

A large graphic of interlocking puzzle pieces, each with a stylized person silhouette, is positioned behind the title text. The pieces are arranged in a grid-like pattern, with some pieces missing or slightly offset, creating a sense of a work in progress or a complex structure.

THE FLOURISHING SOCIETY

**Changing the Political,
Institutional and Legal
Framework for a New Civic
Republic**

– Slí Eile

Changing the Political, Institutional and Legal Framework for a New Civic Republic

"And it ought to be remembered that there is nothing more difficult to take in hand, more perilous to conduct, or more uncertain in its success, than to take the lead in the introduction of a new order of things. Because the innovator has for enemies all those who have done well under the old conditions, and lukewarm defenders in those who may do well under the new. This coolness arises partly from fear of the opponents, who have the laws on their side, and partly from the incredulity of men, who do not readily believe in new things until they have had a long experience of them. Thus it happens that whenever those who are hostile have the opportunity to attack they do it like partisans, whilst the others defend lukewarmly, in such wise that the prince is endangered along with them."

From *The Prince* by Nicolo Machiavelli (Chapter VI: Concerning New Principalities which are Acquired by One's Own Arms and Ability)

Introduction

The key argument of this essay is that our inherited political, institutional and legal framework is no longer 'fit for purpose' (if it ever was) to permit Irish Society to re-create itself on the basis of full social, economic and cultural equality.

For a society to flourish we need a new political framework. Radical change needs to happen within a short period of time. Five years is suggested as a realistic maximum time period in which the process of transformation *needs to begin*. Such a change must involve the beginnings of a fundamental shift and change of:

- A. heart and mindset among those who govern and are governed
- B. ethos in communities, organisations and political institutions
- C. structures, rules and form of all political institutions.

This essay only deals with C, above. However, we need to be conscious that for comprehensive and meaningful change to take place at C we also need to see change at levels A and B. This is fundamental to any project of fundamental social transformation and explains why various projects to reform society, economy and politics in the 20th Century failed so abysmally. In referring – by short-hand – to 'Ireland' and 'Irish society' throughout this paper, we are dealing specifically with the Republic. However, many of the principles and issues are similar on both sides of the border. A more comprehensive analysis of the need for political change in both parts of this island would necessitate a much longer paper.

The essay is divided into five sections, beginning with a short assessment of the main features of Irish society and politics in the first decade of this century. There follows a discussion of the political and institutional culture and framework that we have inherited (section 2). Section 3 proposes a number of high-level principles based on a civic republican perspective and consonant with the First Democratic Programme of Dáil Éireann in 1919. The implications of these principles are teased out in Section 4 under the headings of (i) constitutional change, (ii) reform of the Oireachtas, (iii) a renewal of local democracy and (iv) the role of civil society in governance. Section 5 proposes a number of steps to begin a dialogue and programme of action to bring about change.

Although the focus of this essay is on reforming institutions and civic life south of the border many of the general principles have application in the North even if the context is very different. There is much to be learned and gained from linking debates on political reform on a 'North-South' level as well as 'East-West' level given the interweaving of politics in these islands.

1. Irish Society and Politics at the Beginning of the 21st Century

The crisis in global capitalism has had a profound impact on society and politics in Ireland. Possibly the first and major casualty of the 2008-09 Great Recession is trust – trust among different social groups and trust in various institutions and authorities. That the bond of trust and allegiance to various institutions has been broken, and broken very suddenly, should not come as a surprise. Relative social peace, consensus and drift characterised the boom years when it seemed that there was something for everyone or almost everyone in the political audience. The politics of clientalism, short-termism and mutual protection seemed to work well enough and was perceived by the majority to have been better than any alternative. 'Pragmatism' ruled the day and the institutions of government, the law and political culture were not seriously challenged. There was much talk of transformation and reform, but the extent of any real measurable change was minimal. Witness, for example, the proposal to reform the upper house of the Oireachtas supported by a constitutional referendum in 1979 and the lack of any movement to reform.

When the political-economic-social crisis broke in 2008 some voices were raised in support of abolishing the Seanad – both on grounds of cost and because it was seen as 'not doing its job' as if there had been no historical context reaching back to a debate on reforming, not abolishing, the upper house. This view has found expression in the intention of the Fine Gael/Labour Party Government to propose its abolition through a constitutional referendum.

All through the Great Boom which lasted from the early 1990s to 2007, inequality, discrimination and lack of community empowerment characterised the context in which institutions operated. There was an acceptable level of inequality so long as social peace was maintained. Much of this mindset was based on the fallacy of

the 'rising tide lifts all boats'. Hence, it was accepted wisdom to reduce tax, to facilitate a global race to the bottom in terms of corporate taxes (to woo international investment), to lighten up on market regulation, and to privatise, as much as possible, key areas of social infrastructure (including health, education, social housing and leisure among others).

Tony Brown (2010:134) has remarked that:

The 2007 General Election campaign was fought as if the boom, and increased government spending, would never end and the parties were judged by many voters on the single issue of the promised levels of stamp duty.

The terrible historical irony and legacy of that election is that the people got that for which they undeservedly voted. There were plenty of resources, it would seem, but never enough to eradicate poverty, hospital waiting lists and waiting lists for school psychologists; Ireland had the resources but lacked the vision. Now, the absence of vision and public-spirited ambition during the Tiger years has left us with much fewer resources than we thought even if our stock of human-skill capacity is at an all time high. Which political party and politician would have the courage, either then or now, to truly afflict the comfortable and comfort the afflicted? The impression, widely shared, is that afflicting anyone especially the comfortable is not a vote winner. Hence, taxes are seen as a burden to be minimised and not a civic duty to be prudently allocated to share the goods of the nation for the children of the nation. This way of looking at politics and society has been a marked feature in the run up to most general elections since 1977.

The crisis in politics as evidenced through widespread apathy, distrust, cynicism and lack of hope is the fruit of a crisis in values at the core of a global economic system that puts profits and markets before people. Those with power and economic wealth dominate the world of media and public discourse. The values, choices and alternative ways of responding are not openly and honestly debated. Instead, the world of soundbite, shallow 'expert views' and uncontested assertion reign. Proposals for an alternative social, political and moral order and a different culture of politics are dismissed as impractical or as pale reflections of some failed ideology or past social experiment.

One is left with the shallow clichés and half-truths and downright untruths such as 'there is no alternative', 'we have all taken the pain', 'the money isn't there' and 'political and social reform must wait because sorting our current economic crisis comes first'. In the public service instead of vision we have business planning and the semblance of accountability but none in reality. In parliament we have competition of parties jostling to score points and defend themselves at all costs but no real open debate where people are ready to listen and accept the truth of what others are saying. In the media we have shallow analysis and

vignettes of reality TV but no real engagement. In civic life we have most people tuning out and minding their own affairs and worries: a disengaged citizenry evidenced by little active participation.

2. The Inherited Tradition

Why have institutions remained so static? In many respects, a native middle class developed late in Ireland. There was a lack of an appropriate civic culture. This was compounded by a relatively unique theocracy in which Church and State understood each other only too well. A remarkable feature of development since the foundation of the State is the degree to which the founding ideals of the founding mothers and fathers of the Republic were honoured more in the breach than in any other way. The Democratic Programme agreed at the first meeting of Dáil Éireann on 21 January 1919 enunciated in lofty terms:

It shall be the first duty of the Republic to make provision for the physical, mental and spiritual well-being of the children of the State. Likewise it shall be the duty of the Republic to take such measures as will safeguard the health of the people and ensure the physical as well as the moral well-being of the Nation.

It is abundantly clear that the State, now known as the Republic of Ireland, neither made provision for the physical, mental and spiritual well-being of its children, nor safeguarded the health of its people by creating a universal system of health care available to all regardless of income, wealth, sex or age. But, why did the State fail? It would be too easy to blame the inherited colonial structures and norms as it would be too easy to blame various institutions including the Church. The fact that one Church was allowed to operate as an all-powerful jurisdiction within the body politic, monopolising provision of key social services and exacting undue influence of many areas of social (and economic) policy reflects a collective decision by those who assumed the governance of the State from 1922 onwards. It didn't just happen – it was consciously embedded in the entire political culture, structures, norms and rules and institutions carried on, set up and adapted to the needs of a 20th century ruling elite.

Over time, the elite transformed itself into a network of powerful economic and political interests that was able to maintain relative control over political, economic and social life up to the present decade. The debacle of 'crony capitalism' and the Bermuda triangle of Property-Banking-Party Complex reflects an underlying reality that the Republic was still-born at birth because, as argued here, the leaders of the movement for independence had no interest in really establishing a Republic founded on equality, liberty and fraternity. Debates about lines on a map, oaths of allegiance and constitutional arrangements with the British Commonwealth were distractions from the real issue – who controls and owns the natural and physical resources of the new State and who gets to

control and own the machinery of State and the oversight of market/voluntary activities. James Connolly had warned about these matters.

The 1937 constitution served an Ireland of the 1930s: emerging from colonial status and in transition but not, yet, able to declare itself a Republic in name; over-awed by the thinking, power and influence of one religious organisation to which 95% of the population in this territory belonged; caught up in the international turmoil of totalitarian regimes and concerned to defend, at all costs, particular principles of parliamentary democracy, freedom of religion, family and property.

Considering that most of Europe was sunk in dictatorship or about to be sunk, the new Free State did well to establish itself in the 1920s, preserve parliamentary democracy, move on from a bitter civil war and avoid being over-run in the world conflagration that was to emerge in 1939-45. But, the 1937 Constitution, amended along the way, remains very much a document of its time reflecting largely conservative mores and neglecting important areas of human rights – not least those of children and newly visible minorities – sexual, ethnic and others. Moreover, the culture of localism, nepotism, clientalism and gombeenism was well established before the 1937 Constitution and remains a feature of politics at the national and local level to this day (witness the failed attempt to ‘de-centralise’ central government employees to locations chosen on the basis of Ministers’ constituencies as they were in 2003 and not on the basis of a sensible, sustainable and workable arrangement combining central and local government). One of the consequences of localism and clientalism is a lack of parliamentary oversight and scrutiny as well as the undermining of a more strategic and national level perspective.

3. Principles for a New Civic Republic

An important dimension of this crisis is the nature and character of the Irish State including various public institutions. Addressing the crisis requires a return to first principles and an assessment of the Constitution, the capacity of the State’s institutions and the relationship of the State with its citizens. This historic moment of crisis provides an opportunity to reconstitute, restructure and to rethink our political and economic systems: it has become manifestly clear that these are not ‘fit for purpose’ and have failed to serve Irish people well or competently. The future well-being of our people cannot be secured with failed systems. Michael D. Higgins, in a speech to the 2010 Annual Conference of the Labour Party, spoke about the need for a new responsibility in the following terms:

Those responsible for holding on to the failed paradigm, to the economics of misery, are not only to be found in the ranks of politics. There were many

privileged by access to the media or who enjoyed academic freedom who, by choosing to remain silent and not question the fundamental assumptions and consequences of what was being imposed, also bear a heavy responsibility.

Michael D. Higgins went to say that:

The coming decades must be made the decades of the achievement of this real republican citizenship.

We need to shift the debate towards a new understanding of ‘citizenship’ that is not limited to a narrow legal or political definition of status and that goes beyond notions of volunteering and good individual civic behaviour to embrace citizenship as a moral covenant in which the ‘goods’ necessary for a full and flourishing life are no longer seen as marketable products but the shared goods of a society that values people before markets, State and ideology. It is not possible to talk about inclusive citizenship without considering people’s access to jobs, income, housing, health, education, political and organisational power, information, media, arts and culture.

In both of his books (O’Toole, 2009 and 2010), writer and journalist, Fintan O’Toole provides a critique of a society that is deficient in some of the basic norms of civic virtue and solidarity and posits fifty areas for action, many of which relate to reform of political institutions and regulation and reform of corporate governance in all sectors of the economy.

Iseult Honohan has referred to two complementary dimensions of active citizenship – ‘the sense of wider social concern and the capacity to participate deliberately in self-government’ (Honohan, 2005:179). She observes (Honohan, 2005: 180):

We should be wary of exhortations to be more active or civic spirited, or to join voluntary associations in order to strengthen social capital, unless ordinary citizens are given a larger voice in decision-making, opportunities for meaningful participation and the material conditions necessary for active citizenship in the two senses outlined here.

4. Reforming Institutions

There is a clear need for a new contract between the citizens and the Irish State involving a new explicit Republican constitution and a range of reforms including the electoral system, an effective Oireachtas and other essential reforms involving the development of new and innovative means for public participation and deliberation. This section explores areas of change under the following headings: (i) constitutional change, (ii) reform of the Oireachtas, (iii) a renewal of local democracy, and (iv) the role of civil society in governance.

In their position paper, [New Politics](#), Fine Gael (2010) has outlined a number of key areas for reform. New Politics is based on four pillars:

- A single house of the Oireachtas
- Reformed Dáil with, inter alia, more power for committees
- Open Government
- Empowerment of the citizen and local communities.

Fine Gael proposes a Citizen's Assembly although the exact mandate, powers and mode of election of such an Assembly are not spelt out. Integral to the reform of political institutions and the Constitution is Fine Gael's proposals for radical reform of the public service. Many of these proposals converge with ideas put forward by the Labour Party in April 2009 ([Labour Party, 2009](#) and [Labour Party, 2011](#)). Both the Labour Party and Fine Gael are agreed on the need for a new constitution. Labour, in particular, is committed to the establishment of a Constitutional Convention to report within a year of being set up.

There is a shared sense that we need to become more a Republic in deeds and not just in words with power vested, more effectively than heretofore, in all the people. The lesson of the Celtic Tiger and its subsequent implosion is that something was very wrong with politics, political institutions and values in the public sphere: there was 'something rotten' in the State of Ireland.

Constitutional Change

The intention contained in the Programme for Government (2011) to establish a Constitutional Convention provides an opportunity to review the purpose and relevance of the Constitution as a whole as well as in specific parts. This debate is long overdue. However, there are currently at least two risks in such a process:

- Particular groups could seek to hijack the debate and push particular agendas
- The Government of the day may revert to piecemeal change focussed on 'low hanging fruit' while shying away from a more fundamental review and change.

Any process to reform the constitution – and with it particular institutions and rules – must involve a debate that is much wider than the political insiders or legal and constitutional technocrats. The need for reform needs to be carefully spelt out, explained and proposed. Above all, a constitution needs to set out principles and institutional forms in a very clear way allowing parliament, the executive and the judiciary sufficient scope within which to carry out their functions. A constitution is not, perhaps, the appropriate place in which to

legislate and prescribe in detail. At the same time it is not appropriate to adopt an approach based on 'short, simple and vague'. Principles need to be clear.

Reform of the Oireachtas

Dáil

The size, composition and functioning of the Dáil has attracted greater attention and scrutiny since the onset of the current economic crisis. In many respects the Dáil, in its current working, is subordinated to a secondary role as the Government parties who capture a majority of seats can control the agenda and impose a strict whip on most issues. This inhibits a more full, open and free discussion of issues and militates against greater parliamentary scrutiny. A key challenge is how to strengthen the role of the Dáil vis-à-vis the executive.

A key feature of both the Dáil and the Seanad is the way in which the Government parties of the day dominate proceedings including the allocation of time and the system of parliamentary committees. This is not widely shared internationally as Hardiman (2009) has pointed out. Use of the guillotine and the operation of a tight whip system mean that debate, exploration of issues and constructive democratic deliberation is constrained. Is it acceptable to reduce the number of Dáil deputies without, at the same time, significantly changing the culture of political representation so that local democracy is greatly strengthened, powers are delegated to local authorities from central government and the business of the Dáil becomes more focussed on matters of national importance, legislative development and political strategy? In short, a programme to reform the composition, role and workings of both houses of the Oireachtas would fail without fundamental changes in political culture and the wider institutional environment within which the Oireachtas operates.

The depth and scale of the economic and political crisis in Ireland since the latter half of 2008 has exposed at least one major flaw in Irish political governance – the absence of a right of recall over a Government in a truly national crisis. The provisions for a recall are much too weak or non-existent. By-elections, defections or minority coalition party revolts are not a sufficient basis on which to hold Government to account when issues of such huge import as NAMA or questions about the Bank Guarantee, Anglo-Irish Bank and the main Government party arise.

When the whole credibility of the political system is at stake there must be a constitutional provision for citizens, local authorities and the President to call the Government to account and, *in extremis*, reelection.

The sitting time for the Dáil accompanied with a 'long hours culture' is unacceptable. Underlying this is a mandate and work profile for TDs and

Ministers which is excessively orientated towards local constituency concerns and client representations. There is a case for reviewing the system of electing TDs. However, care is needed in moving away from an arrangement that has served the people for almost a century. Two attempts to abolish proportional representation rightly met with popular rejection in the last century (1959 and 1968). Consideration should be given to a mixed system involving party lists as well as multi-seat constituencies based on the existing arrangement. Also, it should be possible to draw expertise from a wider pool of publicly elected representatives in both the Dáil and a reformed Seanad. However, the importance of the principle of maintaining proportionality between votes cast and deputies elected must be maintained. The introduction of the multi-seat single transferable vote system in local government over a century ago was designed, specifically, to ensure that minorities would not lose out in electoral contests.

Seanad

That the **Seanad** is in need of radical reform is beyond dispute. Proposals for reform have been made on numerous occasions down the years. Rather than abolishing it, the Seanad could be reconstructed as a more representative body but with a specific focus and mandate that enables it to add value to the mandate of a reformed Dáil. Included in the electorate for some representatives in a reformed Seanad could be all Irish citizens living abroad or in Northern Ireland. A reformed upper house could also assume some of the functions of the social partnership process involving consultation and, where appropriate, decision-making with a wide range of representative civil society organisations.

Ireland is relatively unique as a small country with two houses of parliament. Some voices have been raised in support of abolition of the upper house. However, it is not clear that moving to a single chamber – albeit with a reformed committee structure and enhanced role for local democracy – will deliver a more effective parliament.

The President

The Office of the President can serve an important role in developing consensus, promoting public debate, representing on the global scene and acting as a voice and defender of last resort for the whole people. The style of presidency has changed for the better in the last two decades. How is it possible to build on established practice? Would a shorter term be preferable? How might it be possible to have less politicisation in the selection and promotion of candidates?

Oireachtas Committees

There is a compelling case for a stronger, more independent and better resourced system of parliamentary committees.

Local Democracy

Ireland is a highly centralised country. The powers of local public authorities are very restricted and their capacity to raise revenue from citizens is limited. At the same time decisions on local public services, planning and the environment are taken at central government level or, in some cases, by local public officials rather than locally elected representatives. This situation reflects a number of developments in the last century including a strong distrust (not entirely without cause) of the local by the central. Compared to almost all European countries of similar size, Ireland retains a highly centralised political system.

In the public consultations of the Taskforce on Active Citizenship in 2006 a number of key messages emerged and were summarised in the Report on Active Citizenship Consultation. It would be valuable to study these messages in conjunction with other more recent citizenship consultative processes such as that undertaken by We, The Citizens.

The Programme for Government (2011) commits to a number of specific changes and improvements in the way local government is organised such as the replacement of a County Manager by a post of CEO to 'facilitate the implementation of democratically decided policy'. Commitments are given to merge or streamline various local services (presumably to save money as well as to enhance services where feasible). It states that (P27):

We are committed to a fundamental reorganisation of local governance structures to allow for devolution of much greater decision-making to local people. We will give local communities more control over transport and traffic, economic development, educational infrastructure, and local responses to crime and local healthcare needs.

To enhance the quality and impact of local governance reform is urgently needed in the following areas:

- Local revenue-raising powers need to be increased and linked directly to local public service provision where the link between what we pay in taxes and what we receive is more evident
- Some central equalising process is needed to ensure that local authorities that are disadvantaged in terms of revenue base are assisted
- Direct democracy, plebiscites and elections should be used on some matters of local concerns
- Sub-country level forums or community councils should be established with delegated roles in regards to consultation and possibly decision-making where appropriate. Setting up such councils is feasible and within the discretion of local authorities even within the scope of existing local government legislation.

Role of the European Union

Long before the economic crisis of 2008-2011 it was clear that political reform is essentially interwoven with European Union affairs. The debates around how Europe is to be governed and what the appropriate relationship is to be between the body politic here and abroad featured in the various European referenda held since the 1970s. Membership of the European Union has had a significant impact on our political institutions. Moreover, membership of the Eurozone and the transfer, in large part, of domestic monetary and financial policy to various European institutions has at one and the same time:

- Restricted national sovereignty in many areas of macro-economic, fiscal and monetary policy
- Widened national sovereignty in a pool of shared sovereignty.

In 2011, Ireland is donning its green jersey on the European fields of negotiation over debt, taxation and fiscal coordination. However, there are at least forty shades of green and some other colours may be just as relevant like touches of blue and red as indicated by the fraternal visits of Irish political leaders to the European cousins. Reform of the Oireachtas and other political institutions needs to be seen in the light of a more general movement to reform Europe and to make it more accountable to citizens as well as stress the social dimension of the Union. Specific changes are needed in the following areas:

- Scrutiny and accountability of Ministers and other public officials in regard to European Union affairs before the relevant Oireachtas committees and plenary sessions of both houses of the Oireachtas
- Building of strategic alliances with movements and countries on particular issues of European and domestic concern
- A more generous, imaginative and creative approach to sharing risk, sharing a restructuring of debts and sharing of new rules and frameworks not only to promote a fiscally sustainable and competitive Europe but also a more democratic, inclusive, just and environmentally sustainable one. These aims are not necessarily in contradiction and it should not be a case of 'fixing the economy and banking' first before addressing European poverty, unemployment, exclusion, debt burden on the poorer regions and groups.

Ireland should link its commitment to a target of 0.7% of GNP for Overseas Development Aid to proactive engagement in helping countries and communities to strengthen their social and democratic structure. With a two-way street of support and ideas it is possible to aim for a win-win solution in terms of humanitarian aid, trade, education and sharing of experiences. Reforming

political institutions at home can go hand in hand with reforming and improving institutions well beyond our shores.

Role of Civil Society

The recent example of the grassroots and people-focussed [Ministry of Ideas](#) forum in Iceland is suggestive of the possibilities for national goal-setting exercises; there are now very rich examples of deliberative politics and models for civic engagement from many parts of the world which would have application in building the Civic Republic in Ireland.

A key issue for civil society is access to information. Underlying democracy is access to information, access to power and deliberation and resolution of matters of public concern. Currently, the provisions for Freedom of Information have been rowed back and re-interpreted in a way that undermines democratic deliberation. Use of such provisions as 'under deliberation' is invoked to avoid providing key information to those who request it. The culture of secrecy and not telling is, by default, still alive and well in Irish political and administrative institutions. Likewise, the responses to parliamentary questions reveal a marked reluctance to be completely open or to answer directly the question asked. Partly as a result of this, the practice of oral parliamentary questioning has been reduced to a political tennis game where, frequently, the main issues are avoided and politicians score points before the public and media gallery. The proposals contained in the Programme for Government (2011) to reform and extend the parliamentary question system are welcome provided they are accompanied by a break with the culture of withholding information, on the one hand, and using the system to score points, on the other.

Niamh Hardiman has remarked (2009: 15):

It should not be necessary to invoke Freedom of Information to find out most things. We need to move to a position whereby we should expect that issues are normally aired openly, and that vigorous policy debate is encouraged, unless there is very good reason to do otherwise. A presumption of openness should prevail, not a presumption of secrecy unless disclosure turns out to be absolutely unavoidable.

In voting on the annual Budget and Finance Bill there is little or no room for civil society, directly, or politicians to deliberate on proposals and options. The annual Budget is a done deal with little or no scope to revise proposals or seriously debate issues. The problem is compounded by a remarkable lack of transparent and accessible information on key items of expenditure and revenue set in an international and through-time comparative framework. Budget documentation is handed out during the Minister's speech as media and other commentators scramble to read the documents and cling on to instant reactions. A thoughtful

and in-depth analysis of all the issues: macroeconomic, social and environmental is not possible except through a planned, prolonged process of deliberation and information sharing over a period of time.

The establishment of an Independent Fiscal Council has some merit. In particular, the proposal by the Labour Party that:

The modelling assumptions and inputs of the Fiscal Advisory Council will, as far as possible, be open to public scrutiny and its outputs would be freely available to external bodies, including in particular, the opposition parties. (Labour, 2011:11)

The Social Partnership process, as it was in 2008 and as it evolved from 1987 to 2008, has been criticised for creating a 'parallel system of policy formation' (Fine Gael, 2010:23). Fine Gael have called for a broadening of the process 'in order to provide a voice for consumers, small businesses, users of public services, parents and families, among others.' This observation has some merit although it neglects the fact that many in the Community and Voluntary pillar of social partnership represented some of these perspectives. Perhaps, a Civic Forum with a wider consultative status could take on board these concerns. Space needs to be created for a **Civic Forum** (and possibly an all-island one). Indeed such a Forum could be considered as a replacement for the Seanad or to work in conjunction with a radically reformed Seanad.

Reforming the Public Service

Public service has been viewed as a calling and vocation to serve the public (common) good. Whether the service involves nursing, policing, teaching, administering or regulating it has been viewed as something undertaken under trust and within a framework of accountability, ultimately, to the Oireachtas where expenditures and legal provision apply. It is clear that there have been individual as well as systemic failures within the broad public service. At best, these failures relate to lack of planning, lack of openness and lack of transparency. At worst, these failures reflect a marked lack of responsibility in regulation and proactive response to clear societal risks. In a few cases, corruption has been present (e.g. in regard to land re-zoning and bribing of public officials). It is regrettable that these failures have been used by some commentators to sully the image and reputation of the entire public service.

Assertions, unsubstantiated by data or evidence, have been made about a service that is bloated, inefficient, sclerotic and incompetent. The 2008 review by the OECD of the Irish public service paints a different picture. It suggests a service that is relatively smaller than in other countries and one that has managed to deliver significant success over the decades. Nevertheless, the Irish public service needs to be reformed and practices, culture and working approaches need to change. This is more than just an attempt to import business planning and

customer service speak into public service delivery. It is also more than a mere opening up of competition for various posts in the system which have thrived for too long on time served and restrictive practices in regard to promotion and recruitment.

One of the first principles of public service reform should be a return to the idea of public service as a noble calling to serve the common good. Idealism, leadership and service to the public good must inform service delivery and policy design. For too long, managerialism, pragmatism and excessive deference to the political establishment have held back the public service from offering more independent and provocative advice as well as assuming greater responsibility and accountability where individuals and teams are held responsible to implement a project within a given timeframe.

Public service reform needs to involve a cultural shift away from secrecy, top-down control and detached decision making. Bringing about change is never easy. The introduction of legislation such as Freedom of Information and Ethics in Public Office along with Equality legislation in the 1990s involved contestation.

The Labour Party has already stated its support for:

- greater mobility of staff within the public sector
- full flexibility of movement between all branches of the public and civil service for relevant grades (where there has been much talk but no delivery to date)
- and open recruitment to all public service posts (not universal in many cases)

With the follow-up to the OECD Review published in 2008 on Irish public service reform, change is happening at snail's pace and is very much 'top down' rather than led from the ranks. Paradoxically, the imposition of 'control and command' in regard to every single post subject to the public service moratorium allied to micro-management from the centre of relatively small grant payment, runs counter to the spirit of the OECD report which advocated more delegation of responsibility and authority to decide on resource allocation allied to 'working within budgets' and being called to account for outcomes and delivery rather than micro-management of input and process. The system does not seem to learn or apply the lessons of past failed initiatives from the 1960s Devlin Report onwards.

Talk of reform is not new. On 20th November 1969 in a Dáil debate, Deputy David Thornley, TD stated:

The Minister enjoys a justifiable reputation for the firm way he controls the Civil Service. I wonder could he elaborate on the well-known Civil Service phrase "in

due course?" It seems to us on this side of the House that no matter what questions we ask about the Buchanan Report, the Devlin Report, the Todd Report and one hundred and one other reports the phrase "in due course", whatever that means, seems to hang over the point which we are to have explained to us when major social decisions are to be taken by the Government in the light of these reports. As a student of the Civil Service, I have often wondered what the phrase "in due course" means in specific terms.

The then Minister for Finance (with responsibility for public and civil service reform), Charles Haughey T.D., replied as follows:

It is a phrase that is used when you cannot use anything more specific.

5. Conclusions and Next Steps to Begin a Debate

This essay has drawn attention to the central importance of practices, norms and habits alongside that of institutional structures:

But often, reform proposals risk bypassing what really matters, which is the ideas and priorities that inform political life. If we are not sure what exactly we want to achieve, we might change the structures without touching practices. We need to look at the cultural habits and learned behaviour that really need to be changed, then consider how best to achieve that change. (Hardiman, 2009:4)

Practical steps are needed. To begin with, a debate is needed – an honest debate and one where people ‘speak the truth to power’. There is a responsibility on each individual and citizen to ‘to take responsibility for acting, speaking and voting to promote a just and compassionate society’ (Brown, 2010: 138). But, change needs to happen not only at the level of individual, local community and social network level. It needs to happen at the level of politics, institutions and public values as this paper has argued. All are inter-related. This paper has sought to link all these issues together.

The following grassroots initiatives could help:

- Harness the energy, positive anger and thirst for an alternative vision of the future through local organisations, networks, bulletin boards, local meetings and seminars
- Encourage adult education and community empowerment to enable communities to deliberate, organise and campaign for change starting with their local affairs
- Build progressive alliances and shared platforms across various political and community organisations
- Work within the existing media and develop new media outlets
- Keep the faith and keep going!

To conclude, the words of Kevin O'Higgins speaking in Dáil Eireann in January 1922 set a keynote for such a grassroots movement and for every citizen:

The welfare and happiness of the men and women and little children of this nation must, after all, take precedence of political creeds and theories.

If only!

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