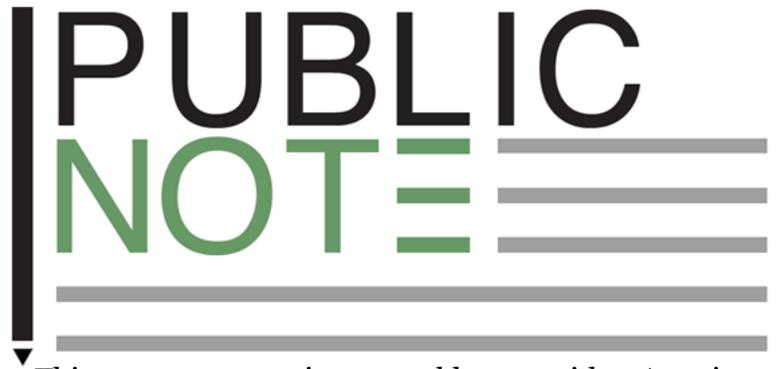


# How Can Sortition-Based Deliberative Democracy Enhance Democratization in Austria?

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This paper examines problems with Austrian democracy and offers a solution leading to enhanced democratization based on the mechanism of sortition-based deliberative democracy. To operationalize democratization, the equality and mutually binding dimensions of Tilly's framework are utilized. Firstly, problems with Austrian democracy are discussed. A representative gap based on the underrepresentation of certain groups in parliament is identified and linked to a weaker policy influence of these groups. Then, flaws of the electoral system and the Volksbegehren mechanism of bottom-up direct democracy are outlined. The author concludes that there is room for democratization in Austria along Tilly's equality and mutually binding dimensions. Secondly, sortition-based deliberative democracy is presented as a remedy to these problems. An institutionalization of sortition-based deliberative democracy combined with the Volksbegehren mechanism and a binding vote is identified as a vehicle for democratization.

## Lessons for Practice

- The Austrian parliament does not accurately represent the Austrian population: working-class people, women, and young adults are underrepresented; academics, teachers, farmers, and lawyers are overrepresented. Underrepresentation leads to a weaker influence on policy outcomes.
- Because of parliamentary fragmentation and problems with electoral democracy and bottom-up direct democratic mechanisms, Austrian democracy suffers from a lack of opportunities for ordinary citizens to influence national politics.
- Sortition-based deliberative democracy, where a random sample of ordinary citizens deliberates on policy issues, can solve the problems of underrepresentation and lacking policy influence discussed above.
- I present an innovative proposal outlining how sortition-based deliberative democracy could be institutionalized in combination with the Volksbegehren mechanism and a binding vote, leading to enhanced democratization in Austria.

Keywords: democratization, representation, equality, sortition-based deliberative democracy

## Introduction and theoretical framework

The “Austrian Democracy Monitor 2021” shows concerning results: 60% of Austrians believe Austria’s political system does not function well, and 79% of those in the lower third of the income distribution feel like they are not represented in parliament (SORA, 2021). This paper aims to identify problems with Austrian democracy and propose a solution leading to democratization. To operationalize democratization, I employ Tilly’s (2007) framework, because it views democracy as a spectrum and therefore allows for interpreting small changes as democratization, even in a well-established democracy like Austria. In Tilly’s framework, states are democratic to the extent that their relations to citizens feature broad, protected, equal, and mutually binding consultation. Democratization occurs when there is improvement in any of these four dimensions. Breadth refers to the range of citizens enjoying citizenship rights, while protection describes whether citizens are protected from arbitrary state action. Because this paper does not find issues related to these two dimensions in Austria, they are not employed in the analysis. Equality concerns how equal the translation of citizen demands into state behavior is between different citizen groups, and mutually binding consultation regards whether ordinary citizens are integrated into such consultation with the state. These last two dimensions will be used to conceptualize problems with Austria’s democracy.

Firstly, I argue that a “representative gap” is present in Austria due to an underrepresentation of certain groups in parliament. Therefore, I explain there is room for democratization along Tilly’s equality dimension. Moreover, I identify a lack of opportunities for ordinary citizens to influence national politics, based on parliamentary fragmentation, inadequacies of electoral democracy, and the Volksbegehren mechanism. Thus, I assert there is room for democratization along Tilly’s mutually binding dimension.

Secondly, I present sortition-based deliberative democracy, outlining its benefits. I explain that institutionalizing it in Austria together with the Volksbegehren mechanism could lead to democratization along the two abovementioned dimensions by addressing the problems outlined in the paper’s first part. My research question is: “How can sortition-based deliberative democracy enhance democratization in Austria?”

## Problems with Austrian democracy

### *Equality and the representative gap*

In 1819, Benjamin Constant outlined a vision of democracy that has since manifested itself as its only imaginable form in many people’s minds: election-based representative government. Arguing that our time-consuming commercial activities and our modern individualism preclude us from the ancient liberty of direct participation in politics, he proposed electing representatives to deal with political affairs. While most modern democracies have adopted this system, recently many political scientists have called it exhausted, identifying a “crisis of representative democracy” (Tormey, 2015). Whitefield (2006) believes this crisis emerges due to a “representative gap”, a weakening link between representatives and their constituency. He adds that the representative system fails once the gap is too wide, as citizens’ preferences are not translated into policy and individuals lose trust in democracy. In the following, I argue that elements of this “representative gap” can be observed in Austria.

The Austrian parliament’s website proclaims: “The parliament is the central location of every democracy. Here, the interests of all citizens should be represented.” (parlament.gv.at, 2021). However, Janik (2020) and Glinitzer (2020) demonstrated that the 183 members of parliament (MPs) inaccurately reflect the characteristics of the Austrian populace. For instance, while 78% of Austrians are employees or laborers (in very rough terms, working-class members), only 8% of MPs are. Additionally, women (39% of MPs compared to half the population) and young adults (17% of MPs compared to 28% of the population) are underrepresented. Conversely, academics, teachers, farmers, and lawyers are overrepresented. Considering these findings, a representative gap is arguably present in Austria to the extent that MPs significantly overrepresent certain groups of the population, while substantially underrepresenting others. This gap is also felt by those who are underrepresented: 79% of Austrians in the lower third of the income distribution feel like they are not represented in parliament (SORA, 2021).

A word of caution is appropriate. Descriptive representation, as outlined above, is not substantive representation. According to Pitkin (1967), the former refers to merely resembling

those being represented, while the latter concerns acting in their interests. This distinction is necessary as social groups like women or working-class members are not homogenous groups with static in-group interests. For example, some female MPs may not have a feminist agenda, while some male MPs do. As Phillips (1998) explains, excessively focusing on descriptive representation may block intergroup alliances required for social change. Nevertheless, Philipps believes descriptive representation is crucial, and that unrepresentative political institutions reduce the substantive representation of underrepresented groups (Childs & Cowley, 2011). Analyzing the Belgian parliament between 1900-1979, Celis (2008) draws the same conclusion, observing that female MPs were women's best representatives. This finding has been replicated by the comprehensive meta-analysis of Espírito-Santo et al. (2018), whose dataset included 87 political parties in 12 countries. Similarly, Carnes (2012) finds that among members of the US congress, the economic preferences of working-class members are most similar to those of working-class citizens. Therefore, research has demonstrated that more accurate descriptive representation can minimize the "representative gap", as it strengthens the link between constituents and representatives, improving the translation of citizen preferences into policy.

In line with this, Schürz (2019) found that members of Austria's underrepresented working-class have a smaller policy influence than wealthier citizens. Moreover, EuroGender awards Austria a gender equality score below EU-average (EIGE, 2020). No causal link between this low score and the parliamentary underrepresentation of women should be drawn, but Celis' (2008) and Espírito-Santo et al.'s (2018) observations demonstrate that enhanced descriptive representation could improve gender equality.

The underrepresentation of certain groups in Austria's parliament, which leads to a smaller influence on policy outcomes, can be conceptualized using Tilly's democratization framework. Tilly (2007) believes democratization occurs when the translation of citizen demands into state behavior becomes more equal between groups. The underrepresentation of certain groups in Austria, and the resulting smaller policy influence, means they experience a weaker translation of demands into state behavior.

Therefore, there is room for democratization in Austria along the equality dimension.

### *Influencing national politics and binding decisions*

Moreover, because of voting abstention, parliamentary fragmentation, and inadequacies in electoral democracy and bottom-up direct democratic mechanisms, many Austrian citizens arguably do not influence national politics. The national elections, where parliament is elected, only occur every five years. Citizens can vote for parties, but not on specific issues. No more than six parties were ever concurrently elected to parliament (parlament.gv.at, 2020). As parties vary along the political spectrum, for most Austrian citizens democracy therefore consists of picking one of two or three options, every five years. The lack of citizen participation in politics in this system was already criticized by Rousseau (1762, p. 470): "The people of England regards itself as free, but it is grossly mistaken. It is free only during the election of members of parliament. As soon as they are elected, slavery overtakes it, and it is nothing." While slavery is clearly too radical a term, Schürz (2019) demonstrates that many Austrians, especially members of the underrepresented working-class, feel like they cannot influence politics. Zandonella (2020) finds that 41% of individuals in the lower third of the income distribution thus do not vote in national elections. Moreover, scholars have argued that even among voters, many individuals' voices do not influence state behavior. Konrath (2017) observes that since 2000, the Austrian parliament has become increasingly fragmented, and opposition initiatives are overwhelmingly voted down by the ruling coalition. Therefore, he asserts that votes for opposition parties have very little policy influence. Furthermore, within the current ruling coalition, the ÖVP has almost three times as many MPs as the Greens. Consequently, the Greens have had to support ÖVP-decisions contradicting fundamental Green principles, for instance rejecting to accept refugees from Moria (Leonhard, 2020). Political commentators like Menasse have therefore argued that the Greens' 600.000 voters are not represented in parliament anymore (Marchart and Völker, 2021).

Additionally, a contemporary strand of academic literature is demonstrating the insufficient responsiveness of electoral democracies to citizen preferences. Gillens and Page's (2014) seminal

analysis of 1779 policy issues in the USA between 1983 and 2002 showed that the preferences of average citizens (i.e., citizens with a median income) have no significant influence on US government policy. No such comprehensive study has been conducted in Austria, but these findings have been replicated in countries much more similar to Austria than the USA: in Germany (Elsässer et al., 2017; 2020), the Netherlands (Schakel, 2019), and a meta-analysis of 25 European countries including Austria (Peters and Ensink, 2014). While no definitive conclusions should be extrapolated from these findings to the Austrian context, Western electoral democracies seem to widely suffer from responsiveness issues which may be present in Austria too.

Nevertheless, the Austrian constitution provides one instrument of bottom-up direct democracy: the Volksbegehren, allowing private citizens to propose legislation to parliament. To initiate a Volksbegehren, its creators must collect 100.000 signatures in a national campaign (BMI, 2021). If successful, the proposal is discussed in parliament. However, the proposal can then be ignored, which happens to most Volksbegehren: Rehmet (2003) explains that of the 30 successful Volksbegehren between 1945-2003, only 5 accomplished legislative change. Poier (2017) argues that Volksbegehren succeed in agenda-setting and capturing attention, but not in influencing legislation. Moreover, Hemetsberger (2020) asserts that initiating a Volksbegehren is difficult for many citizens, because time, money and contacts are required to gather support.

Considering the responsiveness issues with Austria's (and other Western countries') electoral system, and the Volksbegehren mechanism which seldom results in actual policy influence, ordinary Austrian citizens have few opportunities to influence government policy and decisions that are binding for government. This can be conceptualized using Tilly's "mutually binding" dimension. Tilly (2007) argues that democratization occurs when ordinary people are integrated into mutually binding consultation with the state. I argue that there is room for democratization in Austria along this dimension.

Drawing an intermediate conclusion, the representative gap is present in Austria as certain groups are underrepresented in parliament and have less policy influence. Moreover, the electoral system and the Volksbegehren mechanism provide

few opportunities for ordinary citizens to influence national politics. Therefore, there is room for democratization in Austria along the equality and mutually binding dimensions of Tilly's framework. Moving on, I propose sortition-based deliberative democracy as a remedy to these issues.

## **Sortition-based deliberative democracy**

### *Ancient roots and modern interpretation*

While we cannot imagine election-less democracy, for Aristotle (2000) democracy meant appointment to office by random sortition, allowing citizens to rule and be ruled in turn. Bouricius (2013) explains ancient Athenian democracy was built on three principles, and I believe reintroducing them can help alleviate the problems outlined earlier. Firstly, isonomia (political equality) was achieved through sortition, giving all ordinary citizens an equal chance of serving in office – a likelihood significantly higher than reaching office through election. Secondly, isegoria ensured an equality in freedom of speech in public assemblies. Isegoria is crucial because a single opinion, which anyone could contribute, can change many minds, unlike a single vote. Thirdly, there was a belief in ordinary citizens' ability to deliberate and make reasonable decisions. These three principles are related to Tilly's equality and mutually binding dimensions because they revolve around integrating ordinary citizens from all social groups into political decision-making. Consequently, democratic innovations implementing them could foster democratization in Austria. I follow Smith's (2009, p. 1) definition of the term democratic innovation: "institutions designed to increase and deepen citizen participation in the political decision-making process".

Sortition-based deliberative democracy (SBDD) is an example of such an innovation: a random sample of ordinary citizens is drawn to deliberate and potentially decide on policy issues. According to Smith (2009), who draws on a range of democratic theorists and empirical evidence, SBDD fosters inclusiveness and diversity and facilitates free and fair exchange between participants, thereby increasing informed decision-making and promoting judgements in the public interest. Importantly, SBDD combines the three abovementioned ancient principles, and consequently relates to Tilly's equality and mutually binding dimensions. To achieve isonomia

(political equality) a random sample of ordinary citizens representative of the whole population is drawn. A “microcosm” of the population or a “mini-public” is created, wherein social and interest groups are accurately reflected. Fishkin (2011) speaks of a “mirror” of all different interests. While perfect representation is impossible, SBDD is much more representative than parliament. Since most interest and social groups are represented, participants in SBDD can engage in inter-group alliances, which Philipps (1998) deems crucial for social change, as it can decrease inter-group polarization, thereby increasing individuals’ public-spiritedness. The diversity of perspectives resulting from random sortition not only increases political equality, but can also produce better outcomes: Hong and Page (2001; 2004) show that cognitively diverse groups can outperform groups of “high-ability” problem solvers. Similarly, Landemore (2017) argues that cognitively diverse groups like a random sample are better equipped to tackle multifaceted problems than more homogenous groups like elected representatives.

The sample deliberates on a policy issue, usually in smaller groups and assisted by a moderator ensuring that all voices are heard. Isegoria is fulfilled: everybody contributes arguments and ideas. Usually, participants receive informative material and can direct questions at experts. During deliberation, different arguments and viewpoints are exchanged. Fishkin (2011) explains that over time, knowledge increases, and arguments are “filtered” until the most reasonable remain. Habermas (1998) believes this process of deliberation should be at the heart of democracy. He says political decisions are only legitimate when based on arguments that can be understood and rationally accepted by those the decision affects. While parliamentary discussions are often held in inaccessible technical terms, SBDD is led by and accessible to ordinary citizens. Moreover, Gutmann and Thompson (2009) argue these individuals are oftentimes better equipped than career politicians to assess policy impacts on ordinary citizens.

This ties in with the third principle, namely the belief in citizens’ capability to make meaningful decisions. Rousseau (1762) embodied this belief, arguing that ordinary people can make good decisions when provided with sufficient information – like in SBDD. A common anti-SBDD argument is that lacking expertise precludes ordinary citizens from being able to understand

certain matters, but real-life experiments with SBDD have shown otherwise. For instance, when Texan citizens were involved in energy policy through SBDD, Luskin (1999) observed a substantial increase in participants’ knowledge of the subject. Moreover, 65% changed their opinion on key issues, underlining citizens’ ability to reassess and refine their views through deliberation with others. Steiner’s (2012) analysis indicates that empirical evidence from deliberative democracy experiments shows consistent knowledge increases from pre- to post-deliberation.

Overall, isonomia addresses Tilly’s equality dimension, while the second and third principles, which guarantee freedom of speech and enable ordinary citizens to make meaningful decisions, address Tilly’s mutually binding dimension. Therefore, employing SBDD is an appropriate way to address the problems with Austria’s democracy outlined in this paper.

#### *Enhancing democratization in Austria*

Earlier, I explained that Austria suffers from a lack of political equality, and a lack of opportunities for ordinary citizens to influence national politics. Consequently, I argued that there is room for democratization along Tilly’s equality and mutually binding dimensions. Moving on, I show how SBDD can contribute to this by proposing how it could be institutionalized in Austria. I suggest institutionalization based on the arguments of scholars like Courant (2021), Goodin and Dryzek (2006), and Harris (2019), who explain that currently, deliberative democratic innovations lack consistent output because they are under-institutionalized and mostly employed ad-hoc. In the OECD’s (2021) database of representative deliberative processes, only 3.6% of the 574 collected examples were formally institutionalized, with the rest being adopted ad-hoc. In Austria, there have been 4 cases of institutionalized SBDD, but this only happened on a regional level within the federal state Vorarlberg (OECD, 2021). Therefore, the proposal I will present is innovative because SBDD has never been formally institutionalized on a national level in Austria. Furthermore, my proposal should be considered in the context of increasing calls for direct democratic innovations in Austria (Demokratiezentrum, 2021), and in the context of the “deliberative wave” (OECD, 2020), a contemporary trend towards representative deliberative democratic processes

in OECD member states which has been observed in the last decade. A manifestation of this trend is the Irish Citizens Assembly, a sortition-based deliberative council with the mandate to recommend constitutional changes, which resulted in a popular referendum legalizing same-sex marriage (Harris, 2015).

SBDD has two benefits linked to Tilly's equality and mutually binding dimensions and is therefore an appropriate solution addressing the problems outlined in this paper. Firstly, the sample would be highly representative of Austria's population, unlike parliament. Consequently, SBDD significantly improves political equality and can therefore lead to democratization along Tilly's equality dimension. Secondly, sortition allows ordinary citizens to participate in national politics to an otherwise impossible extent, fostering democratization along Tilly's mutually binding dimension. For these points to hold, however, SBDD must result in meaningful and binding decision-making. This requires an institutionalization of SBDD in Austria.

Earlier, I explained that Volksbegehren are mostly ignored by parliament. I believe this mechanism should be combined with SBDD as follows: once a Volksbegehren reaches 100.000 signatures, a sortition-based deliberative council (SBDC) should deliberate on it. After deliberation, a binding vote together with MPs should be held. Specifying how many votes the SBDC would have goes beyond this paper's scope, but it should be enough to prevent the ruling coalition from vetoing the SBDC without opposition support. This proposal would lead to democratization along Tilly's equality dimension by ensuring equal representation within the SBDC, and also along the mutually binding dimension, as ordinary people are integrated into mutually binding consultation with the state. Furthermore, this proposal is innovative compared to previous SBDD institutionalizations like the Irish Citizens Assembly because it does not restrict the topics that could be deliberated on, as a Volksbegehren can address any imaginable policy issue.

I believe my proposal is sensible for two reasons. Firstly, it does not undermine the legitimacy of representative government, which would remain in charge of almost all national political decision-making, and also vote on Volksbegehren. I do not reject representative government but simply aim to alleviate some of its flaws. As Van Reybrouck

(2016) explains, representative government is much more efficient than any deliberative council could be (except for a sortition-based parliament, a proposal too extreme to be realistic), because it can swiftly deal with urgent matters. This ties into the second reason, namely that my proposal acknowledges SBDD's practical limitations. Summoning a SBDC is time- and planning-intensive: uniting hundreds of individuals from across the country in one location is impossible at short notice. An SBDC thus cannot be summoned very frequently. On average, less than one Volksbegehren a year reaches 100.000 signatures (BMI, 2021), and so SBDD would not be employed excessively. Moreover, Volksbegehren do not concern urgent matters, as launching a campaign and gathering signatures takes time. Therefore, the SBDC would not be under time pressure, allowing extensive deliberation.

Opponents of SBDD might say a binding referendum combined with Volksbegehren would be simpler and also address issues of equality and binding decision-making. After all, there is no underrepresentation without representatives, and a binding vote would improve the mutually binding dimension. Austrian initiatives like "mehr demokratie!" (2017) have proposed the introduction of a mechanism triggering binding referenda whenever citizen initiatives accumulate a minimum threshold of signatures.

However, I believe SBDD is preferable compared to referenda, as a lack of deliberation and information can lead to uninformed decision-making. Fishkin (2011) explains that in an everyday setting, individuals are often reluctant to inform themselves about key issues, do not engage with contrasting opinions, and are vulnerable to manipulation through (social) media. Conversely, SBDD increases knowledge, reflection, and engagement with opposing views and is superior to a referendum in these regards.

## **Conclusion and limitations**

To conclude, I identified two main problems with Austria's democracy related to Tilly's equality and mutually binding dimensions. Regarding the former, there is an underrepresentation of certain groups in parliament, which results in a smaller influence on policy outcomes. Regarding the latter, due to parliamentary fragmentation and inadequacies in electoral democracy and bottom-up direct democratic mechanisms, ordinary

citizens have few opportunities to influence national politics. I outlined three ancient Athenian democratic principles whose reintroduction could address these problems, before explaining that SBDD is a democratic innovation combining the principles. Finally, I argued that SBDD can lead to democratization in Austria if institutionalized as the endpoint of the Volksbegehren mechanism together with a binding vote. This democratization occurs through improvements on Tilly’s equality dimension, as sortition creates a sample representative of the population, and on the mutually binding dimension, as ordinary citizens are enabled to participate in national politics and influence binding decision-making to an otherwise impossible extent.

Now, I want to address the papers’ limitations. I outlined issues with Austrian democracy and proposed a solution. However, I left many questions regarding this solution unaddressed: Would the introduction of SBDD and a binding vote as the endpoint of a Volksbegehren be compatible with the Austrian constitution? What if

individuals refuse to participate in SBDD? How do we ensure that the sample is truly representative? Could this new mechanism result in abuses of the Volksbegehren? Such legal and practical questions exceed this papers’ scope and should be reviewed by scholars interested in enhancing democratization in Austria. Moreover, I included the Volksbegehren in my proposal for democratization despite acknowledging that it is difficult for most citizens to initiate one. Future researchers should explore how obstacles to initiating a Volksbegehren can be removed. Finally, I did not address alternative democratic innovations other than SBDD. I do not claim that SBDD is superior to any such alternatives, but merely argue that it can enhance democratization in Austria.

### **A note from the author**

Hello!

I am Naji Safadi, a third-year bachelor’s student in Politics, Psychology, Law and Economics at the University of Amsterdam. Pursuing my interests in democratization and inequality has made me realize that even in supposedly “advanced” democracies, power is concentrated in the hands of the few and the privileged. In this paper, I identify problems with the political system of my home country Austria and try to demonstrate how political inequality can be tackled by giving more power to ordinary citizens. Because I am originally from the occupied Syrian Golan Heights, I am also interested in the complex dynamics of occupation, especially concerning how occupation can be justified, whether occupation can be “peaceful”, and under what conditions people consent to the rule of their occupiers. In my free time, I like to have fun.



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