

PROFESSIONAL PERSPECTIVES

Perspectives on the Capacity of the Australian Public Service and Effective Policy Development and Implementation

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It is a long held tradition of the Academy of the Social Sciences in Australia (ASSA) to invite speakers to address the Fellow’s Colloquium as part of the annual symposium, with an aim to spark discussion and debate on a controversial and contemporary topic. In 2010 the debate was focused on the question of whether there had been a degradation of the professional capacity of the Australian Public Service (APS) with regard to effective policy development and implementation. The contributions of each of the four panel members are reproduced here, in part, and they reflect the diverse perspectives which informed a robust and compelling debate. Janine O’Flynn, the editor of these contributions, argues that any claim of degradation is based on rumour rather than hard evidence, and she sets out how we might think about policy capacity from a public sector management perspective. Sue Vardon, the former CEO of Centrelink and the architect of a transformation change program which redefined the delivery of public services in Australia, reflects on the strengths of the APS, but points out the current stresses that it now finds itself under. Anna Yeatman, an expert in political theory and its application to citizenship and public policy, argues that in the last twenty years we have witnessed degradation in the work of government and that this has impacted on policy capacity. Lyn Carson, an expert in deliberative democracy, points to the unrealised capacity that could come from increasing citizen involvement. Policy capacity is degraded, she argues, because we have systems that are neither deliberative nor representative. Individually these contributions spark their own controversies; together they ask us to consider the question in different ways.

Key words: *policy capacity, public service, APS capabilities, policy development*

Someone Started a Rumour! What do we Actually Know About the Capacity of the Australian Public Service?

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The question of whether there has been a degradation of the policy capacity of the Australian Public Service (APS) is a vexed one with the popular answer – that it has been degraded – largely based on rumour rather than a *serious* evidence base. There are various ways to approach the question of capacity, and here I present two competing frames. Then I consider the current APS reform agenda, the claims driving the rumour, and the evidence (or lack thereof) underpinning this.

We could frame the capacity question *managerially* or *normatively*. If we took a managerial perspective we would look to the strategic management literature to consider the environment within which agencies operate, the demands this creates for them, and then how well-equipped each organisation is to address these. The capacity to carry out strategic policy development and implementation then rests firstly on core competences – clusters of specific assets that enable organisations to do distinctive things and, secondly, on capabilities – routines which enable organisations to integrate, build and reconfigure these competences to adjust to changing environments (see, for example, Teece, Pisano and Shuen 1997; Prahalad and Hamel 1990). Normally such ideas are discussed as the basis for competitive advantage, however there is an emerging literature applying this to public sector organisations (see Pablo et al. 2007).

We could also frame the issue normatively and consider the 'proper' relationship between political and administration domains, focusing on the degree of separation and whether this helps or hinders capacity to develop and implement policy. We might ask whether the reforms of the last few decades have created public servants, who tell political masters what they *think* they want to hear, rather than delivering frank and fearless advice, thus stymieing policy capacity, and embedding us in the debate about

whether the APS is now more *responsive*, or more *politicised* (see O'Flynn 2007; Podger 2007; Rhodes and Wanna 2007; Shergold 2007; Alford 2008).

What I have not seen is any serious evidence of policy capacity degradation or deficiency, but rather a powerful pro-reform rhetoric that rests on an assumption that there *is* a deficiency. There have not been any (publicly available) studies done of the existing competencies and capabilities that underpin policy capacity, and it is not clear there is a widespread practice of mapping these in the APS in such a way that would allow us to gauge whether there *has* been any degradation over time. If we don't know anything concrete about competences, capabilities and the capacity for policy, how can we make any serious assessment of the degradation of these qualities?

Indeed, it may not be too apocrophal to suggest that someone may have started a rumour and it suddenly spread! If we repeat a rumour often enough it seems to be taken as fact. In his first address to Heads of Agencies and the Senior Executive Service following his election, the former Prime Minister Kevin Rudd stressed the need to enhance the strategic policy capabilities of the APS – this helped set the scene. Rudd's concerns were pivotal to the first report of the *Advisory Group on Reform of Australian Government Administration* (2009) where it was noted that 'there is a concern that the policy capacity of the APS requires strengthening, especially in terms of its ability to provide innovative and creative advice at the strategic level' (2009:21) – the 'in need of capacity reform' agenda gets a green light. The benchmarking report delivered to the Advisory Group by KPMG ranked the APS in the bottom third grouping for capacity for coordinated, informed and strategic policy advice (despite an acknowledgment that there was little data to make the assessment) – the rationale builds. *Ahead of the Game* reinforced the argument and maintained the line pointing out that some areas of the APS had higher policy capacity levels than others – although it was not made clear which these were, or on what basis this assessment was founded. So there we have it; an emergent and powerful narrative with claims

that the policy capacity of the APS is seriously depleted and that urgent reforms are required to address this.

Capacity here has been recast somewhat and is focused on the development and implementation of forward-thinking, creative and innovative policy that will 'offer high quality support to the government as it tackles Australia's contemporary challenges' (AGRAGA 2010:12). In this context, high quality, forward-looking creative policy consists of:

1. *policy formulation* which rests on a capacity to design best-fit robust policy responses, which are innovative and outward looking;
2. *policy integration* which requires connecting various parts of government together in the policy process;
3. *human capital* comprising highly capable, skilled, professional people who can exercise judgement in the face of ambiguity and uncertainty; and
4. *performance management frameworks* that ensure policy supports government priorities and that collaboration, creativity and investment in capability are rewarded.

Whether we have the existing competences and capabilities to do this is, in my mind, unknown, but there is some available evidence that might help us to develop a picture (see the *State of the Service* survey results from the Australian Public Service Commission 2010). On the one hand, data from the *State of the Service* survey tells us that the APS is highly qualified and increasingly so with more than half of its employees holding tertiary degrees (compared to 33 percent in 1994), and 18 percent have postgraduate qualification (up from 12 percent in 1994). We know that the Senior Executive Service has grown by 50 percent in the last 15 years making the APS more senior, and (possibly) more experienced. We know that APS employees are highly motivated and committed with 96 percent stating they are willing to put in extra work to get the job done and 79 percent proud to say they work in the APS. On the other

hand, the most recent *State of the Service* survey tells us that APS employees are fairly negative about their agencies' ability to be innovative, and only half of them think their agency is well managed. We also know that around half of the agencies in the APS spend less than 1 percent of their budget on staff development, and the government spends increasing amounts on external consultants. We also know that many agencies don't actively assess whether the primary consumers of their advice – ministers – actually value their contribution with less than half of those agencies providing advice to ministers collecting formal feedback, and less than one-third collecting oral feedback.

So what can we make of this now? We have a highly motivated, highly qualified, and increasingly senior APS. We have a claim that the policy environment is changing fundamentally, that policy problems are more complex, and that the current APS cannot or will not cope with this. *If* this degradation argument is valid, some will argue it is the natural result of two decades of New Public Management reforms which recast the APS as contract managers and created an uncoordinated, inward-looking and fragmented system disciplined by the twin evils of managerialism and markets, rather than public interest. Others might see it as the ultimate consequence of a chronic and sustained underinvestment in the APS. Some might argue that it remains simply a myth – perhaps created and perpetuated by the soon to retire baby-boomers looking back on their glory days! As Peter Shergold once argued in relation to APS leadership 'there is a growing tendency to look back to the secretaries of the past with nostalgia, finding in them qualities that have failed to withstand the passage of time and which reflect badly on their contemporary incumbents. The past becomes legend, and those who occupy the present are portrayed as unworthy to stand in the shoes of those who have gone before' (Shergold 2004:4).

Whilst it is true that there are concerns expressed about the degradation of policy capacity, and accepted assumptions that this has occurred, I argue that, at best, we are just guessing. There is very limited data and

evidence to support claims either way. We have little serious understanding of the competences and capabilities of the current APS, and we are not well-placed to predict what these might need to be in the coming decades as we enter yet another era of reform.

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The Australian Public Service Under Pressure

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We have to be careful about accepting the proposition that there has been a degradation of the professional capacity of the APS with regard to effective policy development and implementation. In my experience, no other country can get policy to implementation as fast and efficiently as the Australian Public Service. In comparison with other countries especially in Europe, Canada and America, Australia does very well with the constant churn of demand for policy response giving ministers and others well-thought through policies. The special strengths of the information technology infrastructure and the culture of 'speed to market' are two great assets of the APS.

Yet I acknowledge that the capacity of the APS is under stress. In my view there are different factors that put great pressure on developing good and effective policy – they include the reduction in the policy cycle timelines, the influence of the media, fear of leaks, the changing role of ministerial advisers, the nature of research, overlapping committees, lack of expertise in all aspects of the policy to implementation value chain, and the capacity of the private sector to scale up and the changing role of government.

There have been changes in the last decades. Perhaps taking for granted the great capacity of the APS, unwittingly no doubt, politicians have placed it under further pressure. The cycle of policy to implementation has shortened. The number of policy changes required in shorter periods of time has increased. The demand for

new initiatives and solutions to problems is greater than ten years ago. The media cycle can require a solution to a problem raised in the morning within twenty-four hours. Coupled with this is an increasing fear of leaks which reduces openness of conversations with all the stakeholders. Ministers don't like to be preempted with premature releases of their policies by other parties who may have been privy to conversations during the process. Over the years, the influence of the junior ministerial officers, who are often very inexperienced, has become greater in policy design and over ideas for implementation. Some of them have shown that inexperience in criticism of the public service and disrespect for its contribution.

There is a gap between research and policy as well. Whilst many 'good' policies can be developed thoughtfully and slowly, taking into account science and academic research, this is a luxury now in much shorter supply. There is a big challenge for academics now to summarise their research in such a way that it is easily digestible and to make themselves available and known, to contribute to the resolution of the complexities of the problems on the politicians' desks. Sometimes there is an overload of data but not enough analytical or 'mining' capacity to draw out the important elements. There is not sufficient ongoing data collection and analysis of a kind that could be shared with universities and free-standing research institutes. Were this to be corrected there would have to be more investment in producing professional policy analysts who readily cross over the worlds of government and independent professional research.

On the occasions where politicians choose to listen to a wide variety of views, policy making can become more complicated with layers of committees, commissions and reviews tasked with the same or similar jobs and decision-making about policy initiatives becomes obtuse. This trend may be increased under conditions of minority government.

In spite of general high level policy competence in the APS, no-one is perfect and recent audit reports from the Australian National Audit Office (ANAO) have highlighted a number of deficiencies. After all, the ANAO has to hold

a mirror up to government as it thrives on its analytical independence for its legitimacy. The intellectual basics of policy development are well laid out, so the problem does not lie here. There is a value chain from policy development through to legislation, to policy guidelines, to service development, service integration, implementation, program management and evaluation. Throughout the APS there are great reservoirs of knowledge operating across all these stages. The problem lies when this expertise is only brought to bear on parts of the chain and weak links cause public failure. Again it is often the requirement for speedy implementation which causes the problem. These weaknesses are regularly exposed by the ANAO. The lessons are learned and acted upon. There are *Best Practice Guides* on just about every stage involved in the value chain of policy-making. The only question that remains is whether the next generation of policy officers are learning those lessons.

Senior directors in the Department of the Prime Minister and Cabinet are charged with bringing together the silos within the Australian Public Service. Policy conflicts between ministers impact on integrated policy development that even the best efforts of the public service are unable to resolve. Some of the more recent governance reforms have also made this coordinating role more complicated such as the creation of the Department of Human Services.

Fundamentally, the role of governments in policy-making is far from static. There is always a larger context. This has been well described by Jocelyn Bourgon (2008) in many of her excellent papers where she tracks the global change of public administrations throughout the world. She talks of the role of government over the last decade as concentrating first on basic compliance, then higher performance, then innovation, and now societal resilience. Each one carries forward into the next. These changing responsibilities transcend politics but require different thinking by policy-makers about the immediate issues on hand.

Into the mix of policy-making and subsequent implementation we can add the challenge of reliance on the private sector which having many strengths, often underestimates the scale

required and what is involved in the regulation of the processes around delivery. The great difference between work for government and responding to market demand is that whilst, in the latter instance, the private sector can select its market niche, when they work for governments they work for all people and they need to be able to adjust to do so. This may take them way outside their comfort zone.

In conclusion, the Australian Public Service has many strengths. In all aspects of its work, particularly in policy development there are challenges and pressures. These pressures extend to the implementation of their policies. In comparison with other countries, they do a good job but as in all things they need to respond to the changing environments and maintain and grow their capacity to give ministers the best options available.

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The Question of the Capacity of the Australian Public Service to Play its Part in Effective Government

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The degradation of the work of government over the last twenty years or so has impacted on public service capacity, understood both narrowly to refer to the salaried employees of government agencies and generally. There is a circular relationship between the quality of professional public service (the government insiders) and that of wider community contributions to public service either for good or for ill. For the work of government, if it is to be effective and legitimate, depends on an open and dialogical exchange with the wider public (those it serves and those on whose contribution to public service it depends). Not so long ago, call it the 1980s, it was well understood that

new policy challenges demanded of both ministers and public servants a willingness to engage in a sustained process of policy learning involving those who know most about the specific arena of the policy challenge because they live it.

Perhaps the best-documented example of this approach was the development of the policy and programs to manage the HIV-AIDS epidemic in Australia (see Dowsett 1998). Not only did the relevant minister bring all the key players (stakeholders) around the table to design the policy, issues of delivery were understood as intrinsic to such design, and it was obvious to all that the roll-out of the policy would have to be subject to ongoing review and evaluation since, quite inevitably, just how policy impact worked in relation to an ever-changing and dynamic trajectory of the epidemic could not be predicted in advance. In this kind of 'ecological' approach to policy-making, the public servants are invited to learn skills of deep listening to stakeholders that enable a creative-adaptive synthesis of the different perspectives afforded by the relevant science, human experience, and collectively-organised interests.

For such an approach to policy-making to be in play, the executive level of government has to enable a relatively autonomous mode of operating for public service line departments. Yet relative autonomy can be realised only by a sufficiently continuous, stable and professionally independent public service leadership in key positions of policy and program management. Such continuity builds grounded knowledge of what is at issue in a particular policy arena, thereby enabling creative, context-responsive policy and program management. Engagement in building this level of grounded knowledge requires public servants who are experienced in integrating expert-based scientific knowledge with judgment of political, social and economic realities. Such work is ethically complex, intellectually demanding, and it requires ongoing and active knowledge exchange between public servants, independent academic researchers, and stakeholder publics. If this is the kind of public service that we value, it has to be protected from capricious and electorally-driven political interference.

It is a commonly held belief that this approach to the work of government is no longer possible because of how the 24-hour media cycle invites politicians to practice a short-term populist type of decisionism ('policy by announcement'). Unfortunately, this view becomes a self-fulfilling prophecy. It overlooks the damage to our capacity to understand the distinctive demands and complexity of professional public service that the adoption of a generic business model approach to the work of government has brought about. The complexity of contemporary policy challenges has provoked a desire to adopt steering mechanisms that can adapt to any context, a desire that has privileged the disciplines of management, psychology and economics. These disciplines have their virtues, they also have their limits, as are exposed when context-indifferent techniques of government are permitted to prevail over context-responsive policy and program management expertise.

Government has lost a 'hands-on' feel for what works in specific contexts where it is willing to use thought, judgment and discretion to fit policy principles to specifics. Think about 'the Northern Territory Intervention' – how anyone can imagine that an authoritarian-paternalistic imposition of the worst kind of colonial tutelage will actually do anything other than compound the tragedy of spiritual breakdown and alcohol-fuelled violence in many Aboriginal communities and complete the historical process of dispossession is hard to credit! Think about the monistic approach to the public management of systemic environmental problems that relies only on short-term market-based incentives. In both cases the potentially heroic, visionary, generous, civic qualities of public service (understood in the wide sense) are short-circuited. More to the point, substantive knowledge and skill associated with adaptive response to particular problems are sidelined. Truth-telling of the kind that follows from inviting everyone who should be around the table to come around it and engage in a sustained process of working on collective solutions to difficult challenges does not occur, and our politicians appear increasingly vacuous followers of simplistic populist

mantra. It is not surprising to hear stories of how Commonwealth public servants in such difficult policy areas are trained up in a highly defensive and paranoid relationship to the citizens most affected by or interested in these areas. Nor is it surprising to find how reliant the public services have become on a specific type of contracting-out where commercial-in-confidence agreements between principal (government agency) and agent (the contractor) take the area in question outside the ethos of open, dialogical public service, understood in the wide sense. Media exposure of breakdowns of good government and public outcry cannot substitute for this ethos, one that relies on the conservation of a professionally independent public service held to strict and open ethical standards.

It is a tragedy that a once-proud and effective mode of government of the kind I observed in the 1980s in Australia (and not just at the federal level) has declined, and in this process, limited the potential of both politicians and public servants for genuine and great public service. Yet I am curious because we *do not lack for capacity*; it is the harnessing of it that is at issue. There are extraordinary instances of intelligent and creative public service (understood in the wide sense) available to help us rethink the work of government, including how government interacts with experts, non-government organisations, industry and citizens. Think in this connection of the recent re-building of effective community capacity in Aurukun, a remote Aboriginal community in Cape York, a welfare reform program that owes much to the 'public service' of Noel Pearson and his Cape York Institute (ABC *Four Corners* 2011). If we are to rebuild our capacity for good government, I believe we have to rediscover the ethos and ethics of what it means to serve public ends in this time of complexity.

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Transcript <http://www.abc.net.au/4corners/content/2011/s3205722.htm>

How Deliberative Democracy can Strengthen the Capacity of Government

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I want to take up some of the points made by Janine O'Flynn about the need for 'outward looking' policy-making and Anna Yeatman about 'truth-telling' and the value of getting everyone 'around the table' to participate in decision-making. Both are gesturing toward some of the most serious current challenges in policy formulation and evaluation.

However, at the outset let me state that the political sphere is not particularly representative and not particularly deliberative. These two inadequacies make it difficult to address intractable problems such as climate change, water management or asylum seeking. Elected representatives have one eye on the next election and the short election cycle leads to an attitude described as expedient short-termism. This limitation, in turn, hinders the work of bureaucrats trying to support their ministers. In short, the dual deficiencies of non-representativeness and non-deliberativeness also degrade the professional capacity of the APS.

Parliaments by their nature are adversarial and combative. Decisions are made after attracting sufficient numbers to a viewpoint. The APS enforces the decisions won through a show of hands by politicians interested in their own survival. However, with many policy issues enormous complexity prevails and, I would argue, we need reasoned deliberation to unravel this complexity. Deliberation in policy-making is needed not voting. This happens from time to time in parliamentary committees and through conscience votes but is not the norm. Conflict is said to be the key to politics, particularly the extent to which the audience becomes involved. 'If a fight starts, watch the crowd, because the crowd plays the decisive role' said Schattschneider (1975:3). With every

intractable problem there is conflict and there is a disgruntled crowd.

As we drift further toward 'audience democracy' (Manin 1997) the aggrieved crowd interests me most – not those in the jousting of parliament or the yelling matches of public meetings, but the crowd that is making a stronger claim on the decision making space assuming respectful deliberation can be guaranteed. Typically the voices that are heard in public meetings or through formal hearings are the incensed and the articulate. However, the people from whom we rarely hear can be encouraged into an environment that is conducive to discussion. What is heard then is not public opinion (which can always be extracted through surveys and focus groups) but public judgment (which arises during deliberative methods such as citizens' juries, consensus conferences, deliberative forums). This is the space where *informed choice* can be discerned.

Those politicians and bureaucrats who have listened carefully after a process of public deliberation have heard a great deal that is useful for their decision making. The example of Alannah MacTiernan springs to mind, who was Western Australia's Minister for Planning and Infrastructure during Geoff Gallop's premiership (2001–2006). MacTiernan probably convened more 'mini-publics' than any government minister in the world. She understood the importance of gathering together a microcosm of a population either through random selection or other ways designed to attract the missing voices into the room. She knew the difference between opinion gathering and deliberation. Two scholars have nicely captured what such deliberation brings to decision-making. In Gastil and Black's words 'when people deliberate, they carefully examine a problem and arrive at a well reasoned solution after a period of inclusive, respectful consideration of diverse points of view' (2008). Importantly, MacTiernan promised to act on citizens' recommendations because she trusted their collective intelligence and sound judgment, and she delivered on that promise.

Deliberative democracy is growing worldwide and there are now many impressive examples of deliberative microcosms, some

with genuine influence on elected or appointed decision makers (see www.actedemocracy.net). British Columbia (Canada) is thought to be an example of best practice with its citizens' assembly on electoral reform (these and other examples are infinitely Google-able). Tuscany has a law that prescribes public deliberation when contentious projects involve environmental threats. The Danish Board of Technology led the way decades ago with its consensus conferences on matters that involved new technologies and citizens' recommendations were fed through to the Danish Parliament.

Australians have not been idle. Case studies abound. For instance, there has been the Australian Citizens' Parliament (convened in 2009 by the Newdemocracy Foundation and supported by the Australian Research Council); dozens of citizens' juries (for example, those convened by Gavin Mooney on matters relating to public health or those convened by the CSIRO on energy); the consensus conference on GMO in the food chain in 1999; many local and state examples concerned with climate change (for example the 2009 Community Climate Summit in NSW involving local and state governments and many randomly-selected citizens).

We don't lack evidence for the effectiveness of citizens' input. Rather, we lack the

political will. As intractable problems preoccupy us more and more, we need to look for ways of involving citizens in decisions that affect them. They have a right to be involved and indeed must be involved to create the 'collective will' that will be needed to avert climate catastrophe (Gore 2009). Once they are involved, citizens become tremendously interested in addressing policy challenges, thoughtfully and consensually. The APS would do well to welcome the crowd. Our shared future may depend on it.

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