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Sortition-Infused Democracy: Empowering Citizens in the Age of Climate Emergency

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Abstract

This article addresses two great global challenges of the 2020s. On one hand, the accelerating climate crisis, and on the other, the deepening crisis of representation within liberal democracies. As temperatures and water levels rise, rates of popular confidence in existing democratic institutions decline. So what is to be done? This article discusses whether *sortition* - the ancient Greek practice of selecting individuals for political office through lottery – could serve to mitigate both crises simultaneously. Since the 2000s, sortition has attracted growing interest among activists and academics. Recently it has been identified in countries like the UK and France as a mechanism for producing legitimate political answers to the climate challenge. However, few theoretical reflections on the potentials and perils of sortition-based climate governance have yet emerged. This article contributes to filling the gap. Based on a critique of the first successful case of sortition used to enhance national

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environmental policy – in Ireland 2017-2018 - we argue that sortition-based deliberation could indeed speed up meaningful climate action whilst improving the health of democratic systems. However, this positive outcome is not preordained. Success depends not only on green social movements getting behind climate sortition, but also on developing flexible, context-specific designs that identify adequate solutions to a number of problems, including those of *power* (providing citizens' assemblies' with clear agenda-setting prerogatives beyond non-binding consultation); *expertise* (allowing assembly participants to influence which stakeholders and experts to solicit inputs from) and *participation* (engaging wider parts of the citizenry in the deliberative process).

Keywords: Climate change; liberal democracy; environmental authoritarianism; Citizens' Assemblies; deliberative democracy.

1. Towards the Perfect Storm? Climate Change Acceleration, Liberal Democratic Fatigue, and the Specter of Ecofascism in the 21st Century

As we enter the 2020s, there is - judging from the rapid rise of movements like *Fridays for Future* and *Extinction Rebellion* – a growing sense among citizens of liberal democratic regimes that political elites are unwilling and/or unable to confront the escalating climate crisis. This perceived inability to preempt medium- to long-term threats to biodiversity, the quality of life, and ultimately to human civilization itself, has long been debated as the potential product of a structural flaw inscribed into liberal democratic political systems (Byrne & Yun, 1999; Blühdorn, 2013). From an anti- or alter-capitalist vantage point, the key problem is that lobbies representing carbon-based fractions of the capitalist class manage to clog democratic decision-making at a decisive point in time (Klein, 2015; Monbiot, 2007). Meanwhile, a decade after the Great Financial Crisis, broad swathes of the population have become increasingly suspicious of governments, political parties, or indeed of liberal democracy as such, as evidenced by the surge of populism (Mudde, 2016) [1]. As the revolt of the Yellow Vests in France suggests, many ordinary citizens are not inclined to put up with solutions seen to involve climate austerity and decreasing living standards for the many and a de facto status quo ante for the few at the top (Grossman, 2019).

In this atmosphere of distrust and political paralysis, the specter of 'ecofascism' or 'environmental authoritarianism' - predicted since the 1970s by thinkers like André Gorz

(1980) and William Ophuls (1977) - begins to rear its head. The ecofascist governmentality can be summarized as follows: Since our survival as a species is at stake, something has to give soon, and if we cannot get to firm solutions using democratic mechanisms, we will ultimately have to accept a state of exception and put a decisive minority in charge (for contrasting discussions of the problematic, see Shearman & Smith, 2007; Wainwright & Mann, 2013). The case that liberal democracy might indeed be a hindrance to solving the climate crisis is bolstered by reference to China's supposedly enlightened authoritarianism. The Chinese leadership's swift turn towards an accumulation strategy premised on sustainable growth and green technology suggests to some that it will be more efficient to enforce the needed ecological turn from the top down than to wait for the 'will of the people' to materialize through electoral institutions.

In contrast, for those of us who presume that increased democratic participation is likely to lead to sounder climate action, and that the current problem is a *lack* of sufficient popular influence upon decision-making, not an excess of it, an urgent task lies ahead. Can we propose practical and efficacious ways to improve the process of democratic decision-making in due time? How, in other words, do we make it possible to *test* whether ordinary voters have in fact moved ahead of political and economic elites when it comes to the willingness to confront the structural implications of climate change for the way we produce, consume, and live? The purpose of this article is to discuss how the ancient Athenian principle of *sortition* – the selection of citizens for political duty through lots – could prove relevant as a part of the answer.

Modern-day proponents of sortition have pointed to a number of benefits of drawing lots. Four main arguments recur in different mixes. First, the composition of large political bodies assembled by lot approximates, by statistical necessity, the socio-economic characteristics of the overall population (Gastil & Olin Wright, 2018). Thus, sortition will allow for a higher degree of representational legitimacy than elected bodies, in which – to put it crudely - wealthy males with college education tend to be heavily overrepresented. Second, this higher degree of social heterogeneity is likely to lead to better decisions because the presence of multiple vantage points eliminates 'group think' and improves the quality of the deliberation on the common good. Third, ordinary citizens selected to serve as policy-makers will tend to be less biased than professional politicians who are almost always constrained by the strategic calculus of what benefits their party and often also financially dependent upon organized lobby interests. Because they are less bound to vested interests, ordinary citizens are, on average, more likely to listen and be persuaded by the rational arguments of their counterparts (Van Reybrouck,

2016). Fourth, because they are not up for reelection and do not have a political career to nurture, ordinary citizens are better positioned to think about what benefits the Common Good in the long term (Bouricius, 2017).

In the context of climate change, then, the proposition to be discussed below is that ordinary citizens organized into decision-making bodies created by lot have better incentives to make sound and legitimate policy decisions that put the long-term interests of future generations ahead of short-term concerns for electoral gains or economic profit. The premise of this article is that although this argument should not be accepted *a priori*, it is at least persuasive enough to deserve testing through institutional experimentation.

An initial note on the label ‘sortition-infused democracy’ is required. Given that *democracy* as this form of government originally emerged in ancient Athens pivoted on the principle of sortition – the random selection of citizens for political and legal office – it is historically speaking pleonastic to talk about ‘sortition-infused democracy’. However, over the last two centuries, electoral competition for popular mandate has instead become the hallmark of democracy in its modern representative form to the extent that the original association of ‘democracy’ with ‘the lot’ has been virtually forgotten beyond specialist circles. Consequently, since the aim of this article is to bring back sortition as *an addition to*, not as *an alternative to* election-based democracy, we propose that sortition merely constitutes one particular institutional *form* that the more general principle of democracy (rule of the people) can take. Thus, analogously to “performance enhancing substances” in sports, we propose that we consider sortition not as a shortcut to an entirely different form of democratic order, but rather as a new ingredient that could – if administered properly – energize the democratic system we know and lead to more efficient and legitimate decisions. This ‘reformist’ approach puts our contribution at odds with that of radical sortitionists who call for the abolition of electoral democracy as such (e.g., Bouricius, 2013; Van Reybrouck, 2016; Hennig, 2017). Crucially, our ambition is to examine sortition as a mechanism to *strengthen*, not *replace* liberal democracy.

The argument comes in four parts. Section 2 surveys the recent upsurge of interest in sortition among social scientists and practitioners. Section 3 then zooms in on incipient attempts to connect sortition to the climate challenge. Section 4 provides a theoretical reflection on the promises and perils of sortition-based climate governance. Section 5 concludes.

2. Review of Literature: The Revival of Sortition

Sortition was the cornerstone of Athenian democracy (approx. 500-320 BC), where its use in several institutional forms ensured a curbing of the vested interests of patronage networks, would-be oligarchic power, and an approximation of the principle of allowing citizens, including poor freemen, to rule and be ruled in turn (Hansen, 1999; López-Rabatel, 2019; Owen & Smith, 2019).[2] The principle remained in use in some places, notably including Italian city-states like Venice, until the early modern period (Tanzini, 2019). Indeed, “the lottery” remained a (pejorative) synonym for democracy until the nineteenth century. At this point, however, the meaning of democracy began to shift so that we today tend to think of electoral competition as its essence (for an influential statement of this notion, see Schumpeter, 1942). Looking back, the post-war decades (1945-ca. 1965) were the heyday of relatively functional, nationally integrated representative democracies based on electoral competition between mass-based class parties in an uncontested liberal constitutional order. Consequently, this era probably was the historical low point for the popularity of radical proposals for alternative ways to envision and enact democracy.

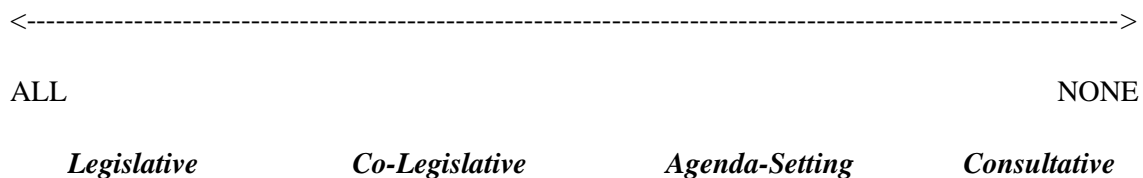
However, as cracks of dissent open at every level of liberal democratic societies in the 1960s and political scholars and activists begin to demand improved civic participation, sortition achieves renewed attention. Following the introduction of the principle of random selection to legal juries in the US in 1968 the first examples of advocacy for *political* sortition emerge in the 1970s and 1980s (Mueller, Tollison, Willett, 1972; Becker, Szep & Ritter, 1976; Mulgan, 1984; Callenbach & Philips, 1985; Engelstad, 1989). Simultaneously, the principle of sortition becomes cross-fertilized with theories of deliberative democracy inspired by scholars like Jürgen Habermas to produce a set of parallel and highly successful blueprints for practical use. These include Peter Dienel’s (1978) *Planungszellen*, James Fishkin’s (1988) *deliberative polls*, Neil Crosby’s *Citizens’ Juries* (Crosby, Kelly, Schaeffer, 1986) and the *consensus conferences* organized by the Danish Board of Technology (Andersen & Jæger, 1999).

The 1990s, in retrospect the last hurrah of liberal-democratic ideological triumphalism, proves a period of less innovation with only few new contributions on sortition appearing (although see Carson & Martin, 1999; Barnett & Carty, 1998). In contrast, the politically turbulent times since 2001 have led to a cottage industry of radical proposals for rethinking democracy, with sortition advocacy becoming increasingly central (Gastil & Wright, 2018; López-Rabatel & Sintomer 2019). For overview, we may distinguish between four degrees of

sortition-based reform promoted by contemporary advocates: *legislative, co-legislative, agenda-setting, and consultative* (see Figure 1 below). The spectrum is defined by the degree to which sortition-based political bodies (and here we abstract from the issue of *scale*) are supposed to take over decision-making functions currently vested in electoral bodies.

At one pole, we find the vision of randomly selected mini-publics as merely *consultative* organs that elected politicians (and/or bureaucratic officials) can use to assess popular opinion – or rather, what it *would be* given an ideal set of circumstances for deliberation. To compare this type of sortition-based body with a *focus group* – only more systematically representative – seems apt. However, even if the consultative body is devoid of power, it could nonetheless lead to a smaller distance between the political elite and the electorate, and thus to a healthier democracy. Furthermore, many of the experimental sortition initiatives that have sprung up in recent years, such as the G1000-initiative in Belgium (Jacquet et al., 2016) are consultative, not because the organizers want it that way, but because the methods involved have not (yet) obtained the official sign of state approval. As such, the frequency with which many existing Citizens’ Assemblies are often merely consultative, points to an important question discussed in more detail below, and which goes beyond the institutional and processual design of Citizens’ Assemblies, namely whether established political elites are willing to delegate actual political power to Citizens’ Assemblies and other forms of sortition-based mini-publics.

Figure 1. Share of decision-making power vested in Sortition-based Assembly, by type



The second type is the *agenda-setting* sortition body. Rather than simply providing *advice* that politicians can then take or leave (at the peril of looking arrogant), the agenda-setting body is endowed with the power to actually frame the subsequent legislative handling of a given matter. Three influential “real life” cases of this model are found in British Columbia in 2004, when 160 citizens came up with a proposal for a new electoral law (see Lang, 2007; Warren & Pearse, 2008); Iceland in 2011, when +1,000 citizens were called together to deliberate on the

form of a new post-financial crisis constitution (Bergmann, 2016); and Ireland, whose 2012-2014 Constitutional Convention (made up of 66 citizens, 33 politicians, and one chair) and 2016-2018 Citizen's Assembly (99 citizens and one chair) have both proved great successes (Farrell et al., 2019).[3]

At the other end of the spectrum, we find proponents of a political system in which sortition-based bodies hold *all legislative* power. Perhaps aided by the populist spirit of the post-crisis years, calls 'against elections' (Van Reybrouck, 2016) and for the 'end of politicians' (Hennig, 2017) have proliferated (also Guerrero, 2014; MacKenzie, 2016; for a critique see Umbers, 2018). In some variants, the argument is not simply that selection mechanisms for parliament should change, but rather that multi-purpose chambers as such should give way to field-specific and specialized bodies of deliberating citizens (Bouricius, 2013).

Wedged between those calling for abolition of electoral democracy and those content with granting limited, agenda-setting powers to sortition bodies, there is, however, a third position, the *co-legislative* position. The argument brought forward by its proponents is that the ideal model of democracy is likely to be one in which decision-making power is shared between elected politicians and citizens chosen by lot. This bicameral approach has recently been defended by John Gastil and Erik Olin Wright (2018), following in the path of e.g. Barnett & Carty (1998), O'Leary (2006); and Zakaras (2010). Evidently, there are challenges involved with any bicameral model, not least because it is likely to be highly asymmetrical in favour of politicians vis-à-vis citizens, as critics have pointed out (Bouricius, 2018; Owen & Smith, 2018). However, it is in our view nevertheless the co-legislative position that most clearly envisions a 'golden mean' model of politics, which allows for the beneficial qualities of institutionalized sortition, but without abandoning the historical achievements of electoral democracy. Indeed, the principles of universal suffrage and accountable government represent hard-fought historical victories for popular social movements of the disenfranchised classes, and sortition should serve to make these principles work better, not replace them.

The strength of the co-legislative ideal is that it doubles down on the crucial idea of *representation*. Defenders of the current model rightly point to the importance of the possibility to vote for representatives of one's personal *political-ideological* values and/or class interests. Meanwhile, proponents of sortition point the fact that a randomly selected 'mini-public' will approximate an accurate *socio-economic* mirror of the population (in terms of the relative number of e.g. women, workers, young people, rural-dwellers etc.) as the number of

participants increases, thereby providing a non-skewed microcosm of societal deliberation. The key challenge, then, is to work out institutional mechanisms for allowing these two forms of representation, *political* and *sociological*, to reinforce each other.

The question is how sortition can contribute to a model by which elected politicians that *have to* take greater care to justify their preferences rationally and be responsive to the citizenry – but without losing their role as ideological visionaries. In this regard, the problem with mere consultation is that political representatives can choose to take heed of the outcome of civic deliberation at their own discretion. As we know from non-democratic regimes across history, listening to ‘the people’ is a free lunch for powerholders as long as they retain the ability to decide unilaterally which inputs to accept as authentic and legitimate expressions of the popular will, and which to disregard. As we move to discuss how to apply sortition in relation to climate change, this dilemma of striking a balance between empowering citizens and retaining politicians’ initiative remains central.

3. Connecting Sortition and Climate Change: A Recent Empirical Trend

Curiously, the revival of sortition explored above has so far barely touched upon what many consider the defining political problem of our time.[4] We would dare to predict, however, that as the tangible consequences of climate change become ubiquitous and as politicians become increasingly perplexed, the search for alternative institutional mechanisms by which to reach unequivocal mandates for political action will accelerate, followed by growing scholarly reflection. After 2020, the question is not *whether* citizens will be prompted to take more responsibility for handling climate change, but rather *how* they will be asked to do so. Sortition-based deliberation on climate action, then, might be an idea whose time has only just come. Recent developments in several countries support this prediction. Below, we engage with five recent cases of sortition-based climate assemblies, e.g. the Australian, Irish, French, British and Danish experiences. In order to systematize our evaluation of these cases, we utilize the insights of Felicetti & della Porta (2019) on the relationship between social movements and sortition-based assemblies. Felicetti & della Porta (2019: 160-165) convincingly argue - on the basis of empirical analyses of sortition-based assemblies during the last 25 years - that experiments with sortition-based assemblies very seldom succeed, when instituted purely top-down by the state authorities and without demand from social movements and the broader civil society.

Instead, what Felicetti & della Porta (2019: 165) calls a “demand-driven approach and a bottom-up campaign nested in activist circles” in relation to sortition-based assemblies, is considered to be the most productive method to counter the political elites’ opportunism and selective use of advice from citizens’ assemblies. That is, sortition-based assemblies might have the biggest chance of succeeding, when they are advocated for by social movements, as an integral part of their larger repertoire of instruments of progressive social change. Felicetti & della Porta’s evaluation fits well with recent experiments with sortition-based climate assemblies.

The consequences of the lack of a ‘demand-driven approach and a bottom-up campaign nested in activist circles’ is quite obvious in the Australian case, which some observers have deemed a “stark example of elite resistance to democratic innovation” (Boswell et al., 2013: 164). In July 2010, then-leader of the Australian Labour Party, Julie Gillard, made a campaign promise of a Citizens’ Assembly on climate. However, her proposal met with overwhelmingly negative reactions from political opponents and media pundits, ranging from open ridicule to confusion about its purpose and means, and was eventually scrapped. Even the Green Party and green social movements renounced the idea, as they considered it – along with other progressive actors - a self-interested delaying tactic and a substantial step back in terms of promises already made by the Labour Party (for an extensive analysis of the reasons for Gillard’s failure, see Carson (2013)). That is, Gillard’s proposal was entirely uncoordinated with green social movements, and was proposed as a top-down mechanism, hence lacking support from the wider civil society.

The diametrical counterpoint to the Australian example – and perhaps an indication of how much the political spirit of the times has changed during the 2010s - is the success story of Ireland. In the autumn of 2017, the same 99-member Citizens’ Assembly that had previously deliberated on abortion, dedicated two weekends to the task of overhauling Irish climate policy. This resulted in thirteen recommendations published in April 2018. Among these recommendations were calls on the state to “end all subsidies for peat extraction” (supported by 97 % of the assembly members); “take many steps to support the transition to electrical vehicles” (96 %); “greatly increase the number of bus lanes, cycling lanes and park and ride facilities” (93 %); prioritise “expansion of public transport over new road infrastructure at a ratio of no less than 2-1” (92 %); and “introduce a tax on greenhouse gas emissions” (89 % support) (An Tionol 2018). Furthermore, 80 % of the members said they would be willing to pay higher taxes on carbon intensive activities.[5] According to the Government of Ireland

(2019: 134), the recommendations were “significantly more radical than expected”. Rather than being implemented outright, they were presented to an all-party parliamentary committee, who ultimately returned a new climate action plan in April 2019 (Irish Government, 2019). This plan has subsequently won the acclaim of Extinction Rebellion (2019: 20) for incorporating many of the assembly’s recommendations and for undertaking to “quadruple carbon tax and accelerate the transition to electric vehicles”. What general lessons can be taken from the Irish case? Even if the result in Ireland was clearly a success from a “green” viewpoint, we should be careful not to assume that the Irish approach can simply be carbon-copied elsewhere. The Irish Citizens’ Assembly was carried out under the fortunate and rare national political circumstance of broad, cross-spectrum support for using sortition to reinvigorate national politics. Thus, it is not self-evident that assemblies with the exact same institutional set-up would succeed elsewhere. On the other hand, anyone who would insist that a green transition needs to be forced upon the masses through the dictate of a small, decisive elite will now have to contend with the Irish example. But, in addition to the fortunate constellation of political goodwill in relation to the sortition method and its results, the Irish Citizens’ Assembly, in accordance with the evaluation of Felicetti & della Porta, was also carried out with support from social movements and civil society. Whereas social movements such as Extinction Rebellion have in other countries remained - or gradually turned - highly critical of the sortition process, may that be for good reasons, in the Irish case, they remained faithful to the process as well as the results of the climate assembly.

Beyond these two clear examples of failure (Australia) and success (Ireland), three ongoing cases of sortition-based climate assemblies complicate the picture. In June 2019, the *Government of France* (2019) announced a national Citizens’ Assembly on climate change, consisting of 150 randomly selected members, to be convened later in the year. That France should be a frontrunner in this kind of deliberation is unsurprising given both its republican political culture highlighting the value of comprehensive “national dialogue” and the Yellow Vests’ challenge to Macron’s environmental policies. Furthermore, sortition is a well-known institutional mechanism already at work within the French army, as well as Macron’s own party *En Marche* (see Sintomer, 2018). The experiences with the French Citizens’ Convention on Climate could initially be highlighted as a relatively successful example of an agenda-setting sortition body in relation to climate change, with great support from social movements such as the Yellow Vests. At its creation, French president Emmanuel Macron promised to take the conclusions of the Citizens’ Convention on Climate either to parliament or to a national

referendum. After the Convention's deliberative process ended, Macron, in June 2020, openly supported 146 out of the 149 proposals of the Convention and promised to take the proposals to parliament (Nielsen, 2020). But during October and November 2020, members of the Climate Convention as well as social movements such as the Yellow Vests openly criticized Macron for failing to act on his promises and demonstrated in front of the National Assembly in protest against the president's - in the phrasing of one protester - apparent attempt "to greenwash the President and to buy him some time" (Bouin in Gat, 2020). The background for these protests is Macron's varying delays and rejections of the Convention's suggestions, which he previously promised to present in the National Assembly. Whether the French experiments with sortition-based assemblies on climate turn out to be a relative success or a complete failure, is thus still hanging in the balance. But it is safe to say that the French case highlights how the crucial support from social movements, integral to the 'demand-driven approach', is in no way *unconditional*, but requires credible politicians, who do not go back on their words. We will discuss this problem in a more conceptual register below, as we engage with the potential 'problem of power' in relation to sortition-based climate assemblies.

Also, in 2019, six committees of the UK House of Commons followed suit in announcing a climate assembly (UK Parliament, 2019). In this case, the pressure of the civil disobedience movement for climate justice, Extinction Rebellion - whose third political demand is precisely such an assembly (Kaminski, 2019) - seems to have worked. The government might also have taken inspiration from the January 2019 decision of Oxford City Council to organize a city-level climate assembly. While social movements, most significantly Extinction Rebellion, still predominantly support the UK Climate Assembly (Webwire, 2020), developments in Scotland have turned out quite differently. In September 2019, the Scottish government announced the creation of Scotland's Climate Assembly, which built on the experiences of the already existing Citizens' Assembly of Scotland that is primarily directed to questions of devolution, independence and Brexit. This establishment of the Scottish Climate Assembly, like the French and the English assemblies, were heavily influenced by social climate movements, especially the Scottish branch of Extinction Rebellion. But in November 2020, Extinction Rebellion Scotland withdrew from the process due to disagreements on the role of experts in the assembly. According to representatives from Extinction Rebellion Scotland, experts have been chosen unilaterally by the state authorities, and do not represent "a full spectrum of opinions" (Dyer & Kenrick, 2020). The Scottish case like the French, illustrates that the support from civil society - a crucial element in Felicetti and della Porta's 'demand-driven' approach - is

conditional on a fair and inclusive process, not only in terms of the members elected through sortition, but also in terms of the expert knowledge these members received. We shall discuss this in detail below as the ‘problem of expertise’.

Finally, even in Denmark – a country often lauded for its well-functioning system of democratic representation – the call for sortition to inject new life into national climate debates has also gained traction. In the run-up to the 2019 national elections, in which climate change played a key role, the national newspaper *Information* put its weight behind a call from scholars to set up a 99-member assembly. This led to statements of support for the idea from four political parties, representing a combined 23 % of the electorate. Eventually the Social Democratic party won the election, followed the call, and established a 99-member Citizens’ Assembly on Climate, which held its first meeting in October 2020. The assembly will be consultative in nature. Despite being proposed by both scholars and civil society organizations, hereby having key traits of the ‘demand-driven’ approach, the Danish Citizens’ Assembly on Climate has already received criticism from local green associations that calls for a wider civil society involvement in the process of the climate assembly (Gregersen et al., 2020). This critique highlights what we below call the ‘problem of participation’, namely that sortition-based assemblies only involve a fracture of the entire population, meaning that this institutional mechanism might not be an innovation in participatory democracy, even though it approximates the ideal speech conditions highlighted by deliberative democratic theory.

When viewed through the prism of Felicetti & della Porta’s ‘demand-driven approach’, we are able to sketch out some of the background conditions for the successful implementation of sortition-based climate assemblies. The key, in our understanding, is whether sortition-based bodies are demanded by social movements and civil society, and whether the entire process live up to ideals of *trustworthiness* (whether the politicians take the suggestions of the climate assembly serious), *fairness* (whether deliberation in the assembly is inclusive and non-skewed towards elite interests) and *inclusiveness* (whether social movements and the wider civil society is continually included in the process). When the climate assembly process does not live up to these ideals, we are confronted with what we below call problems of *power* (as highlighted by, but not limited to, the French case), *expertise* (as highlighted by, but not limited to, the Scottish case) and *participation* (as highlighted by, but not limited to, the Danish case). Even though it is tempting to treat the successful Irish model not just as an encouraging starting point, but as a blueprint, it is pertinent to remain critical of its limitations, since problems of power, expertise and participation are also very present in the Irish experiences. As such, so far, few scholars

have contributed to theoretical reflection on the specific dilemmas and challenges involved with applying sortition to the problem of climate change. This is precisely that gap that we address next.

4. The Promises and Perils of Sortition-based Climate Governance

In this section, we discuss how to handle the three challenges of instituting sortition – shorthand above as the problems of *power*, *expertise*, and *participation* – when the subject matter at hand is climate policy. We first briefly unpack the purpose of this inquiry, and then deal with the three problems in turn.

The goal of this section is to offer an analytical reference point for future debates by asking *how to ensure that sortition will serve as a constructive addition to existing political systems?* The purpose is not to construct an ideal theory of climate sortition or even a universal ‘reference design’. We simply aim to address three of the thorniest *general* issues pertaining to sortition, i.e., problems that need to be tackled in any given institutional setting. As the deliberative democracy theorist Jane Mansbridge (2019: 189) puts it:” Prudence (...) suggests that before beginning our first experiments we try to think through as best we can what problems might arise”. Now that more national governments are seeking to copy the Irish example, such an analysis becomes urgent. To situate this discussion, we take the Irish model as our point of departure, but not as the endpoint. We contend that the full potential of sortition-based climate deliberation can only be realized through transcending the Irish blueprint in a way that a) formalizes a higher degree of guaranteed decision-making power, b) allows citizens to play a bigger role in determining what kinds of expertise should inform deliberations, and c) ensures that larger parts of the citizenry get to participate.

The Problem of Power

How much decision-making power should be granted to a body selected by sortition? As indicated above, this question divides radical “sortitionists” demanding ‘all power to the citizens’ from moderate deliberative democrats calling for more systematic consultation but without any law-making prerogatives to the sortition bodies. Arguably, the question is most challenging for those who endorse a middling, co-legislative and/or agenda-setting role.

The Irish solution was to provide the Citizens' Assembly with a consultative role, but with the tacit promise that its recommendations might very well (although not necessarily) be subsequently endorsed by political parties, and at the very least brought on the agenda for further debate. In the case of abortion, the politicians decided to hold a referendum, whereas some of the climate recommendations were subsequently adopted as policy via a parliamentary committee. In hindsight, this solution proved efficient, as no substantial opposition to these rules of engagement has emerged whether from parties, interest groups, social movements or participants themselves. However, the Irish case must be counted as a success not due to institutional design but due to the contingent decision of politicians to actually allow the outcome of assembly deliberations to shape the national policy agenda. Had Irish politicians instead decided to ignore the outcome, they would of course have risked a public backlash, but no legal consequences.

The problem of power is particularly pernicious in relation to deliberation on climate change, because the lines of conflict underpinning the topic are not mainly of a cultural-moral kind (as in the case of e.g., abortion), but go to the roots of the set-up of the political economies of states. For example, it is very hard to imagine a transition to a sustainable mode of production that does not involve curtailing the vested interests of e.g. the corporate coal and oil lobby (Klein, 2015). Furthermore, even if governments, emboldened by unequivocal mandates from citizens, could muster the courage to take on certain sectors of the capitalist class, they would likely still feel constrained by an overall concern for retaining national competitiveness. Thus, for structural reasons, governments are likely to find it tempting to push for non-binding, consultative institutional designs that allow them to pick and choose what parts of the outcome of deliberations to run with, and which to ignore. This 'problem of power' is arguably the strongest objection against sortition-based assemblies, insofar as it can be difficult to imagine why political elites, with the ambition of upholding national competitiveness and backed by special interests, would be interested in seceding actual political power to citizens' assemblies. In other words, why would any political elite - also with the Australian case in mind - establish a citizens' assembly if not as an opportunistic, self-legitimizing, delaying tactic? This 'problem of power' leaves advocates of sortition with two strategic choices.

The first is to accept that sortition-based consultation, even though non-binding, is at least a step forward and therefore better than nothing. The rationale being that to the extent that governments do decide to follow the recommendations produced by citizens, the mechanism will have proven its worth. And to the extent that they do not, it will become quite transparent

precisely that those in power are out of touch with the opinions of ordinary citizens. If politicians ignore ‘inconvenient’ outcomes, this will bring out into the open the fundamental conflict of interest between a desire for change among the democratic majority and the defense of the status quo of vested elite interests across state and business. This, in turn, will open an electoral space for political forces that do seek a radical transformation.

There are two dangers involved with this position, however. The first relates to *time*. The scientific consensus is that it is quite literally life-threatening for humanity to stall any longer. The longer we wait, the worse effects we will see – and perhaps, unfortunately, exponentially so, as we are facing tipping points (IPCC, 2019). The lacking ability of liberal democratic political systems to act rapidly enough was the problem that led to the consideration of sortition as a mechanism to speed up the effort in the first place. It is not, then, that it is implausible that voters *will* increasingly prefer environmentally radical politicians. It is rather that we cannot afford to wait for the change of mentality among ordinary citizens to “trickle up” to political elites. The second danger is that it is far from given that politicians ignoring the will of the people as expressed through sortition-based deliberation will make headlines and spark a serious backlash. Unlike co-legislative or agenda-setting assemblies, consultative ones are politically inconsequential by default and hence likely to attract less press attention. There is simply no guarantee that wider sections of the citizenry will ever notice what their fellow citizens conclude. This last danger can be somewhat mitigated by the ‘demand-driven approach’. If sortition-based assemblies are instituted purely top-down, and without stakeholders in civil society, the possibility of not making the headlines is a genuine danger. But if sortition-based assemblies are advocated for by broader sections of civil society and green social movements, these organizations will have ample ability to influence the media agenda, hereby exposing political elites to a public backlash.

The alternative strategy, then, is to demand as a precondition for setting up any Citizens’ Assembly that politicians commit to a set of formal minimum requirements for how the recommendations of the assembly will be processed. Indeed, this is the strategy embraced by Extinction Rebellion, whose spokesperson has harshly critiqued the non-binding character of the planned UK assembly (Sauer, 2019). In contrast, in their ‘how-to-guide’ on citizens’ assemblies, Extinction Rebellion (2019) suggest that recommendations reaching a certain threshold for support – such as 80 % - should be considered as binding and that other recommendations with less support should be debated in parliament within a short period following the citizens’ assembly. Interestingly, the guide makes no mention of referendums –

perhaps reflective of the UK's experience of political breakdown after the 2016 EU referendum. Yet, one should not discard referendums as a mechanism by which to ensure that the outcomes of deliberation will eventually be considered by wider sections of the citizenry.

Whether any of these two strategies are sufficient to counter the 'problem of power' is a difficult, and ultimately unresolved question. But both strategies point to the importance of situating the effectiveness of sortition-based assemblies in the wider landscape of progressive social movements and civil society, as implied by Felicetti & della Porta's 'demand-driven approach'. If sortition-based assemblies are purely the product of bureaucratic 'greenwashing' of a process of popular involvement, and established top-down, there are many reasons to believe, as well as ample empirical evidence (Felicetti & della Porta 2019: 150-153), that the advice of consultative assemblies will be used only sporadically and selectively. But if the demands of agenda-setting or co-legislative sortition-based assemblies are brought forward by social movements such as Extinction Rebellion or the Yellow Vests or integrated into electoral politics by political parties that hope to exploit the political distance between political elites and the population discovered by consultative assemblies, we contend that chances of actual political power to sortition-based assemblies are indeed higher. Whether political parties actually seek to exploit the political disparity between the population and the government, and bring this disparity into electoral politics, is obviously an empirical question, implying that the actual political power of sortition-based assemblies is still rather indirect. That being said, the 'problem of power' transcends every question of institutional design and deliberative process and can only be countered through the activity of widespread social movements.

The Problem of Expertise

The second problem concerns the epistemic basis for deliberation: Who gets to define the remits of discussion, and what voices are allowed to inform debates? In order to ensure legitimacy, it is crucial to specify a transparent model. Indeed, advocates of sortition and theorists and practitioners of deliberative democracy more broadly, have discussed a long list of both normative and practical questions about the adequate role for 'expertise' in relation to the citizens' deliberation. These include issues of *facilitation* (should debates be moderated by citizens themselves?), *inputs* (who is invited to address the citizens and, crucially, who decides the allocation of time between different experts and stakeholders?) and *voting procedures* (who redacts the recommendations to be voted on?).

In the Irish case, a highly professionalized structure was in place. In addition to the actual Citizens' Assembly, a "steering group" and an "expert advisory group" (consisting of academics and practitioners) were formed. Organizations and individuals were given the chance to submit inputs for the assembly to consider – leading to 1,185 submissions (Farrell, Suiter, Harris, 2019) – but these inputs were duly curated by the steering group, who was also in charge of inviting experts, and stakeholders.

At the heart of such practical choices of design lies a potential trade-off between democratic autonomy for the selected group of citizens and the epistemic quality of their deliberation. On one hand, if one seeks the autonomous voice of ordinary people, then anything beyond a minimal degree external interference is a problem, because this interference skews the deliberation. The more the premise of discussion has been shaped by others and the more the selection of choices have been predefined, the less one can consider the outcome of debates to be an authentic expression of the participants' collective will. On the other hand, citizens do not possess professional competence and expert knowledge, neither in terms of the subject matter at hand, nor in terms of facilitation of democratic processes. If citizens are to define the premises for discussion themselves, the process will, even in a best-case scenario, have to be extremely prolonged. Thus, for practical reasons alone, some degree of external "meta-framing" is clearly necessary.

But crucially, external mediation is also well-advised for *political* reasons – at least if there is any kind of decision-making or agenda-setting power beyond mere consultation involved. All kinds of stakeholders - whether environmental NGOs, industry lobbying groups or the scientific communities – will be interested in influencing the deliberation as profoundly as possible. The consequence of *not* allowing for a certain degree of influence on the framing and planning phase is likely to be that those stakeholders who encounter an outcome not to their liking will seek to denounce the legitimacy of the entire process (for a similar argument, see also Felicetti & della Porta 2019: 156). To avoid this scenario and to hedge against an undermining of the outcome, then, it is imperative to get all relevant stakeholders to buy into the idea to the greatest extent possible. That the 'problem of expertise' can have very severe consequences for the possible outcomes of an assembly's process, can - as mentioned in section 3 - be seen in the recent developments of the Scottish Climate Assembly, where Extinction Rebellion Scotland redrew from the process in November 2020 due to disagreements on the role of experts.

Although the issue of expertise does not seem to have affected the Irish case much, there is one aspect of the problematic of expertise that seems particularly relevant when the topic of deliberation is how to handle climate change. Namely, that one's understanding of the urgency of the problem depends on the degree to which one trusts the (near-consensus) view of the scientific community. Unlike e.g. abortion or electoral law where there is no need for a meta-discussion about the existence of the subject matter, sortition-based initiatives related to climate change need to confront the fact that radical denialism is endogenous in the voting population. Even if deniers only constitute a low percentage of the total population, the challenge is nonetheless there.

Once more, two strategic choices emerge. The first is to seek to block out climate change deniers from advisory groups and to dissuade individual assembly members from questioning the main premise. While this may appear as the rational strategy, the opposite approach - embracing climate change denialism as a legitimate standpoint also to be considered as part of discussion - is, in our view, preferable. A citizen assembly that decides *a priori* to discount certain potential standpoints among participants - however insane they may seem to the majority - is running the risk of attacks on its legitimacy. If, for instance, lobbying groups can reasonably argue that their views have not been duly reflected, because climate scientists and activists hegemonized the agenda in the name of political correctness, then the efficacy of the assembly as a tool to put pressure on policy makers will decrease. Precisely because this issue is so politicized, it should *not* be trusted entirely to professionals and experts to act as gatekeepers. Rather, even if it costs time, it makes sense to allow the citizen assembly members themselves to decide upon a modus operandi for dealing with dissenting scientists. Broadening the potential civil society stakeholders of the sortition process - even including the radical climate change deniers - is thus in our view the most effective defense of the legitimacy of this process.

The Problem of Participation

The third problem, as highlighted by critical voices in Danish case, concerns the degree to which Citizens' Assemblies are made (or not) to influence the political practice of wider sections of the population. The issue is how to avoid a divide between a minuscule minority of empowered citizens - those selected for service - and the vast majority of the population? This touches on a well-known debate in the literature of democratic theory. For proponents of a

deliberative ideal of democracy, emphasis is on the quality of the democratic conversation. For proponents of *participative* democracy, meanwhile, the goal is to ensure that as many citizens as possible engage actively in decision-making processes.[6]

The Irish Model – a small group of citizens deliberating regularly on a number of unrelated issues over an 18-month period – arguably comes down on the deliberative side of this schism. The idea underpinning its operation was that the 99 members constituted a representative ‘mini-public’ who were allowed to deliberate under approximated ideal democratic circumstances, leading to an outcome that could serve as the proxy for the view of the entire population. Even if the entire Irish population were subsequently asked to consider one outcome – on abortion – in a referendum, only 0,003 % (99 of 3,3 million) of voters were actively engaged in the actual deliberation. This approach assumes that the micro-dynamics of one mini-public provides a realistic image of the dynamics that would emerge on a larger scale, if all voters were given similar conditions for participation. Indeed, this “fractal” presupposition underpins all proposals of legislative and co-legislative chambers selected by sortition.

But once more, we have to consider whether the Irish Model is ambitious enough in the specific context of climate change? It is of course useful that the chosen 99 get together to demonstrate to politicians that a random sample of the citizenry are more than ready for a much more ambitious climate policy. But is it enough? There are two main reasons why it seems insufficient to let one citizen assembly deal with ‘the climate’. First, ‘climate change’ is not really one problem, but rather a bundle of connected problematics that touch upon virtually all aspects of the setup of society. Thus, it seems illusory at best to assume that a single citizen assembly could deliver anything more than a superficial response, lest they are given years to get into depth with different aspects. Indeed, the extremely limited scope of deliberations in the Irish case – a total of four days was spent; much less than on abortion (Farrell, Suiter & Harris, 2019) – arguably provides the biggest weakness or indeed flaw of its design. Second, the question is whether the enormity and urgency of the challenge of climate change means that a design of ‘mass sortition’ is needed in order to make a real difference? As long as a Citizens’ Assembly includes an extremely low number of individuals and are followed from the outside by, optimistically, a few percent of the citizenry, the popular pressure for politicians to abide by its recommendations is low. It seems reasonable to suggest that the full positive ‘ripple effects’ of civic deliberation will only emerge once wider swathes of the population are brought into the process.

There are numerous ways to scale up the use of sortition. Here we will mention three. First, a call could be made for a permanent (as opposed to one-off) national Citizens' Climate Assembly with rotating membership (allowing for a new pool of members to be selected each year) and shifting thematic commissions. This model could easily be combined with referendums and would allow the assembly to gradually become a more pervasive institution in terms of influencing policy debates. Second, one could call for all municipalities to hold assemblies about possible remedies to climate change at the local level. This would allow a larger number of citizens to become engaged, and it would encourage the local press to cover deliberations. Third, one could take inspiration from Ackerman and Fishkin's (2004) famous proposal within a US context for a 'Deliberation Day', a national holiday with mandatory participation to be held a week before every presidential election with the purpose of getting citizens to reflect collectively ahead of voting. A national Climate Deliberation Day, with self-organized discussions by groups of citizens on e.g. the outcomes of earlier Citizens' Assemblies would amount to the ultimate democratization of the principle of sortition, as *all* voters would get the opportunity to deliberate with fellow citizens in randomized mini-publics.

The productive relationship between sortition-based assemblies and social movements is, again, worth mentioning in relation to 'the problem of participation'. As argued by Felicetti & della Porta (2019), sortition-based assemblies have been most effective when proposed, planned and carried out with multiple stakeholders from civil society, including progressive social movements. As such, even if a 'A national Climate Deliberation Day' for all citizens is not established in the future, if social movements commit to the idea of sortition-based assemblies, the stark divide between deliberative and participatory democracy can be somewhat loosened. Even though only a fraction of the populace will be able to deliberate under the ideal speech conditions provided by a well-designed citizens' assembly, the more widespread popular involvement in social movements and civil society organizations might mitigate the most severe consequences of a participatory deficit in one-off sortition-based assemblies. Moreover, having radical climate movements commit to the idea of sortition-based assemblies might also help counter another problem, which the literature on citizens' assemblies on climate issues seldom engage with. We began this article by highlighting how the spectres of 'eco-fascism' or 'environmental authoritarianism' is beginning to reappear. Committing radical climate movements to the idea of sortition-based assemblies as playing a crucial role in the green transition, is also to commit such movements to a democratic road to

this transition rather than relinquishing the democratic imaginary in return for a more authoritarian approach.

5. Conclusion

Starting from the observation that interest in sortition is rapidly increasing amongst both activists, scholars, and - most recently - politicians, this article set out to discuss how this ancient democratic principle could prove relevant as a mechanism for improving the capacity of liberal democracies to deal with climate change in an efficient and legitimate manner. The stakes are high. There are multiple ways to institutionalize the mechanism of sortition and no guarantee of success. Unless carefully designed with broad political support, there is a danger that sortition-based deliberation could end up leading to deepening political disillusion and alienation, contrary to its purpose. As governments are now warming to the idea of consulting with ordinary citizens to break with inertia on climate policy, it is therefore pertinent to for social scientists to provide critical reflection.

Thus, we have argued that although the pioneering ‘Irish Model’ of an all-round, one-off, consultative Citizens’ Assembly on climate policy can serve as a step forward in terms of providing politicians with the democratic mandate to challenge vested interests (and as a rebuttal to would-be eco-fascists dismissive of the sense of responsibility of ‘ordinary citizens’), more ambitious formats should be explored. Specifically, we have proposed that future experiments should ensure: 1) that recommendations arrived at by the deliberating citizens are formally prohibited from being ignored by politicians; 2) that assemblies are practically co-organized by citizens’ themselves in order to avoid that the legitimacy of the output can be thrown into doubt by climate change deniers or vested interest groups; and 3) that the practice is made permanent, not temporary, and at a scale big enough to allow for the active participation of significant parts of the citizenry.

In the preceding pages, we have discussed sortition-based climate policy as if the main challenge concerned the specificities of institutional design. However, in reality – and here we arrive at a main limitation of our argument – a different question, concerning the formation of a broad popular *demand*, is equally pertinent. As Felicetti and Della Porta (2019: 162) note, ‘the deliberative literature is replete with experiments catering to communities that did not ask for deliberative innovations’. This is the danger that the idea of sortition on climate issues faces in the current conjuncture: Policymakers catching wind of a fashionable idea and connecting

with “experts” to try it out, prematurely, *on* rather than *with* the people. While this critique of the instrumentalization of sortition-based assemblies by opportunistic political elites is certainly pertinent, and ultimately one that cannot be solved through institutional design, we claim that sortition-based assemblies, both in relation to electoral politics and social movements, can be effectful even despite the lack of real support from political elites. Firstly, in relation to electoral politics, even a merely consultative assembly created by the political establishment in a self-legitimizing process of showing climate responsibility, will feed into the normal processes of electoral politics. If governments and politicians do not heed the call from consultative assemblies, they will provide ample space for political parties that more genuinely champion progressive environmental politics. As questions of climate change begin to greatly influence, if not decide, political elections (at least across Western Europe), political elites might sooner or later experience the costs of not listening to their self-appointed climate assemblies. As such, even though the suggestions of consultative sortition-based assemblies are being overheard by the government, other political parties could greatly benefit from such neglect, and promote the politics of green transition even more forcefully. Secondly, as we have argued throughout the article, Felicetti & Della Porta (2019) make an important case that attaining the support of *social movements* – interpreted as self-organized, civil society-based expressions of the popular longing for real democracy – strongly improves the chances of success for any given institutional innovation. Committing green social movements to the idea of sortition-based assemblies will thus situate such assemblies in a wider range of mobilization, agitation, participation and experimentation performed by social movements, hereby strengthening the “demand driven approach” stipulated by Felicetti & Della Porta (2019). Sure enough, the three suggestions made above are intended precisely to give sortition enough “bite” to interest social movement activists already struggling, in multiple ways, for new democratic remedies for the climate crisis. However, the *practical* effort of establishing a lasting resonance for sortition among a new generation of activists – i.e. those that will likely live to see democracy either crumble under the weight of the climate crisis or prosper anew – has only just begun.

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[1] Gastil & Wright (2018:306) point to research indicating that in “the vast majority of OECD nations, most citizens distrust their national government, and trust scores have fallen from 2007-2016 for two-thirds of OECD countries”.

[2] However, citizenship was only available to freeborn Athenian males over a certain age.

[3] The Irish case illustrates how sortition can succeed and even exceed expectations: The citizens' recommendations on two notoriously controversial issues – gay marriage and abortion - were not discarded by politicians, but rather sent to national referendums in which vast majorities carried both. One interpretation of these results is that the general population had moved beyond knee-jerk Catholic conservatism on both issues, but because of organized minority opposition within parties across the political spectrum, this change in popular opinion could not be acknowledged until the topics were

discussed in an official, civilized and cross-partisan manner by ordinary citizens.

[4] We refer here specifically to sortition. For an insightful discussion of the relationship between the environment and deliberative democracy more broadly, see Smith (2003).

[5] Curiously, a recommendation calling on the state to “ensure the greatest possible levels of community ownership in all future renewable energy projects” achieved 100 % support. While this is not in itself a radical measure in terms of curbing climate change, it does display an interesting consensus on the value of cooperative ownership and grassroots democratic management of economic resources.

[6] For an interesting argument that the first wave of the sortition revival in the 1980s was influenced by the deliberative ideal while the second wave since the 2000s is inspired by radical democracy, see Sintomer (2018).