechanisms of control and accountability so that those who make an incompetent use of their positions can be removed.

3.2 Descriptive representation

This block of criticism challenges one of the main justifications for using lotteries in mini-publics: their ability to select a sample of society that descriptively represents the wider population. This challenge stems from three sources: sample size or selection criteria (LAFONT 2015), the representation of an enlightened opinion (SINTOMER 2012), and potential participatory biases (GANUZA & MENDIHARAT 2020; SMITH 2009).

Lafont (2015) argues that mini-publics often fail to ensure descriptive representation due to their small sample size. Even if stratification criteria are used to guarantee it, there is a risk that they may not be adequate insofar as stratifications change according to the particular social problem. Moreover, since mini-publics may constitute a learning process in which opinions are transformed and participants become more qualified, Lafont suggests that at the moment they acquire this level of expertise, they cease to be representative of society as a whole. However, it is hard to imagine that the qualification acquired in this type of process is sufficient to recognize such a degree of expertise. For example, in the case of citizens' juries on genetically modified organisms in India, Brazil, and England, the participants did not become experts in genetics, but they did understand the consequences of this type of practices for their daily lives and the environment, on the basis of which they made a series of decisions (LUQUE 2005).

In any case, the distance between the "enlightened opinion" formed in the learning process (SINTOMER 2012) and the raw public opinion could potentially make the sample lose representativeness. However, this loss of representativeness only affects the passive component of descriptive representation, which is limited to establishing a static similarity between representatives and the represented. When an active component is recognized, it is assumed that "representatives are capable of spontaneously responding to new information and new circumstances in a way that is similar to how those represented would have responded" (Pow *et al.* 2020, 45). This means that mini-publics are not meant to speak for those they represent but rather to act as they would act. As such, the discrepancy between enlightened and raw opinion does not necessarily undermine the legitimacy of descriptive representation. To further enhance representativeness, mini-publics should strive to remain transparent and accountable, while establishing clear lines of interaction with representative institutions and the public sphere.

Nevertheless, ensuring that the sample is descriptively representative faces two other challenges: the census used for selection and possible participation biases. Smith (2009) notes that mini-publics typically select participants randomly from a list of names compiled from electoral rolls. However, this approach may be problematic because it may exclude certain groups, such as foreigners or unregistered individuals, and marginalize specific minorities. Moreover, the voluntary nature of participation could limit the descriptiveness of the sample. It is possible that those who agree to participate may fit a particular sociodemographic profile (GANUZA & MENÉNDEZ 2020). This is a prevalent issue in most democratic innovations, as individuals who are already politically engaged are the most likely to take part (SMITH 2009). Although

random selection appears to have been more effective than other types of innovations in achieving higher levels of representativeness (CARONS & HART 2011), this block of criticism highlights the importance of ensuring that the most politically marginalized voices are included and motivated to participate. It is crucial to find ways to connect with these groups and to develop incentives that encourage their engagement in the process.

3.3 Civil mass participation and impact on political systems

Another of Lafont's (2015) criticisms is that by focusing on creating micro-spaces for deliberation, mass civil participation is relegated to the background. Along the same lines, Young (cited by RUBIÃO 2016) argues that the use of mini-publics risks excluding individuals and groups who want to participate spontaneously, hindering the formation of a collective identity that cements mass civil participation. Talpin (2017) refers to this issue by asserting that the use of civic lottery in politics has led to a depoliticization of what could have been a radical proposal focused on the potential for change that social movements have. His argument is based on the fact that sortition is primarily used to capture non-activists or people without associational affiliations who may be more docile and easier to manipulate by the political authorities who convene the mini-public.

This argument that mini-publics may abandon mass participation is strengthened by the observation that they have a low probability of causing structural changes (PATEMAN 2012). According to della Porta (2018), the primary critical factor in this regard is that they are democratic innovations created from above in which institutions control both the aspects to be deliberated upon and the different actors that will intervene in the information phase. Similarly, García-Marzá (2016) highlights the risk of elitism in micro-deliberative institutional approaches, as both the issues and the people are constrained in them, thereby neglecting the real social problems. The danger of these restrictions is that mini-publics can be used "by public authorities or academics to serve their agendas, rather than as creative solutions to civil society claims" (TALPIN 2015, 787). For this reason, it is questioned whether mini-publics have the ability to challenge established power and significantly impact macro-politics.

These authors criticize the possibility of controlling the topics that will be discussed in mini-publics. Indeed, agenda control and "non-decisions" are the main aspects of the two-dimensional approach proposed by Lukes (2007) in his analysis of the manifestations of power. This approach situates non-decisions at an intermediate level between open conflict (one-dimensional ap-

proach) and the non-problematic perception of an issue (three-dimensional approach). What could happen in the case of mini-publics is to circumscribe the scope of these processes to issues that are relatively innocuous for those who organize them, which facilitates the result of making a ‘non-decision’, i.e., a decision that does not entail a significant change in power structures and relations. Non-decisions prevent latent or manifest demands for change from being politicized and reaching the institutional political arena.

To address this concern, this block of criticism suggests promoting strategies that encourage massive civil participation outside the control of public authorities, allowing for a challenge to the status quo and significant impacts. However, supporting mini-publics as a democratic innovation does not necessarily have to be an approach that excludes other modes of citizen participation. In fact, several authors have tested the hypothesis of participation discussed with Barber and Pateman, measuring the educational value of these deliberative forums. They have shown how mini-publics can have a cultural and biographical impact, leading to changes in citizens’ attitudes and behaviors that are desirable from the normative perspective of deliberation (PEK *et al.* 2023; EHSASSI 2022; BOULIANNE *et al.* 2020; SPADA 2019; KNOBLOCH & GASTIL 2015; 2013). Therefore, while mini-publics may not always result in immediate macro-political impacts, they can still facilitate significant cultural and biographical changes. These changes may be crucial in achieving the political impacts in the long run.

Even so, these concerns should be taken to raise questions about the configuration of the political agenda of mini-publics. Opening it up could address the criticisms just discussed. Other scholars nevertheless argue that a very wide opening can lead to vague and abstract deliberations (MICHELS & BINEMA 2018) or a “wish list” outcome (OLEART 2023). For several authors, the key here is to establish a meaningful connection between the micro-deliberation of these spaces and the macro-deliberation of the public sphere (BEAUVIS 2018; CURATO & PARRY 2018). This can include ensuring that deliberations address social conflicts and dilemmas (OLEART 2023), increasing public support for mini-publics through collaboration with activists (FELICETTI & DELLA PORTA 2019), or subjecting the results of mini-publics to public scrutiny to generalize their bounded validity (OLSEN & TRENZ 2014).

3.4 Perceived legitimacy

These three blocks of criticism question various aspects of the normative desirability of sortition: the ideal of radical equality, the descriptive representation, and the potential to challenge the status quo. As a result, they also question the feasibility of mini-publics and their legitimacy as agents operating in

policymaking. From a micro-deliberative perspective, mini-publics are legitimate because of their internal characteristics, such as their deliberative exercise, the embodiment of democratic equality, and the descriptive representation of sortition (FISHKIN 2018). This type of legitimacy is insufficient from a macro-approach since descriptive representation includes only a part of the affected citizenship (PARKINSON 2006). Their legitimacy depends, therefore, not only on these internal characteristics of mini-publics but also on their external relations. That is, the specific way in which they connect both with representative institutions and with the public sphere—either through the inclusion of conflicts, collaboration with activists, or public scrutiny of results.

Ultimately, the political viability of these kinds of democratic reforms depends on the degree of legitimacy with which they are perceived by both institutions and civil society (DRYZEK 2010; BUCHSTEIN & HEIN 2009; FONT & BLANCO 2007). Policymakers' perception of legitimacy is crucial since they usually initiate these deliberative processes (KOSKIMAA & RAPELI 2020) and ultimately honor their outcomes, which is a key factor for mini-publics to generate legitimacy in the decision-making process (GERMANN *et al.* 2022). On the other hand, citizens' perception of legitimacy is also vital, as they are potential participants and those who ultimately scrutinize the results and accept them as legitimate. With some exceptions (JACQUET *et al.* 2022; KOSKIMAA & RAPELI 2020), the current literature has mostly concentrated on analyzing the two perspectives separately.

Studies that have examined the perspective of politicians suggest that their support for mini-publics depends on familiarity with these deliberative forums (NIESSEN 2019), ideology and position of power in parliament (JUNIUS *et al.* 2020), and perception of issues such as citizen disaffection and distrust (MACQ & JACQUET 2023), citizen competence (RANGONI *et al.* 2021), and the role of elected representatives (JUNIUS *et al.* 2020). Politicians with more experience working with mini-publics, affiliated with left-wing political parties, or those in opposition, are generally more supportive of these mechanisms. Conversely, those who view citizens as incompetent often argue that only elected officials should represent the interests of the people in parliamentary debates, excluding citizens themselves from the decision-making process. Finally, mini-publics are typically favored in contexts of citizen disaffection, where they are seen as a means of restoring public trust in institutions.

Studies analyzing the citizens' perspective suggest that support for mini-publics is contingent upon the perception of similarity with participants (POW *et al.* 2020), connection to representative institutions, and trust in citizen competencies (BEDOCK & PILET 2021). Furthermore, disaffection and polarization (VAN DIJK *et al.* 2023; GOLDBERG & BÄCHTIGER 2023; WALSH & ELKINK

2021), and the assurance that results will be honored by politicians (GERMANN *et al.* 2022) also play a role in determining citizen support. Mini-publics are perceived as legitimate when citizens feel similar to the participants, as descriptive representation (similar profiles) is believed to facilitate substantive representation (similar interests). Contexts characterized by mistrust towards elected representatives, where citizens are dissatisfied with the regime, are where mini-publics are most likely to be supported, and citizens are more willing to participate. However, while citizens may normatively support participatory institutions, they tend to not view them as a practical alternative. This may be due to a perceived lack of sufficient time and information, concerns about the commitment of fellow citizens, and skepticism about whether politicians will actually pay attention to the results (GARCÍA-ESPÍN & GANUZA 2017).

Both from the perspective of elected officials and the general public, it appears that mini-publics are more likely to be supported in contexts of citizen disaffection. However, it is still unclear how mini-publics should ideally operate in the decision-making process to be recognized as legitimate agents. The question is not simply whether citizens and politicians are willing to participate, trust civic competence, or accept results, but rather the conditions under which such willingness, trust, and acceptance can occur. Finding common ground on the various demands for legitimacy could clarify the ideal design that can transform the potential of sortition into a reality. This could involve addressing concerns about the representativeness of mini-publics, ensuring that they are transparent and accountable, and exploring how they might interact with representative institutions and the public sphere.

CONCLUSION

Sortition was reintroduced into modern societies in response to the legitimacy crisis that democracies faced in the 1970s and beyond. With the current context of democratic regression, the defense and commitment to democratic values are of utmost importance (DIAMOND 2021). Therefore, the task of theoretically and empirically grounding alternatives to democratize democracy is not only academically relevant, but also politically and socially urgent. As a result, the field of sortition is gaining increasing attention. While randomly selecting lay citizens for policymaking is becoming less utopian and more realistic, its political viability still requires clarification.

For example, one issue that must be addressed is the extent to which mini-publics can ensure the representation of diverse perspectives and interests. While mini-publics are designed to be more representative of the public

than traditional decision-making processes, it is important to consider how to ensure that all relevant stakeholders have a voice. Additionally, questions about the role of mini-publics in the broader political system must be addressed. Should mini-publics operate alongside elected officials, or should they have a more direct role in decision-making?

Another important consideration is the relationship between mini-publics and the broader public. How can mini-publics be more transparent and accessible to the public, and how can they be more responsive to public input and feedback? It is also important to consider the role of mini-publics in promoting civic education and engagement. How can mini-publics help to increase public knowledge about policy issues, and how can they facilitate greater public involvement in the political process?

Ultimately, the desirability, feasibility and viability of sortition as a democratic alternative will depend on the ability to address these and other questions about design, operation, and legitimacy. By addressing these concerns, mini-publics can turn the potential of sortition into a reality, leading to more representative, inclusive, and responsive political decision-making that caters to the needs and interests of citizens.

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