Review of *Against Elections*

Van Reybrouck D. *Against Democracy.* London, UK: The Bodley Head; 2016.

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In this exhortation to swap the negative and disillusioning aspects of our current, historically imposed electoral democratic system for one where legislators are chosen by lot (the system is known as sortition), Van Reybrouck mounts a well-argued case for the change, provides a host of well-described examples of how this has worked from ancient to modern times, and then describes Bouricius' proposal of how such a system might work for us. He describes a transition process and analyses the stock list of reasons (many used historically against other social changes) that are trotted out for why selecting our rulers by sortition won't work.

Rather than summarise the book, which I encourage you to read, I would like to pick a few specific points that carried particular salience for me. I trust you will find your own.

First to clarify what is meant be democracy in this context; it is the governance system where those who are to live with the consequences of decisions collectively make them. Under the umbrella of 'democracy' are a number of models for how to achieve this outcome. In the nineteenth and twentieth centuries the model that emerged to epitomise 'democracy' is an electoral representative one.

One of the long standing arguments against democracy at all is the question of the competence of the 'unschooled' to govern themselves and in the 18th and 19th Centuries, 'unschooled' was synonymous with 'unpropertied'. Consequently power was retained very neatly in the hands of the wealthy.

In many historical examples of democracy, Athens being the poster child, citizens did select their representatives for public office by lot. But they also employed elections for positions requiring particular specialist skills. Mixed lottery and election systems were frequent in the Renaissance. However the founding fathers of modern electoral 'democracy' chose elections precisely because it enabled them to exclude those not deemed capable of participating in governance while appearing to give them a voice. They set the system up to be what might be called an electoral oligarchy.

It is in response to this setting that political parties and the rest of our system, including the belief in it being democratic, has evolved.

Democracy involves a continual tension between the ideals of legitimacy and efficiency. Accepting for the moment the need for a representative system of democracy in a polity of millions of people (alternatives have only recently become technologically feasible), the efficiency of the decision making process is in constant tension with the legitimacy of the representatives making the decisions on our behalf. This is a non-resolvable tension. Management of the tension requires transparent systems of accountability. In modern politics this includes watching for all the interest groups who are trying to bend decisions in their own favour.

Van Reybrouck's solution to "the systemic crisis of democracy" is to import a governance model created by Terrill Bouricius. Bouricius bases his idea for what a democracy with selection of representatives by lot might look like by studying the ancient examples, modern research (eg Deliberative Democracy) and several modern proposals for forming houses of parliaments selected by sortition (the USA, UK, France and the EU). This model includes features required to manage the several aspects of the legitimacy-efficiency tension and the ideal-practicalities tension, avoiding concentrations of power and elitism, balancing participation with corporate knowledge and experience, and minimising the dangers from group think.

Bouricius navigates the five dilemmas of participations: "the ideal size of the group, the ideal duration, the ideal selection method, the ideal consultation method and the ideal group dynamic ... [leading Van Reybrouck to suggest it is] better to give up the quest for [an ideal] one and set about designing a model that consists of several organs. That way the advantages of various options can reinforce each other and the disadvantages weaken each other (p.141)."

"Instead of giving all the power to a single allocated body, legislative work is best split into a number of phases (p.141)." These phases parallel the phases of decision making: boundary setting, agenda setting, deliberation, decision taking and implementation (although he doesn't quite use this language). Importantly his approach looks at governance as a system with multiple components for checks and balances. This also brings the method into line with democratic principles. The components are 'organs' (as in organism) or 'bodies'. There are differing selection methods for each body, which depend on the purpose of that body.

Very briefly, there are four process bodies and two regulatory or oversight bodies. These are summarised in Table 1. These are general principles for an approach; Bouricius regards the system as self-learning (adaptive).

| Table 1: Summary of organs of Bouricius' Governance Model | | |
| --- | --- | --- |
| Organ / Body | Role | Composition and logistics |
| Agenda Council | Chooses / accepts or rejects petitions from citizens, for topics for legislation | 150-400, multiple sub-committees, chosen by lot from volunteers, 3 year term, ⅓ rotate each year, no extension, remunerated |
| Interest Panels | Proposes topic related legislation (drafts) | 12/panel, unlimited panels, volunteers (interest and expertise), time-limited, voluntary |
| Review Panels | Complies legislation with input from Interest Panels and experts (like parliamentary committees) | 150, allocated randomly to policy area specific panels, chosen by lot from volunteers, full time, 3 year term, ⅓ rotate each year, no extension, remunerated and logistical support |
| Policy Jury | Hears public presentations on legislation, assesses for and against argument, then votes by secret ballot. Decisions have the force of law. This organ provides legitimacy | 400 plenary, compulsory participation, chosen by lot from all adult citizens, for only one to a few days sitting, per day remuneration + travel and all expenses |
| Rules Council | Decides on and regulates the rules and procedures for the system | About 50, chosen by lot from volunteers (former Agenda Policy, Jury participants), full-time, 3 year term, ⅓ rotate each year, no extension, remunerated |
| Oversight Council | Supervises legislative implementation process and deals with complaints/ appeals. | About 20, full time, chosen by lot from volunteers, 3 year term, ⅓ rotate each year, no extension, remunerated |

The advocated approach supports emerging notions of democracy as a system and a process.

The fundamental question however is how to make the transition? There is no escaping the need to just do it! Along with overcoming and negotiating around objections, it is a matter of "tinkering"; trialling new processes and then expanding the experiments. What to try, depends on the situation within each particular polity.

Giving Van Reybrouck the last words: "I believe the systemic crisis of democracy can be remedied by giving sortition a fresh chance ... [a] procedure whereby political opportunities can be distributed fairly and political discord avoided. The risk of corruption reduces, election fever abates, and attention to the common good increases (p.151-2). ... We must democratise democracy (p.166). ... [Consequently, in accepting sortition and a Bourician model] the elitist distinction between governors and governed is abolished completely, returning us to the Aristotelian ideal of having people alternate between ruling and being ruled (p.148)."