Connecting citizens to legislative deliberations: public engagement in committees

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Abstract

Many parliaments around the world are undergoing a 'participatory makeover'. Legislative institutions are opening their doors to the public through open days and communicating the latest 'parliamentary updates' via websites and social media. Many of these 'community outreach' activities may make parliaments more informative and publicly accessible, but their impact on democratic renewal is likely to be minimal. This paper argues that more meaningful steps towards 'participatory parliaments' could be made through improving the way legislative committees engage with the public. Drawing on insights from democratic theory, this paper argues that deeper more inclusive forms of public engagement in committees would help improve the epistemic, representative, and deliberative capacities of legislative committees (and hence the larger Assembly). More sophisticated approaches to engaging affected publics would enable committees to access relevant views and information and to better represent broader public interests (beyond their own constituencies and special interests) in their deliberations. Such qualities would enhance the public legitimacy and democratic effectiveness of committee procedures and their outputs. A number of strategies are put forward for how committees might broaden and deepen public engagement in their work.

1. Introduction

Today public participation in legislatures extends well beyond citizens periodically voting and the occasional letter to elected representatives. The modern legislature is outward focused, taking active steps to connect with the public (Leston-Bandeira 2012; Williamson and Fallon 2011). Around the world new participatory activities are emerging in and around legislatures, ranging from open days, information centres and community cabinets through to experiments with e-petitions and social media (e.g. Carman 2010; Coleman 2004; Hough 2012; Flinders et al. 2015; Hansard Society 2011; Clark and Wilford 2012; Missingham 2011).

The push to make parliaments more open and accessible to the public is part of a broader participatory trend in contemporary governance (Fung and Wright 2003; Newman 2005). Increasingly decision makers, public sector organizations, NGOs, and corporations are seeking novel ways to engage with their constituents in response to perceived failings in legitimacy (e.g. Bingham et al. 2005; Nabatchi 2012). In the particular context of legislatures, much of the push for public engagement is an attempt to boost the legitimacy of formal democratic institutions in a context of disengagement and declining public trust in politics (Leston-Bandeira 2014). It also represents an increased willingness on the part of elected representatives and citizens to explore broader public views on contentious policy issues (Morris & Power 2009). This is related, in part, to the view that elections have become too 'noisy' and less reliable in revealing public preferences on such issues. Once the idea of an electoral mandate becomes less meaningful, in the sense of revealing publicly policy-makers' intentions, so the focus of democratic renewal turns to potential innovations to the form and function of representative institutions operating between elections. While these are laudable motivations, to date 'engagement' practices have been mostly about providing the public with more accessible information on the functions of legislatures and its recent activities (Leston-Bandeira 2012).[1]

In this paper we contend that a significant opportunity for deeper democratic renewal

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[1] For example, one comparative review of the relationship between citizens and their legislatures concluded that (Leston-Bandeira 2012, 514): "…parliaments have finally become institutions with the new millennium, opening up considerably by becoming more transparent, accessible and visible institutions. However, when it comes to developing real links between parliaments and citizens, the reality is very patchy."

[2] The factors affecting who participates in the consultative processes of legislative committee are multiple (Morris and Power 2009). For example, Marinac (2004) finds that while the 'usual suspects'

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is being overlooked by much of the current public engagement agenda in legislatures (and scholarly discussions thereof). A core democratic limitation with new engagement activities in many legislatures is not so much their participatory shortfalls -- although this could be said of many initiatives, such as visiting centres, open days, and even arguably social media. More problematic is that most of the participatory efforts have been focused on increasing public awareness of the roles and functions of parliament as an institution, as opposed to engaging citizens in meaningful deliberations on public issues. In other words, the recent participatory activities of many parliaments are failing to connect citizens to the most publically relevant task of legislatures – to deliberate about collective decisions on public problems. This democratic disconnect appears to have been uncritically accepted in the scholarly literature on public engagement in legislatures; indeed citizen engagement is conceptualized as an educational activity or program to be led by the impartial parliamentary service (as opposed to the political institution). Thus, much of the participatory focus has been on building legitimacy for 'the institution' (see for example, Leston-Bandeira, 2014), rather than building legitimacy for legislative processes and their outputs.

This paper reframes recent discussions on public engagement in legislatures by considering how citizen involvement could enhance legislatures as forums of public deliberation. We focus specifically on the possibilities and challenges of fostering greater citizen engagement in legislative committees. We begin by discussing the role of committees in public deliberation, particularly in representing and considering the views of affected publics, and in generating input and output forms of public legitimacy. While most committees fall when short of these ideals in practice, we argue that deeper more inclusive forms of public engagement in committees would improve their epistemic, representative, and deliberative capacities. By engaging directly with affected publics, committees would not only have greater access to relevant views and experiences, but they would be better placed to encourage and represent broader public interests in their deliberations. Next, we consider various strategies for deepening public engagement in legislative committees drawing on examples of innovative practices. To conclude we consider the implications of these participatory trends for legislatures, and contemporary democratic practice more broadly.

2. Participatory legislatures? From 'showcasing' to deeper public engagement

Legislatures around the world are engaging in new forms of public communication and engagement. Part of this is symptomatic of the information age where public institutions are communicating to their constituencies through multiple formats and outlets including traditional and new forms of media (Rowe and Gammack 2004; Magro 2012). We can witness, for example, parliaments taking an active approach to communicating with the public through websites, Blogs, social media platforms such as Twitter, Facebook, and film (You-Tube) (e.g. Missingham 2011; Coleman 2004). Some parliaments have also been experimenting with novel participatory mechanisms, for example e-Petitions (see Norton 2002) and innovative consultative forums to engage with 'hard to reach' publics (McLaverty and MacLeod 2012; Hendriks 2015; Hansard Society 2011; Flinders et al. 2015).

Underpinning the surge of communication activities within the legislative context is more than a desire to disseminate information to the public. According to scholars and commentators the participatory push is about making parliaments more accessible, visible and relevant to the public (Leston-Bandeira 2012; Norton 2012). It represents part of a broader agenda of democratic renewal in response to disengaged electorates, declining party membership and low levels of public trust in political institutions.

To date most attempts to connect people with their parliaments have had questionable impact on democratic renewal. Much of the communicative activity has come in the form of show-casing legislatures through one-way modes of public communication. Indeed, opening a shop window to the pathologies of partisan legislative debate is not an obvious means to renewal. Emerging empirical research finds that there is a lot of expression and talking going on but relatively little listening. For example, a empirical study of social media use for citizen engagement by five electoral management bodies in Australia and New Zealand found that while Facebook, Twitter and YouTube opened up new channels for citizens to learn about, and occasionally discuss politics, they "exhibited little by way of systems or resources to access, process, and respond to citizens voices expressed online" (Macnamara 2012 p.80). This study also found that the participatory potential of social media is not being realized because institutions seek to "control public communication and

interaction" for fear of criticism (Macnamara 2012 p.80). More problematically, rather than connecting citizens to the deliberative work of legislatures, descriptions of many engagement initiatives suggest that they represent little more than participatory tinkering around the edges of what are essentially elite opaque institutions (e.g. Arnold 2012, Arter 2012, Missingham 2011, Russo 2012). Research also finds that procedures that attempt to broaden participation in parliament, for example e-petitions, tend to attract highly mobilized and political active individuals, and thereby amplify existing participation patterns (Lindner and Riehm 2011).

For insights into how parliaments might be more democratically enriched by public engagement, we turn to the practice and theory of deliberative democracy. Experiences in other sectors (for example in the executive, and in the private and non-for-profit sectors) demonstrate that when given the opportunity to meaningfully participate in political decision-making, the public rise to the occasion (e.g. Gastil & Levine 2005, Nabatchi et al 2012). Meaningful public participation means giving everyday citizens and affected publics an opportunity to voice their concerns, to be heard and to have an impact. Participation can be designed to bring new or marginalised voices into the debate. This not only serves to enrich public debate, but it can empower ordinary citizens to activate their civic virtues, and it can potentially build public trust in the democratic process (Mackenzie and Warren 2015, Smith 2009).

What would such democratic innovation look like in the legislative context? For some, the answer lies in radical institutional reform, for example, creating a fourth (popular) branch of government (Leib 2004). A more pragmatic approach would be to deepen and broaden *existing* participatory opportunities within legislature, particularly where public deliberation and policy considerations take place. Deepening 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 everyday publics, and actively recruiting underrepresented or marginalized voices.

In this paper we argue that an ideal place to foster this deeper more inclusive mode of public engagement within the legislative context is in the work of committees.

Committees are where public problems are teased apart, and where public input (beyond constituency concerns and party politics) is so vital. Before exploring the participatory potential of committees, a brief overview of how they conventionally engage and represent the public is useful.

3. Legislative committees and their role in public deliberation

Legislative 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). Permanent committees can be involved in law making, budgeting and administrative oversight, whereas ad-hoc committees might emerge around a new policy issue or in the wake of a political crisis. The size, function and type of legislative committee also vary considerably between legislatures with some vesting more power in the committee system than others (Strøm 1998).

In this paper, we are particularly interested in the contribution of legislative committees to public deliberation – understood broadly as inclusive discussion, exploration and consideration of arguments about issues of common concern and their impact on affected publics (Dryzek 2010). In line with recent democratic thought, public deliberation here is conceptualised in systemic terms (Mansbridge et al. 2012): it incorporates a broad range of communicative forms (some contestatory, some argumentative, others more deliberative) that can be found in multiple settings from everyday talk, protests, consultations, conventional and new media, through to legislative debates.

From a deliberative systems perspective legislative committees represent a formal elite space that ought to display strong deliberative virtues, such as listening and reflection (e.g. Ercan et al 2015; Steiner et al. 2004; Goodin 2005; Uhr 1998). Theoretically, legislative committees ought to provide conditions more conducive to deliberation than the larger open plenary sessions (Bessette 1994). 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). Yet emerging empirical research on legislative deliberation paints a far more complex picture; it suggests that high quality deliberation is 'fairly limited' in legislative settings, and that deliberative quality varies not only with publicity of the deliberations, but also the issue under discussion as well as the broader institutional and partisan characteristics of the legislature. In relation to committees deliberative qualities are likely to be higher in those instances 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). This study found that in jurisdictions with strong party discipline, for example in Germany, the deliberative quality of 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. The study by Russel *et al* (2013) of the Environmental Audit Committee in the UK House of Commons used a principal-agent analysis to find a similar limitation in committees' ability to move beyond partisan blame games on politically salient issues.

Another less appreciated role of legislative committees in public deliberation is to seek and represent views from the public (Evans 1993; Dermody et al 2009). In practice, most legislative committees provide opportunities for elected representatives to hear 'evidence' from experts and affected groups. This process might be open for any individual or group to provide written or oral evidence, or it might be closed to specifically invited experts or representatives of groups considered relevant (Pedersen et al. 2015). Committees benefit epistemically and democratically from hearing the testimonies of external groups: they bring knowledge and information on the topic; and their participation strengthens the legitimacy of the committee's document 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 have their

distinctive voices heard. 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).

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). According to comparative research between the UK, Denmark and the Netherlands, the composition of external groups participating in committee work depends on the procedures for calling witness and variations in committee agendas (Pedersen et al. 2015). This 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. This suggests that unless there are specific procedures in place for inviting or targeting particular individuals, experts or groups, then the evidence before committees is dominated by the views of the politically active and well-resourced stakeholder groups.[2]

It appears then that conventional approaches to bringing public views into committees' deliberations suffer from many of the democratic shortcomings of interest group pluralism (Schattschneider 1960), most notably that the loudest voices are the well-resourced and politically organized. Procedures might be put in place to invite particular groups in committee work, 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 by the feature that many elected representatives are non-experts on the specific topic under deliberation in the committee.

Committees rely heavily on organized interests and this is at the expense of hearing the views of Comparative research finds that those who give evidence to committees varies considerably between systems; the most accessible for individual citizens are those that have open agendas and those that do not require prior invitation (Pederson

[2] The factors affecting who participates in the consultative processes of legislative committee are multiple (Morris and Power 2009). For example, Marinac (2004) finds that while the 'usual suspects' do regularly appear, some committees are less exclusive than others, especially when there are longer time frames available for consultation.

et al 2015). In many committee systems, legislators typically hear from experts and organized groups, rather than from everyday citizens and more dispersed publics who have yet to form, crystallise or articulate their interests. 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), but these 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 directly engage the public in its committees, consultation tends to be dominated by special interest groups (Bonney 2003; Davidson and Stark 2011; Halpin et al. 2012).

Of course many parliaments have moved into the 21st Century by actively using the internet and social media (Coleman 2004; Griffith and Leston-Bandeira 2012; Duffy and Foley 2011), but when it comes to public engagement, committees continue to rely heavily on traditional approaches, such as using the mass media to release calls for written submissions from the public. In some cases the look of public engagement might be different, 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 You-Tube clip in which they describe two processes of public input in committees: "written evidence" and "oral evidence sessions".[3]

There is much room to improve conventional participatory practices in legislative committees. In the following section we argue there are good democratic and public policy reasons why committees ought to take more proactive approach to connecting with relevant publics, including marginalized voices and everyday citizens.

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[3] http://www.parliament.uk/about/podcasts/theworkofparliament/select-committees-in-the-house-of-commons/how-do-select-committees-work/ (viewed 2 September 2015)

4. Enhancing the public legitimacy of legislative committees

From a normative perspective there are some good reasons why legislative committees ought to foster deeper, more inclusive forms of public engagement in their work. When policy decisions incorporate the perspectives of those affected, they can capture a broader range of inputs, and more importantly they can secure public legitimacy. Below we focus on a number of normative arguments for why greater public input in committees can enrich their democratic capacity as well as their contribution to the policy process. These two dimensions map closely onto the input and output legitimacy of committees. Where as input legitimacy is concerned with whether decision procedures include relevant constituents, output legitimacy is concerned with the products of decision procedures and institutions (Bekkers and Edwards 2007; Scharpf 1999).

Public engagement boosts input legitimacy

More inclusive engagement of affected publics in the work of committees would serve to enhance the way committees *represent* public views and how they *deliberate*. We consider each of these arguments in turn.

The way committees function as sites of democratic representation would be enhanced through deeper forms of citizen engagement (Pedersen et al. 2015). 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). Legislative committees complicate this model even further because it is not clear what constituents elected officials represent when they are in committees or in subcommittees. Do they deliberate on behalf of their own electoral constituents (territorially defined) as individual legislators or do they 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).

Given that committees are legislative delegations from the plenary, their deliberations ought to consider the will of the broader polity. 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. This normative view is one shared by practitioners; consider, for example, the arguments of Robyn Webber, The First Secretary of the Standing Committee on Procedures, in the Australian House of Representatives (2001: 35):

> One of the key tasks of Members of Parliament is to feed into the parliamentary processes the opinion and needs of the community they represent. Their very job depends on their ability to hear, understand and interpret the views of the electorate. Surely this is the special skill they bring to their work with committees which other types of inquiry processes cannot access. Anyone can talk to the experts and organised lobby groups but Members of Parliament are especially placed to tap into the general community.

The challenge in practice is how can committee members best represent and consider the interests above and beyond their own constituency? Research suggests that some representatives who have a 'shared fate' with a broader constituency, for example, black legislators identifying with black populations, often 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.

Another aspect of input legitimacy for committees is the extent to which their procedures induce reflective consideration of issues in view of the common good. But as pointed out above, the capacity of many committees to deliberate with 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 legislature 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.

Some more interactive forms of citizen engagement can facilitate deliberation between committee members and the public. Conventionally external experts or groups might be invited as witnesses but this process typically involves people presenting testimonies consecutively with limited or no interaction or deliberation with committee members (elected representatives) (Pedersen et al. 2015, p. 9). In some innovative forms of public engagement, committee members have actively interacted with the public -- a theme we return to below. The challenge is to push committee activity beyond passive forms of listening and noting public testimony to processes of genuine deliberation.

Public engagement improves output legitimacy

We turn now to consider how public engagement might enhance the outputs of legislative committees, particularly in terms of what information and perspectives committees consider in their deliberations (and ultimately their reports), how they mediate this knowledge, and the possible contribution of their outputs to the policy process.

Citizen engagement can make an important epistemic contribution to legislative committees. 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 background. But many committees actively supplementing 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/experiences of those not captured by conventional experts. This can mean that the committee has 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).

Increased public engagement can also serve a public scrutiny function that boosts the legitimacy of committee outputs. Two particular aspects of committee work would benefit from more public oversight. One is the 'knowledge brokerage' function that committees perform as they differentiate between what information is relevant to the policy issue and what is not. This 'boundary work' constitutes an important function of committees as they straddle the worlds of policy and evidence (Turnpenny et al. 2013). 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 often there is no formal process for how committee's determine the boundaries between what is considered 'valid or credible' evidence and that which 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 legislative committees would make this boundary work more transparent and open to public scrutiny (Owens et al 2006).

Citizen engagement in committees could also serve a public accountability function by monitoring the policy performance of government (ie. The executive), particularly how it responds to committee reports.

Public engagement in committees 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. The empirical work reported in this Australian study reveals an executive-centric bias in committee work, where these latter two backward looking policy process functions achieve much greater committee time and resources compared to the forward-looking ones. For Halligan (2008, p.152) there is a 'huge untapped potential' for committees in the Australian Parliament to involve the public to a much deeper and sustained extent in undertaking strategic investigations. In policy process terms, this would open an opportunity for important public agenda to be set, and novel policy options developed and appraised, outside of the confines of the political and administrative executives.

This prospective policy analysis role need not come at the expense of the more conventional role of committees in retrospective policy evaluation and inquiries -- particularly their well-established roles in the aftermath of policy fiascos, or high profile maladministration. In a Westminster system context, legislative committees 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 legislative committees offer continuity, rather than being ad hoc and one-off affairs, facilitating a more comprehensive and coordinated set of engagements with 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). In terms of more forward looking policy work, public engagement both in the inquiry process as well as after the Government's response to Committee's reports would help to ensure that government not only responds formally to committee reports but that agenda are set and promised actions are delivered.

5. Realising deeper public engagement through committees

We turn now to consider practical ways to connect publics more meaningfully with legislative committees. Below we discuss some strategies (some institutional, some extra institutional) for deepening public engagement in legislative committees.

a.   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 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 with specific populations. More consideration should also be given to how the 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 in a given policy issue. Here online platforms, discussion boards and surveys could be more extensively used to try and capture a broader set of community concerns. As Kay (2002) set out, it was exactly this sort of creative work by the Welsh Assembly's committees that established their role in Welsh politics and legitimacy for their work, and – by extension – that of the broader Assembly in the early years of UK devolution. 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 NSW Legislative Assembly 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 to move beyond giving and hearing 'testimonies'. For example, more interactive and forum-like conditions would enable committee members to collectively interact with

representatives from multiple publics. This would serve to not only create conditions for dialogue, but it would see the committee's role shift from 'mediator of competing interests' to 'facilitator of public deliberation'. More interactive public hearings could also promote what Flinders et al (2015) label 'two way learning'; for example, 'witnesses' could also ask questions of committee members (rather than only the reverse). Committee members could also interact more closely with members of the public in more informal settings, as was the case in the UK Parliament's Communities and Local Government Committee when it conducted a kind of 'speed dating' process where MPs rotated around tables in a public forum.[4]

b. *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. Parliaments around the world have been experimenting with introducing innovative forms of public engagement. For example, many parliamentary committees in the UK and Scotland have held community forums, stakeholder roundtables and citizens' forums (e.g.Davidson and Stark 2011; Bonney 2003, Flinders et al 2015). In Wales, regional committees have been conducted which were constituted on territorial rather than policy sector lines (Richard Commission 2004). Committees working on youth issues have been making effective use of social media, as well as conducting schools forums, and youth juries (see QLD Committee System Review Committee, 2010). The challenge with such democratic innovations is ensuring that they are integrated into the existing participatory practices of committees, otherwise they risk being isolated one-off experiments (Hendriks and Dzur 2015).

c. *Coupling citizens' deliberation with legislative committees*

An ambitious strategy for boosting the capacity of citizens to scrutinize the inputs and outputs of committees would involve formally integrating or 'coupling' a citizens' forum (or mini-public) into committee deliberations (see Hendriks 2015). This approach would seek to go beyond affected publics by bringing a broader community perspective to the committee's deliberations. Ideally the committee and the citizens'

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[4] From http://www.publications.parliament.uk/pa/cm201415/cmselect/cmcomloc/821/821.pdf (viewed 21 September 2015)

forum would be formally connected so that the citizens' deliberations and recommendations' would feed into the committee process. Convening a citizens' forum both before and after the committee's report to government could foster greater public accountability. There has been some experimentation with aspects of this strategy. For example, in 2012 the Public Accounts Committee of the NSW Parliament integrated two citizens' juries into an inquiry into electricity reform (see PAC 2012; Hendriks 2015; Hendriks & Dzur 2015).

d. *Taking committees to where publics meet*

So far the strategies discussed thus far 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 people 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 for many parliamentary committees working on policies directly relevant to fractured or isolated communities facing 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 the by 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.[5]

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[5] NSW Standing Committee on Social Issues, (2012) *Domestic violence trends and issues in NSW*, http://www.parliament.nsw.gov.au/prod/parlment/committee.nsf/0/2340acad17f1e8c4ca257a6700149efd/$file/120827%20final%20report.pdf (viewed 21 September 2015)

e. 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 affected and interested publics might create an informal 'insisted spaces' to contest an issue, for example, via media outlets, street protests, social media campaigns, or consumer boycotts.[6] The challenge for committees is to be receptive to a host of these more informal communicative activities that are taking place outside the legislature. At minimum, this requires that secretariats inform 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 (Marsh 2006, cited in Morris and Power 2009). A more pro-active approach is to connecting committees to more informal publics would be to reach out to these kinds of spaces, for example informing by informing the broader public sphere of the committee's activities and findings.

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

6. Broader considerations and challenges

The opportunities for, and impact of, citizen engagement will vary 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

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[6] The terms 'invited' and 'insisted' spaces is borrowed from Carson (2008).

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 different 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 engagements (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) and NZ (see Barnet & Higbe 2009), 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 legislature'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:[7] "Assist the House of Commons in better engaging with the public by ensuring that the work of the committee is accessible to the public". [8] 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 p. 4).

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 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; 2009).

More fundamentally, engaging the public in legislative committees requires significant cultural shifts in how elites understand their role in representative democracy. The proposal outlined in this paper relies on legislators being willing to work beyond their conventional roles (for example, as a constituency representative and party representative/career politician) and to be a 'public minded committee member' in specific policy domains. Committees also need to undergo a cultural change in the way they understand different 'publics', and how to elicit their input (Hendriks & Dzur, 2015). Empirical research into committees experimenting with innovative participatory practices finds that resources are underestimated, as are the challenges in reframing existing participatory narratives (e.g. Hendriks, 2015; Flinders et al 2015). Without attending to these deeper cultural issues, public

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[7] Ibid.

[8] 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)

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, see Hendriks 2015) 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 some elected officials can be important champions and protectors of democratic innovation in both the legislative and public realm (Hendriks 2015). But the motivations are not always democratic; many elected representatives can be receptive to participatory innovations for a host of pragmatic, political and even collegial reasons (Faggoto & Fung 2009, 34-5).

7. Conclusion

Legislatures play a crucial role in public life, yet they have only ever really engaged citizens through indirect means (Kelso 2007). Public engagement in legislatures has largely been through their elected representatives or through formal processes of written submissions, expert testimonies or in rare cases, petitions. But modern legislatures are taking steps to open-up by increasing their accessibility and visibility to the public. Today many parliaments have websites, open days, information centres, tours, and even social media pages. Much of this participatory activity is directed at improving the image and perception of legislatures as public institutions. We contend that more ambitious steps towards democratic renewal could be made by engaging citizens more closely in the central business of parliaments – public deliberation.

In this paper we have argued that citizen engagement has a beneficial place in the deliberative work of legislatures, especially in committees. Deeper more inclusive forms of public engagement in committees would enhance their capacity to represent public views and to deliberate. Citizen input could potentially 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 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.

We have suggested a number of strategies for promoting more inclusive public engagement in committees. These range from amending the selection procedures and communicative conditions of public hearings, taking committee deliberations to where citizens meet, through to more radical proposals to integrate citizens' forums into committee deliberations. Beyond institutional design, successful integration of the public into the deliberative work of legislatures will involve deep cultural change, particularly on the part of elected representatives. Not only do they 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. Any attempt at democratic renewal in the parliament needs to integrate new approaches in a way that helps support and reform existing structures and practices.

From here we propose to undertake a more fine-grained analysis of the participatory activities currently being undertaken by legislative committees in Australia. We will seek to identity the kinds of participatory innovations that are currently emerging in Australian parliamentary committees. We will purposively sample innovative forms of public engagement adopted by different parliamentary committees, and consider where these occur (for example, what the kind of committees/ what policy issues), the impetus for these participatory innovations, and their impact (if any) on elected representatives, committee deliberations and decisions, media, and policy outcomes.

At the heart of any serious project for democratic renewal is the task of engaging

citizens in policy deliberations on issues they care about. 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, particularly the deliberative work of legislative committees, represents an important yet neglected site of participatory innovation. More sophisticated approaches to engaging affected publics would enable committees to access relevant views and information and to better represent broader public interests (beyond their own constituencies and special interests) in their deliberations. Such qualities would enhance the public legitimacy and democratic effectiveness of committee procedures and their outputs.

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