

The UK has much to learn from the Irish constitutional convention

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At its party conference, Labour called for a UK constitutional convention. What can be learned from the experiences of Ireland and its own convention? [Clodagh Harris](#) writes that whatever remit is chosen for the UK convention, it is necessary that its work is inclusive, well resourced, allocated sufficient time, open, and has a clearly defined timeline for governmental response if it is to achieve legitimacy.



Calls to establish a constitutional convention for the UK in the aftermath of the Scottish independence referendum have cited the [Irish Convention on the Constitution](#) as a possible template. Like other deliberative citizen fora (referred to in the literature as mini-publics), the Irish Convention gave citizens a direct and formal role on matters of constitutional reform. Unlike them, however, it included 33 political representatives as well as 66 randomly selected citizens.

Giving citizens a formal role in constitutional decision making in this way can enhance legitimacy and address the so-called 'democratic malaise'. The success of such mini-publics can be determined by their input, throughput and output legitimacy. This post briefly discusses each of these, referring to examples that may be of interest to those designing a Constitutional Convention for the UK.

Input legitimacy is primarily derived from participation, that is, who participates and their opportunities to do so. In case of the Irish Convention, and the British Colombian and Ontarian citizens' assemblies, the citizens were selected randomly with an eye to gender, geography, age and socio-economic categories to ensure the group broadly reflected wider society. Some mini-publics have also specifically targeted minority groups that may be too small to be picked up through random sampling (for example, first nations communities in British Columbia) and groups that are difficult to reach (for example, the homeless in Belgium's [G1000](#) citizens' summit). In addition, concerted efforts are usually made to engage with the wider public 'outside the room'. Regional meetings, websites and social media are some of the ways in which submissions are invited, opinions gathered and ideas shared. In particular, the Belgian G1000 citizens' summit used ICT to great success. It innovatively included the wider public using sophisticated software that permitted e-deliberation.

However, it is not sufficient to merely bring individuals to the table. Efforts must be made to keep them there and ensure their voices are heard. Keeping younger women involved in a process that meets a number of days/weekends over the course of a year may require the provision of childcare. Similarly in light of the socio-economic and gendered aspects of deliberation, care needs to be taken to ensure that all have opportunities to express their views. The Irish Convention employed trained facilitators to encourage all members to speak and attempted to achieve gender balance amongst those who presented to the Convention and in the composition of the small group roundtable discussions.

Finally, input legitimacy is impacted by the openness of the agenda setting process. The Canadian citizens' assemblies had a fixed remit; to recommend an electoral system. The Irish Convention was charged with making recommendations on specific issues ranging from reducing the voting age to introducing marriage equality. However, it was also given some limited agenda setting powers as it was permitted to consider other possible areas for constitutional amendment. Having actively encouraged submissions and held a series of regional meetings to gather views on which issues to should be considered, the Convention chose Dáil (the lower house of the Irish parliament) reform and the inclusion of economic, social and cultural rights in the constitution.

Process is core to throughput legitimacy. Deliberative mini-publics tend to include a mixture of invited expert presentations and facilitated small group deliberations at round tables. Good practice gives citizens a role in choosing the experts. In the case of the Irish Convention a steering committee comprising politicians and citizens approved the programme and the speakers for each week-end. The expert panel was convened to ensure a diversity of arguments on the topic and the speakers were asked to make brief, plain English presentations, this reflected practises used in the Canadian citizens' assemblies. The experts also made themselves available to answer individual questions at the roundtable sessions and to help draft the ballot paper that the members voted on at the end of the week-end.

The inclusion of civil society organisations in the Irish Convention also added to its throughput legitimacy. Most of the week-ends included a balanced panel of issue-relevant advocacy and other groups that brought the perspectives and interests of their members to bear on the discussions. Achieving balance between information and small group deliberation proved a challenge for the Convention. The tight timelines (10 topics over 8 week-ends) meant little time could be spent on a discussion of broader principles or values as a lot of essential and sometimes quite technical information needed to be covered. In this regard, the learning phases used in the Canadian citizens' assemblies have much to commend them.

Output legitimacy is determined by outcomes and responsiveness. Regarding governmental responsiveness, different practices have been used by mini-publics. The Irish Convention had an advisory rather than declaratory role as the government decides whether or not an issue will proceed to referendum (amendments to the Irish Constitution require a referendum). To date there has been a commitment to hold 3 referendums next spring (reduce the voting age, reduce age barrier for presidential candidates and introduce marriage equality), and it was recently reported that the government has signed off on a plan to hold a 4th referendum (remove the offense of blasphemy). However, a number of reports have yet to be responded to by government indicating some slippage in the timelines outlined in the parliamentary resolution that established the Convention.

The inclusion of political representatives in the Irish Convention, although initially greeted with cynicism, wariness and even hostility, in the end added to the process' legitimacy as the political members were both invested in the recommendations and parliamentary responsiveness to them. A number of them have acted as champions for the process and its recommendations during parliamentary debates on the reports.

One of the challenges facing a possible constitutional convention for the UK is deciding its remit. The Irish Convention shows that deliberative processes can be successfully used for both matters of technical political reform and controversial social and moral issues. Whatever remit is chosen for the UK convention, care is required to ensure that its work is inclusive, well resourced, allocated sufficient time, open, and has a clearly defined timeline for governmental response if it is to achieve legitimacy.

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