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Sortition as the Solution

How randomly sampled citizen assemblies can complement the Dutch democracy

Abstract

There is an all-time low trust in Dutch politics, and when applying Dahl's (1979) framework for assessing the quality of democracies, it becomes apparent that the underlying reasons are structural. However, the three most frequently proposed alternatives; the *technocracy,* the *epistocracy*, and the use of *referendums* all have their substantial downsides. Therefore, I argue that democracy by randomly sampled citizen assemblies, or sortition, should complement the current Dutch elective representative democracy. These assemblies are a descriptive manifestation of the full population, and therefore they consist of citizens from all facets of society. The use of citizen assemblies is likely to cause (1) an enlightened understanding of the ones in power, because the participants will be informed by experts, (2) inclusion, because the citizen assemblies mirror society, (3) more influence to set the agenda, and (4) good and creative solutions for contemporary challenges.

Key Words: Sortition; Deliberative Democracy; Democratic Renewal; Political Philosophy

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1. Introduction

During World War II, Winston Churchill famously stated that "Democracy is the worst form of government, except for all the others." (International Churchill Society, 2017). Not only does this indicate that, at least in Churchill's eyes, the current governmental form is flawed, but also that, remarkably, Churchill sees *democracy* as being synonymous to the *elective representative democracy* that was present during his life. If this kind of democracy would indeed be the best way to govern a nation, it is logical that many countries have stuck with it. However, if it is actually flawed, as he also claims, it may be wise to investigate alternative forms of government.

In this thesis, I will do just this by investigating alternative (democratic) governmental systems, since *democracy* is in fact not synonymous to the *elective representative democracy* that is still present in many Western countries. In particular, I will scrutinize the democratic system of *sortition* (democracy through citizen assemblies drawn by lot) and I will argue that this system should be used as a complement to the system currently in play in the Netherlands. By doing this, I will build on existing literature regarding sortition (Fishkin, 2011; van Reybrouck, 2016) by presenting a comparative perspective of several (democratic) systems, focusing specifically on the Dutch context. This kind of critical evaluation of the governmental status quo and democratic renewal is now more important than ever, since political trust dropped drastically over the past years – 70% of the Dutch population has indicated they do *not* have faith in politics (Erasmus University Rotterdam, 2021; NOS, 2021a).

I will claim that sortition should supplement the current system by first explaining how the democratic process is executed in the Netherlands, whereafter I will point out the flaws of this system by applying Dahl's (1979) framework to assess the quality of a democracy. Then I will explicate three alternatives often suggested to replace the elective representative democracy – *technocracy*, *epistocracy*, and the use of *referendums* – and why each of these are not desirable. Subsequently, I will propose the system of *sortition* and describe how it handles the defects of the current elective representative democratic system without suffering from the downsides inherent to the other three proposed political systems. Thereafter, I will address three main objections to the system of sortition; (1) the notion that regular citizens are not competent enough to rule, (2) the idea that drafted citizen assemblies are not favorable because they can hardly be held accountable in the case of bad policies, and (3) the notion that citizen assemblies are illegitimate because they are not elected, and rebut them. In the conclusion, I will summarize my claim, briefly go over possible implementations and suggest further research.

2. Problems with the current Dutch democratic system

To initiate my thesis, I will examine the current state of the Dutch political system and show how the failing of the system manifests itself. I will do this by making use of Dahl's (1979) framework for assessing the quality of democracies, which consists of five criteria every democracy should abide by. Based on empirical data and the thoughts of political philosophers such as Adam Swift (2006), David Miller (2003) and Jean-Jacques Rousseau (1762/2017), I shall argue that the current Dutch democratic falls short.

Before starting my argumentation, it is, however, essential to define democracy. The etymology of the word shows that it means *power* (kratos in Greek) to the *people* (demos in Greek) (Swift, 2006, p. 179). A form of government can therefore be called democratic if, and only if, it includes the *people* in the legislative process to at least some degree. Additionally, this indicates that democracy is not dichotomous: a state is not either democratic or undemocratic. Instead, a state can be more or less democratic depending on the extent that the *people* are included in the legislative process. This notion shall be discussed further in the course of this thesis.

The degree and means by which the *people* can influence decisions thus differs per democratic system. However, regardless of the means that the *people* can use to influence democratic decisions, be it, for instance, by voting or by the reaching of consensus, in all cases profound deliberation of the *people* is desired. This means that the *people* carefully consider the options presented, inform themselves adequately and make well-balanced decisions based on this. If everyone deliberates well, democracies work best (Swift, 2006, p. 185).

The Dutch democratic system

The Netherlands is an *elective representative democracy*, which in the Netherlands entails that Dutch citizens can vote for representatives once every four years (TweedeKamer.nl, n.d.). Therefore, the electorate in the Netherlands does not have *direct* influence on national policies, but instead elects the politicians who are most likely to convey their political preferences on their behalf. These representatives are in turn linked to political parties, which seek to win as many of the 150 seats in the House of Representatives (Tweede Kamer) as possible. Thereafter, a coalition between parties is formed, where it is desirable, but not strictly required, to have at least 76 seats (50% + 1). This majority is required to pass a law in the House of Representatives. This democratic procedure appears in all three Dutch political structures – the municipality, the province, and the nation. Additionally, the Netherlands has a Senate (Eerste Kamer), whose role is to test and assess the laws proposed by the House of Representatives.

This elective representative system has been in place since 1848 and has not transformed considerably ever since, despite the fact that the electorate largely changed since the introduction of general male and female suffrage in 1917 and 1919 respectively (Hendriks, 2012, pp. 61-62). Because the democratic system has not changed for a long time, it is seen as the only game in town in the democratic landscape by the general public (Levitsky & Ziblatt, 2018, p. 204). Democracy itself has always been critiqued, however, and in the last few decades other systems than the current elective representative democracy have gained attention (Swift, 2006, p. 180).

The reason why shedding a light on these alternative systems is so essential, is because the current system is hampering. If democracy really is "rule of the people, by the people, for the people'' as Lincoln suggests (as cited in Swift, 2006, p. 181), then *the people* are in the best place to assess the system. In the Netherlands, there is a structural decline in political trust (Statista, 2020; CBS, 2019; Hendriks, 2012, p. 82; Bovens & Willie, 2006, p. 1), with a low point of 70% distrust in 2021 (Erasmus University Rotterdam, 2021; NOS, 2021a). Because of these numbers alone, one may argue that it is wise to reconsider the current Dutch democratic structure (Verveen, 2021).

Problems in the current Dutch democracy

Thus, despite citizens being involved in the Dutch democratic process, a substantial proportion of the population does not trust the ones that represent them, or the system in which this representation occurs. When applying the framework to assess the quality of democracies that political scientist and philosopher Rober Dahl (1979) composed, it becomes clear why the current system is losing support. Namely, the Dutch democracy falls excessively short on four out of five criteria a democracy should abide by, being: *political equality, effective participation, enlightened understanding, control of the agenda,* and *inclusiveness* (pp. 101-129).

In the next part, I shall go over each criterion to explain why, and how the Dutch democratic system falls short on these aspects. Falling short on these criteria is in itself not strange: Dahl (1979) himself underlined that perfect democracies do not exist, since "in the real world no system will fully meet the criteria'' (p. 129). Regardless, my claim is that nowadays, the Dutch democratic system falls excessively short and therefore does not function properly.

To start with the first criteria, *political equality,* which means that every citizen of a national entity should be taken into account equally during the democratic process (Dahl, 1979, p. 130).

In the Netherlands, this is largely the case since there has been general suffrage for both men and women since 1919, indicating that every Dutch citizen is eligible to vote, regardless of social class, economic status, or ethnical background. There are, however, several obvious exceptions to general suffrage in the Netherlands. Persons younger than 18 years old are deemed not competent enough to make well-balanced political judgements, and a judge can make the denial of voting right a part of the punishment for criminals, which is a state of affairs supported by many political theorists (Rousseau, 1762/2017, p. 42; Christman, 2020; Tuckness, 2020). Because the exceptions of the abovementioned groups are easily defendable, this criterion is not causing substantial problems in the case of Dutch democracy.

Effective participation, the second criterion of this framework, means "(…) an adequate opportunity, and an equal opportunity, for expressing his or her preferences as to the final outcome'' (Dahl, 1979, p. 102). This may seem similar to *political equality*, but it is more far-reaching. Whereas the first criterion requires a democracy to *absolutely* take the preferences of every citizen into account, this criterion considers the *relative* opportunity to participate.

On first sight, it seems that this criterion is being fulfilled, because every vote has an equal weight. However, expressing one's individual preference on policies through a vote is not the only medium one can use to exert influence on Dutch politics. Namely, elections and policy making also involves campaigning, lobbying and gaining media attention from third parties (Miller, 2003, p. 40). Just because of this context where the political discourse and elections occurs, I argue that not everyone has an equal opportunity to express his or her preferences since (1) companies with close ties to politicians, and (2) wealthy individuals can articulate, or even enforce their partialities more efficiently.

The first example of inequality of expressing preferences is typified by the third Rutte coalition (2017-2021) passing a law to abolish dividend taxes in the Netherlands (NU.nl, 2018), despite it not being in the election plans of any of the four parties making up the coalition. Later, journalistic research uncovered that the main reason this law made it to the coalition agreement was because of lobbying by multinationals such as Shell and Unilever (NOS, 2018). This makes it clear that there is an inequality between individuals and companies when it comes to influence: when big multinationals lobby, they establish more than an individual can (van Reybrouck, 2016, p. 156). This is pernicious for the democratic process.

For the second instance, consider the influence of television, media and marketing in times of election. Many contemporary democracies resolve largely around marketing and televised

debates where the electorate gets its information (Chomsky, 2016, p. 98; Hendriks, 2012, p. 40; Manin, 1997). Due to the financial nature of media and marketing, more money means better coverage. Rich individuals can play into this demand by funding party campaigns, and therefore they are able to express their preferences disproportionately. During the 2021 elections, this is what happened when tech-entrepreneur Steven Schuurman donated €1.000.000 to the social-liberal party D66 and €300.000 to the animal rights party PvdD (Parool, 2021). Despite Schuurman indicating that he only made a donation because he shares the vision of the granted parties, without having any further political intention, it still entails that Schuurman's preferences are more likely to be expressed in the final outcome. Namely, the donated money is likely spent on the media campaign, resulting in better coverage and therefore more votes. In conclusion, because of the nature of the current political landscape and the fact lobbying is part to the system, it is evident that *effective participation* is lacking in the contemporary Dutch democracy.

When looking at the third criterion, *enlightened understanding*, it is clear that problems arise once more. This principle demands that "(…) each citizen ought to have adequate and equal opportunities for discovering and validating, (…), what his or her preferences are on the matters to be decided'' (Dahl, 1979, pp. 104-105). This is important for the electorate to make well-balanced decisions. At first glance, it may seem that this standard is satisfied, as everyone has free and easy access to the news via the internet, and can therefore base their opinions on that.

Unfortunately, the emergence of the internet did not have solely positive effects. Namely, it did also cause issues that can endanger the fulfillment of the criterion of enlightened understanding; the proliferation of fake news. Despite it being possible for online news consumers to factcheck the news, which is something traditional media outlets generally do, in reality this unfortunately is a utopia. This is bad, since fake news that is perceived as real news *does* affect voting behavior (Lee, 2019, p. 15).

This phenomenon is deteriorated by the algorithms that social media networks make use of. When people read online news advocating one specific side of the political spectrum, the algorithm spots this and disproportionately shows news that supports that particular side of the political field in order to ensure longer times spent on that social media platform, resulting in more advertisement revenue (Lubach, 2020: 10:45-24:34). Consequently, social media consumers end up in so-called epistemic filter bubbles (structures where dissident voices are left out, either consciously or by accident), or even worse, in echo-chambers (structures where dissident voices are purposefully left out and discredited (Wollebæk et al., 2019, p. 1)). This in

turn violates the principle that everyone should have equal and adequate access to means to enlighten oneself; it is difficult to get acquainted with divergent political opinions when one is in an epistemic bubble or echo-chamber (Nguyen, 2020, p. 153). Namely, in order to form a well-balanced opinion, one should take multiple viewpoints into consideration (Miller, 2003: 39).

Even if people would have equal access to adequate information, it is still implausible that every person would make equal use of this (Miller, 2003, p. 43). This is evident in the Netherlands, as a 2021 CBS report shows. Namely, in a randomly sampled survey, 49% of the electorate indicated they have *little to no interest* in politics. Additionally, only roughly half of the electorate reads political news (SCP, 2017). It is therefore safe to assume that at least half the electorate does *not* make the right efforts to gain an enlightened understanding on the matters to be decided.

Why so few people take the time to deliberate and enlighten themselves on political affairs has not been asked in the beforementioned research. However, it is plausible that it is because for voters, it is *rational to be irrational* during elections, as Fishkin (2018: 7:00-7:23) put it – the time spent to enlighten oneself to cast one well-balanced vote among millions can rationally be better spent on other activities. The incentive to inform oneself adequately simply is not big enough (Miller, 2003, p. 47). In conclusion, *enlightened understanding* is not a quality that can be ascribed to the current Dutch democracy

The fourth aspect, *control over the agenda*, is described by Dahl (1979, p. 107) as "[having] the exclusive opportunity to make decisions that determine what matters and what matters not to be decided by means of democracy." This indicates that for Dahl it is crucial that the *demos* should have the *ability* to set the agenda instead of the power to decide *everything* by the means of democracy. This is essential, as *more* democracy is not necessarily better – the *demos* deciding who one should marry may be *more* democratic, but it is not desirable (Dahl, 1979, p. 106). Namely, the fundamental rights of individuals (e.g. the Right to Life and the Right to Personal Liberty) should be guaranteed by a state, and should thus not be able to be neglected because of a democratic decision (Beetham, 2004).

However, it is important that the *demos* should be able to influence which matters should be decided by the means of democracy *within* the constraints of preserving the fundamental rights of each citizen. Currently in the Netherlands, political parties dominantly set the agenda during, and after the elections. In a select number political parties, the members can influence the party

program, and therefore partially set the agenda for the elections. However, considering that only 2% of the Dutch population is a member of a political party (NOS, 2021b), the influence of the full *demos* is marginable (Hendriks, 2012, p. 137).

Additionally, since the coalition making that is inherent to the Dutch system takes place behind closed doors, the electorate cannot influence the content of the coalition agreement (Hendriks, 2012, p. 10). Why this is pernicious can be exemplified by the 2017 coalition agreement. Here, it was explicitly stated that no new medical-ethical laws would be proposed during their governmental term, despite the voters of the progressive party D66 , which also took place in the coalition, desiring this (NOS, 2017a).

Fortunately, the Dutch population is not completely powerless when it comes to setting the agenda (Hendriks, 2012, p. 138). Namely, it is possible for citizens to set the agenda by the means of a so-called 'citizens' initiative'; When 40.000 signatures are collected in favor of a certain, specified issue, it *must* be discussed in the House of Representatives (Tweede Kamer, n.d.). Therefore, it is technically possible for citizens to set the agenda. Unfortunately, in practice the citizens' initiative falls short in really giving the demos influence (Hendriks, 2012, p. 138). Only few citizens' initiatives really result in new legislation (Donker & Klaassen, 2017), and there are heavy constraints on the content of citizens' initiatives (Hendriks, 2012, p. 139).

Lastly, there is the criterion of *inclusiveness,* which is defined by Dahl (1979, p. 129) as "The demos must include all the adult members of the association except transients." As explained before, *nearly* all adult members of Dutch society are included in the *demos* and therefore theoretically have a voice in politics. However, I will interpret this criteria more broadly by specifically looking at the empirical reality of which people vote, and which people engage in the political discourse. If the full demos should technically consist of all adult members of society, then this should also be viewable in the practical implications of democracy.

When looking at the practical implications of the *inclusiveness* of the Dutch democratic system, however, it becomes evident that not every socio-cultural or economic stratum of the population is equally involved. Take for instance the older generation, which is 20% more likely to vote during elections than the youngest strata (CBS, 2017), and therefore holds relatively more power. Another example is the stratum of higher educated people, which is nearly 40% more likely to vote than lower educated people (CBS, 2017).

What this data at least shows is that there is no equal participation amongst the different strata in the population, and that therefore not all different viewing points are equally included in the political discourse. The reason for this may simply lay in the idea that younger people naturally have less interest in politics, or that higher educated people spend more time reading political news, and are therefore more likely to undertake political action. However, it is also plausible that the Dutch political structure is to blame for the low political participation of certain strata. For instance, the convoluted language used by politicians may deter the lower educated or the migrants, who are unable to understand the political discourse (Hendriks, 2012, p. 175; Swift, 2006, p. 189) and groups who currently do not feel represented (e.g. immigrants and the lower educated (Eidhof, 2021)) may have less interest in politics *just because* they feel less represented (Sanchez & Morin, 2011, p. 494; Reingold & Harrell, 2009, p. 290).

In conclusion, empirical data shows that social strata can act as a predictor of political participation. This indicates a structural, sociological underlying reason for the low involvement of individuals in the political discourse rather than an innate reason. Since not every strata is adequately represented, there is a lack of *inclusiveness* in Dutch politics.

Therefore, it is evident that at least four out of five of Dahl's criteria are not up to par for Dutch democracy. Because of this, the system is seriously flawed. Since the *elective representative democracy* is not actually the only game in town, as many seem to assume (Levitsky & Ziblatt, 2018, p. 204), it is wise to consider alternative governmental forms that may not fall for these substantive downsides. I will do this in the next section.

3. Frequently proposed alternatives

I am not the only one arguing the current *elective representative democracy* in place in the Netherlands is flawed. Therefore, in the next section I will explicate three of the alternatives frequently advocated by Dutch politicians, political scientists, and columnists. I do, however, reckon that the proposed alternatives all have their substantive downsides. I shall illustrate this by applying Dahl's (1979) framework of democracies, or by explaining the *instrumental* and *intrinsic* values of democracy that Swift (2006) recognizes in the case the proposed alternative system is not democratic.

The wise should rule: Technocracy

If a large proportion of the electorate is not interested in politics and does not adequately participate in the process of deliberation, one may argue *the people* are not suited to rule the

country. Instead, it is argued that experts should be more prominently involved in the decision-making process. This claim enjoys support from a plethora of voices in the Dutch political arena (Hendriks, 2012, p. 69; Heersema, 2016; Frissen, 2019). For instance, after the 2016 Dutch Ukraine–European Union Association Agreement referendum, Dutch political columnist Heere Heersema (2016) claimed that "[Polotical matters like these] should not be left to the electorate.", and populist politician Thierry Baudet pleas for a *cabinet of knowledge,* where minister spots are not filled by party members, but by experts instead (Forum voor Democratie, 2017). Furthermore, in a 2017 poll, 67% of the Dutch respondents indicated they desire a 'strong leader' who is able deal with abrupt issues in a rapid manner (NOS, 2017b), possibly indicating an aversion to the cumbersome democratic process (Hendriks, 2012, p. 126).

The appeal of these voices is similar: the general public is either not competent enough, or not interested enough to be included in the process of policymaking. Moreover, the decision-making process nowadays is too far-fetched, as it takes too long before policies are implemented. A technocracy – a governmental system where the legislators are appointed based on their expertise – would act more effectively according to these critics of democracy. Since technocrats have the expertise required to weigh opinions and the consequences, their efforts would lead to *better* policies, while the procedure to get to these policies would be more efficient. So, it is reasoned that a government consisting of non-elected experts has a better *instrumental* value (the value something has to reach a particular end) than a democratic system. Even when presuming that it is indeed true that a technocratic regime leads to better policies – which is highly debated, as I will explain later in this section –, I argue that it still would be an unfavorable option. I will do this by explaining the three *intrinsic* values (the value something has *in itself)* of democracies that Swift (2006) identifies. Namely, a policy should not only be measured based on their *content,* but also on the way they were made.

The first intrinsic value, *freedom of autonomy,* entails individuals are morally free when they comply with laws they made themselves (Rousseau, 1762/2017, p. 21; Swift, 2006, p. 204). This can only be realized by democratic regimes, which at least to some extent ensure *the people* are involved in the creation of laws they have to adhere to. A progressive technocrat might provide individuals with more *individual* freedom than democratic regimes (e.g., more sexual freedom), but *freedom of autonomy* only exists in democratic or anarchistic systems. Therefore, by simply living in a democratic state, one enjoys *freedom of autonomy.*

Secondly, democracies allow individuals to be actively involved in politics, which allows people to *realize themselves* (Swift, 2006, p. 208). Politics is an exclusively human occupation,

and therefore doing politics distinguishes us from other beings and allows us to reach our human potential (Cf. Aristotle, trans. 1995, pp. 18-19). In technocratic regimes, citizens are not involved in politics, and therefore do not have the opportunity to develop this virtue and reach their full human potential. Just this fact makes a technocracy an unjustified form of authority according to Miller (2003, 38), since in his view, authority is justified if, and only if, it allows individuals to flourish.

Lastly, one of the departure points of democracies is that it treats all citizens with *equality* (Swift, 2006, p. 209). Every citizen allowed to vote has only one vote, irrespective of one's social or economic background. Because of this, citizens will at least *perceive* that because of democracy, they are *equal.* Hence, even if we do take the assumption that technocratic governments lead to better policies, it still may not be the favorable way to rule a national entity since the *intrinsic* values of democracy are neglected.

However, the aforementioned assumption that technocracies would lead to better policies could be refuted. If we compare the capability to make wise policies of a select group of technocrats and a big group of everyday individuals, it is still likely that the bigger group will get to better policies (Swift, 2006, p. 213). French enlightenment philosopher and mathematician de Condorcet (1785/2014) proved this with his famous jury theorem. De Condorcet mathematically showed that if one person is at least a little bit more likely to be right on a matter than wrong, then a large group of people (as in a democracy) is *very* likely to be right about the matter (Ladha, 1992, p. 632). Henceforth, the voices of many are likely to trump the voices of a few experts.

Additionally, a big group of people tend to approach the same issue from a different perspective. Consequently, groups of people can draw from a plethora of experiences, which is why groups combined are more informed than smaller groups of people. This will lead to better results (Watson, 1928, p. 328; Ziller, 1957, p. 165; Forsyth, 1990, p. 378). To put it in a shorter manner: diversity can trump ability (Hong & Page, 2004, p. 16389)). This notion and its underlying mechanisms shall be further explained in section 4, when sortition will be analyzed.

Furthermore, when habitants are not able to participate in the process of governing, it is fair to believe the government does not enjoy legitimacy – and therefore missing support (Hendriks, 2012, p. 93). A democracy is thought to be able to deal with *bad* laws better, since even if they end up being *bad,* citizens were still involved in the making of that law. For technocracies, however, bad laws can be unforgiving. In other words: It may be better to have a mediocre law

with great support, than to have a great law with little support (Swift, 2006, p. 220). In conclusion, a technocracy cannot be deemed the system to go to when the current elective representative government is hampering.

The wise should vote: Epistocracy

So, it is maintained that citizens should be included in a country's legislative process. If, however, not every citizen is able to make good and well-balanced moral judgements about policies, it is an option to only give the ones who *can* do so the right to vote. This is an idea advocated by political philosopher Jason Brennan (2011) in his influential article *the right to a competent electorate*. His thoughts got widespread attention, also in The Netherlands. After Wilder's huge electoral growth in 2016 – despite his whole party program being contained on only a single A4 sheet of paper (AD, 2016))–, newspaper Trouw had an in-paper open discussion whether citizens should take a test before being allowed to vote (Talib & Wagemans, 2016; Slingerland, 2016). But why would an exam help?

The argument, as explained by Brennan (2011, p. 702), goes as follows: By having the right to vote, one does not only have the right to rule over themselves, but also the right to exercise power over others. Since not everyone is competent enough to cast a vote based on epistemic and moral judgements according to Brennan (2011), it is unjust that they can nevertheless hold power over the people that *do* make well-balanced decisions. Therefore, Brennan (2011) pleads for the notion that suffrage should be limited to the people who *are* able to make moral and epistemically justified judgements, and therefore he calls for the creation of an *elite electoral system* (Brennan, 2011, p. 701). Consequently, the ensuing policies would be better.

Brennan's (2011) advocacy of the epistocracy holds on to the idea of a representative elective democracy, with the only difference being that only a limited part of the demos enjoys suffrage. Because of this, it is possible to use Dahl's (1979) five criteria for democracies as a framework to illuminate the downsides of Brennan's (2011) argument and why this system would not count as a full democracy.

The first criterion, *political equality,* is the criterion that changes most by implementing Brennan's (2011) proposed democratic system. Since he infers that a part of the current electorate is not competent enough to vote, he advocates that these people should not be able to vote. Because of this, the voice of a considerable proportion of the population would be silenced, causing citizens to be treated unequally during the democratic process. This in turn is a violation of one of the main maxims of democracy; the notion that no individual is naturally

superior to the other (Miller, 2003, p. 38). Swift (2006, p. 192) even goes as far as saying that *not* allowing someone to vote is equal to *not* allowing someone membership of a democratic state. Because not every person has the same voting rights, the criterion of *political equality* is far from being met in a system of epistocracy.

When scrutinizing the second criterion, *effective participation,* it is worth noting that an epistocracy does not resolve any of the issues I stated before in my rejection of the current Dutch democratic system; there is nothing done to restrict lobbying, and there are no specific plans to curb the funding of political parties by the rich. In addition to this, there also is an absolute and clearly measurable disruption in the possibility to express one's political preferences. When considering that in an epistocracy a proportion of the population has the opportunity to express their preference by means of voting, while others cannot, it is evident that this criterion is not satisfied.

A supporter of epistocracy may object to this by arguing that competent people are less susceptible to be swayed by the marketing campaigns of political parties since they focus more on the content of the policies proposed by political parties instead. Therefore, the possibility to express one's preference would be *more* equal, because the funding by the rich would have a smaller effect on the outcome of elections. This notion is not supported, however, since sociological research shows that the highly educated are only a little bit less susceptible to fall for advertisement as the lowly educated as long as the advertisement is well-targeted (Anderson, 2016, p. 4; Matharu et al., 2019, p. 42). It may in turn be possible to apply better targeted political advertisement, because the target audience in an epistocracy is more homogeneous. It can therefore be concluded that the implementation of an epistocracy would deteriorate the criterion of *effective participation* in comparison with the system currently present in the Netherlands, because a substantial part of the population is neglected, while lobbyist and rich individuals still have disproportionately many opportunities to express their preferences.

Thirdly, there is the criterion of *enlightened understanding,* which improvement is Brennan's (2011) main aim when proposing an epistocracy. This is because in an epistocracy, one could filter the people out who are not deemed to be able to get an *enlightened understanding,* or those who simply do not spend enough time to do so. Unfortunately, it is difficult to clearly demarcate the *competent* part of the electorate. Research shows that the highly educated are just as likely to end up in epistemic filter bubbles and echo chambers as the lowly educated (Wollebæk et al., 2019, p. 6), and the highly educated are only slightly better at discerning fake news than the lowly educated (Rampersad & Althiyabi, 2019, p. 6). Therefore, it is either too

hard to determine who is competent enough to vote, or it is not true that the alleged competent voters are better at making well-balanced political decisions because they do not fall for fake news or epistemic bubbles.

It would, however, be possible to only give the people the right to vote who indicated that they read political news. However, this may also include fake news, or it may solely consist of news from one's own epistemic bubble. Additionally, it does not serve as a solution to Fishkin's (2018) rationality argument I mentioned before. For example, if the electorate is reduced by 50%, then every voter still only has the diminishable share of 1 out of 6.500.000 votes (CBS, 2020b), making it irrational to spend extended amounts of time to form a well-balanced vote. Because of this, the danger that the electorate will only enlighten themselves superficially remains. Superficial enlightenment is still better than no enlightenment, which is why this criterion *does* improve in a system of epistocracy, but it is nevertheless not completely fulfilled.

The fourth criterion, *control over the agenda,* does not change a lot in a system of epistocracy. Political parties still determine the agenda by either including or excluding certain issues from their party program or the debates, and citizens will still be able to set up citizen's initiatives – which would still be a flawed instrument (Hendriks, 2012, p. 139). Concludingly, this criterion still is not fulfilled in a system of epistocracy.

The final criterion that Dahl suggested, *inclusiveness,* is also negatively affected when implementing an epistocracy. Namely, a substantial part of the population is *purposefully* left out of the demos. When scrutinizing which groups would likely be filtered out – regardless of whether it is the group who indicated they do *not* read political news, or the group of individuals who do not have a high education level – it is evident that several demographic groups are excluded from the democratic process. As mentioned before, lowly educated, young, and non-native citizens are currently already underrepresented in the government and population that actually votes, and are therefore not equally included in the democratic process. Instead of resolving this, Brennan (2011) gives the impression that this is not a problem, but the cause for bad policies, and therefore seeks to exclude these people from democratic processes. This only worsens the problem, because now the already misrepresented groups also miss any incentive to educate themselves on political matters or to deliberate, resulting in their preferences not being considered when drawing up a policy. Henceforth, Dahl's (1979) fifth criterion is also neglected in a system of epistocracy.

In addition to falling short on all of Dahl's criteria, there are other evident downfalls to this system. First and foremost, because an epistocracy excludes a proportion of the population, it means that a part of the population cannot benefit from the *intrinsic* values of a democracy described before; *equality, self-realization,* and *freedom of autonomy.* Furthermore, the policies that would be at the basis of the implementation of a system of sortition is at odds with the values of a liberal democracy; the fundamental rights of individuals ought not to be marginalized by a majority (Swift, 2006, p. 192; Beetnam, 2004). By taking away people's votes, one denies others the membership of a democratic state (Swift, 2006, p. 192).

In conclusion, the implementation of the *epistocracy* is against several fundamental democratic principles, and therefore it can never be justly implemented. Even if it would be implemented, it would not be an improvement to the system currently present in the Netherlands – in fact, it would even make it worse, as can be noticed when considering Dahl's (1979) criteria. Therefore, the *epistocracy* cannot be deemed a proper solution to the problems of Dutch politics.

The wise are the people themselves: Referendums

The former two systems may not hold because they seek to give citizens *less* influence in the legislative process instead of *more* influence. The third alternative, holding more referendums, is a proposal that would resolve this. This plan especially gained recent momentum in the Netherlands after the populist politician Thierry Baudet founded his party Forum voor Democratie in 2017. Baudet considers the low trust in the government, the low current political participation and the increasing number of volatile voters as a sign that the electorate is not pleased with the current indirect democratic system anymore (Baudet, 2017, p. 1), and therefore he pleas for a direct form of democracy.

Referendums come in many forms and shapes (Baudet, 2017, p. 19), which is why it is essential to first demarcate the kind of referendum I shall be writing about. Baudet (2017) advocates the *facultative binding referendum*, which implies two things. First, the electorate can decide which cases should be decided by means of a referendum. Secondly, the referendum is binding, which indicates that the voters in a referendum are the highest governing body – the outcome cannot be repelled or ignored by a government. As referendums also are a democratic instrument, it is again possible to weigh it off against the five criteria for democracies that Dahl (1979) proposed.

To start with the first criterion: *political equality*. This criterion does not change much, which is positive. In the democratic system present in the Netherlands now, it also does not cause problems for the process. Therefore, this criterion is satisfied.

Effective participation, the second criterion, does change to a large extent in a system where facultative binding referendums are in play. This is mainly because it does not do *anything* to prevent the lobbying and the funding by rich individuals. Since the issues to be decided by a referendum are about only one specific topic at a time, the potential influence of lobbyists is even bigger in a system that implements referendums. Namely, lobbyists can target their funding more precisely. Shell, for instance, may not be interested in funding one side of the debate concerning abortion, while they may fund a campaign against the introduction of a CO^2-tax in a referendum. Therefore, this criterion is still not fulfilled when implementing referendums.

Thirdly, there are new problems arising when examining the criterion of *enlightened understanding*. First and foremost, it is once again crucial to note that in a system where referendums are held, the issues concerning the *enlightened understanding* already present in the current system will only proliferate. When the electorate is able to directly decide on complex issues such as climate change, migration or the European Union, then there are only *more* cases where solid deliberation and information is required to make well-balanced decisions. Since even experts who spend an extended amount of time contemplating these issues find it difficult grasping the sheer complexity of these problems, it is unlikely that citizens who do not take the time to inform themselves can.

This stigma is evident when evaluating the 2016 advisory referendum concerning an EU association agreement with Ukraine that was held in the Netherlands. Research by polling station I&R Research (2019) shows that only 2% of the voters indicated that they had *a lot* of knowledge about the content of the agreement, while 20% said they had *somewhat* knowledge of the agreement. The turnout, however, was 32%, which insinuates that (1) the Dutch population did not have a need for this referendum, and (2) that there were more people that voted than there were people who informed themselves. Thus, even if the turnout is small, a considerable proportion of that small turnout is still ignorant when casting a vote.

Baudet (2017) objects to the notion that people will not educate themselves adequately before casting a vote in the case of referendums by arguing that time itself will solve this issue. This is because by holding more referendums, citizens will feel that they are *co-owners* of the state,

and therefore they are more likely to get engaged in politics by means of voting, deliberating and informing oneself (Baudet, 2017, p. 94). It is indeed plausible that the more matters citizens can influence, the more likely it is that they will inform them about at least one case – but mostly about the cases that the voter has particular interest in. If, for instance, there are five referendums held simultaneously, then it is likely that citizens will only educate themselves about the matters they are interested in and care about, while still possibly casting a vote in all five referendums. Additionally, the requirement for co-ownership – not just holding referendums, but holding *frequent* referendums – has one more downside: when too many referendums are held, it is impossible to educate oneself on all political matters. Even if it would be possible to educate oneself on all these matters, it still would be irrational to do so, as Fishkin's (2018) argument I explained in section 2 readily points out. All by all, it is improbable that citizens will make decisions on the basis of *enlightened understanding* once frequent referendums are implemented.

The fourth criterion, *control over the agenda,* gets completely fulfilled by the implementation of facultative binding referendums. Because citizens can initiate referendums themselves as long as they gather enough signatures, they can completely decide which political matters are to be decided on by means of voting. In fact, Baudet (2017, p. 70) even advocates that there should be *no* constraints for the matters to be decided on. Hence, even constitutional changes or changes of sovereignty could potentially be the subject of a referendum. In itself, because of this, the criterion of *control over the agenda* is satisfied.

However, *excessive* control over the agenda is not desirable (Dahl, 1979, pp. 107-108), since certain matters should not be subject to democracy. This is especially the case when the political matter to be decided conflicts with the notion that fundamental individual rights should stay intact (Beetham, 2004). If, for instance, a far-reaching alteration of the first article of the Dutch constitution – the one explicitly stating discrimination is prohibited – is suggested and accepted, then the interests of minorities may be overruled by a tyranny of the majority. Because this directly clashes with fundamental norms and values, this is seen as malicious (Swift, 2006, p. 192). In fact, excessive control over the agenda may even bring other criteria, such as *political equality, effective participation,* and *inclusion* in serious danger for similar reasons that I described in my rejection of the epistocracy. In conclusion, as a contained criterion, *control over the agenda* is fulfilled. However, because citizens obtain too much control over the agenda, the values of a liberal democracy are in danger. Consequently, Dahl's (1979) other criteria of a well-working and legitimate democracy are not satisfied, making this pernicious.

The fifth criteria, *inclusiveness*, also does not change for the better when referendums would be held on a frequent basis in the Netherlands. If the voter turnout does not increase, then the same problems of several demographic strata being overly-represented in the democratic process occurs. This criterion is thus still not satisfied.

In sum, a political system where citizens get more influence by means of referendums does not satisfy the requirements that Dahl (1979) set for a democracy. Therefore, it cannot be seen as an appropriate system to replace the current democratic system in play in the Netherlands. This is not even considering some other shortcomings of the referendums. Namely, referendums typically present political problems as a false dichotomy where there are only two solutions to an issue, even though the solution often lays more in the middle and is more nuanced (Hendriks, 2012, p. 218). Additionally, referendums are often used to show general disgruntlement about the matter of affairs in a country, instead of showing one's real preference about an issue (AD, 2018; Hendriks, 2012, p. 95). In conclusion, the implementation of referendums is not beneficial for the Dutch democracy.

Since the other two alternatives, the *technocracy* and the *epistocracy,* also do not have the qualities to replace the present Dutch democratic system, it is wise to consider another alternative. The rejection of the *technocracy* shows that *not* giving citizens any power in the legislative process is not desirable, because it neglects the *intrinsic* and *instrumental* values of democracy. Additionally, only granting suffrage to an elite electorate is not beneficial, since it neglects the interests of a large part of the population. Implementing referendums also is undesirable, because it grants people direct voting rights on matters they are likely not informed about. In the next section, I shall explain *sortition,* which is a democratic system that does improve several aspects of the current democratic system, while not falling for the downsides of the aforementioned alternatives.

4. Sortition as the solution

In the previous sections I have pointed out the shortcomings of the current Dutch democratic system and I explained why the three governmental systems frequently discussed in the Dutch media and political arena do not make good alternatives to it. In the next section I will propose a system that *can* be a solid alternative to the system currently in play in the Netherlands: sortition. I will do this by first introducing the system and what its implications are. Thereafter, I will analyze the system using Dahl's framework to assess the quality of democracies. Lastly,

I will gauge the *instrumental value* – the ability of the system to create favorable policies –, of the system.

The System of Sortition

Sortition is a deliberative form of democracy where citizens are drafted by lot to seat in an assembly, instead of being elected by the means of voting. Thus, a governmental body constituted by sortition is made up of a random sample of the *demos*. Since random sampling statistically ensures a descriptive representation of the population (Acharya et al., 2013, p. 330-331), it engenders that political power is held by a cross-section of the population, rather than by a handful of elected professional politicians. Despite deviating from our current view of what democracy is, the political system is not new, as it has historically been applied in Ancient Athens, Tuscany, and Switzerland (Hennig, 2017, p. 28). In fact, sortition has been advocated by well-respected political philosophers in the past (e.g., Rousseau (1762/2017, pp. 108-125) and Montesquieu (1748/2010), and till this day got hearing by philosophers such as James Fishkin (2011) and David van Reybrouck (2016).

The process of this system can roughly be divided into two core elements: the selection procedure, and the deliberation. However, in existing literature on sortition, there is a wide variety regarding the specific implementations of each phase of the process (Fishkin, 2020; Hennig, 2017; van Reybrouck, 2016; Gutmann & Thompson, 2004). There is thus not a blueprint that can be copied one-on-one, and the success of any political system highly depends on the context it appears in. Therefore, in the next part, I am going to explain the two core elements of sortition, after which I will advocate the specific implication that seems most promising to me.

The first stage of sortition, the selection procedure, is the point where this system differs most from other governmental forms. Whereas in elective representative democracies, political officials are chosen by the demos by means of voting, in sortition they are assigned by lot. As a result, the citizen assemblies consist of a random sample of the entire population – the demos will actually be represented by people who show social, cultural, and economic similarities to them.

Because of this altered way of assigning who has legislative power, there is a completely different kind of representation in politics – it shifts from *responsive* representation to *descriptive* representation. Whereas responsive representation engenders that one is represented by someone who is likely to respond to issues in a similar fashion, in descriptive representation

one is represented by someone who shows similar demographic characteristics (Hennig, 2017, p. 49; Hendriks, 2012, p. 150). This is also where sortition gets its legitimacy from as a democratic system: The citizen assemblies drafted by lot are a manifestation of the *full* population – which is a notion I will return to in section 5.

The merits of descriptive representation become clear when considering the current course of events in Dutch politics. Namely, politicians are elected for terms of four years. In these four years, however, the political playing field changes significantly. Therefore, during a governmental term a deviation between the voter's opinion and the opinions of the one voted for can occur. By having *descriptive* representation, the aforementioned problem does not occur; The opinions of a representative random sample are likely to change similarly to the opinions of the population as a whole (Arnesen & Peters, 2017, p. 888).

Another advantage of having *descriptive* representation instead of *responsive* representation is that groups that are currently marginalized in the electoral system (e.g., 39% of the members of parliament is female, against 50% in the population, and 16% of the members of parliament have a migration background against 25% in the full Dutch population (Hingh, 2021; NOS, 2021d)) will have a more prominent role in legislation. This tends to lead to better laws for these groups: research shows a correlation between the number of women or members of the LGBTQI+ community in the government and the number of laws favoring rights for the respective groups (Bratton & Ray, 2002, p. 432; Schwindt-Bayer & Mishler, 2005, p. 420; Reynolds, 2013, p. 210). Other research shows women (Reingold & Harrell, 2009, p. 290) and ethnic minorities (Sanchez & Morin, 2011, p. 494) are more interested in politics and are more willing to politically engage once they see their groups are represented descriptively. Lastly, citizens are more easily willing to accept information from people who are alike and they are thus more likely to agree with proposals made by descriptive representative governmental bodies (Arnesen & Peters, 2017, p. 889; Hingh, 2021). This all contributes to more trust in the political system (Hendriks, 2012, p. 275). In sum, descriptive representation will be beneficial for the political participation of minorities and marginalized groups.

Drafting representatives by the means of sortition thus has significant benefits. However, it is essential that the selection procedure is conducted justly. First and foremost, the process should at all times be *transparent*. The paramount reason for this is that the population should deem a system to be *fair* and *trustworthy*. Bearing in mind that during the 2021 national elections, over 10% of the Dutch population did not trust in the fairness of the elections (NOS, 2021c), it is probable that there will also be a fair number of people who do not trust the random selection

that is at the base of sortition. Transparency by the means of, for example, livestreaming the drafting of the representatives, and openness about the algorithm used to draft people can diminish this distrust – transparent sortition is generally perceived as a fair procedure after all (Sher, 1980; Liu, 2021, pp. 85-86).

It is important, however, that the *names* of the drafted individuals are not made available to the public. Anonymity of the members of these citizen assemblies is required to prevent pressure from lobbyists and interest groups (van Reybrouck, 2018, 29:50-30:43). Instead, it is wise to *only* reveal basic demographic features (e.g., age, sex, birthplace, profession) of the drafted citizens. In this way, everyone can see the citizen assemblies actually resemble the full population, while also ensuring the privacy of the participants and by doing so diminishing the power of lobbyists and interest groups.

Secondly, it is not desirable to force citizens to take place in a citizen assembly against their will – this will only antagonize them against the system. Therefore, individuals who are drafted by lot should always have the possibility to decline the offer to function as a political official in a citizen assembly. The downside of this is that some sort of self-selection ensues. This is unfavorable, because it disrupts the principle of *descriptive representation* I explained before. For instance, a person who is currently already interested in politics, and has enough money to spend their time to also do politics may be more likely to accept the invitation than someone who currently feels disconnected to politics and who has to go all out to make ends meet. Since it is essential that the sample is as random as possible to ensure *everyone* is represented, the persons who are drafted should be incentivized to take place in the citizens assembly. The best way to do this is by means of an adequate financial compensation (e.g. current wage + 20%), and the guarantee that one does not get fired by their current employer for doing so.

Thirdly, as it is essential that the citizen assemblies are as descriptively adequate as possible, I suggest a stratified random sampling technique, because it diminishes the negative consequences of the aforementioned self-selection. Stratified random sampling is comparable with random sampling, but it takes the demographic strata existing in society into consideration. To illustrate this, take the fact that in the Netherlands roughly 50% of the population is male and roughly 50% is female. Stratified sampling would ensure that 50% of the sample (and therefore the citizen assembly) is male and 50% is female. Hence, if 100 people were to be drafted, and of the 90 people drafted so far, 50 are female and 40 are male, then the last 10 people drafted would all have to be male. The strata I propose are gender, age, and level of education, because according to descriptive research by Eidhof (2021) and de Hingh (2021),

there is a serious disruption between the presence of these strata in society and their representation in the political arena.

When the citizen assemblies are drafted, it is time for the deliberative process. This deliberation process is phased, and therefore I will explicate the process step-by-step. For the sake of clarity, however, it is essential to elaborate on several elements of the deliberation process that return in multiple phases.

An important factor of the deliberation in citizen assemblies is the *discussion in subgroups.* These discussions in subgroups should resemble what Habermas (1973) would call *ideal speech situation;* easily accessible, power-free and consensus-based discussions. The first of these criteria is inherently fulfilled in the citizen assemblies, as its members are offered the opportunity and the means to come to the meetings. The latter two can be accomplished by the use of a mediator who ensures that everyone gets equal speaking time, the conversation remains civil, everyone stays on the subject, and the conservation is moving forward towards a consensus (Beschorner, 2006, p. 135). The ultimate goal is that every member of the citizen assembly is encouraged to give their own opinions, feels safe to share a deviant opinion, listens well, and that in the end a premature closing of the conversation is avoided (Bird, 1996, p. 207). The move towards a consensus is another essential point of this system. As Rousseau (1762/2017, p. 35) already reckoned, the sum of particular wills is something else than the *general will.* Therefore, consensus reaching is desirable. However, sometimes a consensus cannot be reached. In these cases, an option that is supported by a big share of the discussion group by means of voting complies.

Fortunately, it is often possible to reach this consensus in the smaller subgroups relatively easily, as past experiments where sortition is mimicked show (Fishkin, 2011; Lushkin et al., 2007). However, it is practically unrealistic that *all members* of a citizen assembly come to one single consensus. Therefore, it is impossible to entirely avoid the use of voting. In the implementation of sortition that I propose, people can anonymously and digitally vote for one of the proposals reached by consensus in sub-groups. This shall be done by means of an *exhaustive ballot.* This means that there are multiple voting rounds, until one option gets the majority of 50% + 1. Thus, after each voting round, the *least* popular option(s) are eliminated and voting continues until one option gets the absolute majority.

Now these parts of the deliberation process are explicated, I will go over the deliberation process as a whole. First, the citizen assemblies should be able to *set the agenda* themselves in

order to guarantee freedom on the matters to be decided. This shall be done during periodic meetings inserted specifically for the determination of the agenda. In these meetings, every individual can, but does not have to, send in the topics they want to discuss in the assembly. After this, the members of the assembly shall deliberate in smaller subgroups about which topics deserve most attention. In order to decide which topics will end up on the agenda, the members of the citizen's assembly shall vote according to the principle of the exhaustive ballot until a majority of 50% +1 is reached.

When the agenda is set, the members of the citizen assemblies will again discuss these subjects in sub-groups. However, since these matters may be complex (when the public could set the agenda for the Belgian G1000 sortition initiative, for instance, they chose to talk about migration and democratic renewal (G1000, 2012)), it is essential that everyone can have a well thought out input to the discussion. Enlightened understanding is required for proper deliberation, after all (Rousseau, 1762/2017, p. 35). Therefore, before starting the discussion sessions, the citizen assembly is properly educated on the matters to be decided. This can be realized by experts giving lectures, but also by the collective viewing of documentaries. Because of this, everyone has access to information of high quality that is needed to form a well-balanced opinion.

After everyone had the chance to be educated about the topics on the agenda, they will discuss these in sub-groups. The combination of receiving adequate information, and then discussing it with peers guarantees an enlightened understanding amongst the individual members of the citizen assembly. After this, every sub-group can propose their solution to the challenge, on which all members of the citizen assembly can then indicate their preference by means of voting in an exhaustive ballot.

As I mentioned before, this system does not only have many variations, but it can also be applied on multiple governmental layers. I do not want to limit my thesis by only covering one particular application of the system. However, I do want to remark that the system works best if it is widely used both on a national level and on a local level. A wide application of sortition means that in the end *more* people will take place in a citizen assembly. Why this is important shall be further explained in section 5.

Additionally, to illustrate how sortition can be used on national level, I specifically advocate the replacement of the Senate (Eerste Kamer) with a permanent citizen assembly. This is as the Senate, originally created to theoretically assess newly proposed laws on the basis of feasibility,

consistency with other laws, and executability (Eerstekamer.nl, n.d.), now largely neglects its purpose. First and foremost, the members of the Senate generally vote in line with the stance of their respective political party in the House of Representatives (Verveen, 2021) – an act commonly referred to as 'fraction discipline' in the Netherlands. Because of this, the Senate now functions as an extension of the party-political game, and not as a governmental body that tests newly proposed laws on their feasibility (Holman, 2013). Additionally, being a member of the Senate only is a part-time function. Because of this, every member of the Senate has on average four side-jobs (van Loon & Rutten, 2019), which causes a major conflict of interest. In fact, 50 of the 75 members of the Senate have taken the floor about a subject of which they could get personal gain (NU.nl, 2019).

Therefore, in my view a citizen assembly on the basis of sortition can very well take over the tasks the Senate; they would thus assess laws already passed by the House of Representatives. In addition, citizen assemblies should have the power to propose new laws on which the House of Representatives can then vote. In both cases, this can act as a feedback loop: If the House of Representatives does *not* accept a law proposed by the citizen assembly, or the other way around, the initial proposing institution can change the proposal once. In other words, citizen assemblies will both have the power to accept or reject laws already proposed by the House of Representatives, and the power to propose new laws, that in turn have to be accepted or rejected by the House of Representatives. So, no single institution has the power to pass laws by itself. There will therefore be an interplay between the House of Representatives and the permanent citizen assembly in the Senate.

This also means that the House of Representatives will stay in place as it is right now, despite the flaws I pointed out earlier. The reason why this is necessary, is because it allows *every* citizen of the demos the chance to convey their preferences in at least one way: a vote. The system of sortition simply cannot assure that *every* citizen will eventually take place in a citizen assembly. In fact, the share of citizens that will once take place in a citizen assembly is rather small – a given I will come back to in section 5. Since it is unfavorable to have the possibility that one *never* is involved in politics, the way to express preferences by means of a vote remains.

Fortunately, the existence of the citizen assembly does solve several issues currently in place in the House of Representatives. Firstly, there is an *actual* independent check on the policies proposed, instead of a 'check' by a Senate which, as explained before, mainly is an extension of the party political game. Therefore, policies pushed by lobbyists, but that are detrimental, are unlikely to make it to legislation. Secondly, citizens have more possibilities to set the agenda

of the House of Representatives, because the citizen assemblies will do so. Thirdly, there is at least one political institution that takes the inclusion of the entire population into consideration.

By implementing the system of sortition as I described above, the Netherlands would deviate largely from the general conception that the elective representative democracy is the only way a country can be ruled democratically (Levitsky & Ziblatt, 2018, p. 204). Because the perception of how democracy can work should totally change, the reformations should not be taken lightly. To see how effectively it can contribute to the Dutch democracy, I will gauge this democratic system by applying Dahl's framework to assess the quality of democracies.

Sortition and Dahl's democratic principles

The first criterion, *political equality*, is satisfied in the newly proposed system. Every Dutch inhabitant who also is eligible to vote during general elections, also are put into the pool of names from which representatives are drafted by lot. Since lottery does not make distinctions between people, everyone is considered equally. Therefore, the criterion of *political equality* is fulfilled in the system of sortition.

Effective participation, Dahl's second criteria, is completely fulfilled *within* the citizen assemblies. Every drafted member of these assemblies has the equal opportunity to adequately express their preference to the outcome, regardless of social class, gender, age, or ethnicity. The trained mediators that lead the discussions will ensure that every person is allowed to speak up and provide their opinion, so the discussions will not disproportionately be dominated by the more expressive and extraverted participants.

The current concerns for *effective participation* – that lobbyists, wealthy individuals, and interest groups have more means to express one's preference than regular citizens – do fortunately not hold up anymore in the system of sortition. Since the names of the members of citizen assemblies are not made available to the public, lobbyist lose their influence.

However, it is clear that the principle of *effective participation* only goes up *within* the citizen assemblies, but that in society as a whole, the *effective participation* decreases. Due to the fact that members of the citizen assemblies have more opportunity to express their preferences than people who are not drafted, there is a disruption between the means to participate between the members of the citizen assemblies and the full population. Because there is only a select number of seats in the citizen assemblies, not every person shall eventually be drafted to take place in a national citizen assembly. In fact, the *effective participation* of sortition alone is the lowest of

all democratic systems I discussed in this thesis. This also is the paramount reason why the institution of the House of Representatives should stay in place – everyone should have the opportunity to express their vote in at least one way. Regardless of this, this remains a solid objection, on which I will come back in section 5.

Thirdly, the criterion *enlightened understanding* also improves appreciably when implementing the system of sortition. The citizens that hold power (the ones drafted to take place in the citizen assemblies) are involved in a deliberation process unmatched by any other covered democratic system. As they are educated properly on the subjects by certified experts that will help them form a well-balanced opinion, and they deliberate about proposed policies, they are able to form an enlightened understanding.

Citizen assemblies are first educated by experts on the matters to be decided. This ensures that the information they receive is of high quality, and that the participants of the citizen assemblies are less susceptible to fake news. Additionally, the fact that the citizen assemblies consist of randomly sampled members, one can come into contact with a representative sample of the population. Therefore, there is no room for epistemic bubbles and echo chambers, in which people only get one-sided information. Because of this, when meeting with a representative sample of the full population in real life, one can easily see that opinions are more diverse than one may be used to online. This has in turn positive effects on the *enlightened understanding* of the members of the citizen assemblies: research has shown that diverse groups outperform groups consisting of highly skilled individuals when it comes to solving tasks (Singer, 2019, p. 186; Hong & Page, 2004, p. 16389). Hence, this criterion is satisfied in the system of sortition.

The fourth criterion, *agenda setting*, also is fulfilled adequately in the system of sortition. Because the citizen assemblies set their own agenda, they can decide on which issue to deliberate and propose legislation to be voted by the House of Representatives. In other words, they can *fully* set their own agenda, and by doing so, they can *partially* set the agenda for the House of Representatives, which has to consider the laws proposed by the citizen assemblies.

In the referendum, as proposed by its most prominent supporter in the Dutch context, the populist politician Thierry Baudet (2017), the demos also are able to set the agenda. In that case, however, I argued that it was pernicious, because a largely uninformed demos could both set the agenda and directly influence the outcome of the matters on that agenda that could potentially be clashing with the values of a liberal democracy. In the case of citizen assemblies, there always is a check by the House of Representatives. They can only effectively set a part of

the agenda of the House of Representatives, and even if proposals that go against fundamental human values are suggested by the citizen assemblies, it is still unlikely it shall result in an actual law because of this extra check.

One may argue that because the House of Representatives remains the entity that in the end accepts or rejects the policies proposed by the citizen assemblies, the fact that the citizen assemblies can set their own agenda and propose policies is no more than a sham – if the House of Representatives does not do anything with the proposed policies proposed by the citizen assemblies, the citizen assemblies practically do not hold any power. This approach misses one essential point. Namely, when citizen assemblies propose policies that are supported by a large part of the population, then parties in the House of Representatives will be held accountable by the electorate for not following these proposals – a notion I will elaborate in part 5 of my thesis. Therefore, it would not be in the interest of the political parties within the House of Representatives to neglect the opinions of the members of the citizen assemblies.

Lastly, the fifth criterion, *inclusiveness,* is fulfilled within the citizen assemblies as well. As mentioned before, every member of the *demos* has the equal opportunity to be drafted to take place in the citizen assemblies. When the members of the citizen assemblies are drafted, the citizen assemblies will consist of a descriptive sample of the entire population. Therefore, groups that currently are underrepresented in the Dutch political arena – such as migrants, the lowly educated and women (Eidhof, 2021; de Hingh, 2019) –, will now be represented in Dutch politics.

In conclusion, the system of sortition scores better on most of the five criteria that Dahl composed compared to the current elective system that is in play in the Netherlands. Unfortunately, one criterion does still show serious problems. Effective participation is not fulfilled, because it is unlikely that every citizen will eventually be drafted to take place in a citizen assembly. No political system is perfect, and as mentioned before, even Dahl (1979, p. 129) argues no democratic system can *completely* fulfill all criteria. However, the reasons for not fulfilling all criteria should be addressed. I shall do this in section 5.

Sortition and its instrumental value

I just explained why sortition can be thought of as a solid democratic system by applying Dahl's (1979) five criteria for democracies. However, the goal of any political system is primarily to draft good policies. Therefore, it is wise to also assess this system based on its property to lead to good laws – its instrumental value.

Firstly, it is important to note that as sortition is a democratic system, it can draw on the viewpoints of a large groups of people. If the de Condorcet's (2014/1785) jury theorem I touched on in section 2 holds true, and every individual is more likely to be right on a matter than that they are to be wrong on a matter, then groups of individuals are *much more* likely right on a matter than wrong on a matter. Since the citizen assemblies will consist larger groups, and these groups are informed about the matters to be decided, it is more probable that (1) each individual makes the *right* decision, and therefore that (2) the group comes to the *right* decision (Moore, 2016, p. 13).

Secondly, because there are relatively large groups of people in the citizen assemblies, there are many diverse opinions to be heard. Research done by Landemore (2017) shows that people generally are good at discerning which arguments are good and which ones are not. This entails that when citizen assemblies are presented with a wide range of different opinions, that the well-reasoned opinions will typically be selected by the group – a notion often referred to as the Wisdom of the Crowds. Therefore, the best proposal out of a selection that is broader than in any other democratic form discusses is likely to be selected, which leads to generally good policies (Landemore, 2017).

Thirdly, as I mentioned before, the citizen assemblies are a descriptive manifestation of the full population. Therefore, the groups are relatively heterogenous and can therefore draw from the experiences of a diverse sample of individuals. Because of this, groups of heterogenous people can make better predictions and estimations than groups of people who solely have the expertise on one specific subject (Hunt et al, 2015; Moore, 2014; Page, 2007; van Knippenberg & Schippers, 2007). This shall be further discusses in part 5 of this thesis.

Fourthly, another favorable aspect of sortition is that is builds towards a consensus. Consensus-research already is a part of the Dutch political nature because of the famous 'polder-model', which might make implementing sortition easier (Hendriks, 2012). Consensus-reaching is essential to battle polarization, because it tends to move towards a middle ground instead of going to the extreme sides of the political spectrum (Bovens & Wille, pp. 295-296). Even in the cases that there are initial extreme viewing-points in a sub-group, it is likely that participants will nuance their opinions. Namely, it should be possible to defend an opinion in such a way that it looks reasonable for others (Swift, 2006, p. 215). Empirical research confirms this notion. Even in the deeply divided Northern Irish society, citizen assemblies were able to reach a consensus which was supported by relatively many people (Gerry et al., 2021, p.16).

In conclusion, citizen assemblies are likely to lead to good policies which are supported by large parts of the population. Therefore, sortition does what democratic systems are intended for – reaching good policies. Since the system also scores high in Dahl's (1979) framework for assessing the quality of democracies, it can be a good complementation to the democratic system currently in place in the Netherlands. However, it is wise to consider possible objections first.

5. Objections against sortition

Despite sortition scoring relatively high in Dahl's (1979) framework, the system has been the target of several criticisms in the philosophical discourse (Swift, 2006, p. 182; Anthony, 2016). At times these critiques are partially valid, while in other cases the critique is ungrounded and based on false assumptions. In the next section, I will discuss the frequently heard critiques of sortition.

Deliberative citizen assemblies are not competent

The paramount concern many have when hearing about sortition is that it simply is not feasible because the 'everyday person' who would be drafted by lot is not competent enough to hold power (Hendriks, 2012, p. 17; van Doorn, 1998, p. ix). It is argued that when incompetent people make the laws, the resulting laws can simply never be effective, and well-balanced. Therefore, it is best to give the power to elective representatives, since they are thought to have the expertise required to make good laws.

However, this notion is built on erroneous beliefs. First of all, it is a misconception that elected representatives in the government are more competent because they already have good knowledge about their portfolio: Only 35% of the elected representatives had former knowledge about the matters in their political portfolio (Verveen, 2021). This indicates that the competency that the majority of the representatives has is only acquired *after* they took place in the government. Similarly, drafted representatives could also be educated to be competent on the matters that they decide on (Miller, 2003, p. 47). Additionally, as Swift (2006, p. 208) and Miller (2003, p. 47) also note, placing the 'everyday person' in the position of power, will over time make them more competent, because doing something regularly makes people better at it. Therefore, a drafted representative could to the job just as good as an elected representative.

Furthermore, when thinking about the 'everyday person', it is easy to fall for the cognitive bias of illusionary superiority. Humans have a tendency to overestimate our own abilities, which

causes us to underestimate the abilities of others (Hoorens, 1993). Because of this, when someone is asked to imagine a randomly sampled citizen assembly, he or she has the tendency to base their imagination of this on the extremely incompetent part of the population. In reality, the 'everyday person' is more intelligent than one expects, which means that the citizen assemblies also would be more competent than people imagine.

Nonetheless, one may argue that it can still be that the representatives that currently are in parliament are more competent because they generally enjoyed higher educated – 95% of representatives finished at least higher education after all (Eidhof , 2021). It is indeed true that, if one reduces *competency* to *having fulfilled education*, the members of parliament are more competent than the members of drafted citizen assemblies – 'only' 33% of the Dutch population has finished higher education (CBS, 2018). However, the high average level of education in the Dutch House of Representatives is not necessarily something positive. Namely, research shows that higher educated persons are particularly bad at predicting the abilities and perceptions of the lower-educated – a cognitive bias commonly referred to as the Curse of Expertise (Fisher & Keil, 2015, p. 1251; Hinds 1999, p. 218-220). Therefore, a government comprised of highly educated representatives is probably not able to accurately predict the perceptions nor the abilities of the vast majority of the country's population. This, in turn, is likely to result in policies not suited for everyone. This effect is exacerbated by the fact that the same highly educated people are often more stubborn, are more likely to think that biases do not apply to them, and overestimate their own abilities (Fisher & Keil, 2015, p. 1265; Hinds, 1999, p. 219). Thus, they are less likely to alter their opinions when new information or opinions are provided, despite this being an essential part of the deliberative process. Therefore, a government consisting out of only highly educated persons is not desirable.

The Curse of Expertise may in fact be one of the explanations why diversity trumps ability. However, it only explains why *ability* (roughly conceived as having followed education) is overvalued, and not why diversity *does* reach good policies. As also mentioned before, there is an indication in cognitive research that diversity *does* affect the outcomes of group collaboration positively (Hunt et al, 2015; Moore, 2014; Page, 2007; van Knippenberg & Schippers, 2007). Namely, when diverse groups are asked to make estimations, they typically come closer to the truth than groups of experts (Page, 2007). The same counts in the context of a business; suggestions proposed by a diverse group of people often leads to higher profit, and to policies supported by a larger proportion of the employers (Hunt et al, 2015, p. 3-8). There is not general consensus among researchers *why* this is the case (van Knippenberg & Schippers,

2007), but expected is that the main reasons are that diverse groups can draw from a wider variety of experiences. (Hunt et al., 2015:10; Moore, 2014, p. 13), and are better at seeing the perspectives of others (Hunt et al, 2015:12). These are all aspects that are of high importance when coming up with new policies, which is why random and thus diverse samples, citizen assemblies can be deemed *competent.*

Lastly, even in the unlikely event that bad policies are proposed by the citizen assemblies, there still is a check by the House of Representatives. Thus, even if one specific proposed policy is bad, it will most likely not make it to legislation. Henceforth, the concern that citizen assemblies are not competent enough is ungrounded.

Deliberative citizen assemblies cannot be held accountable

Another problem may arise when considering the accountability of the drafted members of the citizen assembly (Anthony, 2018). Since members of citizen assemblies are drafted by lot, and therefore cannot be reelected, they cannot be held accountable for the policies they propose.

Right now, the Dutch government *can* be held accountable for their actions to at least a certain degree. For example, if the electorate is dissatisfied with Rutte's policies regarding climate change, it can politically hold him accountable by not voting for him and his political party the following election. Because it is in the interest of political parties to gain *more* votes during the next election, they are more likely to make decisions that suit the will of the electorate.

Many deem the fact that the *people* can assess politicians based on their policies as something positive: If a political party that is in power makes bad policies, they can be held accountable by the electorate during the following elections. Due to the fact that politicians can be held accountable for their actions, it is argued that they will try their hardest to make good policies, which overall is best for society.

Unfortunately, the accountability of politicians also has a substantial downside. Namely, *just because* politicians very well know they can be politically punished when opting for unpopular policies, they rather choose policies that are to the liking of their electorate (Vlerick, 2020, p. 1). Sadly, policies that are *popular* are not necessarily *good* on the long term. This can be exemplified by the Dutch tax system, which over the past years became increasingly intricate and convoluted in order to show positive data concerning the growing purchasing power (Hofs, 2018). In fact, in some cases *unpopular* policies are even required on the long term. A schoolbook example of this are policies for climate change. In order to mitigate the effects of

climate change, governments should invest large sums of money to directly curb CO^2 emission. However, spending money on this long-term goal may come at the cost of short-term disappointments, such as higher taxes. Because governments may be penalized for these short-term unpopular policies, they may be less inclined to implement severe, but necessary measures that are required to tackle long-term challenges.

Citizen assemblies on the other are not concerned with winning the next elections, and therefore they are freer to propose laws that may be conceived as being unfavorable in the short term, despite them being necessary to reach long-term goals. One may still argue that, because the elected House of Representatives should still pass those laws, it is nonetheless unlikely that laws that are necessary, but on the short term unfavorable make it to legislation.

However, empirical examples show that governments are held accountable to a higher degree when *not* passing laws that are favorable than they are when they do *not* propose these laws in the first place. For instance, the Dutch government was held accountable for *neglecting* to join the initiative to abolish investments in fossil fuels at the 2021 Glasgow Climate Summit. Had there been no initiative in the first place, they would probably not be held accountable for still investing in fossil fuels, or for not proposing laws that would restrict this practice. In fact, the Dutch government even succumbed to both foreign and national criticism and later announced that it would join the initiative after all (NOS, 2021c).

Hence, it is likely that the House of Representatives will be held accountable for *not* passing laws favoring long-term goals suggested by the citizen assembly (Hendriks, 2012, p. 253). If these citizen assemblies do, however, suggest laws that *really* go against fundamental values, then the House of Representatives will still function as a check. Therefore, a citizen assembly that cannot be held accountable is a positive complementation to the Dutch democratic system.

In conclusion, it is plausible that citizen assemblies have less tendency to suggest laws that are popular, but detrimental in the long run *just because* they cannot be held accountable for it. Since the House of Representatives is in turn more likely to be held accountable for *denying* good, but in the short-term unfavorable laws, than they are to be held accountable for *not suggesting* good, but in the short-term unfavorable laws in the first place, it is probable that more laws that are required to accomplish long-term goals will be accepted. Therefore, the non-accountability of the citizen assemblies can be deemed as something desirable.

Deliberate citizen assemblies are not legitimate due to its low levels of participation

Lastly, as I already pointed out in section 4, there may be a legitimacy problem in the citizen assemblies because the participation is low. Since citizen assemblies are constituted by drafting instead of by voting, they hold power not by decree of the population, but by 'luck'. One manifestation of this is that the citizen assemblies cannot be held accountable, as I previously described. Another manifestation is that there is no full *effective participation* when one applies Dahl's (1979) principles of democracy. Since *only* the drafted citizens hold the power to express their political preference in the citizen assemblies, while everyone else cannot, the participation is low. Therefore, one may argue that because so few citizens participate in the legislative process, the system is not legitimate as a democratic system.

However, in other aspects of the Dutch democracy, citizens already do *not* have a way to express their preferences. Ministers and secretaries of the state are *never* directly elected, as they are assigned to fulfill their position by the coalition parties. In fact, it can even occur that someone who was *not* on the electoral roll at all is nonetheless assigned the function as Minister. For instance, Sigrid Kaag was not on the electoral roll in 2017, yet she was the Dutch Minister of Foreign Trade and Development Cooperation between 2017 and 2021 (NU.nl, 2017). The same counts for the major and the alderman on a municipal level, and the members of Senate on the national level. Therefore, even in the current system, not all political officials are elected by means of voting, some are also appointed by the coalition they will serve

But, the fact that it occurs in the current system does not answer this objection. Nonetheless, it does put it into perspective. The Dutch democracy is not unknown with the phenomenon of appointed political officials. The main difference is that the appointed political officials, such as the major or the ministers, at least have a political service record. So, it can be argued that they are chosen for their political capability instead of by 'luck'.

Additionally, the members of the House of Representatives are still elected by the citizens. Therefore, the current form of democracy is legitimate, because the legislators are ruling by the decree of the populations. In sortition, the legitimacy of the democratic system comes from the fact that the citizen assemblies are a descriptive manifestation of the full population. If democracy is "rule of the people, by the people, for the people'', as Lincoln suggests (as cited in Swift, 2006, p. 181), then the fact that the people are ruled by a representative sample of the full population, makes it a legitimate system.

Consequently, only the problem that there are low levels of participation remains. It is true that not all citizens have an equal opportunity to express their preferences in a national citizen assembly, because there are only a select number of seats in the citizen assemblies. Because of this, the actual participation of citizens on a national level remains low (Guerrero, 2014, p. 177). However, if sortition is also widely used on a local level, the negative consequences of this objection can be alleviated. If sortition is widely used, it is conceivable that a majority of the population will at least once take place in a citizen assembly during their lifetime. Therefore, the participation is only low on a national level, but not when considering all Dutch governmental layers. However, the chance to never be selected always remains. Therefore, it is wise to keep the elections for the House of Representatives, since this ensures that *every* citizen who is part of the electorate can express their political preference in at least one way.

6. Discussion & Conclusion

In conclusion, the trust in the Dutch political institutions is at an all-time low point (Erasmus University Rotterdam, 2021; NOS, 2021a), which is pernicious. When scrutinizing the functioning of the Dutch political system by applying Dahl's (1979) framework for accessing the quality of a democracy, it becomes evident that the low levels of trust could be attributable to the way the current democratic system is organized. Not every citizen has an equal say on the outcome because of the influence of lobbyists, citizens cast votes without being sufficiently informed, citizens do not have much influence on the agenda, and several demographic strata are disproportionately unrepresented in Dutch politics. Because the current Dutch democracy does not function duly, it is wise to examine alternative governmental forms that might tackle the current problems.

The three alternatives often proposed in the Dutch political arena and media (the technocracy, the epistocracy, and the use of referendums) do, however, all show substantial flaws, which becomes clear when applying Dahl's framework. The technocracy is too undemocratic, the epistocracy does not treat citizens equally, and when using referendums, policies are based on the preferences of a largely uninformed majority. Therefore, all these systems do not offer a promising solution.

A system that *is* promising is sortition. In this system, representatives are drafted by lot, which implies that a representative sample of the population holds power. The people that are drafted will take place in citizen assemblies, which will both set their own agenda and devise concrete proposals on the matters on the agenda. Before coming up with proposals, the citizen assemblies

will be informed by experts on the subjects, and will deliberate on the matters to be decided on. This entails several things. First, the representation will be descriptive. This not only means that everyone is represented when it comes to demographic strata such as age, education, gender and ethnicity, but also that the citizen assemblies consist of a *diverse* group of people. This is beneficial, because having a wide variety of viewing points is a driving force for *good* policies (Hunt et al, 2015; Page, 2007; van Knippenberg & Schippers, 2007). Secondly, it allows a representative sample to express their preferences on subjects *after* they have been thoroughly educated, and deliberation has taken place. In other words: it would really give power to 'the people' again.

There is not a single view on how to apply this system, and a ready-made blueprint that can be applied one-on-one simply does not exist. In the system I propose for the Netherlands, the citizen assemblies should at least be able to set their own agenda, and the names of the participants should not be made available to the public to ensure a low impact by lobbyist and interest groups. Additionally, for the system to work best, it should be widely used both nationally and locally, since this ensures that more citizens have the opportunity to at least once take place in a citizen assembly. One way to apply sortition on a national level is by replacing the Senate with a permanent citizen assembly; a thorough interaction between the existing institution of the House of Representative and a permanent citizen assembly leads to (1) *more* democracy, because 'the people' are involved more prominently in the legislative process ,and (2) *better* policies overall, because non-accountable and diverse citizen assemblies are likely to propose good policies.

Unfortunately, no single democratic system is perfect, and sortition is no exception. The main flaw for sortition is that it does have a relatively low number of citizens that *can* actually participate in the citizen assemblies – hence, not every citizen will experience the process of deliberation. Other objections are less grounded. The notion that citizen assemblies could be incompetent is disproven by sociological and cognitive research that shows that a diverse group of people can come to better outcomes than groups of experts (Hunt et al, 2015; Page, 2007; van Knippenberg & Schippers, 2007). Also the idea that it pernicious that the citizen assemblies cannot be held accountable is refuted. In fact, it is desirable, because governmental bodies that cannot be held accountable are more likely to propose policies that may not be popular on the short term, but that are required on the long term.

Sortition deviates a lot from our current conception of what democracies are and how they function best. Due to this, the implementation of this system requires an open mind by the

population, and a will to proceed. The best way to change the population's perception of sortition (in a 2017 research, only 10% of the respondents – who were most likely uninformed about the system – indicated they would be in favor of a lottery-based democratic system (SKON, 2017)) is by showing the population that it works, as it already did in Ireland, Iceland, and Mongolia (van Reybrouck, 2016). The proof of the pudding is in the eating, after all.

Since there are so many possible implications of sortition, and it can be applied on multiple governmental levels, it could potentially be tried first on a smaller scale. In fact, this is exactly what already happens in the Netherlands: Amersfoort (AD, 2017) already finished its first experiments with sortition. Democratic change does not occur from one day to the other, and the gradual implementation of this system may aid with strengthening its support.

In this thesis, I considered the current Dutch democratic system and three frequently advocated alternatives to possibly strengthen or replace it, and found them to be flawed. The spectrum of democratic systems is much broader, however, and it may be that a democratic system that I did not cover may also make a good addition to the democratic system in the Netherlands right now. Other democratic, such as a strictly socialist or supranational democratic system, can therefore also be researched and applied to the Dutch context, which is why I suggest this for future research. Additionally, the concrete implementation of sortition (e.g. how citizens conceive sortition, how many members of the citizen assemblies are optimal) makes a good topic for future research in the political sciences or sociology.

To sum up, we must realize that democracy does not solely entail the elective representative democracy currently in place. There are alternatives, and if the system falters, democratic renewal is required. If "Democracy is the worst form of government, except for all the others." (International Churchill Society, 2017), as Churchill says, it is wise to actually seek the best implementation of democracy. Churchill failed to look beyond the current perception of democracies being inherently *elective*. Democracy comes in many forms and shapes, however, and should be in a constant evolution. Make democracy stronger. Sortition can contribute to this lofty goal.

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