

# **From ‘opening up’ to democratic renewal: Deepening public engagement in legislative committees**

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Parliaments around the world are experimenting with new forms of public communication and engagement. We can witness, for example, legislatures taking an active approach to communicating with the public through websites, Blogs, YouTube and social media platforms, such as Twitter and Facebook (e.g. Hansard Society 2013; Coleman 2004; Leston-Banderia and Bender 2013). Some parliaments have experimented with novel participatory mechanisms, for example e-Petitions (e.g. Carman 2014; Lindner and Riehm 2011) and innovative consultative forums to engage with ‘hard to reach’ publics (Fox 2011; Hansard Society 2011; McLaverty and MacLeod 2012).

The push for parliaments to engage with the public is consistent with a broader participatory trend in contemporary governance (Fung and Wright 2003; Newman 2005). Increasingly decision-makers, public agencies, Non-Government Organisations (NGOs), and corporations are seeking novel ways to engage with their constituents in response to perceived failings in legitimacy (Bingham et al. 2005) and observed decline in trust in the institutions of representative politics (Tormey 2015). In the particular context of legislatures, the drive to ‘connect’ with the public is an attempt to make parliaments more relevant and accessible to citizens at a time when there is low public trust in politics (Leston-Bandeira 2014). Practical efforts to engage the public in parliaments vary considerably across institutions: some engage in consultative tinkering (e.g. Arnold 2012; Arter 2012; Escher and Riehm 2016; Russo and Verzichelli 2012), while others such as parliaments in the UK have invested considerably in participatory activities (Flinders et al 2015; Leston-Banderia and Bender 2013). Overall comparative research finds that most participatory practices in parliaments have been focused on informing the public about the existing functions and activities of legislatures rather than strengthening ties between citizens and elected representatives (Leston-Bandeira 2012).

In this article, we contend that the ‘opening up’ of parliaments to the public presents enormous opportunities for democratic renewal. It is well recognized that engaging the public in legislatures can boost the awareness of the institution’s roles and functions (Walker 2012), as well as build public trust and legitimacy in the political process (Hardin 2013; Leston-Bandeira 2014). Increased public input can also diversify the knowledge available to elected officials as they analyse public problems (Flinders et al 2015). Involving the public in legislatures can also expand how representative democracy is enacted, for example, by enabling the expression of more symbolic forms of representation (Leston-Bandeira 2016a).

Building on these arguments we draw attention to an overlooked role of public engagement in legislatures: to support the exercise of its deliberative functions. We focus particularly on the potential of public engagement within parliamentary committees for these represent important deliberative spaces where policy problems are identified and framed, and where public input is vital. We argue that inclusive and deliberative forms of public engagement can strengthen the epistemic, representative, and deliberative capacities of parliamentary committees.

This article contributes to debates on the practice and theory of participatory governance, particularly the challenge of connecting public input to decision makers (Goodin 2012; Nabatchi et al 2012). We make a novel contribution to this field by focusing on the potential for participatory innovation within a traditional institution of representative democracy – legislative committees. Our arguments also speak to ongoing debates in the fields of legislative studies and deliberative democracy respectively. We expand existing debates on public engagement in legislative studies by drawing attention to the substantive and democratic contributions that citizens can and do make to committee deliberations. Our

arguments also shed light on the participatory potential of legislative committees – an institution to which deliberative democrats have paid only limited attention. This represents a significant oversight in deliberative democracy given the crucial role that legislative committees can play in reaching outwards: to seek, represent, and include public views in deliberations on collective issues. The conventional approach to public engagement in legislative committees typically involves inviting experts and affected groups to present ‘evidence’. Yet we argue that there are significant and untapped opportunities for legislative committees to expand who they engage in their deliberations, and how.

Our focus is principally on legislatures in established democracies, where questions of public engagement are layered onto mature committee systems and institutionalized internal practices. Although not developed as line of inquiry in the article, we hope that our arguments would find potential application in new and emerging democracies where legislative institutions are possibly more open to reform in the context of consolidating and deepening democratization processes.

We begin by discussing the role of legislative committees in public deliberation, particularly in representing and considering the views of affected publics, and in mediating policy knowledge. While most committees fall well short of these ideals in practice, we argue that deeper, more inclusive forms of public engagement in committees would improve their representative, deliberative, epistemic and scrutiny capacities. Next, we consider various strategies for deepening and broadening public engagement in committees drawing on examples of innovative practices. To conclude, we consider the implications of these participatory trends for parliaments and contemporary democratic practice more broadly.

## **PARLIAMENTARY COMMITTEES AND THEIR ROLE IN PUBLIC DELIBERATION**

Committees play a number of well-known roles in modern legislatures. As smaller groups than the parent assembly they get to undertake much of the “creative, cooperative work” of legislatures (Goodin 2005, 188). They draft and redraft proposals; undertake inquiries; debate emerging issues; review legislation; and scrutinize the executive (Halligan 2008). The exact remit of any given legislative committee depends on whether it is a permanent (standing) committee with ongoing responsibilities or an ad-hoc (non-standing) committee established to deal with a specific issue (Mattson and Strøm 1995).

In this article, we are particularly interested in the role of public participation in legislative committees as sites of public deliberation. Here, deliberation is understood broadly as mutual justification of positions and reflection of arguments about issues of common concern and their impact on affected publics (Dryzek 2010). In line with recent democratic thought, public deliberation is conceptualized here as a ‘deliberative system’ which entails not only deliberative forums for collective decision making, but also larger-scale discursive and contestatory activities found in everyday talk, conventional and new media, policy consultations and public protests (Mansbridge et al. 2012). In a well-functioning deliberative system, ideas and arguments flow from various public spaces to inform the more formal empowered (decision-making) spaces (Dryzek 2010).

From a deliberative systems perspective, legislative committees represent a site of formal elite deliberation. Theoretically, committees ought to display stronger deliberative virtues, such as listening and reflection, than the larger open plenary sessions (e.g. Bessette 1994; Steiner et al. 2004; Uhr 1998). This argument is often made for non-public committees; when the doors

are closed, legislators have more space to let go of party positions and constituency concerns, and be open and respectful to the arguments of fellow committee members (Chambers 2004). Emerging empirical research finds that deliberative qualities are likely to be higher in those committees where the party discipline is lifted, where the issue under consideration is less polarized and salient, and when the deliberations are non-public (Bächtiger 2014). Thus in jurisdictions with strong party discipline, for example in Germany, the deliberative quality of committee debates is limited because members have less capacity to step aside from, or even reconsider, party positions. In such circumstances, committees become just another arena of partisan competition, where the opposition questions government representatives in order to collect information on potential flaws of governmental policies (Bächtiger 2014). Similar partisan effects on committee deliberations have been documented in the UK; for example, where the House of Commons Environmental Audit Committee was unable to move beyond partisan blame games on politically salient issues (Russel et al. 2013).

Another, arguably less appreciated, role of legislative committees in public deliberation is to seek and represent views from the public (Evans 1993; Dermody et al. 2006). In practice, most committees provide opportunities for elected representatives to hear ‘evidence’ from experts and affected groups. This process might be open and allow any individual or group to provide written or oral evidence or it might be closed specifically to invite experts or representatives of relevant groups (Pedersen et al. 2015). Committees benefit epistemically and democratically from hearing the testimonies of external experts and groups: they bring knowledge and information on the topic; and their participation strengthens the legitimacy of the committee’s documents and recommendations (Pedersen et al. 2015). This is particularly common in committees inquiring into maladministration, cover-up and forms of institutional violence in a particular local context. Committees engage with the public in order to correct

the historical record, reveal collective silences and allow victims of injustice to have their distinctive voices heard (Dermody et al. 2006). Public input into committees is not just about maximizing the pool of epistemic arguments, but about ensuring that they can fulfill their role as “auditors of government and guardians of the public interest” (Evans 1993, 16). A recent report into UK Parliament’s Select Committees found that injecting new voices into committees assists the scrutiny function of committees and ultimately their impact in terms of policy processes within the Executive (White 2015).

In practice, however, these formal opportunities for public engagement tend to be dominated or overshadowed by the activities of well-resourced interest groups (e.g. Hall and Wayman 1990; Heitshusen 2000; Pedersen et al 2015). Procedures might be put in place to invite particular experts or groups to give a testimony to the committee, but this approach relies on members (or their advisors or the committee secretariat) being aware of what individuals or groups ought to be included. In practice, attempts to escape the problem of the ‘usual suspects’ are hampered in part by limited expertise amongst representatives on the specific topic under deliberation in the committee (and therefore are not well-placed to identify ‘missing voices’). The types of groups that engage in committee work also depend on the procedures for calling witness and variations in committee agendas. One comparative study found that while open procedures provide room for many voices, they tend to be dominated by the political professionals, whereas closed procedures potentially increase the diversity of actors but reduce the amount of evidence before the committee (Pedersen et al. 2015). This suggests that unless there are specific procedures in place for inviting or targeting particular individuals, experts or groups, then the evidence considered by committees is dominated by the views of the politically active and well-resourced actors.

The broader democratic implication here is that committees suffer from a participatory bias in that they engage less with everyday citizens, or more dispersed publics who have yet to form, crystallize or articulate their interests. The above-mentioned comparative study found the most accessible committees for individual citizens are those that have open agendas and those that do not require prior invitation (Pederson et al. 2015). There are, of course, instances where the topic under discussion is particularly controversial, for example in the creation of Counter Terrorism Laws in Australia, where many individual citizens were inspired to write submissions (Dalla-Pozza 2008 p. 56), or in the case of the Parliamentary Commission on Banking Standards in the UK (White 2015). These, though, are the exception rather than the norm (Burton 1999); even in the most participatory committee systems, such as in the Scottish parliament where there has been an explicit attempt to engage the broader public in its committees, consultation tends to be dominated by existing, organized interest groups (Bonney 2003; Davidson and Stark 2011; Halpin et al. 2012).

Of course, most legislatures have embraced 21<sup>st</sup> Century information technology and are actively communicating with the public through digital media (Coleman 2004; Griffith and Leston-Bandeira 2012; Missingham 2011). However, to date much of this online activity has come in the form of showcasing legislatures and related institutions. For example, comparative research finds that social media is largely being used to report on activities rather than foster interactive dialogue with the public (Leston-Bandeira and Bender 2013). Technology has also been used to modernize the capacity for citizens to put issues on the parliamentary agenda via petitions. In theory, petitions provide an opportunity for any citizen to bring an issue to the attention of parliamentarians and policy makers (Hough 2012), with e-petitions making this process even easier. In practice, petitions (both paper and e-petitions) tend to replicate many of the existing socio-demographic biases in political participation, and

thus they tend to attract public input from those already politically active (Carman 2006; 2014, Escher and Riehm 2016). Petitions also suffer from deliberative shortcomings (see Wright 2012). In effect they enable citizens to post issues onto the door of parliament but in most systems there is little scope for citizens to articulate their specific concerns and inform any subsequent parliamentary deliberations – a theme we return to below.

On the whole, most legislative committees tend to rely on traditional methods for seeking community input, such as using the mass media to inform the public of a particular inquiry and to invite written submissions. Some parliaments have changed the feel and look of public engagement, but the language of participation remains cloaked in formal legalistic terms, for example, by referring to participants as ‘witnesses’ and their input as ‘evidence’. A clear example of this can be found on the UK Parliament’s webpage on Select Committees; a click on *How do Select Committees Work?* takes you to a two-minute informative and professional YouTube clip in which they describe two processes of public input in committees: “written evidence” and “oral evidence sessions”.<sup>1</sup> There is notable absence of any concession that the process of public deliberation itself may be affected by public engagement.

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<sup>1</sup> <http://www.parliament.uk/about/podcasts/theworkofparliament/select-committees-in-the-house-of-commons/how-do-select-committees-work/> (viewed 2 September 2015)

## **WHY DEEPER, BROADER PUBLIC ENGAGEMENT IN PARLIAMENTARY COMMITTEES?**

Clearly, there is much room to improve the depth and breadth of participatory practices in parliamentary committees. To deepen participation means moving beyond one-way information flows, towards more deliberative conditions where communication is open, reflective and dialogical. To broaden participation requires reaching out to everyday publics and actively recruiting under-represented or marginalized voices. Public participation also needs to be meaningful; everyday citizens and affected publics not only have to be given an opportunity to voice their concerns, but ideally their voices are heard and have an impact. Widespread experience in other sectors (for example in the executive, and in the private and not-for-profit sectors) demonstrates, empirically, that when given the opportunity to participate meaningfully in political decision-making, citizens and marginalized groups rise to the occasion (e.g. Gastil & Levine 2005, Nabatchi et al. 2012). Their participation not only serves to enrich public debate, but it can potentially build public trust in the democratic process (MacKenzie and Warren 2012, Smith 2009).

From a normative perspective, there are some good reasons why parliamentary committees ought to foster deeper, broader public engagement in their work. When policy decisions incorporate the perspectives of those affected, they can capture a wider range of inputs, and in doing so they can secure public legitimacy (Dryzek 2010) and relatedly improve trust in the performance of public institutions (Newton and Norris 2000). Below we tease out these normative arguments in more detail, focusing particularly on how the inclusive engagement of affected publics can enhance the capacity of parliamentary committees to represent public views, to deliberate, to clarify and scrutinize information, and to influence the policy process.

### *Enhancing the representative capacity of committees*

The capacity of committees to function as sites of democratic representation could be enhanced through deeper forms of public engagement. At the heart of the standard model of representation in electoral democracy is a principal-agent relationship where elected representatives (agents) act on behalf of the interests and opinions of their constituents (principals) in their geographically defined electorates (Urbinati and Warren 2008). In practice, enacting effective principal-agent relationships is difficult due to numerous complexities, such as the nature of the electoral systems, information asymmetries, hidden actions by the executive as well as the fact that the preferences of elected representatives are also shaped by political parties, interest groups, the media, capital, and legislative debate (Urbinati and Warren 2008). Parliamentary committees complicate this model even further because elected officials have to juggle different constituencies when they are in committees or in subcommittees. On some issues representatives might deliberate on behalf of their own electoral constituents (territorially defined), while on other issues they might seek to deliberate on behalf of the interests of non-electoral constituencies (for example, party affiliates, rural or urban populations, the aged, women, or a minority group). Empirical research in the United States suggests that in legislative committees many elected representatives privilege their own specific interests (for example, career advancement) or the specific interests of their electorate (territorial constituencies) over concerns for the broader polity (Davidson 1974; Hall 1996).

If we take a broader view of democratic representation (e.g. Mansbridge 2003; Saward 2006; Urbinati and Warren 2008) then ideally committee members should suspend the specific interests of their own electorate and deliberate with the general interest in mind. The challenge in practice is how can committee members best represent and consider the interests

above and beyond their own electorate? Research suggests that some representatives who have a ‘shared fate’ with a broader constituency, for example, black legislators identifying with black populations, take on a kind of surrogate representation in committee work where they seek to represent black interests in their deliberations (Gamble 2007). However, for many political issues the interests of relevant publics are highly fractured or unknown, and thus difficult for committee members to access and thus represent.

### *Enhancing the deliberative capacity of committees*

Another important democratic function of parliamentary committees is that their procedures induce reflective consideration of issues in view of the common good (Evan 1993). But as pointed out above, the capacity of many committees to deliberate with the broader public interest in view can be compromised by the un-checked influence of interest group competition and party politics. Some committees actively mediate relationships between different experts and advocacy groups (Turnpenny et al. 2013), as well as the parliament and the executive, both in its political and permanent civil service forms (Russel et al. 2013). This mediation role can further compromise their capacity to take a broader public perspective on issues. We contend that the ‘deliberative capacity’ of committees would be enhanced through broader and deeper citizen involvement on agenda-setting outside the standard partisan politics of ‘blame games’ and media management. Such public scrutiny could help ensure that public concerns are at the forefront of committee deliberations, rather than the agendas of government, political parties, or powerful interest groups dominating committee perspectives.

Public engagement can also foster greater interactivity in committee deliberations, by connecting committee members to affected groups and individuals. Conventionally, when external experts or groups are invited as witnesses the process typically involves people

presenting testimonies consecutively with limited or no interaction or deliberation with committee members (elected representatives) (Pedersen et al. 2015). More interaction is afforded in the more informal activities that some parliamentary committees undertake, such as public meetings, site tours or community events. The challenge with both formal and informal public engagement is to push committee activity beyond passive forms of listening and noting public testimony to processes of genuine deliberation with, and between, affected publics. Ideally this requires designing interactive opportunities such that different groups and individuals are encouraged to discuss and reason amongst themselves as well as together with committee members. We revisit the theme of interaction below in section 4.

### ***Enhancing the epistemic and public scrutiny functions of committees***

We turn now to consider how public engagement might enhance the epistemic capacity of parliamentary committees, particularly in terms of what information and perspectives committees consider in their deliberations (and ultimately their reports) and how they mediate this knowledge. It is well-known that committees play an important role in collating relevant knowledge on contentious policy issues (Shaw 1998). Conventionally this knowledge is collected from experts and elites with professional backgrounds. Some committees supplement these expert opinions with other forms of knowledge, such as experiential and lay perspectives from affected groups and individuals (Dermody et al. 2006). In bringing these additional perspectives into view, committees fulfill an important epistemic function – broadening the parameters of an issue and injecting the voices and experiences of those not captured by conventional experts. This can mean that committees have to wrestle with different kinds of knowledge, many of which are ‘incommensurate’ with each other. But this extended knowledge is crucial for policy issues where uncertainties and complexities are high and where the deliberations of the committee might be thought of as a kind of ‘extended peer

review' (Ravetz 1999).

As an empirical claim, we suggest increased public engagement in committees would bring greater public oversight to the 'knowledge brokerage' function that committees perform as they differentiate between what information is relevant to the policy issue and what is not. In determining what material and perspectives are relevant to the debate (and how it is reported to government in its findings), committees broker, as well as advocate, particular kinds of knowledge. Empirical research finds that there is typically no formal process for how committees determine the boundaries between what is considered 'valid or credible' evidence and that which is deemed 'non-sensible' (Turnpenny et al. 2013). In other words interpreting what is 'relevant' knowledge is the discretion of the Chair, with inputs from the Committee secretariat and special advisors. Engaging the public more actively into parliamentary committees might make this 'boundary work' between the worlds of policy and evidence (Owens et al. 2006) more transparent and open to public scrutiny. This would in turn benefit the broader public scrutiny role that committees play in monitoring the policy performance of the executive.

### ***Enhancing the policy capacity of committees***

Public engagement in committees also offers the prospect to enhance and extend the broader contribution that committees make to policy process. Halligan (2008) sets out how these contributions can be mapped onto the four main stages of the policy cycle; strategic investigation for agenda-setting, appraisal of legislative options for policy reform, backward-looking inquiries into both policy implementation as well as reviews of the evidence of impacts and outcomes of policy interventions. In Westminster systems, both White (2015)

and Halligan (2008) find an executive-centric bias in committee work, where backward-looking policy functions command much greater committee time and resources compared to the forward-looking ones. While White (2015) finds some evidence of time and resources dedicated to exploratory, forward-looking policy work in UK select committees in the 2010-2015 Parliament, there was no obvious associated impact on government. In policy process terms, more prospective policy analysis would open an opportunity for important public agendas to be put forward, and novel policy options developed and appraised, outside of the confines of the political and administrative executives.

While White (2015) presents an empirical claim that committees should be geared more for such impacts on policy-making, there are democratic dangers to be acknowledged. As Flinders et al (2015) foreshadow, deeper public engagement holds the promise of cultural change in conventional politics of the insider-dominated 'Westminster village'. This contribution is risky though if the search for impact involves committees feeding a media preference for 'gotcha' moments or high-profile controversial testimony at the expense of democratic renewal associated with genuine public engagement. However, this need not be the case and it should be possible to enhance policy impact without utilizing these methods.

Legislative committees also play important roles in retrospective policy evaluation and inquiries – particularly in the aftermath of policy fiascos, or high-profile maladministration. In a Westminster system context, although parliamentary committees can struggle with institutional memory and consistent leadership (White 2015), they still enjoy certain advantages over Royal Commissions and other quasi-judicial inquiries in this role due to their independence from the executive and greater scope and flexibility of inquiry. Importantly, standing parliamentary committees offer continuity, rather than being ad-hoc one-off affairs,

facilitating a more comprehensive and coordinated set of engagements with the public over sustained periods of time. To the extent such interactions create conditions for trust-building, so they may offer avenues for accountability functions to be exercised for policy learning rather than blame allocation (Grube 2014).

## **REALISING DEEPER, BROADER PUBLIC ENGAGEMENT IN COMMITTEES**

We turn now to consider some institutional as well as some extra-institutional ways to connect publics more meaningfully with legislative committees.

### ***Innovating in existing procedures for public hearings***

There is considerable scope to rethink the conventions and practices of public hearings in committees, particularly in terms of how groups and individuals are selected and what their participation entails. More inclusive selection procedures could be used to expand participation beyond experts, so that a wider range of potentially affected or concerned publics could be involved. A minimal approach would be to adopt “...more demand-driven procedures of invitations [to give evidence before a committee],” as Pedersen et al. suggest (2015, 18). Alternatively, committees (and their secretariats) could actively recruit marginalized or absent perspectives using different selection procedures, such as targeted campaigns, or random selection within specific populations. More consideration should also be given to how public hearings could extend participation beyond those who have engaged in consultative activities with the executive.

Regardless of the recruitment strategy, there is always the challenge of identifying the ‘forgotten’ or ‘hidden’ voices for any given policy issue. Here online platforms, discussion

boards and surveys could be used more extensively to try and capture a broader set of community concerns. Social media also offers opportunities for committees to conduct opinion polls and advertise inquiries, especially when reaching out to difficult to access publics. For example, Facebook played an important role in accessing youth views in the New South Wales Parliament's Legislative Council General Purpose Standing Committee's inquiry into bullying of children and young people (Duffy and Foley 2011).

The communicative practices within committees could also be improved by offering more opportunities for committee members to interact with multiple publics. Some contemporary committees supplement their formal public hearing processes with informal activities that enable more interaction. For example, in 2014 the Australian Senate Committee on Community Affairs undertook an inquiry into grandparents who take primary responsibility for raising their grandchildren. To engage with relevant grandparents and children the Committee held a number of informal roundtable discussions around the nation which were intentionally informal and thus, more conducive to discussing private family matters.<sup>2</sup> There are also emerging examples of innovative ways to promote informal interactions between committee members and members of the public. For example, a kind of 'speed dating' process was used by the UK Parliament's Communities and Local Government Committee where MPs rotated around tables in a public forum.<sup>3</sup>

More ambitiously committees could conduct public hearings under more dialogical conditions, promoting what Flinders et al. (2015) labels 'two way learning'; for example, where 'witnesses' could also ask questions of committee members (rather than only the

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<sup>2</sup> From [http://www.aph.gov.au/Parliamentary\\_Business/Committees/Senate/Community\\_Affairs/Grandparent\\_Carers/Report](http://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Community_Affairs/Grandparent_Carers/Report) (viewed 28 November 2016)

<sup>3</sup> From <http://www.publications.parliament.uk/pa/cm201415/cmselect/cmcomloc/821/821.pdf> (viewed 21 September 2015)

reverse). This would require committees shifting from playing a role as ‘mediator of competing interests’ to ‘facilitator of public deliberation’. Encouraging the public to deliberate directly with committee members carries with it some significant challenges, particularly with respect to ensuring the deliberations are equal and fair. Here there are some useful empirical insights to be gained from the 2012 Irish Constitutional Convention where citizens deliberated directly with members of parliament. In this year long consultative process, 66 randomly selected citizens deliberated on eight constitutional matters together with 33 politicians from various parties in Ireland and Northern Ireland.<sup>4</sup> The mix of elite and citizen participants drew considerable criticism from commentators who argued that elected representatives would dominate the Convention deliberations (e.g. McGreevy 2012). In the end observers claim that this bias did not eventuate, as Honohan (2014) explains: “While some politicians proved eager to get in their sound bite, they did not appear to dominate the small-group discussions and the decision making process in general.” An important lesson from this case in terms of mixing of citizen- and politician-deliberators is to make use of facilitators to ensure fair and equal speaking time amongst all participants (Farrell 2014).

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<sup>4</sup> See [www.constitution.ie](http://www.constitution.ie)

### ***Providing new spaces for public engagement***

Beyond public hearings, there are a variety of innovative ways for committees to bring publics more actively into their work. This proposal involves expanding the sites, modes and opportunities for public engagement in order to reach new publics. For example, some parliamentary committees in the UK and Scotland have held community forums, stakeholder roundtables and citizens' forums (e.g. Davidson and Stark 2011; Bonney 2003). Committees working on youth issues have been making effective use of social media, as well as conducting schools forums, and youth juries. For example, the Rural and Regional Committee of the Victorian State Parliament (in Australia) actively sought to include young people in its 2012 inquiry on the Capacity of the Farming Sector to Attract and Retain Young Farmers and Respond to an Ageing Workforce. To reach out to the youth the Committee prepared an online survey of young people's views and hosted a Youth Forum, which over 60 young people attended from across the state. When adding new participatory processes onto standard consultation practices, it is essential that they are integrated into the committee's deliberations, otherwise they risk being ignored or forgotten.

### ***Coupling citizens' deliberation with parliamentary committees***

A more ambitious strategy for boosting the capacity of citizens to scrutinize the inputs and outputs of committees would involve formally integrating citizens' forums (or mini-publics) into committee deliberations. Citizens' forums are structured participatory processes in which a group of randomly selected citizens are informed about a policy issue, which they then deliberate on at length and develop policy recommendations (Elstub 2014). Such forums have been predominantly used in executive branch of government (Nabatchi et al 2012), but they have also been convened by civil society groups to assist them better understand the needs and preferences of their constituents (Hendriks 2011). Our specific proposal here is to

institutionally couple a citizens' forum to a parliamentary committee such that the citizens' deliberations and recommendations feed into the committee process (Hendriks 2016). This strategy would enable committees to hear from not only the voices of affected publics but also from a group of randomly selected citizens who have spent time being informed, thinking critically about the relevant issues, and deliberating.

There has been some experimentation with aspects of this strategy. For example, in 2012, the Public Accounts Committee of the New South Wales Parliament in Australia integrated two citizens' juries into an inquiry into electricity reform. In this process, the citizens deliberated separately from the Committee and then presented their recommendations for the committee to consider. An analysis of this case found that such institutional coupling expanded the legislative committee's understanding of the public, and the public consequences of their policy decisions (Hendriks 2016). While a number of the citizens' recommendations were integrated into the Committee's final report (see PAC 2012), some of the more controversial recommendations were misinterpreted, watered down or rejected (Hendriks 2016). This case suggests that to boost the public scrutiny and accountability capacity of citizens' forums, they need to be coupled in at least two places within the committee process: before the committee deliberates and after it tables its reports to parliament.

### ***Taking committees to where publics meet***

Thus far the strategies discussed represent formal participatory opportunities where the public is 'invited' into the committee. But committees can actively seek out existing meeting spaces where affected communities might gather, and (if welcome) engage with different publics in their spaces on their communicative terms. This strategy is useful for issues where the affected publics are not politically organized (e.g. they might lack an identifiable or collective

spokesperson), or where the issue is highly sensitive or personal. By going to where different publics congregate, this strategy seeks to overcome some of the participatory barriers facing public hearings and submission processes which rely on individuals having the time, resources, willingness and capacity to participate in formal (and often very public) committee procedures. This approach has been taken by some committees inquiring into issues that affect fractured communities that face collective action problems (Dermody et al. 2006; see QLD Committee System Review Committee, 2010). One recent example includes the NSW Parliament's 2012 Inquiry into *Domestic Violence Trends and Issues in NSW* which was undertaken by the Standing Committee On Social Issues. As part of this Inquiry, the Committee conducted extensive outreach to victims, including MPs visiting three courts (including one in a regional area), where they also held briefings with a range of police, legal, health and community sector stakeholders. The Committee also conducted an innovative roundtable discussion with 19 key inquiry stakeholders to gather feedback on possible recommendations for the inquiry (NSW SCSi 2102).

### ***Seeking and connecting to informal publics***

It is important to acknowledge that public input need not always come via a structured (invited) participatory process. Indeed providing a participatory mechanism does not necessarily mean that citizens will want to engage in the legislative process (Fox 2009). From a deliberative systems perspective, there are also many informal ways that affected and interested publics might create informal 'insisted spaces' to contest an issue, for example, via media outlets, street protests, social media campaigns, or consumer boycotts.<sup>5</sup> The challenge for committees is to be receptive to these more informal communicative activities that are taking place outside the legislature. At minimum, this requires that secretariats inform

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<sup>5</sup> The terms 'invited' and 'insisted' spaces is borrowed from Carson (2008).

committee members of relevant online and offline public activities (much in the same way they might do for formal media coverage). This strategy requires that secretariats have a good working knowledge of the policy networks and activist communities associated with issues at the heart of their Committee's deliberations.

A more pro-active approach would involve reaching out to more informal communicative spaces and establishing a dialogue between concerned citizens and groups and relevant committees. For those issues that lack a formal collective voice, a participatory petitions system (such as that in the Scottish Parliament) could be used to ensure that issues from affected publics and groups are on the table for the parliament to consider. It is also possible to imagine individual committees having their own mini-petitions procedures whereby concerned citizens are invited to submit issues or ideas for a particular committee to examine. At minimum, petitions processes need to capture not only the topics for deliberation, but also the specific issues of concerns to citizens and groups. Moreover, to fully realize the democratic potential of petitions, they need to be accompanied by additional participatory mechanisms to bring concerned citizens into the political process, for example, as occurs in the devolved parliaments of the UK (Bochel 2012, 2013; Carman 2014), and since 2015 in the House of Commons (Bochel 2012, 2013; Leston-Bandieria 2016b).

We turn now to consider some of the broader issues affecting the capacity of committees to engage with affected publics.

## **BROADER CONSIDERATIONS AND CHALLENGES**

The opportunities for, and impact of, public engagement clearly varies in different kinds of committees and legislative systems. Some committees can be very weak institutions and

advisory at best, and the fate of their advice can be in the hands of the legislature, and in some cases executive agencies. Non-standing (or issue-based) committees are likely to be the most receptive to deeper forms of public engagement because they typically deliberate on highly salient issues where there is strong public demand for input. More specifically, committees undertaking special investigations or inquiries, or those examining or evaluating policy options, are also likely to be more receptive to innovative forms of public input. Indeed, they may well open up the prospect of engaging cross-border publics in policy sectors subject to open economy politics. It is also conceivable that public engagement could play an important role in legislative committees that provide executive oversight, for example as a means to demonstrate public accountability. Then there are systematic issues affecting most legislative activities, such as the frenetic working culture of elected officials, which will influence the level of attention that public input might receive.

Given the variety of committee types, as well as different kinds of issues under deliberation, public engagement cannot be approached as a 'one size fits all'. Instead committees need to adopt a flexible and multifaceted approach to bringing the public into their deliberations; some issues will demand more creative and innovative participatory approaches than others (Flinders et al. 2015). Ideally decisions about which publics to include in the committee, and how, should be guided by a comprehensive engagement strategy, such as those common in government departments, local government and some businesses (Clark and Wilford 2012). An engagement strategy would ensure that all committees adopt the same underlying principles of good public engagement (for example, making it accessible, inclusive, interactive, deliberative and meaningful), even though they might employ a different mix of mechanisms. Research finds that where engagement strategies have been developed, for example in the EU Parliament (Leston-Bandaria 2014), public participation is viewed as a

central issue for the entire institution, rather than as a supplementary activity that some units or committees undertake. A cross-institutional approach to public engagement also serves to share participatory skills and resources across the legislature, as well as foster broader cultural change within the organization – a theme we return to below.

One democratic danger here, of course, is not to reduce public engagement to a managerial activity relegated to the parliament’s administrative arm. Engagement needs to be much more than the institution justifying its existence by presenting a window to the public, allowing citizens to peer in as spectators whilst its practices remain steadfastly unchanged; the public needs to be brought into the core political and policy activities of the legislature. Committees and their secretariats are well-placed to promote and co-ordinate forms of citizen engagement aimed at contributing to the deliberative functions of the legislature. The House of Commons has made some steps in this direction, for example, by tasking its Liaison Committee to champion public engagement through the House. Among other things, it has a specific mandate to:<sup>6</sup> “Assist the House of Commons in better engaging with the public by ensuring that the work of the committee is accessible to the public”.<sup>7</sup> Since taking up this participatory leadership role, the Liaison Committee has commissioned a research report into public engagement in select committees, which recommended that a more “vibrant and systematic approach to public engagement” be adopted (Flinders et al. 2015, 5).

Changing the way committees engage with the public places new demands on existing structures and staff as they try to accommodate (or resist) innovative participatory practices in

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<sup>6</sup> Ibid.

<sup>7</sup> Since January 2013, the UK Commons Liaison Committee has overall remit: “To hold Ministers and Departments to account for their policy and decision-making and to support the House in its control of the supply of public money and scrutiny of legislation”. From the UK Parliament Website. ‘Liaison Committee’ <http://www.parliament.uk/business/committees/committees-a-z/commons-select/liaison-committee/core-tasks/> (Viewed 2 September 2015)

an organization where tradition, convention and elitism abound. Different approaches to connecting with the public need to be resourced, and skills need to be developed. Existing procedures and conventions may also need to be revised. For example, online consultations have challenged a number of conventions associated with standard procedures of witnesses, such as parliamentary privilege and the processes for protecting vulnerable participants (Duffy and Foley 2011; Dermody et al 2006).

More fundamentally, engaging the public in parliamentary committees requires significant cultural shifts in how political elites understand their role in representative democracy. Deepening public engagement in committees requires that legislators be willing to step beyond their conventional roles (for example, as a constituency representative and party representative/career politician) and consider issues as a ‘public-minded committee member’. Committees also need to undergo a cultural change in the way they understand different ‘publics’, and how to elicit their input. Empirical research into committees experimenting with innovative participatory practices finds that resources are underestimated, as are the challenges of reframing existing participatory narratives (e.g. Flinders et al. 2015). Without attending to these deeper cultural issues, public engagement in committees risks doing more harm to democratic renewal than good. For example, committees might misuse public input for personal political gains (such as grandstanding) and leave the public frustrated and potentially manipulated.

To reduce the vulnerability of public engagement to this kind of political manipulation, participatory activities need to somehow ‘speak to’ members of the committee. By this we mean that elected officials need to understand the rationale for the public engagement program and its role in, and contribution to, their committee work. Empirical research finds

that many elected officials especially those in leadership positions place a high value on public input in their work (Lees-Marshment 2015). Often their support for participatory innovations is motivated by pragmatic, political and even collegial reasons, rather than democratic ones (Faggoto & Fung 2009, 34-5).

Another important consideration in opening up committee deliberations to greater public engagement is ensuring that any participatory process is meaningful and consequential for the citizens and groups involved. In the context of executive government, there have been examples where commissioning authorities make guarantees of influence in advance of participatory processes. For example, in a number of citizens' engagement processes the former Western Australian Minister for Planning and Infrastructure, Hon. Alannah MacTiernan communicated to citizens in advance of their deliberations the extent to which their outcomes would be influential, in one instance promising to take their proposal to Cabinet for their decision (Hartz-Karp 2007, p. 7-8). However, making such guarantees of influence in the context of committees is difficult given the various other forms of advice committees have to consider and procedurally problematic in that it would predetermine the outcomes of their elite deliberations. Rather than guarantee that citizen input will have direct influence, what committees can do is promise that they will actively listen and consider all forms of public input.

## **CONCLUSION**

At the heart of democratic renewal is the task of engaging citizens in policy deliberations on issues they care about. This becomes even more important as public interest and trust in electoral politics declines. As party politics and elections become less reliable in revealing public preferences on policy issues, the focus of democratic renewal needs to look at potential

innovations to the form and function of representative institutions operating between elections. There now exists a plethora of mechanisms designed for this purpose, as well as some serious participatory experimentation being undertaken by executive agencies, local governments and some NGOs (e.g. Nabatchi et al. 2012; Gastil and Levine 2005). Yet the legislative context, committees represents an important yet undervalued site of participatory innovation, particularly their capacity to promote inclusive public deliberation.

In this article, we have presented a case for why public engagement ought to play a more central in the deliberative work of parliaments, especially in committees. Drawing on novel insights from deliberative democracy, we have argued that deeper, more inclusive forms of public engagement in committees would enhance their capacity to represent public views and to deliberate. Greater public input would broaden the epistemic dimensions of policy debates and improve the public scrutiny of committee work and their reports. In particular, this input could benefit the incorporation of ‘evidence’ into the policy process. Public engagement in committees is related to some of the well-known challenges and limitations for ‘evidence-based’ policy. Influential work in critical policy analysis has persuasively argued that much of policy analysis involves the interplay between facts, norms and desired actions, where ‘evidence’ is diverse and contestable (Fischer 1998; Hoppe 1999). This is a particularly salient feature of policy domains that involve ‘network’ approaches, partnering and require community engagement beyond the elite politics of peak body interest groups. Here the public engagement activities of legislative committees can serve to produce and include a diversity of stakeholder ‘evidence’. These are forms of information, interpretation and priorities that are often beyond the reach of executive-driven, passive and narrow stakeholder consultation exercises.

A number of strategies for promoting more inclusive public engagement in legislative committees have been proposed ranging from amending the selection procedures and communicative conditions of public hearings, taking committee deliberations to where publics meet, through to more radical proposals to integrate citizens' forums into committee deliberations. Beyond institutional design, successful integration of the public into parliamentary committees will involve deep cultural change, particularly on the part of elected representatives. Not only do parliamentarians have to be willing to listen to a broader range of public voices, but they have to accept that public input can come in multiple forms, including informal and contestatory modes. The operation of parliamentary committees is ultimately a function of the preferences and commitments of parliamentarians. At a time when the policy structures of the major parties are under great strain and the concept of an electoral mandate increasingly contested, the role of individual MPs in the democratic renewal of legislative institutions has arguably never been more important.

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