

Referendum Against Sortition? Debates on Institutionalization of Democratic Innovations in Belgian Parliaments.

AERTS Vincent (ULiège)

Vincent.aerts@uliege.be

Abstract: Since the 2010s, several Belgian parliaments have begun institutionalizing participatory democratic mechanisms, most notably sortition—through the creation of deliberative commissions—and popular votation, supported by a constitutional revision enabling regional-level popular consultations. Yet the relationship between these two instruments of democratic innovation remains undertheorized: are they mutually reinforcing components of a broader participatory turn, or do they rest on competing, even incompatible, conceptions of democracy? This article addresses this question by analyzing how Belgian parliamentarians simultaneously engage with sortition and referendums across parliamentary debates in four legislatures—the Walloon and Brussels Parliaments, legally empowered to organize non-binding popular consultations since 2014 and progressively institutionalizing sortition since 2019, and the Federal House of Representatives and Senate, where proposals for randomly selected bodies have circulated since 2013 alongside ongoing discussions on constitutional referendum provisions. Through a comparative qualitative analysis of parliamentary proceedings and legislative proposals, the article identifies four distinct political imaginaries structuring parliamentarians' positions: an antipolitical/dégagiste imaginary, a deliberative imaginary, a radical democratic imaginary, and an imaginary of electoral fundamentalism. It shows that references to the referendum are strategically mobilized in each of these imaginaries—either in combination with or in opposition to sortition—to legitimize, postpone, or contest the integration of random selection within representative institutions.

Table des matières

Introduction	2
Four political imaginaries to make sense of support and opposition to democratic innovations	2
A constitutional context: the possibility of popular consultation, the exclusion of referendum.....	5
Sortition before deliberative democracy: Getting rid of corrupt elected representatives	6
French-speaking deliberative Sequence	8
A Walloon unanimity for the majority proposals, but popular consultation to temporize?	8
Brussels Parliament: An inverted Temporality between Sortition and Popular Consultation	12
The deliberative paradigm of French-speaking advocates of democratic innovation.....	14
Belgian constitutional restraint: is democracy outlawed?.....	15
Sortition & Referendum in federal chambers: Combination for Radical Democracy, Opposition for Electoral Fundamentalism	18
Conclusion.....	22

Introduction

Since the 2010s, several Belgian parliaments have begun institutionalizing participatory democratic mechanisms, most notably sortition—through the creation of deliberative commissions—and popular votation, supported by the constitutional revision enabling regional-level popular consultations. These developments raise an essential question about the relationship between these democratic innovations. This study aims to analyze how parliamentarians simultaneously engage with the concepts of referendum and sortition in the course of parliamentary debates surrounding these mechanisms. Do members of parliament perceive sortition and referendums as mutually exclusive? To what extent do they consider voting and deliberation compatible, and under which conditions? What legal and institutional constraints shape the implementation of participatory models that combine deliberative practices with instruments of popular vote? The central research question can thus be articulated as follows: how do Belgian parliamentarians oppose or combine sortition and referendums in parliamentary debates?

Empirically, the research examines parliamentary debates and proposals relating to sortition and referendums across four legislatures: the Walloon and Brussels Parliaments, which have been legally empowered to organize non-binding popular consultations since 2014 and have been institutionalizing sortition since 2019 ; and the Federal House of Representatives and Senate, where discussions on incorporating random selection into institutional reforms have emerged since 2013 and where constitutional provisions regarding referendums may be revised. Through a comparative analysis of these parliamentary initiatives, the article identifies the democratic imaginaries underpinning the institutionalization of participatory mechanisms. It demonstrates how references to referendums are strategically mobilized—whether to legitimize, postpone, or contest the integration of sortition within representative structures. Ultimately, the findings contribute to broader debates on the reconfiguration of democratic legitimacy and the evolving interplay between votation, deliberation and representation in contemporary governance.

Four political imaginaries to make sense of support and opposition to democratic innovations

To understand how parliamentarians support or oppose sortition and referendums as democratic innovations, and which democratic imaginaries they mobilize in these debates, it is important to deconstruct the very concept of democracy itself. In Belgium, as in other Western political systems, the notion of democracy has become largely tautological: “democracy” is used to designate our political system, while our political system is taken to define democracy – without any precise conceptual specification¹. Such a definition fails to capture the political history underlying the construction of modern representative governments, which were to a significant extent built in opposition to the very idea of democracy².

Therefore, to understand attempts to reform representative government institutionally, it is necessary to rely on robust conceptual frameworks capable of capturing the plurality of democratic conceptions at stake. To interpret the positions supporting or opposing sortition and referendums, this article seeks to reinterpret and extend to other cases the analytical framework of democratic imaginaries developed by Nabila Abbas and Yves Sintomer³.

¹ DUPUIS-DÉRI F. (2013), *Démocratie. Histoire politique d'un mot aux États-Unis et en France*, Montréal, Lux.

² MANIN B. (1997), *The Principles of Representative Government*, Cambridge, Cambridge University Press.

³ ABBAS N., SINTOMER Y. (2021), « Les trois imaginaires contemporains du tirage au sort en politique : démocratie délibérative, démocratie antipolitique ou démocratie radicale ? », *Raisons politiques*, n°82, pp.33-54

In their analysis of proponents of sortition in politics, Nabila Abbas and Yves Sintomer identify three democratic imaginaries, which we seek to translate into the framework of proposals for sortition and popular voting mechanisms in Belgium.

The anti-political democracy is the first imaginary. Combining democratic claims grounded in sortition with an anti-corruption discourse opposed to political parties and economic elites, the anti-political imaginary posits that the average citizen – the ordinary individual – is fundamentally virtuous, and that politics should reflect this virtuous, ordinary, and essentially apolitical individual which seeks the common good.

These authors trace the origins of this political imaginary to the Fronte dell’Uomo Qualunque (Front of the Ordinary Man), founded in 1945 in Italy by Guglielmo Giannini. Building on a critique of political elites understood as constituting an oligarchy, Giannini argues in his foundational work *La Folla*⁴ for the establishment of a political system based on sortition, grounded in a “Saint-Simonian logic” aimed at “replacing the government of men with the administration of things.”⁵ Firmly opposed to representative government and to political parties – “assimilated to the reign of corruption, of self-proclaimed elites defending particular interests, of factions”⁶ – proponents of this anti-political imaginary seek to “remove” the political oligarchy in order to restore decision-making power to citizens. This valorization of the ordinary individual is thus closely associated with a discourse advocating a form of political amateurism, in which “it is not formal qualifications, but rather the lived experience and common sense of citizens” that qualify one to govern⁷.

This political imaginary, far from being confined to the far right, can also be related to the notion of “citizenism” as developed by Samuel Hayat, in which the people are “conceived as unified, without partisan divisions or ideologies – an aggregation of free individuals whose will can be elicited through a simple mechanism, by asking them a question, or by selecting by lot a number of free individuals who can deliberate conscientiously.”⁸

This anti-political democracy imaginary can thus be appropriated by actors from widely heterogeneous – and in some cases ideologically opposed – political backgrounds. Movements such as the Five Star Movement in Italy, the *Gilets jaunes* in France, managerial or technocratic proponents including environmentalist Ernest Callenbach and former banker and Mastercard founder Michael Phillips⁹, as well as more recent grassroots initiatives like the *Collectif Citoyen* – which participated in the Belgian regional and federal elections of October 2024¹⁰ – may all be situated within this anti-political democracy imaginary which functions as a form of political *confusionism*¹¹, obscuring traditional ideological boundaries and enabling alliances or discourses that traverse the conventional left–right spectrum.

The second political imaginary identified by Nabila Abbas and Yves Sintomer is the ideal of deliberative democracy. Within this framework, inclusive debate is understood as the very

⁴ URBINATI N., VANDELLI L. (2020), *La democrazia del sorteggio*, Turin, Einaudi.

⁵ ABBAS N., SINTOMER Y., *op. cit.*, p.46

⁶ *Ibidem*, p.47

⁷ House of Representatives, *Proposition de résolution relative à la révision du système électoral et à l’instauration du tirage au sort des membres du Parlement fédéral du Royaume de Belgique*, Doc.53K2860/1, June 5, 2013, p.16.

⁸ HAYAT S., (December 26, 2018), « Les Gilets jaunes et la question démocratique », *Contretemps*, www.contretemps.eu ; ABBAS N., SINTOMER Y., *op. cit.*, p.47.

⁹ CALLENBACH E., PHILLIPS M. (1985/2008), *A Citizen Legislature*, Exeter, Imprint Academic.

¹⁰ OGER L. (June 3, 2024), « Élections : Le Collectif Citoyen prône une autre démocratie », Qu4tre, www.qu4tre.be.

¹¹ CORCUFF P. (2020), *La grande confusion. Comment l’extrême-droite gagne la bataille des idées*, Paris, Textuel.

foundation of democracy, and a decision is considered optimal insofar as it is preceded by a rich deliberative process that gives voice to a wide diversity of perspectives.

Drawing on the theoretical contributions of John Rawls¹² and Jürgen Habermas¹³, the deliberative imaginary emphasizes the virtues of inclusive deliberation as a source of democratic legitimacy. Proponents of deliberative democracy contend that “the democratic legitimacy of a decision is all the greater if it has been preceded by high-quality, transparent deliberation, including all parties concerned, based on mutual respect, allowing all participants equal influence in the discussion, excluding relations of domination and a lasting asymmetry of power relations.”¹⁴

In this respect, the deliberative imaginary differs markedly from the anti-political, anti-establishment one. The aim of democratic innovations is no longer to expel allegedly corrupt representatives from parliament, but rather to introduce, through citizens’ panels, assemblies, or deliberative commissions, individuals with diverse backgrounds capable of enriching an inclusive deliberative process grounded in collective intelligence.

This divergence in objectives and underlying imaginaries, when compared to the antipolitical framework, is also evident in relation to the Athenian ideal of rotation of offices, which underpinned the use of sortition in classical antiquity. The deliberative imaginary promoted by reformers and political entrepreneurs advocating sortition tends to conceive of institutional arrangements designed to complement or assist representative government, systematically leaving final decision-making authority in the hands of elected officials. Participatory mechanisms therefore do not fundamentally alter the distribution of power in a way that would clearly democratize representative government; rather, they are framed as deliberative arenas intended to include selected citizens in public debate, with the dual aim of restoring trust and informing elected representatives in their decision-making processes.

Finally, in their analysis of proponents of sortition, Nabila Abbas and Yves Sintomer identify a third democratic imaginary that can be mobilized to analyze proposals for referendums in Belgium. This is an imaginary of radical democracy which, although marginal among advocates of sortition, proves analytically fruitful for examining projects aimed at democratizing representative government¹⁵. The radical democratic imaginary conceives democracy as a form of collective self-government in which the autonomy of citizens in political decision-making is central. The concrete transfer of decision-making power and the ideal of self-management thus constitute core political objectives within this radical democratic framework¹⁶.

In addition to the three political imaginaries identified by Nabila Abbas and Yves Sintomer¹⁷, our analysis of the parliamentary debates reveals the presence of a fourth political imaginary. Drawing on David Van Reybrouck, we refer to this imaginary as electoral fundamentalism¹⁸. It

¹² RAWLS J. (1971), *A Theory of Justice*, Cambridge, Mass., Harvard University Press. ; John Rawls (1993) « The Idea of Public Reason », in *Political Liberalism*, New York, Columbia University Press, p. 212-254.

¹³ HABERMAS J. (1997), *Droit et démocratie. Entre faits et normes*, Paris, Gallimard.

¹⁴ ABBAS N., SINTOMER Y. (2021), « Les trois imaginaires contemporains du tirage au sort en politique : démocratie délibérative, démocratie antipolitique ou démocratie radicale ? », *Raisons politiques* 2021/2, n°82, p.43.

¹⁵ SINTOMER Y. (2018), « From Deliberative to Radical Democracy? Sortition and Politics in the Twenty-First Century », *Politics and Society*, 46(3), p.337-357.

¹⁶ SINTOMER Y. (2023), *The Government of Chance. Sortition and Democracy from Athens to the Present*, Cambridge, Cambridge University Press.

¹⁷ ABBAS N., SINTOMER Y. (2022), « Three Contemporary Imaginaries of Sortition: Deliberative, Antipolitical, and Radically Democratic », *Common Knowledge*, 28(2), p. 242-260

¹⁸ VAN REYBROUCK D. (2014), *Contre les élections*, Arles, Actes Sud.

denotes a conception of democracy that is exclusively centered on elections and political representation. From this perspective, the principles of representative government are equated with democracy in a strict sense, while overlooking the historically contentious relationship between representative government and the very concept of democracy¹⁹. The selection of representatives through elections is thus regarded as the alpha and omega of any democratic institution²⁰. Political representation is conceived as an indispensable prerequisite for the establishment of a democratic regime, and any institutional mechanism that might compete with elected representatives is viewed as a potential threat to democracy²¹. Within this imaginary, elections and democracy are treated as synonymous, with sovereignty deemed to reside in the elected parliament rather than in the people themselves²². Electoral fundamentalism may therefore be understood as an uncompromising defense of representative government.

This analysis draws on the three political imaginaries identified by Abbas and Sintomer, namely anti-politics, deliberative democracy, and radical democracy, while also incorporating the imaginary of electoral fundamentalism in order to examine Belgian parliamentarians' positions regarding sortition and referendums. Taken together, these four imaginaries provide an analytical framework for understanding the various forms of support for, opposition to, or combination of democratic innovations expressed in parliamentary debates.

A constitutional context: the possibility of popular consultation, the exclusion of referendum

Unlike the constitutions of other European states, the Belgian Constitution does not provide for any referendum mechanism. The absence of any reference to referendums or popular consultations in the 1831 Constitution notably gave rise to a well-known opinion of the Council of State delivered in 1985²³. In this opinion, the Council of State held that the lack of any mention of referendum mechanisms, combined with Article 25 ("All powers emanate from the Nation. They are exercised in the manner established by the Constitution," renumbered as Article 33 following the 1994 revision), precludes the organization of referendums and popular consultations in Belgium. Consequently, the institutionalization of popular votes necessarily requires a constitutional amendment in order to incorporate such mechanisms into the Belgian foundational text. A first step in this direction was taken with the introduction of local popular consultations in 1999. Since then, further proposals to revise the Constitution with a view to introducing the possibility of organizing referendums and popular consultations at other levels of government have been regularly submitted²⁴.

These proposals took a more concrete form during the 53rd federal legislature (2010–2014), particularly with regard to the organization of popular consultations at the regional level. The idea of referendums, however, was not monopolized by the federal majority bringing together the socialist (PS and sp.a), liberal (MR and Open VLD), and Christian democratic (CDH and

¹⁹ MANIN B., (1996), *Principes du gouvernement représentatif*, Paris, Flammarion.; ROSANVALLON P. (2000), *La démocratie inachevée. Histoire de la souveraineté du peuple en France*, Paris, Gallimard.

²⁰ SCHUMPETER J. (1942), *Capitalism, Socialism and Democracy*, New York, Harper & Brothers. ; HUNTINGTON S. P. (1991), *The Third Wave: Democratization in the Late Twentieth Century*, University of Oklahoma Press

²¹ LAFONT C.(2015), « Deliberation, Participation, and Democratic Legitimacy: Should Deliberative Mini-Publics Shape Public Policy? », *Journal of Political Philosophy*, 23(1), p. 40-63

²² URBINATI N. (2006), *Representative Democracy. Principles and Genealogy*, Chicago, University Press of Chicago.

²³ House of Representatives, *Council of State, Opinion of 15 May 1985*, no 783/2

²⁴ GAUDIN T., JACQUET V., PILET J.-B., REUCHAMPS M., (2018), « Consultation populaire et référendum en Belgique », *Courrier hebdomadaire du CRISP*, 2390-2391, 5-62.

CD&V) party families from both the French-speaking and Dutch-speaking language groups. Indeed, while deputies from the MR (French-speaking liberals) tabled a proposal to revise the Constitution in February 2011, aiming to insert a new Article 39bis relating to popular consultations²⁵, deputies from the nationalist party Vlaams Belang (VB) submitted, two months later, a proposal to revise Articles 33, 36, 41, and 134 of the Constitution with a view to enabling the holding of binding referendums²⁶.

Neither of these two texts was debated. Two years later, in July 2013, members of the majority, supported by the ecologist parties (Ecolo–Groen), tabled a proposal to insert an Article 39bis into the Constitution²⁷. This proposal was accompanied by two additional texts: a draft special law relating to the Brussels institutions and the Constitutional Court²⁸, and a proposal to revise Article 142 of the Constitution concerning the Constitutional Court²⁹.

During the parliamentary debates, deputies from Vlaams Belang (VB) attempted to introduce an amendment aimed at allowing for the organization of (binding) referendums in addition to (consultative) popular consultations³⁰. This amendment was overwhelmingly rejected: only the seven VB deputies supported it, while members of the N-VA, another Flemish nationalist party, and the far-right deputy Jean-Marie Dedecker abstained. The three texts tabled by the majority and the ecologist parties were subsequently adopted by the Chamber of Representatives in November 2013. Each text was supported by members of the majority and the ecologists, while Flemish nationalist representatives, as well as the two far-right deputies Jean-Marie Dedecker and Laurent Louis, expressed their opposition in all three votes in the Chamber. In addition, two deputies from the FDF (Fédéralistes démocrates francophones) abstained once and voted against twice³¹.

These positions were replicated during the votes in the Senate, with marked opposition from Flemish nationalist representatives (VB and N-VA)³². At the conclusion of this process, the Belgian Constitution was thus revised, notably through the insertion of Article 39bis, which allows regional parliaments to adopt a special legislative act with a view to organizing popular consultations.

Sortition before deliberative democracy: Getting rid of corrupt elected representatives

Alongside these debates on popular consultation, the idea of selecting representatives by lot enter the parliament. On June 5, 2013, just under two years after the G1000 citizens' summit³³ and the same year as the release of the book *Contre les élections* by David Van Reybrouck³⁴, proposals aiming to institutionalize sortition were introduced into Belgian parliamentary debate

²⁵ House of Representatives, Doc. 1159, February 2, 2011.

²⁶ House of Representatives, Doc 1387, April 11, 2011.

²⁷ House of Representatives, Doc 2966, July 24, 2013.

²⁸ House of Representatives, Doc. 2968, July 24, 2013.

²⁹ House of Representatives, Doc 2971, July 24, 2013.

³⁰ LEWALLE P. (1986), « Le référendum local », in F. DELPEREE (dir), *La participation directe du citoyen à la vie politique et administrative*, Bruxelles, Bruylant, p. 84.

³¹ House of Representatives, *Compte rendu intégral avec compte rendu analytique traduit des interventions – Séance plénière*, no 171, November 28, 2013.

³² Senate, *Annales - Séances plénières Jeudi 19 décembre 2013 – Séance de l'après-midi*, Doc. 5-134, December 19, 2013.

³³ CALUWAERTS D., REUCHAMPS M. (2014). « The G1000: Facts, figures and some lessons from an experience of deliberative democracy in Belgium ». In: CALUWAERTS D., REUCHAMPS M., JACOBS K., VAN PARIJS P., VAN REYBROUCK D., *The Malaise of Electoral Democracy and What to Do About It*, Re-Bel, Brussels, 10-33

³⁴ VAN REYBROUCK D. (2014), *Contre les élections*, Arles, Actes Sud.

through a motion for a resolution submitted to the House of Representatives³⁵. In this *motion for a resolution on the revision of the electoral system and the introduction of sortition for members of the Federal Parliament of the Kingdom of Belgium*³⁶, the author interrogates the philosophical foundations of representative government. The MP rejects the equation commonly drawn between elections and democracy³⁷, aligning with David Van Reybrouck's notion of "electoral fundamentalism,"³⁸ and criticizes "representative democracy" insofar as it is grounded in the election of representatives affiliated with political parties. In this view, such a system reduces the population to the mere exercise of voting rights and effectively deprives it of its sovereign function. Regarding the Belgian elective and participative system³⁹ as a source of "corruption, deceit, and caste formation," the MP advocates replacing elections with the selection of citizens by lot and calls for the prohibition of political parties.

The initial parliamentary motion advocating for sortition was introduced by MP Laurent Louis, who was originally elected under the banner of the far-right *Parti Populaire* before becoming an independent at the time the motion was submitted. By merging democratic claims grounded in sortition with an anti-corruption rhetoric targeting economic elites, Louis' motion situates sortition within a broader political imaginary characterized by anti-political or *dégagiste* democracy, as conceptualized by Nabila Abbas and Yves Sintomer.⁴⁰

In the case of Laurent Louis, the articulation of an antipolitical imaginary and the promotion of sortition can likely be understood in light of the influence exerted by teacher-blogger Étienne Chouard, with whom Louis shares controversial associations with far-right ideologue Alain Soral. Although Chouard gained prominence in radical left-wing online circles, his proximity to Soral and his references to various conspiracy theorists⁴¹ position him as a paradigmatic figure of the *confusionist* potential embedded in the antipolitical imaginary of sortition. A central figure in the "No" campaign during the French referendum on the European Constitutional Treaty, Chouard played a key role in the popular reappropriation—and reinterpretation "against its author"⁴²—of Bernard Manin's seminal work *Principles of Representative Government* (1995)⁴³, easily launched by the book's introductory sentence: "Contemporary democracies have emerged from a form of government that its founders

³⁵ For an overview of proposals to institutionalize sortition in Belgium, see. GUSTIN A., GRANDJEAN G. & AERTS V. (in press), "L'institutionnalisation du tirage au sort au sein des assemblées parlementaires belges. I. Le cadrage par une élite culturelle et l'alignement des partis politiques", *Courrier hebdomadaire du CRISP* [forthcoming] ; AERTS V., GRANDJEAN G. & GUSTIN A. (in press), "L'institutionnalisation du tirage au sort au sein des assemblées parlementaires belges. II. Les parlements régionaux et communautaires", *Courrier hebdomadaire du CRISP* [forthcoming]; GRANDJEAN G., GUSTIN A. & AERTS V. (in press), "L'institutionnalisation du tirage au sort au sein des assemblées parlementaires belges. III. La Chambre des représentants et le Sénat", *Courrier hebdomadaire du CRISP* [forthcoming].

³⁶ House of Representatives, *Proposition de résolution relative à la révision du système électoral et à l'instauration du tirage au sort des membres du Parlement fédéral du Royaume de Belgique*, no. 2860/1, June 5, 2013.

³⁷ House of Representatives, n° 2860/1, pp.4-6.

³⁸ David Van Reybrouck, *op. cit.*

³⁹ Frederik Verleden, *Aux sources de la participative. Les relations entre les partis politiques belges et leurs parlementaires (1918-1970)*, Bruxelles, CRISP, 2019 ; Pierre Baudewyns, Marleen Brans, Min Reuchamps, Benoît Rihoux, Virginie Van Ingelgom (dir.), *The Winter of Democracy. Partitocracy in Belgium*, Louvain-La-Neuve, Presses Universitaires de Louvain, 2022.

⁴⁰ ABBAS N., SINTOMER Y. (2021), « Les trois imaginaires contemporains du tirage au sort en politique : démocratie délibérative, démocratie antipolitique ou démocratie radicale ? », *Raisons politiques* 2021/2, n°82, 33-54

⁴¹ TOLMERE A. (2006), *Manifeste pour la vraie démocratie*, online.

⁴² HAYAT S. (2019), « La carrière militante de la référence à Bernard Manin dans les mouvements français pour le tirage au sort », *Participations*, 2019/HS, 437-451.

⁴³ MANIN B. (1996), *Principes du gouvernement représentatif*, Paris, Flammarion ; Bernard Manin (1997), *The Principles of Representative Government*, Cambridge, Cambridge University Press.

opposed to democracy.”⁴⁴. Drawing on the history of Athenian democracy and the origins of representative institutions, Chouard contributes to the contemporary revival of sortition as a democratic practice fundamentally opposed to electoral mechanisms, which he characterizes as inherently aristocratic. His efforts have significantly facilitated the dissemination of sortition within various activist and ideological milieus, often transcending traditional political divides⁴⁵.

This reinterpretation of *Principles of Representative Government*—which runs counter to the original author’s intent, given that Bernard Manin, as a liberal scholar, normatively defended representative government as a balanced mixed regime combining aristocratic and democratic elements—is not exclusive to political actors aligned with the *dégagiste* imaginary of antipolitical democracy⁴⁶. Indeed, historian David Van Reybrouck, whose book *Contre les élections (Against Elections)* has become pivotal in popularizing the concept of sortition within political discourse, similarly adopts this critical re-reading of Manin’s work to advocate for the reintroduction of sortition. Van Reybrouck, a central figure in the deliberative G1000 experiment, has significantly influenced the political landscape, and his book has played a formative role in the emergence of sortition-oriented political movements. This book will play a major role in the development of political movements in favor of sortition, and in the defense of a different political imaginary of sortition, which is the basis for the majority of parliamentary initiatives promoting this democratic innovation.

After the incorporation of the regional popular consultation into the Constitution, and this initial provocative motion for a resolution on sortition, which reflected an anti-political imaginary, subsequent proposals for the institutionalization of sortition in Belgian parliaments emerged within a different political imaginary, predominantly articulated by ecologist members of parliament. In parallel, several texts were tabled with the aim of transposing the constitutional revision into regional law. Within this framework, the question of referendums became a central element in the debates surrounding the implementation of sortition.

French-speaking deliberative Sequence

A Walloon unanimity for the majority proposals, but popular consultation to temporize?

During the 2009–2014 Walloon legislature, several proposals for decrees and special decrees aimed at instituting the popular consultation were introduced. The MR, then in opposition, and the ecologists, members of a governing majority with the socialists and the Christian democrats, each tabled a decree proposal in 2009⁴⁷, several years prior to the constitutional amendment, and again in 2014, immediately following the insertion of Article 39bis⁴⁸. Finally, all parties represented in the Walloon Parliament jointly tabled a proposal for a special decree in April 2014, but failed to adopt the text before the end of the legislature⁴⁹.

⁴⁴ MANIN B. (1996), *Principes du gouvernement représentatif*, Paris, Flammarion, p.11.

⁴⁵ HAYAT S. (2019), « La carrière militante de la référence à Bernard Manin dans les mouvements français pour le tirage au sort », *Participations*, 2019/HS, 437-451.

⁴⁶ CHOLLET A., MANIN B. (2019), « Les postérités inattendues de Principes du gouvernement représentatif: Une discussion avec Bernard Manin », *Participations*, 23, 1, 171–192.

⁴⁷ Walloon Parliament, Doc. 13, July 16, 2009 ; Parlement wallon, Doc.33, July 17, 2009.

⁴⁸ Walloon Parliament, Doc. 991, Februari 26, 2014 ; Parlement wallon, Doc.1009, March 11, 2014.

⁴⁹ Walloon Parliament, Doc.1064, April 24, 2014.

Several proposals were subsequently (re)introduced during the first months of the 2014–2019 legislature by opposition parties, MR and Ecolo—both separately⁵⁰ and jointly⁵¹—as well as by André-Pierre Puget, the sole member of parliament elected from the far-right Parti Populaire list⁵². The new PS–CDH majority also tabled a proposal for a special decree in December 2014⁵³. In the course of 2015, the Walloon Parliament requested an opinion from the Council of State on these proposals. Following receipt of this opinion, the PS–CDH majority, supported by MR and André-Pierre Puget (who had become an independent), tabled a proposal for a decree establishing the popular consultation in July 2016⁵⁴.

Meanwhile, the first formal proposal to institutionalize sortition emerged in 2015 through an amendment submitted by ecologist members of parliament. Several members of the Socialist Party (PS) and Christian Democrat Party (CDH) majority introduced a motion for a resolution to establish a special commission on democratic renewal⁵⁵. The ecologist MPs' amendment advocated that this commission comprise an equal number of parliamentarians and citizens selected by lot. Framing their proposal within the context of widespread "democratic disenchantment, crisis of confidence in institutions, and the gap between citizens and their representatives,"⁵⁶ the authors cited the G1000 deliberative experiment as an illustrative precedent.

They further linked their amendment to related ecologist initiatives addressing various democratic reforms⁵⁷, including popular consultation. Within this conceptual framework, sortition is explicitly connected to a broader agenda aimed at democratizing representative government, where sortition and popular consultation are conceived as complementary rather than antagonistic mechanisms. This initiative followed the constitutional reform, enacted a year earlier, which authorized the organization of popular consultations at the regional level in Belgium⁵⁸. Consequently, debates concerning popular consultation and sortition appear partially intertwined, with popular consultation featuring prominently in deliberations regarding the future special commission on democratic renewal⁵⁹. Ultimately, after parliamentary debate, the amendment proposing the inclusion of citizens selected by lot in the commission was rejected by the majority.

Following the initial rejection, on February 25, 2016, ecologist members of parliament submitted a proposal to amend the internal rules of the Walloon Parliament, introducing the possibility of establishing mixed commissions composed of both citizens selected by lot and

⁵⁰ Walloon Parliament, Doc. 15, July 16, 2014 ; Parlement wallon, Doc. 16, July 22, 2014.

⁵¹ Walloon Parliament, Doc. 83, December 9, 2014.

⁵² Walloon Parliament, Doc. 42, October 16, 2014.

⁵³ Walloon Parliament, Doc. 79, December 8, 2014.

⁵⁴ Walloon Parliament, Doc. 559, July 15, 2016.

⁵⁵ Walloon Parliament, *Proposition de résolution portant création d'une commission spéciale relative au renouveau démocratique*, no. 130/1, February 3, 2015.

⁵⁶ Walloon Parliament, *Proposition de résolution portant création d'une commission spéciale relative au renouveau démocratique. Amendments*, n° 130/3, February 23, 2015, p. 3

⁵⁷ Such as the reform of the control of the validity of elections, both at regional level and communal level, the abolition of electronic voting and gender balance in municipal and provincial colleges.

⁵⁸ Article 39bis: « À l'exclusion des matières relatives aux finances ou au budget ou des matières qui sont réglées à une majorité des deux tiers des suffrages exprimés, les matières exclusivement attribuées aux organes régionaux peuvent faire l'objet d'une consultation populaire dans la région concernée ». [With the exception of matters relating to finance or the budget, or matters which are settled by a two-thirds majority of the votes cast, matters exclusively attributed to regional bodies may be subject to popular consultation in the region concerned.]

⁵⁹ Walloon Parliament, , Commission des Affaires générales et des Relations internationales, *Compte rendu intégral*, no. 88, February 23, 2015, p. 11.

Walloon MPs⁶⁰. The authors intended this initiative to continue the work of the Democratic Renewal Commission, which had prioritized advancing citizen and participatory democracy⁶¹. Sortition was identified as one of several potential mechanisms to explore⁶². During committee debates, several members of the PS-CDH majority explicitly invoked the option of organizing regional popular consultations to temper enthusiasm for sortition. It was argued that the Walloon Parliament "is already an extremely open assembly in terms of participatory democracy," particularly due to the pending draft decree on popular consultation in Wallonia⁶³. This perspective was echoed by opposition right-wing MPs, who similarly referenced the authorization of regional popular consultations as a reason to oppose the institutionalization of sortition. Several deputies further invoked Article 33 of the Belgian Constitution—which stipulates that "All powers emanate from the Nation. They are to be exercised as prescribed by the Constitution"—to assert the legal impossibility of advancing proposals related to sortition at that time⁶⁴. Consequently, the vote on the proposal was postponed and ultimately not concluded during the 2014–2019 legislative session.

Within this context, references to citizen participation processes based on voting appear to serve both as a means of delay and as a justification for resisting proposals advocating participatory mechanisms grounded in random selection.

Notably, between this proposal on sortition and the end of the legislature, the PS-CDH-MR-Puget proposal special decree establishing the legal framework for popular consultations was adopted on July 19, 2018⁶⁵. During the debates, the ecologists once again attempted to combine sortition and referendums by proposing the creation of commissions composed of randomly selected citizens, supported by experts, tasked with formulating the question(s) submitted in popular consultations. This amendment was rejected, while the decree proposal was adopted by a large majority, with only ecologist MPs and those from the radical left PTB opposing the text. This balance of power was reproduced twice before the end of the legislature: first, with the adoption of a decree concerning the organization of popular consultations⁶⁶ implementing the special decree, and second, during the amendment of that special decree⁶⁷.

Following the regional elections of June 2019, the political landscape in Wallonia shifted significantly with the entry of ecologist parties into the governing coalition, consolidating their central role in the institutionalization of participatory democratic mechanisms in Belgium.

⁶⁰ Walloon Parliament, *Proposition de modification du règlement du Parlement de Wallonie visant à introduire la faculté de créer des commissions mixtes composées de citoyens tirés au sort et de députés wallons*, No. 415/1, February 25, 2016

⁶¹ *Ibidem*, p.3.

⁶² The Ecolo MPs group has tabled a note of proposals, aimed at taking up a series of options, relating to the development of citizens' panels, the participatory budget, the right of citizens to initiate legislation, the creation of joint commissions including citizens chosen by lot, the improvement of existing legislation on public participation and the strengthening of the legislative framework in this area of local popular consultation. (See *Walloon Parliament*, Session 2015-2016, Séance publique de commission, Compte-rendu intégral, no. 93, January 27, 2016).

⁶³ Walloon Parliament, Commission des Affaires générales et des Relations internationales, *Compte rendu intégral*, no. 28, November 7, 2016, p. 32.

⁶⁴ *Ibidem*, p. 32.

⁶⁵ This process will lead to the Walloon special decree of July 19, 2018 instituting the popular consultation (*Moniteur belge*, September 28, 2018); cf. also the amending special decree of May 2, 2019 (*Moniteur belge*, June 11, 2019) and the Walloon decree of May 2, 2019 on the organization of the regional popular consultation (*Moniteur belge*, June 18, 2019). On this subject, see GAUDIN T., JACQUET V., PILET J.-B., REUCHAMPS M. (2018), "Consultation populaire et référendum en Belgique", *Courrier hebdomadaire*, CRISP, no. 2390-2391, 37-38.

⁶⁶ Walloon Parliament, Doc. 1131, June 20, 2018.

⁶⁷ Walloon Parliament, Doc.1374, April 3, 2019.

Nonetheless, the first formal proposal for the institutionalization of sortition in the new legislature was submitted not by a member of the governing majority but by opposition MP Marie-Martine Schyns (CDH)⁶⁸ on September 1, 2020. Her initiative was accompanied by a parallel proposal concerning popular consultation⁶⁹. Drawing direct inspiration from the citizens' council model established by the Parliament of the German-speaking Community in 2019⁷⁰, Schyns explicitly mobilizes the arguments articulated in David Van Reybrouck's *Against Elections*, advocating for the creation of a "comprehensive participatory democracy mechanism" centered on a citizens' assembly and a citizens' council⁷¹.

As an opposition MP, Schyns positions herself in favor of combining sortition and popular consultation within a broader architecture of participatory governance. The proposed decree seeks to empower citizens through a multi-phase participatory process: "It is a truly comprehensive citizen empowerment scheme in that the citizen reflects on a given subject through participation in the citizens' assembly and citizens' council (upstream), can submit a request for a regional popular consultation to the Walloon Parliament (in the middle), and gives his or her opinion directly on a policy proposed by popular consultation (downstream)."⁷² This integration of deliberative and consultative mechanisms is further reinforced by provisions enabling citizens' assemblies and councils to propose the organization of popular consultations to Parliament⁷³. The combination of sortition-based deliberation—where randomly selected citizens debate alongside MPs—with consultative voting mechanisms for the broader public, is reaffirmed and refined in a subsequent legislative proposal. This latter text aims to grant deliberative commissions composed of MPs and citizens selected by lot the formal right of initiative to request the organization of regional popular consultations⁷⁴.

However, the opposition proposal aiming to combine sortition and popular consultation was ultimately not adopted. It was effectively pre-empted by a competing initiative: a proposal to amend the Rules of Procedure of the Walloon Parliament, specifically designed to establish deliberative commissions composed of deputies and randomly selected citizens⁷⁵. This latter proposal, introduced as part of the implementation of the 2019 regional policy declaration, eventually focused exclusively on the institutionalization of sortition-based deliberation⁷⁶. As a result, no explicit linkage was made between citizens' assemblies and mechanisms of popular vote within the adopted framework.

Thus, proposals concerning citizens' assemblies and those relating to popular consultation were conceptualized as parallel components of a broader democratization agenda, rather than being

⁶⁸ Walloon Parliament, *Proposition de décret institutionalisant l'assemblée citoyenne et le conseil citoyen*, n° 221/1, September 1st, 2020. This proposal is the subject of a rectification, submitted on September 2, 2020. Walloon Parliament, *Proposition de décret institutionalisant l'assemblée citoyenne et le conseil citoyen. Document rectifié*, no. 221/1bis, September 2, 2020; Walloon Parliament, *Proposition de modification du règlement du Parlement de Wallonie visant à institutionnaliser les assemblées citoyennes et conseils citoyens*, no. 223/1, September 1st 2020.

⁶⁹ Walloon Parliament, *Proposition de décret spécial modifiant les articles 2, 5, 6 et 7 du décret spécial du 19 juillet 2018 instituant la consultation populaire*, No. 222/1, September 1st, 2020.

⁷⁰ REUCHAMPS M., NIESSEN C., (2022), « Institutionalising Citizen Deliberation in Parliament: The Permanent Citizens' Dialogue in the German-speaking Community of Belgium », *Parliamentary Affairs*, Vol. 75,1, 135–153.

⁷¹ Walloon Parliament, *Proposition de décret institutionnalisant l'assemblée citoyenne et le conseil citoyen*, n° 221/1, September 1st, 2020, p. 4.

⁷² *Ibidem*.

⁷³ *Ibidem.*, p.6

⁷⁴ Walloon Parliament, *Proposition de décret spécial modifiant les articles 2, 5, 6 et 7 du décret spécial du 19 juillet 2018 instituant la consultation populaire en vue d'octroyer un droit d'initiative aux commissions délibératives composées de députés et de citoyens tirés au lot*, no. 278/1, September 29, 2020.

⁷⁵ Walloon Parliament, *Proposition de modification du règlement du Parlement de Wallonie visant à consacrer la constitution de commissions délibératives entre députés et citoyens tirés au lot*, no. 248/1, September 15, 2020.

⁷⁶ Walloon Parliament, *Déclaration de politique régionale 2019-2024*, no 34/1, September 13, 2019

integrated into a unified participatory architecture. The institutionalization of mixed deliberative commissions marked a significant step, with a first pilot commission convened in 2023–2024 to deliberate on the following question: *"How can Walloons be involved in decision-making in a deliberative and permanent way?"*⁷⁷

Following the regional elections of June 2024 and the electoral defeat of the ecologist parties, a new center-right majority composed of the Mouvement Réformateur (MR) and Les Engagés (formerly CDH) assumed power in Wallonia. The CDH parliamentarian who had previously played a key role in advancing proposals for integrating citizens' assemblies with popular consultation did not return to political office. In the new regional policy declaration, the majority briefly references the prior sortition-based deliberative experiment⁷⁸. However, the outcomes and procedural innovations of the Walloon deliberative mechanism are largely sidelined in favor of a single initiative: the organization of a popular consultation on the potential abolition of the provinces as political entities in Wallonia. Once again, the instrument of popular vote seems to be used in a gesture of prioritization, putting deliberative sortition-based mechanisms in the background.

However, ecologist MPs, who have been key drivers in the establishment of deliberative commissions, have sought to further the institutionalization of citizen participation by tabling proposals for special decrees at the end of the 2019–2024 legislature and at the beginning of the 2024–2029 legislature, with a view to facilitating the organization of regional popular consultations⁷⁹. These proposals have not, however, been the subject of any debate, and no regional popular consultation has, to date, been organized in Wallonia.

Brussels Parliament: An inverted Temporality between Sortition and Popular Consultation

In parallel with the deliberations conducted in Wallonia, members of the Brussels Parliament also addressed the issue of sortition—achieving earlier institutional traction than their Walloon counterparts—and, more recently, that of popular consultation. Between 2015 and 2017, three proposals for special ordinances aimed at developing popular consultation at the regional level were introduced—first by the ecologists⁸⁰, then by the French-speaking liberals⁸¹, and finally by the radical left⁸², all from the opposition. None of these proposals were debated before the end of the legislative term. On March 22, 2018, three ecologist MPs, then part of the opposition, tabled a proposal for a special ordinance aiming to introduce the possibility of establishing mixed commissions composed of randomly selected citizens and parliamentarians⁸³. This legislative initiative mirrors the earlier proposal submitted in 2016 by ecologist MPs in the

⁷⁷ Walloon Parliament, *Commission délibérative « Comment impliquer les Wallonnes et les Wallons dans la prise de décision, de manière délibérative et permanente, en s'inspirant notamment du dialogue citoyen permanent existant en Communauté germanophone qui procède par tirage au sort ? »*. Rapport présenté au nom de la commission délibérative, n° 1605/1, February 25, 2024

⁷⁸ Walloon Parliament, *Déclaration de politique régionale 2024-2029*, no 10/1, July 15, 2024.

⁷⁹ Walloon Parliament, Doc. 1714, April 17, 2024 ; Walloon Parliament, Doc. 14, July 24, 2024.

⁸⁰ Parliament of the Brussels-Capital Region, Doc. A-108, March 3, 2015.

⁸¹ Parliament of the Brussels-Capital Region, Doc. A-180, June 12, 2015.

⁸² Parliament of the Brussels-Capital Region, Doc. A-536, June 23, 2017.

⁸³ Parliament of the Brussels-Capital Region, *Proposition d'ordonnance spéciale visant à introduire la faculté de créer des commissions mixtes composées de citoyens tirés au sort et de députés bruxellois*, No. 660/1, March 22, 2018.

Walloon Parliament⁸⁴. Although the proposal was referred to committee, it was not debated before the end of the legislative session.

Following the regional elections of June 2019, the entry of ecologist parties into the Brussels government⁸⁵ enabled the advancement of participatory democracy mechanisms, culminating in a political agreement on the establishment of deliberative commissions. On November 28, 2019, a proposal to amend the Rules of Procedure of the Brussels Parliament was submitted by several majority MPs. This proposal aimed to formally introduce the possibility of convening deliberative commissions composed of both members of parliament and randomly selected citizens⁸⁶.

During parliamentary debates on this proposal, members of the PTB-PVDA (radical left) advocated for strengthening the binding nature of recommendations formulated by randomly selected citizens, notably through the possible use of referendums⁸⁷—despite the fact that such instruments remain prohibited under the current Belgian constitutional framework⁸⁸. Concerns regarding the implementation and concrete follow-up of citizen recommendations were echoed by several elected representatives from the MR party. A number of MPs expressed support for the development of popular consultation mechanisms in parallel with deliberative processes based on sortition⁸⁹. In this regard, two proposals for special ordinances concerning popular consultation were submitted: one in November 2019 by the MR⁹⁰, and another in December 2019 by the PTB⁹¹. However, while the aspiration to enhance citizens' decision-making power may be shared across party lines, it continues to face structural limitations imposed by the constitutional order, which restricts citizen participation in decision-making to electoral processes⁹². These deliberative commissions were finally adopted in December 2019 by an expanded majority (with Dier Animal, Agora, and the CDH supporting the measure from the opposition), while the MR, the PTB, and the N-VA abstained⁹³.

The adoption of deliberative committees opens the door to further democratic innovations within Parliament. Following the two proposals submitted in 2019 by the MR and the PTB, Member of Parliament Pepijn Kennis—elected from the citizen list Agora, which advocates for the establishment of a sortition-based democracy⁹⁴—introduced a proposal for a special ordinance concerning regional popular consultation.⁹⁵ Regretting the limitation of the merely consultative character of citizens' input due to constitutional constraints, the author proposes the establishment of bodies composed of randomly selected citizens throughout the entire

⁸⁴ Walloon Parliament, *Proposition de modification du règlement du Parlement de Wallonie visant à introduire la faculté de créer des commissions mixtes composées de citoyens tirés au sort et de députés wallons*, No. 415/1, February 25, 2016

⁸⁵ The Vervoort III government brings together French-speaking Socialists (PS) and Dutch-speaking Socialists (one.brussels-sp.a), the Greens (Ecolo & Groen), DÉFI, and the Dutch-speaking Liberals (Open VLD).

⁸⁶ Parliament of the Brussels-Capital Region and Assemblée réunie de la Commission communautaire commune, *Proposition de modification du règlement visant à introduire la faculté de créer des commissions délibératives entre députés et citoyens composées de députés et invitant des citoyens tirés au sort à participer à leurs travaux*, no. 100/1 and no. 19/1, November 28, 2019.

⁸⁷ *Ibidem*.

⁸⁸ DESEURE B., GEENENS R., SOTTIAUX S. (2021), *Sovereignty, Civic Participation, and Constitutional Law. The People versus the Nation in Belgium*, Oxon, New-York, Routledge.

⁸⁹ Assemblée de la Commission communautaire française, *Compte rendu*, no. 81, March 29, 2023, p. 12.

⁹⁰ Parliament of the Brussels-Capital Region, Doc. A-48, November 5, 2019.

⁹¹ Parliament of the Brussels-Capital Region, Doc. A-116, December 3, 2019.

⁹² Parliament of the Brussels-Capital Region, *Compte rendu intégral*, no. 10, December 12, 2019, p. 34

⁹³ *Ibidem*, p. 67.

⁹⁴ Agora.Brussels, www.agora.brussels.

⁹⁵ Parliament of the Brussels-Capital Region, Doc. A-363, April 19, 2021.

popular consultation process. Accordingly, it is suggested that a permanent citizens' council be instituted, tasked with determining which proposals will be submitted to popular consultation, as well as defining the voting procedures, the formulation of questions, and the available response options. Furthermore, the author advocates convening a panel of randomly selected citizens to compile and articulate the arguments for and against each of the possible responses.

However, these proposals originating from the opposition became moot in light of a proposal for a special ordinance submitted by the governing majority in May 2023⁹⁶. During the debates, Pepijn Kennis attempted to incorporate elements of sortition into the text through a sub-amendment, but this was rejected. The special ordinance establishing regional popular consultation⁹⁷ together with the ordinance governing the organization of such consultations⁹⁸, were subsequently adopted by the majority with the support of the radical left. The MR and Les Engagés (ex-cdH) abstained in both votes, while several members of the Open Vlaamse Liberalen en Democraten (Open VLD) opposed the text, alongside representatives of the Vlaams Belang (VB) and the Nieuw-Vlaamse Alliantie (N-VA)⁹⁹.

The institutional dynamic observed in Brussels regarding the articulation between sortition and popular vote diverges somewhat from the Walloon trajectory. In Wallonia, a decree establishing popular consultation was adopted in 2018, prior to the creation of deliberative commissions. Conversely, in Brussels, the temporal sequence was inverted: mixed commissions enabling deliberation between randomly selected citizens and parliamentarians were instituted as early as 2019, despite the absence of any legislative framework governing popular consultations at that time. Consequently, deliberations on sortition prompted demands from several opposition MPs to complement these mechanisms with instruments of popular vote, within a logic of participatory complementarity. Rather than being framed as mutually exclusive, sortition and popular consultation were approached in a synergistic manner, each reinforcing the other as they became institutional priorities. This cumulative dynamic culminated in the adoption, in 2024, of a specific ordinance regulating the organization of regional popular consultations in Brussels¹⁰⁰.

By the end of the 2019–2024 legislative term, the trajectories followed by the Walloon and Brussels parliaments illustrate a significant shift in the institutionalization of sortition within the Belgian political system. While the initial proposal introduced by Laurent Louis in the House of Representatives in 2013 was embedded within an anti-political or *dégagiste* imaginary—characterized by a radical rejection of representative institutions and political parties—this logic is no longer present in the deliberative processes currently implemented at the regional level.

The deliberative paradigm of French-speaking advocates of democratic innovation

In both the Walloon and Brussels parliaments, the various proposals to institutionalize sortition are part of a shared political dynamic. They frame participatory mechanisms as responses to a broader crisis of trust in democratic institutions—manifested, for instance, in the increasing use of blank ballots or in polling data reflecting public disillusionment. The authors of these

⁹⁶ Parliament of the Brussels-Capital Region, Doc. A-704, May 17, 2023.

⁹⁷ Parliament of the Brussels-Capital Region, Doc. A-704, May 17, 2023.

⁹⁸ Parliament of the Brussels-Capital Region, Doc. A-705, May 17, 2023.

⁹⁹ Parliament of the Brussels-Capital Region, *Compte rendu intégral - Séance plénière du vendredi 19 avril 2024*, p.80. ; Parliament of the Brussels-Capital Region, *Compte rendu intégral - Séance plénière du vendredi 3 mai 2024*, p.56.

¹⁰⁰ *Moniteur belge*, May 25, 2024.

proposals frequently draw upon academic references, notably the work of David Van Reybrouck¹⁰¹ and the G1000 initiative, which is often cited as the foundational moment of Belgium's new deliberative wave grounded in the rediscovery of sortition¹⁰². These institutional designs consistently incorporate selection by lot, with the explicit aim of assembling groups that are socio-demographically diverse (in terms of age, gender, place of residence, and socio-professional background). While these groups do not achieve statistical representativeness due to their limited size, they are seen as more reflective of the population's sociological realities than traditional elected bodies. The overarching objective is to convene citizens—either among themselves or alongside elected representatives—to engage in informed deliberation, supported by expert input¹⁰³.

At the conclusion of these deliberative processes, whether conducted through panels, assemblies, or mixed commissions, a report is produced containing a set of recommendations addressed to parliamentary representatives. These recommendations, however, carry no binding force and remain strictly consultative, leaving final decision-making power entirely in the hands of elected officials. Within the deliberative democratic imaginary, the popular vote is sometimes conceived as a consultative tool capable of bridging the gap between the *mini-public* (the selected citizens) and the *maxi-public* (the broader population). In practice, however, this function remains underdeveloped in both the Walloon and Brussels parliaments. Institutional progress on sortition thus tends to unfold in parallel with that of popular consultation, rather than through integrated mechanisms combining the two approaches.

With all of this, the deliberative imaginary can be seen as compatible with – and ultimately absorbed into – the liberal ethos of contemporary representative systems. Citizen participation is consistently framed as voluntary and non-coercive, while structural relations of domination within society tend to remain insufficiently addressed within these mechanisms. Although certain elected officials, particularly from left-wing parties, appear aware of the challenges associated with achieving genuinely egalitarian participation in deliberative settings, these concerns rarely translate into structurally transformative institutional designs.

However, this absence of transfer of decision-making power to citizens should not be interpreted solely as a predetermined outcome or an explicit political strategy. It can be partly explained by constitutional constraints that preclude citizens from exercising binding political authority outside of elections¹⁰⁴, thereby limiting the institutional possibilities for combining or running in parallel citizens' assemblies and referendums.

Belgian constitutional restraint: is democracy outlawed?

While the deliberative democracy imaginary helps explain why participatory processes often limit citizens to a consultative role, another crucial element must be considered. Indeed, case

¹⁰¹ VAN REYBROUCK D. (2014), *Contre les élections*, Arles, Actes Sud

¹⁰² CALUWAERTS D., REUCHAMPS M. (2014). « The G1000: Facts, figures and some lessons from an experience of deliberative democracy in Belgium ». In: CALUWAERTS D., REUCHAMPS M., JACOBS K., VAN PARIJS P., VAN REYBROUCK D., *The Malaise of Electoral Democracy and What to Do About It*, Re-Bel, Brussels, 10-33

¹⁰³ BÄCHTIGER A., DRYZEK J., MANSBRIDGE J., WARREN M. (2018) (ed.), *The Oxford Handbook of Deliberative Democracy*, New York, Oxford University Press.

¹⁰⁴ VELAERS J., POPELIER P. (2006), « Le référendum constitutionnel en Belgique », in DIRIX Éric (éd.), *The Belgian reports at the Congress of Utrecht of the International Academy of Comparative Law*, Bruxelles, Bruylant ; BOURGAUX A.-E. (2023) « Tous les pouvoirs émanent-ils de la Nation ? Retour sur une souveraineté déboussolée », in VANDENBOSSCHE E., *Parlementaire soevereiniteit: een constitutionele utopie ?*, Bruges, die Keure, 1-32.

law from the Belgian Council of State appears to interpret the Belgian Constitution as prohibiting any form of direct and decisive political participation by citizens outside of elections. This constitutional interpretation effectively bars the use of referendums¹⁰⁵ and prevents granting binding decision-making authority to citizens' assemblies or commissions partially composed of citizens selected by lot¹⁰⁶.

The Council of State's position is grounded in its interpretation of Articles 33 (formerly 25) and 42 (formerly 32) of the Belgian Constitution¹⁰⁷, which state that "All powers emanate from the Nation" and that "They are to be exercised as prescribed by the Constitution." In response to several legislative proposals aiming to institutionalize referendums and popular consultations—a consultative form of referendum¹⁰⁸—the Legislation Section of the Council of State issued a landmark opinion on May 15, 1985, articulating its stance¹⁰⁹. The opinion recalled that during Belgium's constituent moment at the National Congress of 1830, direct recourse to the people had been met with skepticism. It thus reaffirmed the "strictly representative" nature of the Belgian political regime¹¹⁰.

Interpreting the constitutional articles as affirming the principle of national sovereignty¹¹¹ rather than popular sovereignty¹¹², the Council of State characterizes the Belgian regime as "purely parliamentary,"¹¹³ granting citizens entry into the sovereign body only upon being admitted to the ballot box¹¹⁴. By locating sovereignty in the Nation—a political fiction realized through the formation of a representative parliamentary body¹¹⁵—the Council affirms the primacy of elected representatives over direct popular sovereignty¹¹⁶. Emphasizing the wording of Article 25 (now Article 33), which stipulates that powers "are to be exercised as prescribed by the Constitution," and noting the absence of provisions for referendums in the Constitution, the Council explicitly prohibits popular votes¹¹⁷. This reasoning was extended to the rejection of popular consultation as well¹¹⁸. The Council of State has repeatedly reaffirmed this

¹⁰⁵ GAUDIN T., JACQUET V., PILET J.-B., REUCHAMPS M., (2018), « Consultation populaire et référendum en Belgique », *Courrier hebdomadaire du CRISP*, 2390-2391, 5-62.

¹⁰⁶ Walloon Parliament, *Proposition de décret institutionnalisant l'assemblée citoyenne et le conseil citoyen. Opinion of the Council of State*, no. 221/2, January 6, 2021.

¹⁰⁷ Article 33 : « Tous les pouvoirs émanent de la Nation. Ils sont exercés de la manière établie par la Constitution ». Article 42 : « Les membres des deux Chambres représentent la Nation, et non uniquement ceux qui les ont élus. »

¹⁰⁸ LEWALLE P. (1986), "Le référendum local", in DELPEREE F. (dir), *La participation directe du citoyen à la vie politique et administrative*, Brussels, Bruylant, p. 84.

¹⁰⁹ House of Representatives, *Council of State, Opinion of 15 May 1985*, no 783/2

¹¹⁰ Council of State quoting WIGNY P. (1972), *La troisième révision de la Constitution*, Bruxelles.

¹¹¹ DUMONT H. (2018), "Le concept de démocratie représentative : de Sieyès à la Constitution belge de 1831", in BOUHON F. and REUCHAMPS M. (eds.), *Les systèmes électoraux de la Belgique*, Brussels, Bruylant, 2^eed., p.39.

¹¹² VELAERS J., POPELIER P. (2006), "Le référendum constitutionnel en Belgique", in DIRIX É. (ed.), *The Belgian reports at the Congress of Utrecht of the International Academy of Comparative Law*, Brussels, Bruylant, p. 619 ; BOURGAUX A.-E. (2023), "Tous les pouvoirs émanent-ils de la Nation? Retour sur une souveraineté déboussolée", in VANDENBOSSCHE E., *Parlementaire soevereiniteit: een constitutionele utopie?*, Bruges, die Keure, 1-32.

¹¹³ Council of State quoting MAST A. (1950), *Overzicht van het grondwettelijk recht. Deel I*, Standaard Boekhandel.

¹¹⁴ Council of State quoting ORBAN O. (1906), *Le droit constitutionnel de la Belgique*, Liège.

¹¹⁵ KERLÉO J.-F. (2017), « Le droit parlementaire local : l'impensé juridique de la fonction territoriale du représentant de la Nation », *Revue française de droit constitutionnel* 109, 103-120.

¹¹⁶ HAYAT S. (2014), "La souveraineté populaire", in HINCKER L. (ed.) (2014), *Citoyenneté, république, démocratie en France 1789-1899*, Paris, Atlande, 145-159.

¹¹⁷ GEENENS R., SOTTIAUX S. (2015), "Sovereignty and Direct Democracy: Lessons from Constant and the Belgian Constitution", *European Constitutional Law Review*, 11, 293-320

¹¹⁸ House of Representatives, *Council of State, Opinion of 15 May 1985*, no 783/2

interpretation in subsequent opinions¹¹⁹. Consequently, a constitutional revision would be necessary to institutionalize referendums in Belgium¹²⁰. Such a revision has already been carried out with respect to popular consultation at the regional level¹²¹, as the Constitution was amended in 2014 to permit popular consultation within the regions¹²².

The Council of State subsequently extended this constitutional interpretation to participatory mechanisms based on sortition. When asked to rule on a proposal for a decree institutionalizing a citizens' assembly and a citizens' council submitted to the Walloon Parliament¹²³, the Council accepted their institutionalization on the basis that these bodies did not constitute a new “mode” of exercising “powers.”¹²⁴ Such participatory processes are therefore deemed constitutional because “neither the citizens' assembly nor the citizens' council possesses any real decision-making authority; these bodies may only issue recommendations.”¹²⁵ Consequently, the Council of State imposes clear limits on participatory mechanisms, prohibiting them from conferring prerogatives that exceed a purely consultative role for citizens.

These constitutional interpretations developed by the Council of State, which prohibit referendums and restrict the decisive power of deliberative processes based on sortition, help clarify the varying degrees of institutionalization of such mechanisms within Belgian parliaments. The deliberative democratic imaginary—where participatory processes are conceived solely as complements rather than replacements of representative government¹²⁶—is thus substantially constrained by the existing constitutional framework. It is therefore plausible that some elected politicians might advocate for a more substantial transfer of political power to citizens if these constitutional barriers were removed. In other words, a more radical vision of democratizing representative government may exist among certain Belgian elected officials¹²⁷. However, realizing such a transformation would necessitate a constitutional

¹¹⁹ Flemish Parliament, *Voorstel van decreet houdende de inrichting van een Vlaamse volksraadpleging. Advies van de Raad van State*, no. 1176/2, January 16, 2003; Flemish Parliament, *Voorstel van decreet houdende instelling van een deelstatelijke volksraadpleging kaderend in de procedure van onderzoek. Advies van de Raad van State*, no. 1131/3, January 16, 2003; House of Representatives, *Proposition de loi portant organisation d'une consultation populaire sur le traité établissant une constitution pour l'Europe. Avis du Conseil d'Etat no. 37.804/AG [of November 23, 2004]*, no. 281/4, November 29, 2004.

¹²⁰ UYTENDAELE M. (1994), “Le référendum constitutionnel en Belgique ou une réponse inadaptée à une question pertinente”, *Administration publique - trimestriel*, pp.109-114; VELAERS J. (2002), “Het referendum en de volksraadpleging in grondwettelijk perspectief”, in HUBEAU B., ELST M. (dir.), *Democratie in ademnood? Over legitimiteit, legitimatie et verfijning van de democratie*, Bruges, Die Keure, pp. 272-275; VANDE LANOTTE J. et al. (2015), *Belgisch publiekrecht*, Bruges, Die Keure, pp.208-212.

¹²¹ GAUDIN T., JACQUET V., PILET J.-B., REUCHAMPS M., (2018), « Consultation populaire et référendum en Belgique », *Courrier hebdomadaire du CRISP*, 2390-2391, 5-62.

¹²² Article 39bis: « À l'exclusion des matières relatives aux finances ou au budget ou des matières qui sont réglées à une majorité des deux tiers des suffrages exprimés, les matières exclusivement attribuées aux organes régionaux peuvent faire l'objet d'une consultation populaire dans la région concernée ». [With the exception of matters relating to finance or the budget, or matters which are settled by a two-thirds majority of the votes cast, matters exclusively attributed to regional bodies may be subject to popular consultation in the region concerned.]

¹²³ Walloon Parliament, *Proposition de décret institutionnalisant l'assemblée citoyenne et le conseil citoyen. Avis du Conseil d'Etat*, no. 221/2, January 6, 2021.

¹²⁴ *Ibidem*, p. 8-9.

¹²⁵ *Ibidem*.

¹²⁶ ABBAS N., SINTOMER Y. (2021), « Les trois imaginaires contemporains du tirage au sort en politique : démocratie délibérative, démocratie antipolitique ou démocratie radicale ? », *Raisons politiques* 2021/2, n°82, p.48.

¹²⁷ SINTOMER Y. (2023), *The Government of Chance. Sortition and Democracy from Athens to the Present*, Cambridge, Cambridge University Press.

revision, a process that can only be undertaken at the federal level, specifically within the House of Representatives and the Senate.

Sortition & Referendum in federal chambers: Combination for Radical Democracy, Opposition for Electoral Fundamentalism

While debates on sortition in the Walloon and Brussels parliaments have generally enjoyed broad cross-party support, the situation is markedly different at the federal level. In the House of Representatives and the Senate, Flemish nationalist parties have taken a clear and consistent stance in opposition to citizen participation mechanisms based on sortition, frequently making claims related to insert referendums in Constitution to justify their resistance¹²⁸.

This opposition by Flemish nationalist parties to citizen participation schemes became evident as early as November 2019. At that time, French-speaking and Flemish Socialist and Liberal senators jointly requested an informational report on the “need to modernize our democratic system by supplementing representative democracy with greater citizen participation.”¹²⁹ The far-right Flemish nationalist party VB (Vlaams Belang) voted against both the request for the report and its subsequent adoption¹³⁰, while the right-wing Flemish nationalist party N-VA abstained on both occasions, making them the only senators to do so.

As regards sortition in concrete terms, although several proposals were tabled by ecologist MPs in 2016¹³¹ and 2019¹³², it was not until the formation of the De Croo federal government at the end of 2020 that significant progress was made. This coalition government—comprising Socialists, Liberals, Ecologists, and Flemish Christian Democrats—included in its government agreement a commitment to experiment with “citizens’ cabinets or mixed panels in the Chamber, bringing together parliamentarians and citizens chosen by lot.”¹³³ The participation of ecologist parties in the federal executive thus played a key role in advancing deliberative mechanisms at the national level.

This commitment materialized in a bill establishing the principles for selecting citizens by lot to participate in mixed commissions and citizens' panels initiated by the House of Representatives, tabled on November 17, 2022¹³⁴. The bill was adopted in February 2023, despite opposition from Flemish nationalist parties (N-VA and Vlaams Belang), who rejected the inclusion of sortition-based mechanisms. Members of the PTB-PVDA abstained from the

¹²⁸ House of Representatives, Doc. 559, November 4, 2014.; House of Representatives, Doc. 2431, January 18, 2022.

¹²⁹ Senate, *Demande de rapport d'information sur la nécessaire modernisation de notre système démocratique en complétant la démocratie représentative par une participation accrue des citoyens*, No. 117/1, November 12, 2019.

¹³⁰ Senate, *Annales*, no. 21, June 18, 2021, p. 34.

¹³¹ House of Representatives, *Proposition de modification du règlement de la Chambre des représentants visant à permettre la création de commissions mixtes composées de parlementaires et de citoyens tirés au sort*, No. 1977/1, July 13, 2016.

¹³² House of Representatives, *Proposition de modification du règlement de la Chambre des représentants visant à permettre la création de commissions mixtes composées de parlementaires et de citoyens tirés au sort*, No. 179/1, July 16, 2019 ; House of Representatives, *Proposition de modification du règlement de la Chambre des représentants visant à permettre la création de commissions mixtes composées de parlementaires et de citoyens tirés au sort*, No. 737/1, November 12, 2019.

¹³³ "Accord de gouvernement", September 30, 2020, www.belgium.be, p. 82.

¹³⁴ House of Representatives, *Projet de loi établissant les principes du tirage au sort des citoyens pour les commissions mixtes et les panels citoyens organisés à l'initiative de la Chambre des représentants*, no. 2944/1, November 17, 2022.

vote, arguing that the proposed legislation did not go far enough in granting substantive participatory roles to citizens within the institutional framework¹³⁵.

Following the model implemented by the House of Representatives, the Senate adopted in 2024 a law establishing the principles governing the random selection of individuals for participation in mixed commissions and citizens' panels initiated by the Senate¹³⁶. During the plenary vote, Flemish nationalist parties once again reaffirmed their opposition to mechanisms based on sortition, voting against the proposal¹³⁷.

During the parliamentary debates, representatives from the Flemish nationalist parties—Vlaams Belang (VB) and Nieuw-Vlaamse Alliantie (N-VA)—expressed strong opposition to the introduction of participatory mechanisms based on sortition. One VB member of parliament, invoking Laurent Louis's 2013 motion—which at the time had been widely dismissed as irrational—characterized the mixed commissions composed in part of citizens drawn by lot as a "senseless experiment which only admits that parliamentary democracy is dysfunctional in this country"¹³⁸. An N-VA representative went further, denouncing the proposal as "harmful to confidence in democracy and to those who genuinely wish to engage in democratic debate."¹³⁹ These elected officials firmly rejected sortition by appealing to two alternative sources of democratic legitimacy: elections and referendums¹⁴⁰. Unlike in the Walloon Parliament, where the popular consultation was used to deprioritize or temporize the adoption of sortition mechanisms, the nationalist parties at the federal level employed the referendum as a direct counter-model to deliberative democracy. This antagonistic framing became particularly clear in the voting behavior of MPs: while Walloon and Brussels representatives who referred to popular consultation during debates on sortition generally did not vote against such proposals, nationalist MPs adopted a markedly different approach. VB deputies systematically opposed all proposals involving sortition, and N-VA representatives alternated between opposing them and abstaining.

These positions adopted by Flemish nationalists against sortition reflect a clear imaginary of electoral fundamentalism, characterized by the rejection of any alternative to electoral mechanisms¹⁴¹. This uncompromising defense of the representative model based on elections is directly reflected in their framing of the issue of sortition. Whereas Laurent Louis's initial proposal presented sortition as a remedy to the corruption of the electoral system, and Green parties frame democratic innovations as a response to citizens' growing distrust of elected representatives, Flemish nationalists perceive sortition as a threat to democracy. From their perspective, the introduction of democratic innovations would merely amount to an admission of the dysfunctions of representative government. This imaginary of electoral fundamentalism is even more pronounced in debates surrounding sortition than in those concerning referendums, since sortition, as a method for selecting political officeholders, directly

¹³⁵ *Ibidem*, p. 71.

¹³⁶ *Moniteur belge*, June 3, 2024.

¹³⁷ House of Representatives, *compte rendu intégral – séance plénière*, no 295, March 21, 2024, p.76.

¹³⁸ House of Representatives, Commission de la Constitution et du Renouveau institutionnel, *Projet de loi établissant les principes du tirage au sort des citoyens pour les commissions mixtes et les panels citoyens organisés à l'initiative de la Chambre des représentants. Rapport de la première lecture*, n° 2944/2, December 21, 2022, p. 5.

¹³⁹ House of Representatives, *Compte rendu analytique*, no. 231, February 9, 2023, p.40.

¹⁴⁰ House of Representatives, Committee on the Constitution and Institutional Renewal, *Projet de loi établissant les principes du tirage au sort des citoyens pour les commissions mixtes et les panels citoyens organisés à l'initiative de la Chambre des représentants. Rapport de la première lecture*, n° 2944/2, December 21, 2022, p. 9.

¹⁴¹ VAN REYBROUCK D. (2016), *Against Elections: The Case for Democracy*, Londres, The Bodley Head.

challenges the electoral institution and its claim to legitimacy¹⁴². Consequently, Flemish nationalist opposition to sortition can be understood as a comprehensive defense of the electoral-representative model.

This agoraphobic conception, characterized by the rejection of the people as an autonomous political actor¹⁴³, is also reflected in the way Flemish nationalists defend the use of referendums. References to referendums are primarily embedded within a strategy aimed at opposing sortition and re-legitimizing electoral institutions¹⁴⁴. However, their concrete defense of referendums remains firmly circumscribed by an electoral conception of democracy, insofar as the mechanisms they advocate conceive popular votes exclusively through a plebiscitary or Bonapartist lens¹⁴⁵, whereby elected representatives ask the people to endorse and legitimize predetermined political positions¹⁴⁶. The objective is therefore never to transfer genuine political autonomy or decision-making power to citizens, but rather to further reinforce the legitimacy of representative government¹⁴⁷. Nevertheless, the imaginary of electoral fundamentalism that characterizes Flemish nationalist discourse, combining opposition to sortition with the endorsement of a plebiscitary vision of the referendum, is not the only political imaginary present at the federal level, nor is it the only one that makes direct reference to referendums.

Alongside the opposition voiced by Flemish nationalist parties, references to the referendum also emerged among elected representatives of the PTB-PVDA (radical left), albeit within a different framework. While generally supportive of proposals involving sortition, these MPs often qualified their approval by expressing reservations about the limited scope and effectiveness of such mechanisms. In their view, these initiatives do not fully meet the “democratic challenge,” primarily due to the strict safeguards that prevent any binding force of citizen deliberation on political decision-making¹⁴⁸. Accordingly, referendums are advocated not as an alternative to deliberative processes, but as a complementary or parallel tool capable of strengthening citizen influence¹⁴⁹. This combinatorial vision, supported by the introduction of unsuccessful bills by PVDA-PTB members of parliament aimed at introducing the binding

¹⁴² COURANT D. (2022) Institutionalizing deliberative mini-publics? Issues of legitimacy and power for randomly selected assemblies in political systems, *Critical Policy Studies*, 16:2, p.162-180.

¹⁴³ DUPUIS-DÉRI F. (2018), « Who's Afraid of the People? The Debate Between Political Agoraphobia and Political Agoraphilia », *Global Discourse*, 8(2), p. 238-257.

¹⁴⁴ SILAGADZE N. (2020), « Referendum Policies across Political Systems », *The Political Quarterly*

¹⁴⁵ KALYVAS A. (2008), *Democracy and the Politics of the Extraordinary: Max Weber, Carl Schmitt, and Hannah Arendt*, Cambridge University Press.

¹⁴⁶ GHERGHINA S. & SILAGADZE N. (2021), « Calling Referendums on Domestic Policies: How Political Elites and Citizens Differ », *Comparative European Politics*

¹⁴⁷ WALKER, M. C. (2003), *The Strategic Use of Referendums: Power, Legitimacy, and Democracy*, New York, Palgrave Macmillan.

¹⁴⁸ House of Representatives, Special Committee on Reglement and Reform of parliamentary work, *Proposition de modification du règlement de la Chambre des représentants en ce qui concerne les commissions mixtes et les panels citoyens. Proposition de modification du règlement de la Chambre des représentants visant à permettre la création de commissions mixtes composées de parlementaires et de citoyens tirés au sort. Proposition de modification du règlement de la Chambre des représentants en vue d'instituer des commissions mixtes composées de députés et de citoyens tirés au sort. Proposition de modification du règlement de la Chambre des représentants introduisant la faculté de créer des commissions délibératives composées de députés et de personnes invitées tirées au sort. Rapport*, n° 3510/2, January 23, 2024, p.6.

¹⁴⁹ House of Representatives, Committee on the Constitution and Institutional Renewal, *Projet de loi établissant les principes du tirage au sort des citoyens pour les commissions mixtes et les panels citoyens organisés à l'initiative de la Chambre des représentants. Rapport de la première lecture*, n° 2944/2, December 21, 2022, pp. 19-20.

referendum in the Constitution¹⁵⁰, is echoed by other members of the opposition. A deputy from *Les Engagés* (formerly CDH) explicitly called for going further by institutionalizing referendums at the constitutional level, arguing that such a reform is necessary to "complement citizen participation."¹⁵¹, before introducing two unsuccessful amendments aimed at establishing regional and federal legislative referendums¹⁵². The aim of combining sortition and referendum is directly stated, since it is a question of "completing the work of upstream preparation, information, consultation and deliberation, following the example of the Swiss voting system, with a referendum"¹⁵³.

These positions advanced by the radical left and by certain Members of Parliament can be understood as constituting the building blocks of a radical democratic imaginary¹⁵⁴, in which sortition and referendums are jointly advocated as instruments for the democratization of representative government. These actors go beyond the diagnosis of political disenchantment and citizens' distrust of political elites to identify what they perceive as a genuine democratic deficit¹⁵⁵. The promotion of deliberative mechanisms is therefore combined with instruments of popular voting in an effort to connect the mini-public with the maxi-public¹⁵⁶ and, ultimately, to transfer political power to citizens¹⁵⁷. The objective is thus not merely to support representative government through a set of consultative devices, but rather to transform representative institutions more fundamentally¹⁵⁸. However, owing to constitutional constraints and prevailing political majorities, this radical democratic imaginary remains marginal and has not found concrete institutional expression within the Belgian parliamentary system¹⁵⁹.

In summary, at the federal level, many opposition MPs regularly use debates on sortition as an opportunity to place the issue of referendums on the parliamentary agenda, advocating for their institutionalization either in combination with or parallel to deliberative mechanisms. This dynamic echoes developments in the Walloon and Brussels parliaments, where opposition parties frequently supported or abstained on sortition-related proposals, often justifying their positions by invoking a desire for deeper democratic reforms. However, it is important to underscore that, at the federal level, a form of explicit opposition has emerged—one that rejects sortition but vaguely support referendums. This opposition is particularly embodied by the Flemish nationalist parties, which represent the rightmost wing of the Belgian political spectrum. These parties have consistently voted against all initiatives aimed at institutionalizing

¹⁵⁰ House of Representatives, Doc. 3540, February 11, 2019; House of Representatives, Doc. 2390, December 17, 2021; House of Representatives, Doc. 4018/2, amendment no 218, May 6, 2024; House of Representatives, Doc. 4018/5, amendment no 224, May 7, 2024.

¹⁵¹ House of Representatives, *Compte rendu analytique*, no. 231, February 9, 2023, p.68.

¹⁵² House of Representatives, Doc. 4018/2, amendments no 209 and no 210, May 6, 2024; House of Representatives, Doc. 4018/5, amendments no 225 and no 226, May 7, 2024.

¹⁵³ House of Representatives, *Compte rendu analytique*, no. 231, February 9, 2023, p.68.

¹⁵⁴ SINTOMER Y. (2018), « From Deliberative to Radical Democracy? Sortition and Politics in the Twenty-First Century », *Politics and Society*, 46(3), p.337-357.

¹⁵⁵ NORRIS P. (2011), *Democratic Deficit: Critical Citizens Revisited*, Cambridge University Press.

¹⁵⁶ CURATO, N., DRYZEK, J. S., ERCAN, S. A., HENDRIKS, C. M., & NIEMEYER, S. (2017). Twelve Key Findings in Deliberative Democracy Research." *Daedalus*, 146(3), 28-38.

¹⁵⁷ VANDAMME P.-É., JACQUET V., NIESSEN C., PITSEYS J. & REUCHAMPS M. (2018), « Intercameral Relations in a Bicameral Elected and Sortition Legislature », *Politics & Society*, 46(3)

¹⁵⁸ CALUWAERTS D. & REUCHAMPS M. (2018), *The Legitimacy of Citizen-Led Deliberative Democracy: The G1000 in Belgium*, Londres, Routledge

¹⁵⁹ JACQUET V., NIESSEN C., REUCHAMPS M. (2022), « Sortition, Its Advocates and Its Critics: An Empirical Analysis of Citizens' and MPs' Support for Random Selection as a Democratic Reform Proposal », *International Political Science Review*, 43(2), p. 295-316

sortition-based democratic innovation, claiming instead to defend electoral legitimacy and referendums in opposition to mechanisms based on sortition¹⁶⁰.

Conclusion

The democratization of representative government remains a contested issue among political representatives. The underlying assumption of the necessity to broaden political power to citizens, as well as the methods for achieving enhanced citizen participation, generate significant tensions. The institutionalization of sortition and popular consultation can reflect diverse democratic imaginaries and conceptions, each implying distinct practical arrangements. The introduction of one democratic innovation into debates about another further complicates the landscape, expanding the range of possible institutional designs. Consequently, a close analysis of parliamentary proceedings is essential to grasp the core stakes and to illuminate the varying democratic imaginaries that underpin efforts to institutionalize citizen participation.

Regarding democratic imaginaries, it is insightful to trace the evolution underlying proposals for participatory processes based on sortition. Sortition first emerged in the House of Representatives through a provocative motion for a resolution rooted in a degagist imaginary of anti-political democracy. Random selection was presented as a democratic alternative to the aristocratic nature of electoral selection, echoing a revivalist interpretation of Bernard Manin's *Principles of Representative Government*—albeit read “against itself.” Over time, advocates of sortition aligned with a deliberative democracy paradigm, where sortition aimed to incorporate a broad diversity of citizens into inclusive deliberations, regarded as the foundation of democratic legitimacy. More recently, traces of a radical democratic ideology have surfaced in parliamentary discourse, though their translation into legislative proposals remains hindered by constitutional constraints. Given that the Belgian Constitution prohibits granting decision-making power to citizens outside elections, a constitutional revision appears necessary to advance the genuine democratization of representative government.

However, the constitutional framework is not the sole obstacle to the institutionalization of sortition. Indeed, the constitutional prohibition of referendums remains a central feature of the Belgian representative system. The idea of a referendum, or its consultative variant—the popular consultation—has therefore been mobilized in various political dynamics either in opposition to or in combination with sortition. In Wallonia, popular consultation was initially introduced as a competing instrument to sortition, serving as a form of temporization. Proposals from ecologists and Christian Democrats, supported by a now-retired MP, later entertained the possibility of institutionalizing a combination of sortition and popular consultation. Nonetheless, the aspiration to implement processes that combine deliberation and popular vote did not materialize fully in the Walloon and Brussels parliaments, where the parallel development of sortition and popular consultation was favored. Originally seen as competing mechanisms, sortition and popular consultation have ultimately reinforced one another by jointly placing democratization at the forefront of the political agenda. This dynamic is exemplified in Brussels with the adoption of a popular consultation process. By the end of the 2019–2024 legislature, both Wallonia and Brussels will have institutionalized deliberative processes based on sortition alongside a tool for popular consultation.

However, the dynamic at the federal parliamentary level differs significantly. The presence of Flemish nationalist parties reveals a clear opposition to sortition grounded in an imaginary of electoral fundamentalism. Within this framework, the plebiscitary referendum is mobilized as

¹⁶⁰ *Ibidem.*, p.70.

a complementary source of democratic legitimacy alongside elections. The defense of the referendum thus operates primarily as a means of rejecting participatory processes based on sortition. Ultimately, this agoraphobic invocation of the referendum serves to re-legitimize representative government and electoral institutions as the sole valid sources of political legitimacy, while resisting proposals aimed at the democratization of representative institutions.