

# Enabling Citizens



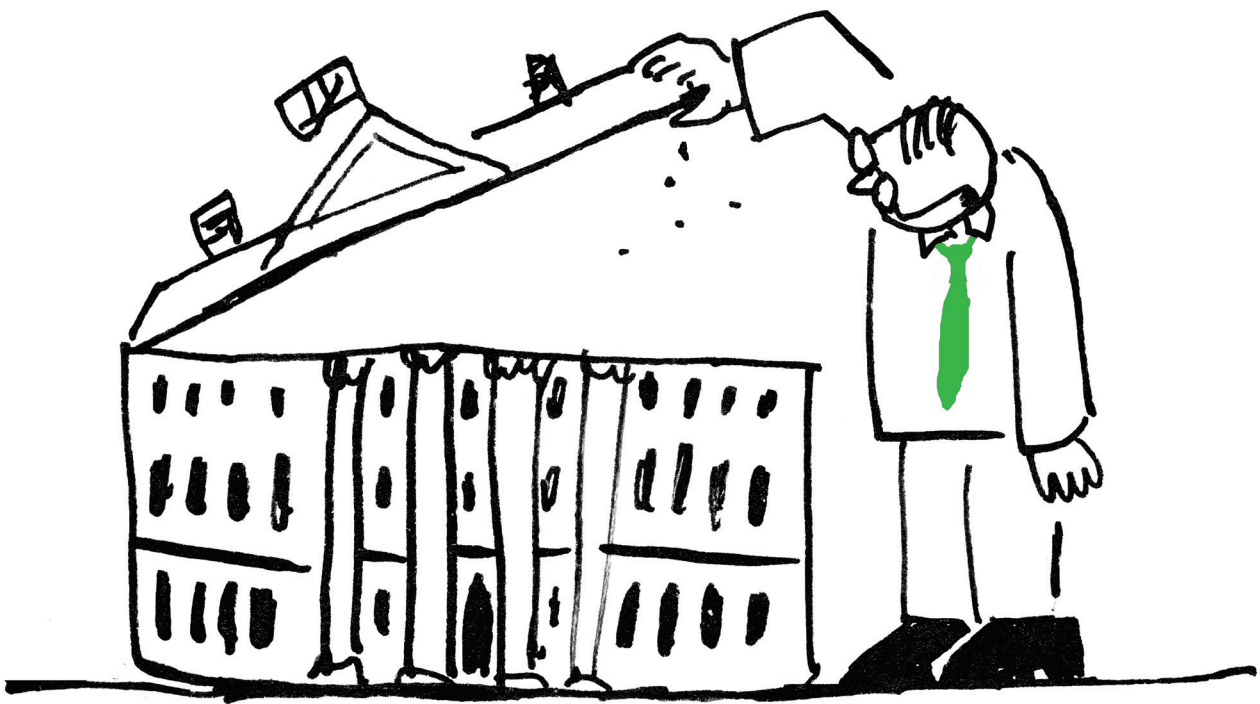
## A Two-Way Street...

**An Analysis of Participation Between Citizens and the Public Service**



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Edmond Grace SJ



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# Foreword

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Three years ago, The Wheel, with support from the Carnegie UK Trust, embarked upon The People's Conversation, an initiative to support and encourage people to participate in shaping our collective future through action-oriented dialogue.

Fifteen groups took part in over 30 conversation groups, exploring the following questions: what is shaping our future, what do citizens expect and what is expected of citizens? The *Citizens Rising* report emerged from these conversations and sought to build a society where everyone can participate and make their full contribution. We identified five challenges which give us a framework for citizen empowerment:

- Increasing participation in public decision-making
- Developing and nurturing active citizenship
- Building trust and respect
- Making citizenship global
- Resourcing and empowering citizens.

We have been working hard since the publication of the *Citizens Rising* report to raise awareness of the challenges identified and what is required to address them. We recognised that moving from dialogue to action is itself a challenge, and to aid this process, and keep attention focused on responding to these challenges, we have worked with partners in the People's Conversation to produce three new research reports to inspire and inform collective responses to the challenges.

The three new reports address how we can:

- Enable people's economic participation by ensuring income adequacy and financial inclusion
- Enable people's participation in the democratic process through mainstreaming citizen's juries and re-understanding the role of the public servant
- Support a thriving community of active citizens by releasing the potential in organised civil society and the community and voluntary sector.

The other reports in the series are available at [www.peoplesconversation.ie](http://www.peoplesconversation.ie).

We are offering the reports as catalysts for change, as documents to be discussed and reacted to, not as documents that hold all the answers. It is only by coming together to discuss our shared challenges will we find collective solutions and build our shared future.

The Wheel will be working to engage with policymakers and communities, and with our partners, in bringing the necessary change about, change aimed at ensuring that all people have the means to participate, and are afforded opportunities to participate in proactively shaping our collective futures for the common good.

## About the Author

Edmond Grace SJ is the Director of PeopleTalk

# Executive Summary



# Executive Summary

1. Citizen participation in government means interaction with public servants but the perspective of public servants is seldom taken into account in any model of participation.
2. For over twenty years the question of public service reform has been on the agenda of government in Ireland. It is clear that the traditional model of following 'instructions' in a self-contained silo no longer delivers effective government. There is a new focus on 'customer service,' 'transparency,' 'openness' and even 'participation.' During the same period there has been a growth in single issue civil groups and much discussion on the nature of 'active citizenship.' These groups are made of citizens who are actively exercising their rights to free expression, assembly and association to influence the shaping of public policy but they remain outsiders to the decision-making process.
3. Terms such as 'transparency' and 'openness' make sense in the context of conscientious government in its willingness to entertain criticism and advice and to acknowledge ambivalent motivation. This calls not only for a conscientious attitude to service, but also for the public acting out of that attitude in the sight of 'the people.' Good administration is never enough; good government needs the public enactment of an underlying narrative of legitimacy.
4. In recent decades the narrative presented by government has moved from citizen as customer to a growing emphasis on participation, especially in relation to the Open Government Partnership process. Certain structures, including the Public Participation Networks, have been put in place. The role of civil society groups has grown; it shadows the complexity of government and engages the interest and support of many, but it does not (in the words of Walter Bagehot) '*excite and preserve the reverence of the population.*'
5. The Constitutional Convention and the Citizens' Assembly have opened up the possibility of a new public narrative of citizen participation, but the numbers involved are small and their role is confined to the highest, and often abstract, levels of policy. Furthermore, these events are necessarily occasional. The *Citizens Rising Report*, published in 2015 as the final report of *The People's Conversation*, sees them as a model for the future, but it also refers to the PeopleTalk Citizen-Jury, which was pioneered in collaboration with Galway County Council. The object was to come up with 'practical proposals for public sector reform.' The jurors themselves devised a process of dialogue with front-line public servants which proved to be both informative and effective in focusing on particular issues.
6. There is no limit to the number of Citizen-Juries which can function at any one time and, because they can function on a continuing basis, they have that potential to provide that '*ongoing role for the people*' called for in the *Citizens Rising Report*. Juries are seen to command popular trust in a manner which has become problematic for other national institutions. The dependence of public representatives on electoral coalitions, the association of public servants with powerful state institutions and of civil society groups with particular interests means that none of these elements of public life is seen to promote the overall common good. Juries, by contrast, have no enduring interest to promote; they come together, do their work and disband and, for that reason, are ideally suited to articulating the requirements of the common good in an authoritative manner. For this process to become part of the public narrative of government, however, it would need to be organised on a national basis in a manner suited to the underlying purpose of encouraging the ongoing participation of citizens in public decision-making.

# Chapter 1: Theoretical Framework

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## Theoretical Framework

### The perceived barrier

7. The word 'participation' never comes unattached. When we participate, it is with someone other than ourselves, in some shared activity. The term 'citizens' participation' is a relatively new arrival in public discourse on government and one way of understanding this unfamiliar reality is to imagine it coming towards us riding on an elephant. Citizens have been around for a long time, for millennia, but the elephant has been around even longer.
8. The elephant sees itself as a conscientious public servant obliged to perform the necessary – and often thankless – tasks of government. Its work is vital if government is to function and if people are to live in peace. Humanity owes the elephant a great deal but the work of the elephant involves assessment and inspection, which complicates matters. A public official on the doorstep making inquiries into this or that aspect of daily life is never a welcome sight, even among the most law-biding, which means that, on both sides of this relationship, the attitude is guarded. Much can go wrong and, when it does, officials are perceived as meddlesome or corrupt or both and, citizens, as dishonest or irresponsible. A more benign force, however, is also at work – an acceptance by law-biding citizens of the legitimacy of government and of an accompanying narrative in which the elephant is, on balance, an honourable figure.
9. Legitimacy and trust go hand in hand. Insofar as a government is perceived as legitimate it is trusted. We live at a time of growing mistrust in all institutions – church, banks, business, even medicine. This popular mood is also affecting the relationship of government and citizen. The Public Service Reform Plan 2014-2016, published by the Department of Public Expenditure and Reform, speaks of 'the need to rebuild public trust in government and public services.' *The Citizen's Rising Report* issued by the People's Conversation a year later speaks of a 'collapse of trust in our public institutions.'
10. This is the context in which the issue of citizens' participation in government has come to prominence. *The Citizen's Rising Report* speaks of 'a radically increased role for the people' in which citizens must be involved not just in choosing their representatives but 'in the design of public policy and the delivery of services.' This is part of a much wider discourse which includes terms such as 'citizen-centred,' 'citizen engagement,' 'active citizenship' and 'citizen participation.' Yet, in all this talk of the role of the citizen, little or no thought is being given to what this means for the role of the public servant, who will be on the receiving end of this engagement or participation or activity.
11. The traditional model of public service lies in the concept of 'instructions.' The highest level of bureaucracy 'instructs' the level immediately below and this process continues down to ground level where government policies affect the daily lives of citizens. When those policies were confined to raising taxes, building roads, judging disputes and waging war (and providing for the needs of a royal household) the system of instructions worked quite well.
12. With the advent of democracy the fundamentals did not change. The kings and emperors were no longer in charge, but the concept of sovereignty, from which bureaucrats drew their legitimacy, remained in place. Instead of wearing a crown, the sovereign cast a vote – many votes – in elections. An efficient bureaucracy was a formidable tool in the hand of elected governments and, as the industrial revolution posed new challenges, government responded with bureaucratic intervention in many new aspects of our lives – industrial safety, financial stability, education, housing,

health and, more recently, consumer rights and environmental protection. Those working for the state have come to make up a significant proportion of the work force and the sheer complexity of government has reached the stage when the very citizens, whom it is meant to serve, have little sense of how this complex bureaucracy functions and, therefore, how it can be held to account. This is a particularly problematic development at a time when cooperation between state and citizen will be vital, if the challenge of environmental degradation is to be met in an effective way.

13. Meanwhile, elected politicians whose task it is to oversee the structures and policies of government, have felt themselves increasingly undermined to the point that, in 2007, five party leaders in Ireland's national parliament – the Oireachtas – put their names to the following statement:

*The elaborate bureaucracy of the modern state has become a barrier between elected leaders and ordinary citizens...*

14. When those charged with the care of government are seen to contemplate even the possibility of their own ineffectiveness they risk eroding their own legitimacy. The above quoted statement, however, was made in a particular context. Firstly, it was contained in the preface to a book in which the role of bureaucracy was being re-examined with a view to securing democratic legitimacy rather than undermining it. Secondly, it was part of a wider statement which suggested a clear, if unlikely, way forward:

*...yet within that perceived barrier lie the means of restoring popular trust in public life.<sup>1</sup>*

15. This statement points to a role for public servants in rebuilding trust in public life and suggests that they are the ones best placed to remove the barrier of complexity between elected leaders and citizens. Trust in public

life will not be restored simply by persuading passive citizens that '*bureaucrats are ok.*' It will only come about when citizens are convinced, through their interaction with public servants that they have a real say '*in the design of public policy and the delivery of services.*' Public sector reform and citizens' participation are two agendas which can no longer be kept apart.

## Citizens exercising influence

16. It is over twenty years since the Government of Ireland launched the Strategic Management Initiative which first addressed the issue of public service reform. Two years later, in 1996, in *Delivering Better Government* it presented a "vision for the civil service," which included greater openness and accountability. This marked the beginning of a movement which continues to develop.
17. The main impetus has come from public servants at leadership level. They are part of a wider international movement for efficient and 'citizen-centred' public administration. One slogan associated with this movement is '*quality customer service.*' The objective is to ensure that the '*customer*' is satisfied – the customer being the recipient of public services. The term '*customer*' can be misleading; customers are free to take their custom elsewhere, but the nature of any public service is that it is offered in response to need to which the market does not, or cannot, respond.
18. The advantage of speaking of 'quality customer service' in relation to public service is that the '*customer's*' appraisal can be researched and measured. This research and measurement, through surveys and customer panels, has certainly taken place, but the term '*customer,*' which plays such an important part in this discourse, is understood as the recipient or consumer of a service and, as such, a passive figure.

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<sup>1</sup> Edmond Grace S.J., *Democracy and Public Happiness* (Dublin, I.P.A., 2007), p.xi.

19. Discourse on public sector reform also uses such terms as 'consultation,' 'participation,' 'transparency,' 'accessibility' and 'responsiveness.' The 2007 OECD Report *'Ireland, towards an integrated public service,'* has a chapter entitled 'Moving towards a Citizen-Centred Approach.' It refers to the Irish Government Quality Customer Service initiative of 1997 and takes issue with the less than wholehearted manner of its implementation. It also speaks of OECD countries 'increasing their efforts to engage citizens in policy making through consultation' and of how 'active participation seems to be growing but at a relatively slow pace.' It defines transparency as 'being exposed to public scrutiny and challenge,' accessibility as making public service activities and information 'readily accessible to citizens' and responsiveness as being 'responsive to new ideas and needs.' All this terminology, however, brings with it an element of unreality because none of the laudable objectives come with models of implementation with which citizens can readily identify.
  20. What is meant by citizen participation can vary greatly. Anyone who helps out in a sports club or in caring for the sick and elderly can be – and has been – spoken of as being an 'active citizen' who is participating in the life of the local community. Likewise, to engage in advocacy on behalf of a particular interest can be referred to as participating in public life. This latter form of participation is political in a way that organising sports events or looking after the elderly is not. Such single issue groups are more typically involved in dealing with public servants than with elected representatives and, in that sense, they have opened up a new forum of interaction between government and citizen. At the same time they are doing what citizens have always done in the parliamentary democratic process. They are exercising the basic political freedoms of expression, assembly and association with a view to influencing political decision-making.
  21. Contemporary political advocacy functions as part of the traditional process of the citizen campaigner calling on government to meet their demands, but in the last analysis advocates are outsiders to the decision-making process. For this reason advocates have nothing to offer in response to the citizen who looks on, with a sense of helplessness, at the sheer complexity of contemporary public administration. Indeed, the work of political advocacy has itself become professionalised as the shaping of public policy demands ever more technical solutions.
- ### Conscientious government
22. The terms '*openness*' and '*transparency*' play a pervasive role in the discourse of public sector reform, but it is easily forgotten that these terms are metaphors. They involve a relaxation of the rules of meaning with a view to persuasion and are, therefore, limited in their accuracy and their usefulness. How can an organisation employing thousands of people and dealing with complex problems be 'open' – i.e. like a door – when even those who work there, often do not fully understand how the organisation works. How can it be 'transparent' – i.e. like glass which can be seen through? Openness and transparency are images which point us in a particular direction, but they do not provide us with a destination.
  23. Talk of openness and transparency is best understood in the context of conscience. There is something attractive about conscientious people, in their willingness to face questions and doubts and the insights of their critics. They are 'transparent' in their willingness to own up to their own ambivalent motives. They are 'open' to advice and challenge. Conscientious people inspire trust, as does government when it replicates the ways of conscience. When issues of policy are subject to open and uninhibited debate and when government itself is willing to entertain accusations of incompetence, prejudice and bad faith, citizens are reassured that

government decisions are not just made in the interests of the powerful. However flawed a particular policy, it becomes open to challenge as part of an ongoing attempt to promote the common good of all.

24. Parliamentary debate at its best replicates the challenging discordant voice of conscience but, given the complexities of modern government, parliament's role in shaping policy has become increasingly limited. The making of legal rules is increasingly delegated to public agencies and the more detailed work in both the preparation and the implementation of policy, which is highly relevant to those directly affected, is often in the hands of public administrators. The resulting complexity of government means that elected leaders are seen as increasingly removed from citizens.
25. Parliamentary committees may work diligently and conscientiously in critiquing and drafting legislation, but this work has little or no public profile. Parliamentary committees make news when they are involved in some investigation into corruption or inefficiency, but for the most part their work is unglamorous - and tedious to those not directly involved. On the other hand many are critical of politicians for seeking the limelight, but they overlook the reality that being in the public eye is the oxygen of political life. A politician has to be visible to get elected. In the past visibility arose from participation in ideological conflict, but with the collapse of socialism no major ideological drama is being acted out in Parliament. The result is an element of tedium in which the media, in need of an audience, promotes a public perception of parliament as a kind of pantomime in which rival groups show each other in the poorest light possible with a view to defeating each other in the next election. Attempts to attribute blame for this state of affairs is futile, but it is increasingly difficult for politicians to break free of this perception.

26. Walter Bagehot, the nineteenth century English political theorist, wrote of the 'efficient' and the 'dignified' parts of government. The efficient parts dealt with the tasks which government had to address, but *'The dignified parts of government are those which bring it force which attract its motive power. The efficient parts only employ that power.'* One recent commentator in an Irish context captured what is at stake in this distinction when he referred to 'the function of the Easter Rising myth in enabling Cosgrave and, in due course, de Valera to get on with day to day politics.'

## A public narrative of service

27. Public sector reform primarily relates to what the nineteenth century English political theorist, Walter Bagehot, calls the '*efficient parts*' of government. He distinguishes between the 'efficient' parts - i.e. the machinery of government - and the '*dignified*' parts - i.e. the symbols and rituals which command loyalty (for Bagehot the pre-eminent '*dignified*' part of the British constitution.) The '*ongoing role for the people*' called for by the *Citizens Rising Report* will certainly require the setting up of 'machinery' if it is to become a reality but anything related to 'the people' - the democratic symbol par excellence - will also require some kind of symbolic narrative which, in Bagehot's words, '*excite and preserve the reverence of the population.*' Philip Petit refers to the role of what he terms 'common knowledge' both in relation to oppression and liberty. Common knowledge pertains to that which registers in some way on the common consciousness:

*Everyone will be in a position not just to see that certain conditions are fulfilled but to see that everyone else is in a position to see that they are fulfilled and so on.<sup>2</sup>*

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<sup>2</sup> The English Constitution, Walter Bagehot, (2nd ed, 1873), p.44.



28. Tyranny is at its most effective, not only when everyone is afraid of the tyrant, but when everyone knows that everyone is afraid. Likewise, liberty is secure not only when everyone is free of fear but when everyone knows that everyone is free of fear. Government functions through a process analogous to theatre. There is a performance and the people react. They react together. They become a body and the performance takes on a public reality. A government must have an audience and the audience must be of a certain size so that its members can lose themselves in the enthusiasm – or dread – of the whole.
29. In Ireland everyone knows that we have a Taoiseach and a Government and everyone knows that everyone knows. Everyone knows that we have a Dáil and a Senate and everyone knows that everyone knows. This common knowledge is a source of self-respect and pride to us as a people. Likewise everyone knows that we have state agencies doing various tasks and everyone knows that everyone knows this. All this is underpinned by a public narrative of the people which legitimises the machinery whereby elections take place, laws are enacted and policies implemented.
30. Democratic government presents itself as the conscientious servant of the people. Service is first and foremost an attitude towards the one who is served. This attitude is centred on a particular question: 'What do you want?' Service is conscientious in its determination to listen to the answer to that question and to act accordingly. Conscientious public service in liberal democracy is expressed firstly in the act of voting by which representatives are elected to parliament and parliament enacts legislation. The vote is about decision – the task to be done in the name of the people. Parliamentary debate has traditionally played the role of deliberation – listening and responding to the will of the people – but the complexity of modern government means that the figure of the public servant now stands between parliament and people in a way that was not the case in earlier and simpler times.
31. The conscientious listening of democratic government must be seen to look to its own areas of weakness and to seek a remedy. In the contemporary context this calls for transparency; it must be seen to acknowledge the presence of ambivalent motivation. It also calls for openness; a willingness not just to tolerate challenge and criticism but to honour it by actively seeking out signs of discontent. The initiative of public servants is critical in meeting the challenge of conscientious government in our time, but any such initiative is only viable with the active support of elected representatives. Unless politicians and public servants are seen to be in harmony, any initiative by public servants will be seen to undermine the role of parliament.
32. Another perception, already well established, which undermines parliament is that politicians think no further than the next election. A narrative of public servants feeding back, from their experience, the insights and challenges of citizens on the ground, would set up a public dialogue between elected representatives and citizens mediated by public servants. The standing of parliament, public servants, and citizens would all be enhanced.

# Chapter 2: The Evolution of 'Citizenship'



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### From 'customer' to 'participant'

33. Public policy in Ireland has concerned itself with the relationship of public servant and citizen for more than twenty years. Beginning with the launch of the Strategic Management Initiative in 1994 terms such as *'openness and accountability'* and *'quality customer service'* entered the vocabulary of government. The emphasis in this approach was on making public administration more effective; the slogan *'quality customer service'* was used as a means of galvanising public officials into a stronger sense of service. This was new in that it looked beyond the traditional model of service as obeying *'instructions'* and the term *'customer'* denoted a new respect for the citizen as one who was to be served. The feedback of customers was to be valued but customers were individuals; they were not *'the people.'* The word *'citizen'* took a back seat in this discourse of quality customer service.
34. Parallel with this development was a burgeoning during the 1990s of various community and voluntary groups. Some of these groups were based on local communities and many others had, as their objective, advocacy on behalf on a specific interest, ranging from rural poverty to gay rights. A significant development occurred in 1996 when the then Taoiseach, John Bruton, invited a number of groups to take part in a new Social Partnership Programme.
35. The year 2000 saw two significant developments. The founding of the Wheel, as a support and representative organisation for many non-government organisations, was a sign of the growing confidence of this new movement and of its need for professionally resourced leadership. The second development was the setting up of Community and Voluntary Forums by the government in local council areas around the country. While these Forums varied greatly in their effectiveness they did reflect, on the part of government, a new recognition of the significance of civil society groups in public life.
36. In 2006 the Government set up 'the Taskforce on Active Citizenship.' It received 1,150 written submissions and conducted seven public consultation seminars around the country attended by nearly 950 people. In the sheer scale of involvement the Taskforce has never been equalled and it does indicate how effective the resources of the state can be in such an exercise. The Taskforce's definition of Active Citizenship, however, makes no reference to government:
37. *Being aware of, and caring about, the welfare of fellow citizens, recognising that we live as members of communities and therefore depend on others in our daily lives.*
38. This definition could just as easily apply to the conscientious neighbour. The report stated that civic engagement can only be sustained *if people believe that they can influence decision-making and that their views are taken into account.* It pointed out that recent reforms had encouraged consultation and it called for strengthening the role of Community and Voluntary Fora. It had nothing to say, however, about citizen participation in government except to talk about *'participating in the democratic process.'* Traditionally this phrase refers to voting, joining a political party and standing for election.

## **'Engagement' and 'participation'**

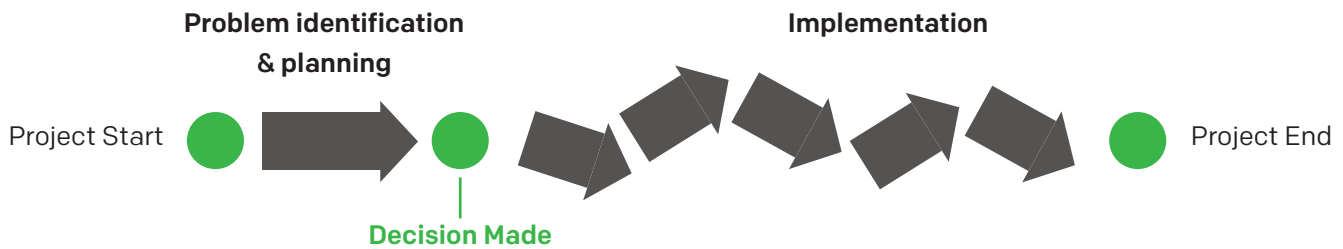
39. In 2008 an OECD report on the Irish public service spoke of a '*citizen-centred*' approach to government by which it meant developing more robust standards to ensure 'quality customer service' and developing e-government to improve effectiveness and streamline service delivery. Among the twelve principles of Quality Customer Service is 'consultation with, and participation by, the customer in relation to the development, delivery and review of services.' This kind of language was moving the discourse in a promising direction.
40. The report spoke of 'building trust and improving policy' and of 'a two-way relationship in which citizens are viewed as partners in providing feedback.' There is little elaboration on the word 'partners,' but plenty of caution. In the section on 'policy responsiveness,' the tone was less than enthusiastic. It began by pointing out the time – and delay - required for consultation, while acknowledging that 'effective engagement of citizens and other stakeholders in policy making is at the core of good governance.' It also warns of 'consultation fatigue' and the danger of the consultation process being hijacked by 'special interest groups.' The point is a valid one but the report as a whole hardly amounted to an enthusiastic endorsement of the consultation process. The fact that the report was an assessment of Irish practise by an international body could only confirm Irish based caution
41. With regard to participation the report noted that, in OECD countries, it seemed to be growing 'but at a relatively slow pace.' It spoke of 'potential risks' to an open and inclusive Public Service and warned against exposure to 'outside participation' which would benefit the more educated and be to the detriment of those who do not have their resources. More often than not the word 'participation' was used jointly with consultation with no clear distinction drawn between them. Perhaps none was envisaged and any reader would be forgiven for thinking that 'participation' was to be treated with caution rather than enthusiasm.
42. In September 2013 the Minister for Environment Community and Local Government set up a working group on '*Citizen Engagement*.' The group was made up of prominent figures in the Community and Voluntary Sector and the report began by expressing – and justifying – a clear preference for the use of the term 'participation' instead of 'engagement.' It described participation in the following terms:

*Structured engagement between members of the public and groups of members of the public and the local authority at elected and official levels, in inputting and contributing to shaping local government policy as opposed to general community activity.*
43. While the emphasis on local government needs to be understood in the light of the terms of reference of the working group; this definition could be usefully applied to any level of government. The report also provides a definition of active citizenship which is quite different from that of the Taskforce on Active Citizenship eight years previously:

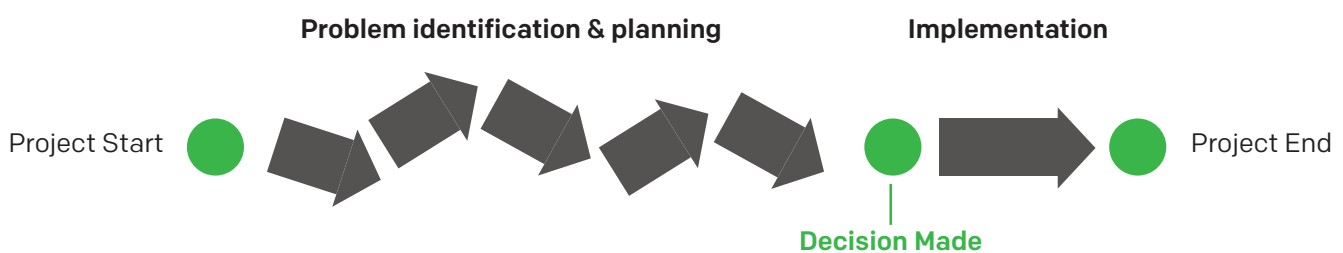
*Active citizenship refers to the active role of people, communities and voluntary organisations in decision-making which directly affects them. This extends the concept of formal citizenship and democratic society from one of basic civil, political and social, environmental and economic rights to one of direct democratic participation and responsibility.*

## Unilateral versus participatory decision-making

### Unilateral Decision-making



### Participatory Decision-making



44. In contrast with the 2007 OECD Report, the Report on Citizen Engagement presented a chart [above] which illustrated the benefits of participatory decision-making:
45. The Working Group on Citizen Engagement was working against the background of the Community and Voluntary Forums, whose functioning varied dramatically in different parts of the country. It recommended that the Forums be replaced by Public Participation Networks which, like the Forums, were to be made up of civil society organisations. The structures, however, were more elaborate. In addition to the county network there was to be a 'municipal' network for local districts. There would be a *Plenary* at each level, in which every member organisation could be represented. It would meet twice a year. Each organisation had to opt for membership of one of three 'Colleges' – environmental, social inclusion and community. At county level, there would be a 'Secretariat' in which each municipal district would be represented as well as two representatives from each of the panels.

### A high level of abstraction

46. Meanwhile the public sector reform agenda was addressed in January 2014 when the Government published its *Public Service Reform Plan 2014-2016*, which devoted two pages to 'A Focus on Openness, Transparency and Accountability.' This included the regulation of lobbying, freedom of information, joining an international public sector reform network (the Open Government Partnership), whistle blower protection, statute law revision and ethical standards for public officials. Seven months later it published a second document entitled '*Open Government Partnership Ireland National Action Plan 2014 – 2016*.' Ireland had now joined the Open Government Partnership – an international initiative 'that aims to secure concrete commitments from governments to promote transparency, empower citizens, fight corruption, and harness new technologies to strengthen governance.'

47. *Open Government Partnership* member states are required 'co-create a *National Action Plan (NAP) with civil society*.' In Ireland this co-creation consisted of three meetings in Dublin's civic offices involving 'over 100 people who came up with 62 recommendations.' There were also on-line opportunities to engage. Thirty civil society groups were represented at the meetings, no doubt with a significant accumulation of experience and insight, but hardly an impressive number. It does raise the question of representation. The OGP participants could be described as a 'representative sample' and therefore worth listening to, but it was hardly representative in the sense of having a mandate to speak on behalf of any particular group.
48. There is an ongoing debate about the representative nature of community and civil society groups, which are often eager to claim a mandate. It is notoriously difficult to judge when such a group has the genuine support of a particular neighbourhood or community and when it is made up of a self-selecting and self-interested clique. In practise this question is seldom explicitly addressed in dealings between state agencies and such groups. The key value is an openness to valid insights which can be evaluated on their own worth. Insisting on some kind of proof of 'mandate' would be onerous both for public servants and for bona fide groups seeking reasonable input on issues on which they have a legitimate interest. Representation is deliberative by nature. To be 'representative' is to be in a position to make the voice of the people more present than it might otherwise be in the decision-making process; in this context there is room for the benefit of the doubt, because the overriding value is to include all the varied voices which the conscientious government seeks to hear. To be 'a public representative' is to be elected by the people with the right to vote in a legislative assembly; in this context there can be no room for doubt because the overriding purpose of a vote is to bring the decision-making process to a definitive conclusion.
49. While the challenge of openness and participation features in both the Public Service Reform Plan 2014-2016 and the Open Government Partnership (OGP) plan, the latter gives it much more attention. The OGP plan has a thirteen page chapter with a very long title which begins: '*Fostering citizen participation....*' Its recommendations include revising principles on engagement/consultation with citizens; engaging with citizens at Committee stage of the legislative process; building capacity in relation to the Aarhus Convention on access to environmental information; and giving young people greater access to public decision-making. There were also recommendations on the use of technology, citizen complaints and 'customer engagement.'
50. All these recommendations are at a high level of abstraction which means that measuring implementation will be problematic, but the involvement of civil society in the drawing up of the OGP plan does mark a step forward in participation in public decision-making in Ireland. Civil society groups had a direct and measureable impact which can be seen in the amendments made to the draft plan. Draft proposals from government are changed all the time in response to proposals from civil society, but this normally happens in a diffuse manner. Each organisation puts in their amendments and a new draft emerges in due course. The difference on this occasion is that the amendments were formulated in a 'public' (if numerically limited) forum and the government responded publicly in that same forum. The plan also included the views of the participants on the final outcome.
51. Significantly the plan endorsed the Report of the Working Group on Citizen Engagement with Local Government. It also called for the participation process in local government to be put on a statutory basis and for a feasibility study on participatory budgeting in local councils. These recommendations, if not original to the plan itself, were quite specific and duly acted on.

## The power of 'the people'

52. While the OGP process is a step forward, in public affairs, popular perception is the ultimate measure of reality. Viewed from this perspective the role of civil society in the OGP plan has little profile. Its impact lies in the consciousness of those directly involved – the relevant public servants and citizens who are deeply involved in the civil society process. The primary task of the civil society representative is one of advocacy, which draws them closer to the general public than their counterparts in the public service. At the same time their training and experience in policy analysis and research, places them closer to the experience of the public servant. They can function in the labyrinth of modern government in a way that the vast majority of citizens cannot.
53. Within the culture of public administration this new role of civil society groups represents a broadening of perspective as well as an added legitimacy. It is, therefore, a genuine improvement but in the wider political culture, which includes many smaller and less well-resourced groups at community level, it does not significantly alter the public perception of government. It can be argued that this new development only serves to enhance the lobbying power of already well-resourced groups.
54. Civil society groups, however, shadow the complexity of government, with different groups dealing with different departments and agencies. In some ways they could be said to add to the complexity. Recent incidents of scandal have shown how they, like government agencies, can become an object of popular distrust. If citizen participation is equated with civil society participation it is in danger of being seen as nothing more than an extension of 'the elite', but there is a deeper fragility at work. Civil society is an essential part of the relationship between citizen and government. It opens up a realm of solidarity, deliberation and ingenuity without which the forms of democracy may function but they cannot serve the cause of liberty.
55. James Madison, one of the founding fathers of the United States, wrote of how *'the public good is disregarded in the conflicts of rival parties, and that measures are too often decided, not according to the rules of justice and the rights of the minor party, but by the superior force of an interested and overbearing majority.'* Many looking at the politics of the contemporary nation state would relate to these sentiments. In modern society Madison's *'rival parties'* can include public agencies as well as private groups and *'superior force'* does not need to be a majority. It can be a matter of greater resources, including the resources of government. Democratic government and civil society both remain ineffective if they stand at a distance from each other, but the mutual engagement on which they both depend can lead to an unhealthy osmosis. Many civil society groups depend on state finance in a manner which can erode any independent voice.
56. No malevolence is required for those in charge of the state to use its resources to reward the more compliant civil society groups and to discriminate against those who are less obliging. All it needs is the limited perspective which always comes with the exercise of power and which determines what they consider to be the public good. Civil society leaders themselves need to be alert to a potential for seduction. Cooperation with the state, which is necessary and beneficial, carries with it the risk of a shift in perspective from that of the governed to that of the governing elite. Civil society is not *'the people.'*
57. Citizens' participation, if it is to rebuild trust in government, must be evident to the population at large in a manner not unlike the court system and the administration of justice. It must have its place among those *'dignified'* parts of a constitution which *'excite and preserve the reverence of the population.'* The dignified – or symbolic – parts of the constitution guide *'the multitude... by an insensible but an omnipotent influence'* and, while these sentiments may seem dated, the underlying insight is not:



*The dignified parts of government are those which bring it force – which attract its motive power. The efficient parts only employ that power.*

58. In Walter Bagehot's view, the primary value of monarchy is that it is intelligible. *'The mass of mankind understand it, and they hardly anywhere in the world understand any other.'* When Bagehot was writing monarchies and empires were enjoying a kind of Indian summer. Things would be different after the crowned heads of Europe plunged the continent into the calamity of the First World War. Yet, Bagehot's insight about the need of the 'mass of mankind' to understand still holds and this is as much an affair of the heart as of the head. Ultimately the viability of the dignified parts of a constitution is a question of narrative and credibility.
59. 'The people' and 'their elected representatives' have long since emerged as the core narrative, but in recent times the complexity of government has undermined faith in 'our elected representatives.' The challenge facing democracy today is not simply one of administrative reform but one of narrative. Without addressing this 'dignified' or symbolic dimension of the political process the energy or political will for reform will be wanting and, even if structures of participation are put in place, they will not be perceived as credible or legitimate. There was a time when 'the people' was the electorate and those in parliament were the voice of the people. That voice was heard at election time and in parliamentary debate, but that narrative is no longer accepted uncritically. A new narrative is needed, one which will renew the perceived power of the people and the political authority of those elected to govern in their name.

## Assemblies and Juries

60. A few months after the launch of the OGP plan, the People's Conversation (an initiative of The Wheel and The Carnegie UK Trust) was launched in Dublin's Mansion House. It took the form of a series of conversation groups, mostly in Dublin, addressing the theme of citizenship and, in particular, reflecting on two questions:
- What is shaping our future?
  - What do citizens expect and what is expected of citizens?(4)
61. The organisers of this process noted the emergence of certain common themes which reflected a desire for ongoing participation in decision-making; for better education in citizenship with its rights and responsibilities; and for bringing back the language of 'citizen' instead of 'customer,' 'taxpayer,' and 'client.' This latter is a significant proposal in the context of narrative. The use of the term 'customer' suggests that the narrative of business is more appropriate to modern government; 'customers' may be crucial for a business but they are not part of it in the way that 'citizens' are part of the political process. The use of the term 'taxpayer' suggests that government is something which taxpayers can purchase and, by implication, can refuse to purchase; there is no sense that without government – and taxation - there is no possibility of living in peace or of having money in the first place.
62. The term 'citizen' speaks of one who is part of the narrative of 'the people' – something not confined to the periodic casting of a vote or paying taxes or applying for a passport. In the earliest democracies citizenship was bound up with service and, in particular, military service. Today there is no need for a citizen militia, but there is a need for citizens, not only to be allowed to participate in the workings of government, but to see such participation as a requirement of citizenship.

63. The *Citizen Rising* report (the final output of *The People's Conversation*) singles out two models of participation which have already been used in Ireland - the Constitutional Convention and the PeopleTalk Citizen-Jury. Both have the potential to develop a new narrative of citizen-participation, which, far from undermining the electoral process, will restore its authority by focusing on issues rather than on the rivalries of parties and personalities. The parliamentary process would be renewed in a manner similar to the renewal of sovereign government with the emergence of parliament.
64. The *Citizens Rising* report proposes that a Citizens' Assembly, along the lines of the Constitutional Convention, become a permanent feature of our democracy, 'strengthening the citizen's ownership of the Constitution.' This process would certainly command public attention but, on its own, it has two drawbacks. Firstly, the Constitution is meant to be a source of stability; it should only be amended when necessary and therefore the advisability of using constitutional amendments as a means of promoting citizen participation in government is open to question. The resolution setting up the Citizen's Assembly, however, includes general issues of policy, such as the challenges of an aging society and climate action. This could certainly provide a model for the future but there is a second draw back. The Citizens' Assembly is not capable, on its own, of generating an ongoing narrative of participation. It is, of necessity, an occasional event, involving a very small group out of the entire population and deals only with high level policy.
65. The *Citizens Rising* report also refers to the use of the Citizen-Jury. In March 2013 Galway County Council invited the *PeopleTalk* initiative to establish a Citizen-Jury to develop practical 'proposals for public sector reform.' The Jury was duly recruited and its members set about addressing two questions:
- How can government organise itself better to serve us, the citizens?
  - How can citizens have a greater say in the design and delivery of public services?
66. This language is closely echoed by the Co-chairs of the People's Conversation Reference Board in their Forward to the *Citizens Rising* report. They talk about citizen involvement not just in choosing representatives but in 'the design of public policy and the delivery of services.' They call for 'a new political culture, developed in how we educate and engage with our young people and how we support and value active citizenship.' Education of youth in relation to citizenship is a pervasive theme in the discourse on public participation in government. Clearly the education system has a role to play but that role can only function in the context of the prevailing narrative of government. Bagehot in referring to 'the mass of mankind' does not explicitly include children, but a reasonable test for the viability of a public narrative of government is whether it can be understood by a twelve year old.

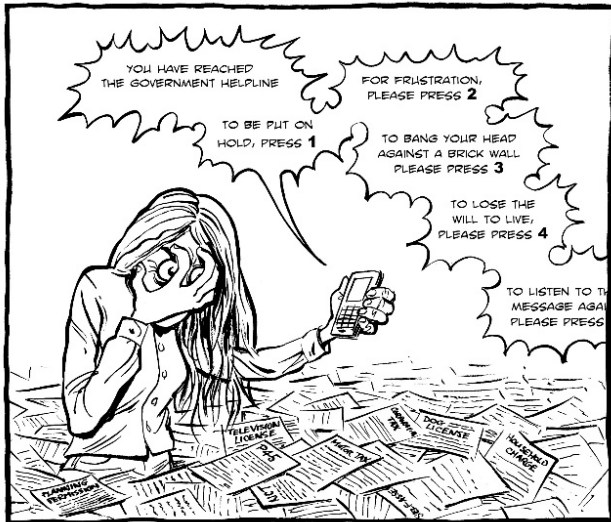
# Chapter 3: The PeopleTalk Experience



## Chapter 3: The PeopleTalk Experience

### The Galway County Citizen-Jury

67. The PeopleTalk process evolved from a number of earlier projects with local councils with guidance of a National Panel, which included nominees of each of the main party leaders in Dáil Éireann as well as prominent figures from public service and civil society. The first step in launching PeopleTalk was to invite three nationally prominent figures to act as patrons – two household names from the world of broadcasting, Anne Doyle and Mícheál Ó Muircheartaigh, and one prominent figure from the world of public service, Daithí Ó Ceallaigh, Chairman of the Press Council and former Ambassador to the UK and the UN. This, along with the endorsement of Galway County Council, was part of a conscious strategy of building a public profile. While the project was designed to have a discernible impact on the work of public administration, the intention was that it would amount to something more than an exercise in administrative reform. The PeopleTalk slogan – ‘Citizen-Juries shaping Government’ – was not just about the functioning of public administration; rebuilding trust called for a reshaping of the public perception of government.
68. A recruitment drive for Jury members began with an interview on national radio, an article in the major local newspaper and a second interview - on local radio. This second interview was crucial as was the support of a Council official in linking PeopleTalk up with the Galway County Community and Voluntary Forum. Its members included hundreds of organisations around the county and most, but not all, of the Jury members would come from its network. Finally, there was a public meeting in Galway city addressed by, among others, two of the Patrons.
69. Jury members were asked to give one half day a month over a period of two years – an exceptionally long commitment compared with similar exercises in other parts of the world. They had to be resident in County Galway, over eighteen, not in elected office and not a senior public servant. Of those who volunteered, twelve (six male and six female) were selected by lottery from those who volunteered. In the course of the two years three jurors found themselves unable to sustain the commitment and had to resign. In each case, the next on the list of those selected, agreed to take their place.
70. The two year period was necessary, because everything had to be learnt from first principles. Future PeopleTalk Juries should be able to cover the same work in, at most, half the time. The primary method for consulting the wider public was through Listening Workshops held at a number of different places throughout the county. A number of issues emerged in the course of these workshops but one issue predominated. The first point of contact between the vast majority of citizens and the government is a phone call. How citizens are treated at this first contact greatly influences their personal experience of government and, as similar experiences come to be shared, they give rise to a form of ‘common knowledge’ aptly expressed in a cartoon used by PeopleTalk in its recruitment campaign:



71. The Jurors would have been aware of this cartoon but it faded into the background as Jurors heard their fellow citizens repeatedly expressing their frustration with 'the phone.' The Jury came up with some practical proposals; one in particular called for a recorded message to tell callers how many people were ahead of them in the queue, thus enabling them to make an informed decision to wait or to call back again.

72. It also became clear during the listening sessions that most of those who attended, including the Jurors themselves, had very little understanding of how public administration actually worked. From the very beginning of the design process those charged with developing the PeopleTalk project were aware that the Jury members would need some kind of input on this matter. A balance needed to be struck between the offering of bland generalities and an accumulation of mind-numbing detail. A decision was taken to wait until the Jurors raised a specific problem and, at that point, the necessary expertise could be called on.

73. When the moment finally came, the Jurors not only came up with a problem, they devised an effective solution. They decided that the best people to help them to learn about public administration were their fellow citizens, who had practical experience of working in public administration at ground level. They asked to meet with two officials working at ground level from the County Council, the Gardaí, the Health Services Executive, the Department of Social Protection and Údarás na Gaeltachta.

74. These organisations were approached at management level, beginning with the County Council, and they all agreed to cooperate and to nominate two officials working at ground level to participate in an 'Exploratory Encounter Group.' This was the first meeting of its kind ever held in Ireland with people at ground level in different state agencies meeting to reflect on their work experience and it took place at the request of a group of ordinary citizens, who were trying to come to terms with their own bewilderment when faced with the complexities of modern government.

75. The Encounter Group – perhaps better described as the Public Service Dialogue Group - insisted on putting on record an account on what it was like to do the work of a public servant at ground level and then they went on to look at a number of issues<sup>3</sup>. They singled out one issue of which they had direct experience - citizens who find themselves in a situation of unexpected serious and sustained illness. Typically, in these situations, the help of three different agencies is required, but data protection law forbids the agencies from communicating with each other, not even with the citizen's consent, thus adding to their difficulties at a time of real suffering. The Jurors considered this problem and came up with a simple and workable solution which was promptly adopted by two of the three agencies.

<sup>3</sup> The report of the Exploratory Encounter, complete with a list of participants, is to be found at <http://www.peopletalk.ie/images/documents/FinalExEncReport.pdf>

## Practical learning

76. A number of issues are worth noting in the light of the PeopleTalk experience:

- a. Both the Citizen's Assembly and the PeopleTalk Citizen-Jury have demonstrated that, when a group of citizens are brought together and asked to address matters of public concern, they will respond with generous and conscientious commitment. They can be relied on to seek the common good in a way which has become problematic for public representatives, who are seen in the public eye as champions of their constituents, or for public administrators, who are seen as champions of their varied agencies, or for civil society groups, which are organised around specific interests.
- b. The PeopleTalk Juries, in particular, have the potential to involve a large number of citizens in different parts of the country and, through a shared awareness of differing local experience, has the potential, along with Citizens' Assemblies, to generate a new narrative of public life and a forum for the exploration of issues in a manner which is perceived to be removed from 'politics'
- c. The Jury, as a structure, commands respect because it is familiar both as a current reality in our court system and as a practise which goes back many centuries.
- d. Formal recognition from the administrative and political process enhances the standing of the Jury both in recruitment and in the acceptance of its findings.
- e. The Jury structure - in coming together, doing what is asked and then disbanding – does not arouse suspicion with regard to the motives of its members. No group interest has time to develop and the manner of recruitment is such that other citizens can readily identify with those involved.
- f. Jury service is educational for those involved; the same is true of membership of the Citizens' Assembly. The Galway County Jury members were surprised at how time consuming and frustrating it could be to bring about change. Their dealings with the Public Service Dialogue Group taught them a lot about the realities of public sector reform.
- g. A non-specialist Citizen-Jury, with little knowledge of how government works, can find creative ways of addressing complex issues.
- h. The discipline of 'practical proposals' has a motivational benefit. The awareness that a Jury is seeking to influence a decision rather than calling vaguely for general changes, brings a heightened sense of realism and determination.
- i. The involvement of front-line public servants in the process can set up a very helpful dynamic between the fundamentally open minded nature of the Jury process and the practical experience of public service at ground level.

# Chapter 4: Limits and Possibilities

## Chapter 4: Limits and Possibilities

### The conscientious public servant

77. The narrative of participation, embodied in the Citizens' Assembly and the Citizen Jury, would only compound existing tensions were it not for the backing of both local and national elected representatives. The crucial role, however, was that of public servants and it is important to understand why this was so. A kind of informal leadership, which goes beyond the following of 'instructions,' has long been a feature of public administration in Ireland. A more public recognition of this leadership role of public servants is overdue, but cannot be countenanced politically under the current narrative of public life, in which parliament is meant to rule in the name of the electorate and the public servant is confined to the implementation of decisions.
78. Contemporary conditions pose a challenge to this narrative, but such a challenge is not the precursor of its removal. Monarchs in their day were challenged, and overthrown, but the narrative of sovereignty which they represented continued. Politicians today are challenged by the very changes which parliamentary democracy has facilitated. What might be called the 'mechanical' model of government consisted in the sovereign people casting votes and electing a parliament whose members in turn cast their votes for the 'enactment' of legislation. The enactments of parliament were duly put into effect by a hierarchy of public officials. The very success of this model in addressing so many facets of modern life has resulted in the current situation where the 'machinery' has become so complex as to be a source of bewilderment. We will always need elections and parliaments, but what is wanting in our time is a public narrative of deliberation so that unavoidably complex decisions can be seen to be the outcome of credible deliberation.
79. Without the informal initiatives of public servants our unavoidably complex system of government would long ago have broken down under its own weight. The public perception of those same public servants, however, does not take account of this pervasive reality, because failure and incompetence, which is a feature of any complex system, is more immediately evident. (A Lebanese proverb sums up the situation: 'Everyone hears the tree fall but no one hears the forest grow.') An alternative narrative of business management currently enjoys much wider popular appeal than public service as a model for government. (Talk of the citizen as 'customer' is influenced by this model.) The profit motive is easily understood and widely celebrated, whereas the motive of public service, which is an essential feature of good government, is disregarded. Currently in public life the depersonalised nature of complex bureaucracy ensures that, when the system functions properly, the citizen is 'a satisfied customer' and, when the system fails, the object of frustration and anger is 'bureaucratic incompetence.' The functioning is more prevalent than the failure, but this goes unnoticed in the public eye.
80. Any attempt, by politicians or public servants, to emphasise the achievements of the existing system is inevitably seen as self-interested. A form of discourse is needed which awakens trust in areas where it is wanting at present. Public life becomes tiresome if groups with diverse and even conflicting interests make no attempt to find common ground. The script of each interest group becomes predictable. Language is used in a way which only appeals to those whose trust the speakers already enjoy. The drama of public life grows stale and the audience begins to suspect that something is going on behind the scenes of which they have no knowledge and in which they have no say.

81. One of the common themes of the People's Conversation, as identified in the *Citizen's Rising Report*, is the desire for 'a political system that is not detached from the concerns and experiences of citizens.' Another such common theme was the need for 'a basic contract between citizens and the state.' Such a possible contract might outline the following *framework of participation and public service*:
- a. That the sovereignty of the Irish Nation depends on our exercising a duty of care for all citizens, for our neighbours on this earth and for our common home;
  - b. That the Oireachtas, duly elected under the Constitution, has a determining role to play in the making of laws and the promotion of the common good;
  - c. That the foundation of democratic government is an attitude of public service, which seeks to conscientiously attend to the voices of citizens with a view to reaching fair and reasonable decisions in the light of competing demands.
  - d. That ultimate decision-making remains in the hands of elected people, while the representative (or deliberative) role, of making the experience of citizens present at the centre of power, belongs to elected representatives on all matters and to public servants on matters arising from their service.
  - e. That the conscientious public servant, attentive to the needs of citizens with whom they have dealings, has a critical role to play in fostering the participation of citizens in public life.
  - f. That the ongoing participation of citizens in the design and delivery of public policy is vital for the health of democracy.
82. The purpose of such a contract would be to establish a public narrative of democratic government as 'open' and 'transparent' and conscientious.

## The reach of parliament

83. The traditional insistence on secrecy in public administration was itself an expression of conscientious public service. When the majority of citizens had limited education, making information available would only have been to the advantage of an educated and privileged minority. The concern in the 2008 OECD report that the consultation process might be hijacked by '*special interest groups*,' reflects this tradition. In offering advice to elected officials the duty of the public servant was to be impartial and this called for a certain remove from the cut and thrust of lobbying and deal making. The conscientious public servant, therefore, stood apart.
84. In a society where the bureaucracy itself has become a barrier between elected leaders and people, all is changed. Many public servants already have a sense of this change and of their own need to play a less removed role, if democratic government is to adapt to the changed situation which democracy itself has brought about. In the realm of government, great achievements bring about great change and, with it, new challenges.
85. One challenge of modern government relates to what is commonly known as the silo effect. Traditionally each state agency operated in its own sphere – scrupulous about not interfering in the functional territories of others and vigorous in protecting its own territory. This was fully consistent with the prevailing ideology of public service as a conscientious following of instructions. Any attempt to interfere with these instructions was to be resisted with a vehemence which reflected a deep sense of duty.



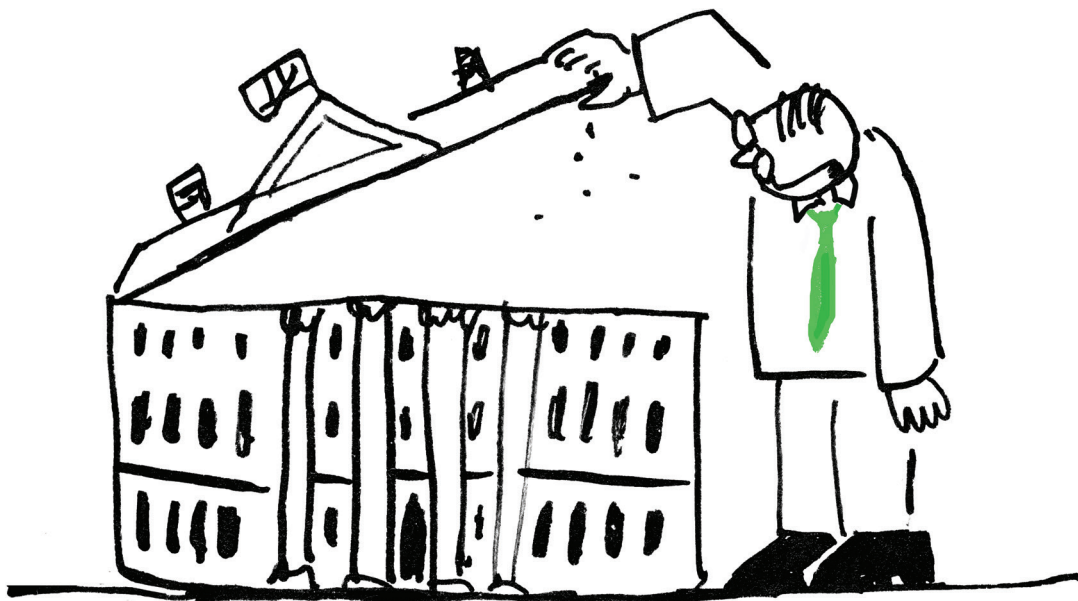
86. It has become practically impossible for the agencies of modern government, given their role in so many areas of life, to function in the traditional separate manner. Hence the managerial talk of '*joined up thinking*' as something to which public service now aspires. Parliament has little or no role to play in meeting this challenge because it simply does not have the means to communicate effectively with each internal organisational culture. Developing an inter-agency approach has been problematic, but there is a further challenge. Not only must public service learn to function in this new way, the general public must be able to understand how this new way works; if not, it will be seen as just another exercise in management jargon.
87. Public administration has become a vital resource for elected leaders. It has a unique capacity to devise elaborately worked out and extensively researched proposals. Elected leaders can and do provide overall direction, but the shaping of the detailed response in the light of potential pitfalls and challenges is very much in the hands of public administration and, in particular, of those in senior positions. The role of parliament in the actual shaping of legislation is primarily reactive. The traditional role of parliament did not have to reckon with the power of the well-researched administrative proposal in our urbanised industrialised society. Parliament is in danger of being seen as marginal, and not just in Ireland, as the public view of elected representatives grows increasingly disenchanted. The public service already plays a deliberative role in the formation of policy and while it is in practise quite open to dialogue with civil society groups, this plays no part in the common knowledge – or public narrative – of government.

## Nurturing Civil Society

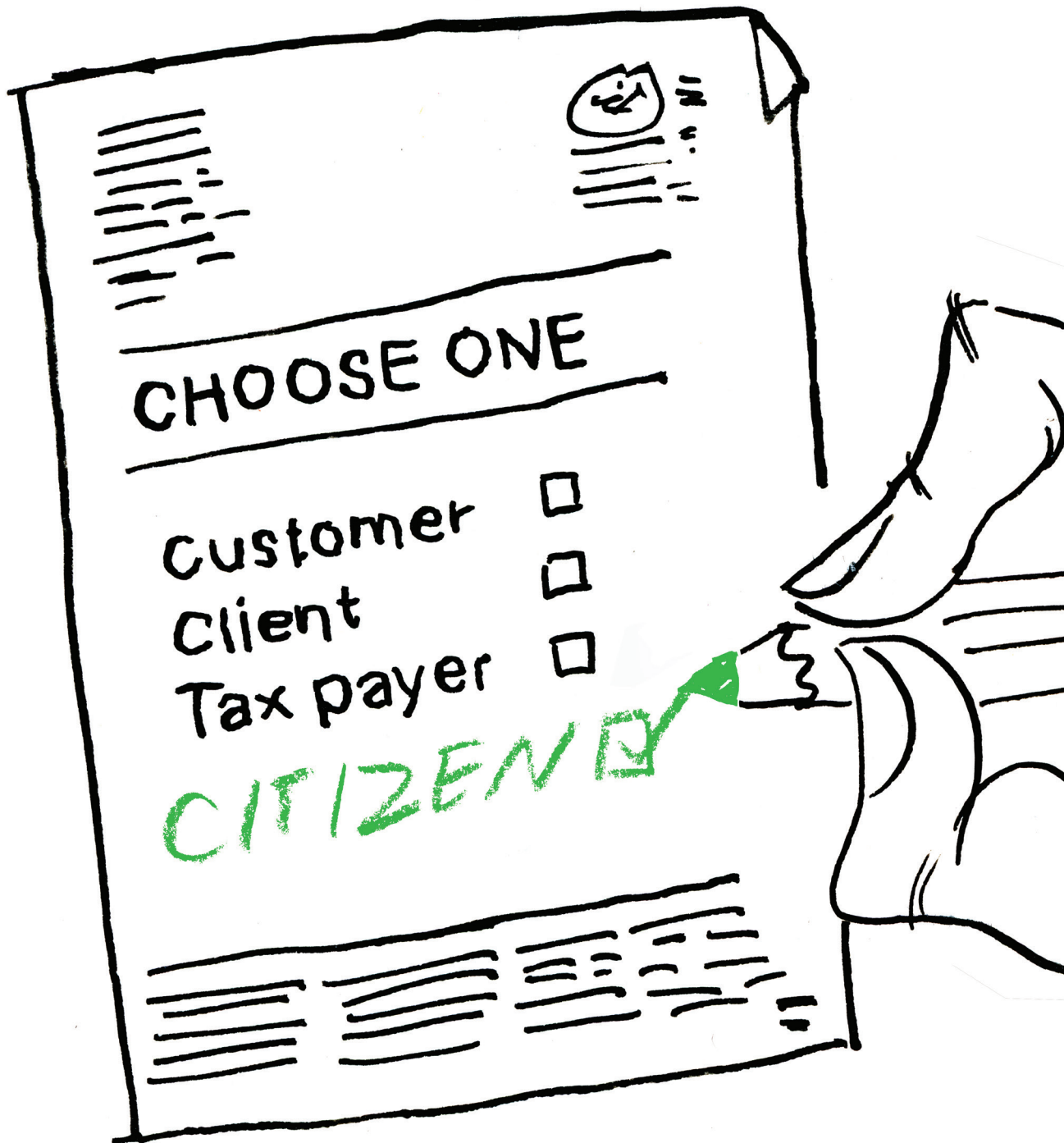
88. Few if any are likely to object to the concept of 'open government' but, as currently understood, this concept offers no positive role for public servants. On the contrary the primary emphasis is on 'accountability' which suggests constant scrutiny by impatient citizens. A more positive vision is needed – something which seeks to motivate instead of threaten. Just as the concept of sovereignty was amplified rather than abandoned by the rise of parliament, so the role of parliament would be clarified and reinforced by public officials, who were seen to represent the views of citizens encountered in the course of their service.
89. Even under current conditions it is possible for a citizen and a public servant to establish an understanding that they are both dealing with a misguided policy in which neither has any real choice. Such a tacit agreement can reassure the citizen that at least someone within the bureaucratic structures understands their situation. It might embolden the citizen to seek to reverse the policy, but that does no damage to the underlying structures. On the contrary it is more likely to strengthen than to undermine trust. The participants in the Public Service Dialogue Group in Galway County did no damage to anyone or any structure in relating their critical views of the data protection constraints under which they were required to function. Indeed their candour made possible a clear understanding of the issues involved and opened the way to a resolution from which everyone would gain – both the citizens affected and the organisations with which they dealt.

90. One of the great challenges facing the political process at present is that no one in public life is seen to represent in a disinterested manner the demands of the common good. Elected politicians have no choice but to build coalitions of support among voters and this, combined with the analogous use of the term 'constituency' to describe this or that interest, sets up a perception of politicians as the messengers of interest groups rather than political leaders. Public servants, because they are not free to entertain criticism of policy, are often perceived as being indifferent to those they are meant to serve and, while civil society groups are clear about the need for greater citizen participation, they too have their questions of credibility. One result of the abuses and cronyism which have come to light in recent years in non-government organisations, is that many in the voluntary sector are keen supporters of regulation as a means of ensuring standards, but that does not alter two abiding weaknesses in the public perception of civil society.

91. Firstly, those who work at leadership level in civil society often have more in common in their work experience with senior public servants than with the disadvantaged people whom they typically represent. Secondly, in their enthusiasm to ensure that citizens are given a more effective voice they can overlook the fact that their own contribution is from a limited, if valid, perspective. They are not in a position to provide that overview of the common good which is best articulated by citizens of no particular standing called together for a limited period and for that express purpose.







# Chapter 5: Conclusion

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## The Jury Narrative

92. Two challenges – the sheer complexity of public administration and the marginalisation of parliament – have given rise to a crisis of trust in government and public life which, far from being confined to Ireland, is a global phenomenon. The Open Government Partnership has recently produced a report entitled *'Trust: the fight to win it back.'* These words from the introduction to this document reflect a familiar reality:

*Citizens perceive their institutions to be captured by elites who are disconnected from the needs of their constituents or complicit in schemes that benefit the powerful at the expense of ordinary citizens.*

93. Contributors from 75 member countries and 15 subnational governments were asked to reflect on *'the multifaceted and complex sources of distrust.'* Certain emerging trends were noted as possible ways of rebuilding trust. They included the following:

- Arming citizens with meaningful information;
- Empowering citizen voice in policy making;
- Reaching out to marginalized citizens;
- Empowering citizens to follow the money – i.e. monitoring government spending;
- Responding to citizen needs – i.e. acting on feedback;
- Enlisting Citizens in the fight against grand corruption & elite capture.

94. These initiatives are all worthwhile, but none of them addresses the question of what a 'trustworthy' public service would look like. The presumption is that the above quoted proposals can all be implemented without any change in the role – and the narrative – of public service. This is all the more significant given that the various contributors to the Open Government Partnership report were either public servants or civil society officials. The increasingly global interest in promoting citizen participation has yet to look at the elephant on which it is seated.

95. Public service is increasingly *'representational,'* at least at the upper levels of management. Conscientious officials would see themselves as subject to the decisions of higher authority, but within their area of responsibility they would see it as irresponsible simply to *'await instructions.'* They are happy to plan and marshal support for projects which will be subject to higher decision in the confidence that their recommendations will, in all likelihood, be accepted. They make judgements based on their experience of the availability of resources and the limits of discretion within which they work. Their competence as public officials depends on the capacity to function in this manner.

96. Their conscientious view would be that a refusal to act like this would be a disservice of both the elected body to which, ultimately, they are answerable and to the citizen for whom, in this particular situation, they are effectively the representative of the state. They would consider that, apart from the disrespect involved in remaining inactive in response to obvious needs, they would be adding to public distrust of government by being too passive in their work of public service.

97. Participation makes no sense if public servants play a purely passive role. It can only function in a public service culture where the feedback of the views of citizens is seen to be part of the process itself. Where the public service as a whole is seen to have a representative function, public servants at ground level will be able to treat citizens with greater respect. Feedback channels are very much a part of contemporary public administration, but these channels are separate from the dealings of any one public servant with citizens. When public officials are entitled, on their own initiative, to represent the views of citizens which they encounter in the course of their work, they are no longer *'caught in the middle.'* They can be candid in expressing their view of the decisions which they are required to implement and act with greater confidence in expressing those views to higher management. This is a more satisfactory state of affairs both for the public servant, who is not obliged to deal in a mechanical way with citizens, and for those same citizens, who are able to protest their situation in a respectful way to someone who represents the state.
98. Giving ground level public servants, in particular, a representative role would open up a whole new source of valuable insight on the formation and implementation of public policy. Not only would this enhance the standing of front-line public servants, it would be a signal to those with whom they deal, the general public, that they are being treated with greater respect.
99. The challenge is to find a means of making this deliberative role of public servants a reality. It would be necessary for the legislature to call for this, but it should not be presented as some new obligation. It is, first and foremost, a recognition of the already existing reality of conscientious public service in contemporary conditions. It offers an opportunity and an outlet for conscientious public servants to present public spirited feedback on their service of the people. It does not require anyone to do what they do not want to do, but it does encourage the conscientious.
100. The deeper challenge is how to change the culture of public service in a manner which is seen to welcome such a representative role at every level. The word *'representative'* is of significance in this context; the public deliberation appropriate to a public servant is a function of what they have seen and whom they have met in the course of their work for the state. They would not have carte blanche to *'deliberate'* on everything. The traditional model of following instructions may be less demanding, and no change in culture can be brought about by a command from above but the old ways cannot be sustained without a continued erosion of public trust. Philip Pettit's concept of complier-centred regulation is relevant in this context. He speaks of *'the ordinary sort of individual who mostly deliberates... in a public-spirited way'* and quotes Adam Smith:
- Nature when she formed man for society endowed him with an original desire to please and an original aversion to offend his brethren.*

101. Pettit applies this idea to the general population, but he sees it as particularly pertinent to the working of Juries and committees and '*the public figure*' who can '*derive great reward from being well considered and suffer a great penalty from being ill considered.*' These insights clearly apply to the conscientious public servant. The challenge is how to build on that human inclination to seek the good opinion of others.
102. Pettit sees the element of reward or penalty mentioned above being amplified by '*common knowledge.*' The recognition and fostering of the representational role of public service will call for a narrative, acted out in a public way, which sets new expectations of public servants and which rewards those who fulfil them. The Citizens' Assembly model on its own cannot generate such a narrative. The Citizen-Jury would, on the other hand, be eminently suited to making citizen's participation an ongoing reality, provided it is used with sufficient frequency and at local level. This process would be greatly reinforced by Public Service Reflection Groups, established at the request of Citizen-Juries, and involving public servants working at ground level.

## Articulating the common good

103. Both the Citizens' Assembly and the Citizen-Jury have one significant advantage compared with civil society organisations. The latter are a necessary part of a healthy democracy, but their purpose is the promotion of single issues. By contrast, both Assembly and Jury are made up of citizens who come together with no predetermined joint interest and they are predisposed, if anything is to be achieved, to find common ground. They are constrained to engage with each other in a respectful and non-conflictual manner and to seek, with a genuinely open mind, a resolution of the issues before them. This is why these processes are so well suited to articulating – and being seen to articulate – the claims of the common good.
104. Taken together the Citizens' Assembly and the Citizen-Jury can complement each other in developing the two sided nature of citizens' participation. The following paragraphs could be added to *the framework of Participation and Public Service* outlined above:
- g. Civil society organisations, with the skills to interact professionally with public servants in the shaping of policy, are vital to the proper functioning of democratic government.
  - h. Citizens' Assemblies and Citizen-Juries have an additional role to play in being uniquely suited to articulating the claims of the common good in our increasingly complex and diverse society.
  - i. Citizen's Assemblies have already begun to play a role in public life which underlines the potential of citizens' participation in government; it provides a headline which develops the narrative of government in a way which builds up trust.
  - j. Citizen-Juries, because they can function at local level and in widely differing contexts, have the potential to involve large numbers of citizens in dealing with public affairs and to generate '*a common knowledge.*'

105. The decision to establish Citizen Juries, or not to do so, must be seen as itself an exercise in the pursuit of the common good; for this reason leaving it exclusively to specific agencies, at their discretion, would not facilitate the building up of public trust. Without a national framework Citizen-Juries would remain at the level of diverse administrative initiatives, good in themselves, but without an overall strategy and, perhaps more importantly, without the capacity to generate a 'common knowledge' of participation as a feature of citizenship.

105. A new narrative of government is needed in which citizens' participation and the deliberative model of public service would be seen as two sides of the same reality. This would build on the existing narratives of sovereignty and parliamentary democracy. It would promote the insights of deliberative democracy as a truly effective means of building up trust in government. The participation of citizens, like the administration of justice, remains ineffectual unless it is both done and seen to be done. It needs the reinforcement of '*common knowledge*' – a public narrative with which even children at play in the school yard can recognise.



Citizen participation in government means interaction with public servants but the perspective of public servants is seldom taken into account in any model of participation. For over twenty years the question of public service reform has been on the agenda of government in Ireland. There is a new focus on 'customer service,' 'transparency,' 'openness' and even 'participation.' With a growth in single issue civil groups and much discussion on the nature of 'active citizenship' citizens are actively exercising their rights to free expression, assembly and association. This allows citizens to influence the shaping of public policy but they remain outsiders to the decision-making process.

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