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Democratic revolution? Evaluating the political and administrative reform landscape after the economic crisis

Theresa Reidy
University College Cork

Fiona Buckley
University College Cork

Introduction

Upon winning the general election in February 2011, Taoiseach elect Enda Kenny spoke of a ‘democratic revolution’. Within weeks, a programme for government was agreed between Fine Gael and Labour, promising to ‘radically reform an out-dated system of administration’ and determining to ‘change’ and ‘renew’ the political system. Much was made of the new government’s political and administrative reform plans. But how many of these reform plans were delivered? How effective were these plans in bringing about change and renewal to a political and administrative system found seriously wanting as the financial crash unfolded? And as Ireland emerges from recession, has anything really changed? These are the questions that guide this collection of articles.

This special issue brings together contributions from some of the most eminent scholars of Irish politics to assess the extent to which the promises of political and administrative reform were delivered in the

years after 2011. In the next section, we provide an overview of the political reform debate that emerged prior to the 2011 election. We document the core features of the debate and highlight the main contributors. Following this, we provide an overview of each of the articles, drawing out their main themes and conclusions. In the final section, we review the political reform process in Ireland before concluding with an assessment of the ‘democratic revolution’.

Diagnosis: Political failure

An old democracy, Ireland was one of the first countries in Europe to enter into a financial bailout. The global banking crisis from 2008 exposed grave weaknesses in the banking system. A boom in the construction sector from the early 2000s had rapidly grown into a bubble and its eventual collapse overwhelmed Irish banks and eventually the public finances in late 2010. The impact of the combined property and banking crashes spread rapidly through the real economy and unemployment increased sharply. A decision by the government to guarantee the debts of Irish banks as a means of managing the banking crisis was particularly controversial. It brought much of the financial burden for the crash onto the state balance sheet, ultimately making it impossible for the state to secure funding on international markets and resulting in the state entering into a programme of financial assistance. The package of financial assistance, known as the bailout, was provided by the European Central Bank, European Commission and the International Monetary Fund. The trio of organisations came to be known as the troika and mandated significant reforms of the Irish administrative system as part of the memorandum of understanding which underpinned the bailout.

The scale of the economic failure resulted in widespread and penetrating critiques of the political and administrative system. Poor economic management, both in the lead up to and during the crisis, resulted in searing criticism of the then Fianna Fáil/Green Party coalition government, but the evaluation quickly broadened to encompass the wider political and administrative system. Ireland had experienced a prolonged recession during the 1980s, and when it entered a second deep economic crisis within a generation, questions were asked about the nature of policymaking. A crisis of politics increasingly came to grip political elites in the face of the financial meltdown and a growing realisation that past electoral certainties no longer applied.

A broad debate on political and administrative reform emerged and was especially prominent in the lead up to the 2011 general election. All of the political parties produced political reform proposals, which were included in their manifestos, and some developed stand-alone policy documents, such as the interest in the debate. Political reform was included in the lists of most important issues at the election by polling companies and the political parties were joined in the debate by civil society groups, business leaders and academics. The debate was widespread and discussions about electoral reform and the proper functioning of parliament featured across campaign debates and the opinion pages of the national newspapers.

The diagnoses of political failure were manifold and emphasis varied by ideological orientation and vision of the state. However, there were some common themes. There was general consensus that politics was overly focused on short-term policy questions with little emphasis or seeming reward for long-term policy planning. Furthermore, there were strong indications that evidence-based policymaking was underdeveloped. Both the structures of politics and the people who occupied them were given unfavourable evaluations. A number of reports (Regling & Watson, 2010; TASC, 2010) referenced a narrow elite structure which contributed to groupthink in policymaking. All-pervasive localism, long accepted as a quirk of the system, was put in the spotlight. The balance between national policy obligations and delivering for local constituents was interrogated in public debates, and there was evidence of a shift in priorities among voters at the 2011 election. In the RTÉ election exit poll, the proportion of voters who cited 'delivering for the local area' as a primary consideration when making their electoral choice decreased sharply.

Electoral reform was often central to discussions, but opinions were mixed on how it contributed to the problems in the political system and how they might be addressed through a change in electoral procedures. There were few serious proposals to change the electoral system but there was a clear consciousness that current electoral practices were not delivering a political class which was capable and motivated by long-term development of the state. Lack of diversity in politics was identified as a serious problem. The low numbers of women in politics and almost complete absence of minorities were raised in many of the political reform proposals and debates. And gender quotas, long resisted and derided, were identified as an urgent and vital reform needed in the system.

The Dáil as a political institution was subject to sustained critique for the outdated way it conducted its business and its weak capacity to deliver informed and rigorous policymaking. The concentration of power in the hands of a small cabinet overseen by a weak parliament came to be seen as a fundamental problem. Wide acceptance of the problem of executive dominance opened the way for a myriad of Dáil reform proposals, quite a few of which were eventually implemented. But the debate was wider than just parliament. Ireland has an especially centralised political system.

With few formal functions and a weak financial base, local government in Ireland is particularly ineffectual. Regional government is all but non-existent. High levels of fiscal centralisation are also part of the overall model (Considine & Reidy, 2015; Joumard & Kongsrud, 2003). The narrow tax base and limited revenue powers meant that the impact of the economic crisis was rapid and severe at the local level and there was little capacity for local politicians to influence the incidence of the retrenchment. During the political reform debate there was acknowledgement that Ireland is particularly unusual among EU states in having such a centralised state but, as is so often the case, local government was tangential in many of the reform discussions.

The debate was not just limited to political institutions and the people who occupy them; there was also a debate about the way the business of politics and administration was conducted in Ireland. The process of decision-making in the state was especially opaque. The decision by the Fianna Fáil/Green Party coalition government to guarantee bank debts was taken late in the night in September 2008 without many of the most senior policy figures present. The formal decision was finalised through an incorporeal cabinet meeting. The episode came to exemplify the weaknesses inherent in the decision-making process. Fundamental questions about who makes policy decisions, and on what evidence base, were difficult to answer. Freedom of information legislation in Ireland had been introduced by the rainbow coalition government (1994–7) but was subsequently diluted by the Fianna Fáil/Progressive Democrats coalition government that followed it into office. Further, there was little inclination toward the open government movement which had been taking hold across many OECD states for some decades.

Taken together, all of these issues point to four key symptoms in the diagnosis of failure across the Irish political landscape: a lack of diversity among our political and administrative leaders; weak political

institutions; centralisation of political, administrative and financial powers; and a lack of transparency in political decision-making. The articles in this collection speak to these four symptoms or themes. Essentially, each of the articles discusses a theme before problematizing it within a particular institution or governmental decision-making process. To ensure consistency in approach and analysis across all articles, a number of fundamental questions guide this enquiry, notably: what political and/or administrative reforms were introduced?; how effective were these in bringing about change and renewal to the political and administrative system?; was a 'democratic revolution' achieved?; and, as Ireland emerges from recession, has anything really changed?

In the following section, we provide an overview of each article and their key findings. This will then be followed by a concluding section, which assesses the extent to which a democratic revolution has taken place in Ireland.

Overview of this special issue

Arguably, legislative gender quotas were the most prominent political reform implemented by the Fine Gael/Labour government, and certainly represented a serious and significant effort on behalf of the government to incentivise political parties to diversify their candidacy base. The special issue opens with an article from Mary Brennan and Fiona Buckley, which sets out the reasons why legislative gender quotas were introduced for Irish general elections and assesses the first roll-out of gender quotas at the 2016 general election. Brennan & Buckley highlight that throughout the adoption and implementation stages of the legal gender quotas, cultural conservatism of Irish party politics and past resistance to affirmative action represented key challenges for their effective implementation. The international experience shows that gender quotas work to increase women's political descriptive representation, but to do so, political parties must engage with them in 'goodwill' (Matland, 2006), be 'well-intentioned' (Dahlerup, 2007) or place women in 'winnable seats' (Murray et al., 2012). Brennan & Buckley examine if this was the case at the 2016 general election. Using statistics, as well as drawing from interviews with party strategists, the article assesses the impact of gender quotas on women's candidate selection and election. It concludes that parties did embrace the spirit of the gender quota law and that there were increases in both the absolute numbers and proportions of women

selected and elected. However, resistance to change remains, leading Brennan & Buckley to caution against complacency in efforts to ensure the effectiveness of gender quotas.

Three articles follow which put the weakness of parliament in Ireland in the spotlight. Lynch et al. focus on agenda-setting powers and the position of speaker of parliament (Ceann Comhairle) in their contribution. The article opens with a benchmarking exercise that leaves little room for argument about the inadequacies of parliamentary procedures in the Dáil. They describe a weak parliament with limited ability to inform legislation or hold government to account. The article proceeds with an evaluation of the reforms introduced in both the thirty-first and thirty-second Dáileanna. In contrast to many contemporary commentators, the authors are broadly favourable in their evaluation of the changes which have been implemented. They see them as an essential part of empowering the Dáil but also point out that the real test of their usefulness will only come when a government with a parliamentary majority takes up office. The loss of the Oireachtas inquiries referendum was an early defeat for the government on Dáil reform but the combination of several discrete reforms has created the potential for the Dáil to become a modern and rigorous parliament.

Catherine Lynch continues the focus on Dáil reform in her article, in which she concentrates on improvements to committee structures and roles. Again, it is very obvious in the opening sections that committees in the Dáil could have had a more substantial input into policy in the past but, as in the preceding article, the overall evaluation of recent reforms is positive. The use of the d'Hondt system for the allocation of committee chairs, pre-legislative scrutiny, better resourcing of committees and changes in the timetabling of committee business are among the important changes that she highlights.

Kevin Rafter takes up the theme of the economic crisis, more specifically the way in which the media's role in the crisis was examined by the Joint Committee of Inquiry into the Banking Crisis (Banking Inquiry). In contrast to the two preceding articles, Rafter is more critical in his evaluation of parliament. Following a rigorous examination of the record of the Banking Inquiry, he concludes that the 'parliamentary inquiry did not assist in advancing a serious understanding of the work undertaken by the Irish media in the pre-2007 period and that ultimately, for all involved, this engagement was a missed opportunity'. He questions the broad conclusions delivered by the committee on the role of the media and his analysis brings to

mind many of the criticisms which were levelled at TDs and the Oireachtas in the aftermath of the crisis, such as a tendency towards grandstanding, lack of attention to evidence, and limited impact and follow-through on the recommendations of published reports. Indeed, some of the arguments which flow from Rafter's analysis were also part of the debate on the No side in the 2011 Oireachtas inquiries referendum, and were among the prominent reasons mentioned by No voters in explaining the reasoning behind their decisions (Marsh et al., 2012) – that is, TDs could not be trusted to conduct thorough and impartial investigations.

The articles on Dáil reform directly address the dominance of government in decision-making and focus on the centralisation of power in government hands within parliament. The centralisation of power within the overall political system is the core theme in Aodh Quinlivan's article on local government. He provides a critique of the *Putting People First* reforms of local government. His criticisms of the abolition of town and borough councils are tempered by an analysis of the potential for municipal districts to develop into meaningful units of local government. However, in his final evaluation he argues that the additional roles in economic and social development allocated through the reform process do little to develop local government in Ireland and that, overall, it continues to be function stripped.

Gary Murphy takes up the transparency theme with his evaluation of the government's lobbying regulation. Having been directly involved with the development of the legislation, he brings an insider's perspective to the analysis and delivers a favourable evaluation of the Regulation of Lobbying Act, 2015. He makes a strong case that its introduction will enhance transparency and accountability in decision-making in Ireland.

Turning to administrative reform, Muiris MacCarthaigh is very complimentary of the reforms and reformers at the Department of Public Expenditure and Reform (DPER) and, from his overview, it is indeed clear that there were considerable achievements. In contrast to Quinlivan's more critical evaluations of the abolition of town and borough councils, MacCarthaigh presents this measure as part of the overall rationalisation and reform process conducted by the Fine Gael/Labour coalition government. While one of the problems that we lament in the early discussion of this introduction is centralisation of power, it is interesting that in some ways MacCarthaigh sees centralisation as a strength in terms of creating greater responsiveness and accountability for decisions in DPER. But at the end of this

article, one is left with the question of why it took a catastrophic crisis to push toward administrative reorganisation and reform which was long overdue and had been recommended in many reports and evaluations.

Bernadette Connaughton concentrates on the role of special advisors (or SpAds as they are known) within the political process. Like both contributions on the Dáil, she clearly demonstrates that Ireland operates a type of evolving Westminster hybrid and that, just as Lynch and Lynch et al. argue, there is evidence of a drift towards a more continental model of governance, a change which is endorsed in all three contributions which address this topic. SpAds have been deeply controversial on occasion, scandals about their involvement in particular policy issues have flared up occasionally¹ and there has been a recurring theme of irritation about their rates of pay in the media. Specifically in relation to the political reform debates, changes in the roles and functions of SpAds, as addressed in this article, fall into the openness and transparency lexicon. Connaughton's thorough evaluation leaves us in little doubt that the role and remuneration of SpAds remain largely unchanged. The government set and rapidly broke its own pay caps and, while there were some procedural changes in the specific functions carried out by SpAds, these were not codified in any substantial way. Opaque appointment procedures and functional roles remain the norm.

A democratic revolution? Assessing the change process and the extent of political reform

Collectively, the articles in this special issue cover many of the political and administrative reforms introduced by the Fine Gael/Labour coalition government between 2011 and 2016. However, it is not an exclusive list and this needs to be acknowledged. Space constraints mean that innovations such as the constitutional convention and specific public sector reforms are outside the scope of this work. However, we believe that the special issue surmises and highlights some of the most significant political reform developments introduced during the recessionary period and that, through this collective review,

¹ One example would be the controversy surrounding the role of SpAds in the Department of Health and Children following the publication of the Travers report (*Interim Report on Certain Issues of Management and Administration in the Department of Health and Children Associated with the Practice of Charges for Persons in Long Stay Health Care in Health Board Institutions and Related Matters*) in 2005.

a number of observations about the political reform process in Ireland can be made. Moreover, the collection allows us to draw conclusions as to the extent of change incurred and an assessment of the much-talked-about democratic revolution.

Observations of the political reform process

Reform processes rarely take place in a vacuum. It is clear from this special issue that the financial crisis of 2008 and ensuing recession were the impetus for Ireland's political reform discourse and agenda programme. Many of the issue's contributors speculate that without such a crisis, the political opportunity space for reform was limited. This is an important point to note. Institutional studies advise that the circumstances in which reform is instigated and implemented can determine the extent to which there is 'buy-in' to proposed reforms from stakeholders and, indeed, the sustainability and effectiveness of those reform measures. As Ireland comes out of its deep recession, calls for pay demands, improved working conditions and increased public expenditure are once again back on the agenda. Some of the public sector reforms discussed in this volume focused on cost efficiencies and rationalisation. As the economy improves, the sustainability of these reforms will come into question as demands from various stakeholders increase, risking a return to short-termism in policy planning, inefficiencies in public expenditure and, ultimately, the undermining of public sector reforms achieved under the Fine Gael/Labour coalition government's reform agenda.

A recurring theme across many of the contributions is the importance of a reform champion or policy entrepreneur. Phil Hogan, TD, Minister for the Environment, Community and Local Government from 2011 to 2014, and Brendan Howlin, TD, Minister for Public Expenditure and Reform from 2011 to 2016, are particularly noted for their innovation and persistence in legislating for political reform and putting these reforms into practice. Brennan & Buckley identify the role played by Minister Hogan in bringing through legislation to incentivise political parties to select women candidates and address the historical absence of women from Irish politics. Murphy opines that Minister Howlin's support for lobbying regulation was crucial in getting this broad policy change over the line to challenge the perceived culture of secrecy so admonished by politicians and the public alike during the financial crisis. In MacCarthaigh's assessment of the establishment of DPER, it is clear that Howlin was again a central figure in advocating for widespread

political reform. Policy entrepreneurs come in many guises. In the case of Hogan and Howlin, the fact that both were senior members of their respective political parties, with long-term political experience, as well as an ability to command respect from party and government colleagues, ensured dissent was limited and assured political agreement for reform proposals. The overall evaluation of their terms in office is mixed.² However, their legacy as reform champions is guaranteed as the effects of measures such as gender quotas and lobbying regulation will – if the early assessments contained in this issue are anything to go by – have a long-term and positive impact on Irish politics.

Policy entrepreneurship is associated with dynamic policy change. Yet to ensure the effective implementation of change proposals and their enduring stability, advocacy coalitions are important (Mintrom & Vergari, 1996). Consultation, or the lack thereof, with various stakeholders (academic experts, advocacy groups and those impacted by reform measures) is an integral feature of the political reform processes highlighted in many of the articles in this special issue. It is also a determinant of the extent to which widespread ‘buy-in’ to change processes can be achieved.

Even when consultation is engaged, policy changes are not always well received. Resistance to specific political reform measures in Ireland remains. This is evidenced in the case of gender quotas. As Brennan & Buckley note in this issue, ‘Institutions are adaptable, which can result in transformations but can also produce resistance.’ Resistance cannot be ignored, as to do so risks a subversion of the change potential of reform measures and a reproduction of institutional norms and legacies which were the bedrock of the ‘broken politics’ that triggered demands for reform in the first place. Mechanisms to monitor, review, assess and evaluate political reforms must be an integral part of policy change processes to ensure their long-term effectiveness.

A democratic revolution?

At the outset of this introduction, four key failures in the Irish political landscape were identified: a lack of diversity among our political and administrative leaders; weak political institutions; centralisation of

² It should be noted that both were controversial figures during their ministerial terms of office and were heavily criticised for the roles that they played in the implementation of fiscal retrenchment policies. However, the focus of this article, and those contained in this special issue, is on the political and administrative reform agenda only.

political, administrative and financial powers; and a lack of transparency in political decision-making. It is clear that the political reforms introduced have attempted to tackle these issues. And in many respects they have. As the articles in this special issue will demonstrate, the implementation of gender quotas at the 2016 general election saw a 40 per cent increase in the number of women TDs elected since 2011. Lobbying regulation has facilitated greater openness and transparency as meetings between lobbyists and politicians are now publicly recorded. Dáil reforms have seen a rebalancing of the power relationship between the legislature and executive. However, what remains to be seen is whether any one of these reforms, individually or collectively, has the capacity to knock the system out of its sclerotic approach to governance and administration. The general election of 2016 saw much deriding of the Fine Gael/Labour coalition government's claim of a democratic revolution as scandals surrounding state board appointments and the Irish Water debacle brought into question the extent of transparency, diversity and public expenditure efficiencies achieved. It brings us to an important point – there are no clear and easy solutions to governance change. The process of change is multifaceted. Reform proposals take time to 'bed down', as long-term institutional legacies and cultures combine to attempt to blunt the effectiveness of change. Moreover, resistance to change is ever-present. However, these challenges should not be taken as an excuse for inaction. The Fine Gael/Labour coalition government of 2011–16 should be commended for initiating the most substantive political reform process seen in many decades.

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