Sounding Out The Public

A Review of the National Discussion on the Reform of the Second Chamber

Stephen Coleman
Sounding Out The Public
A Review of the National Discussion on the Reform of the Second Chamber

1. What Does the Public Think?

The public has views about matters that were once the domain of a decision-making elite. From who should manage the England football team, to the scheduling of the ITN late-evening News bulletin, to protocols following the death of a member of the Royal Family, it is increasingly difficult for policy-makers to escape from public opinion. Deference towards public opinion has not been confined to matters of popular culture. Increasingly, political policies are 'tested' via polls and focus groups before politicians are prepared to risk advocating them. Some see this trend as a decline into populism, with policy development a victim to whims of imagery and spin. Others argue that democracy is hollow unless the public has a meaningful input into the debate about appropriate policies. Whatever assessment one makes, there is little doubt that what the public thinks will continue to matter as much as how the public votes, and that the quality of such opinion and capacity to determine it is central to the health of democratic citizenship.

The Government's decision to reform the second chamber of Parliament ought to matter to the public. The existing two chambers have existed for over six centuries. They remain at the centre of the legislative process as the principal bodies of executive scrutiny and as the pivotal fora for national representation (albeit 'virtual' representation in the case of the unelected House of Lords.) How the second chamber is reformed and made a more appropriate legislative, scrutinising and representative parliamentary body must be of relevance to any citizen seeking to influence and not only be influenced by the UK system of governance. As in the case of electoral reform, reform of the second chamber shapes the evolving constitutional settlement and defines the practice of parliamentary democracy, especially in a country without a codified constitution.

In appointing the Royal Commission on the Reform of the House of Lords the Prime Minister called for clear recommendations about the future of the second chamber. The Commission was under no constitutional obligation to seek the views
of the public, but decided that to do so was necessary. In May 1988 Charter 88 commissioned ICM to carry out a national poll (comprising a random sample of 1205 adults who were contacted by telephone) to find out whether 'there is enough consultation of the public regarding the reform of the House of Lords.' 72% of respondents said there was insufficient consultation, with 16% saying there was enough and 12% undecided. This indicated a strong public feeling that they should be consulted and that insufficient efforts were being made to find out their views.

But how does one find out what the public thinks? It is easier said than done. Traditionally, political opinion polls have been regarded as the quickest and most accurate way of finding out the views of the public. It is certainly the case that such polls, when properly conducted, can be predictive in relation to imminent political behaviour, such as voting. Such polls, however, only provide what have been called 'snapshot pictures' of public opinion. In short, what they tell pollsters is how a not necessarily informed individual who has not necessarily thought about or debated a question answers it at one particular moment. Polls of this type are capable of reflecting non-deliberative opinion, but are incapable of measuring the difference between informed and uninformed, considered or unconsidered opinions. As such, they offer a mass approximation of opinion, useful in predicting voting intentions, but of little use in reflecting the complexity of values and argumentation which constitute more balanced public judgement.

In reality, the public does not think in terms of snapshot judgements. Its views are based on elements of information, personal experience and ideological predilection. Views are often partially formed, self-contradictory or repeated from the discourse of well-publicised political rhetoric. Just like politicians, corporate managers and academics, the general public is best at forming views on the basis of deliberation. Indeed, one might conclude that knowing how the public thinks about a particular issue is equally or even more important than knowing what it thinks. The latter often comprises crudely-formed and semi-articulated opinion, whereas the former reveals more about public values, processes of reasoning and scope for consensus. It reflects the difference between a vote and a debate.
2. Where does the public deliberate?

In the nineteenth century, before the rise of the democratic franchise, the public was feared as a potential mob. One has only to contrast the attitude of the political elite towards parliamentary reform in 1832, when public gatherings were regulated to the point of suppression, to that in 1999, when determined efforts were made to invite the public to gather and discuss the reform of their Parliament. By the early twentieth century there had developed a tradition of public gatherings to debate issues of the day. Speakers' Corner came to be symbolic of the public's freedom to meet and debate. Such gatherings were indeed prevalent and rooted in communities, with regular meetings held on street corners, in parks and market squares, above pubs and in meeting halls. The rise of radio and later television was a major distraction from face-to-face autonomous debate: as television audiences grew from the 1960s onwards participation in public meetings declined, to the point where even during election periods it is no longer seen as necessary for parties to hold public meetings as part of their local campaigns.

The public meeting has to a great extent been replaced by new forms of public discussion. In the late 1960s the phone-in format came to British radio. This allowed members of the public to air their views on matters of general interest, including the political agenda. Phone-ins offered an opportunity for 'ordinary' people to address their fellow citizens, and also to interact with politicians and others making the news of the day. Phone-in audiences could also monitor the opinions of other citizens, enabling them to consider new arguments and change their minds about previously held views. There is some evidence that phone-ins do produce such effects. (Coleman, 1999)

By the mid 1990s, the rise of the internet as a widely-used medium of communication engendered high hopes for a new age of more participative and deliberative democracy. Web or email based electronic discussion has been hailed as providing a number of opportunities to improve the inclusiveness and quality of public deliberation. Leeuwis has concluded that compared with face to face public meetings, electronic forms of discussion possess the following advantages: they can include a greater number and variety of participants; there is less time pressure; there is scope for more egalitarian participation; there is scope for more extensive articulation of arguments; information can be provided more flexibly during the
discussion; there are better opportunities for in-depth debate along a greater diversity of discussion lines; there is greater freedom and openness during the discussion; there are better opportunities for decision-makers to be involved in the discussion. (Leeuwis, 1999)

In the UK there have been several pilot consultations with the public via the web and email. In 1997 the Cabinet Office invited UK Citizens Online Democracy (UKCOD) to run an online consultation about its Freedom of Information White Paper (www.foi.democracy.org.uk). Since then many Government Departments have run online consultations in various forms. In 1998-9 the Hansard Society moderated a series of online discussions aiming to link groups of citizens to parliamentarians on a diverse range of legislative subjects including data protection, women and science, e-democracy, domestic violence and leasehold reform. (see www.hansardsociety.org.uk)

As part of its series of experimental online consultations, the Hansard Society decided to run a public web-discussion on the reform of the second chamber within its Democracy Forum (www.democracy-forum.org.uk). For reasons discussed below, the web-based Forum failed to generate the debate hoped for. Rather than simply summarise the limited debate within that forum this report addresses the various forms of public consultation which were available to the Royal Commission and offers some recommendations for future public consultations.

Each form of public consultation can be evaluated as a communication model on the basis of the following six criteria:

- Number of people participating;
- Ease of access to participation;
- Time allowed for participants to make their points;
- Opportunity for participants to interact with other members of the public and with the Commission;
- Number of people who could be influenced by participants' contributions;
- Likelihood of participants' input influencing policy outcome.
3. The Royal Commission Consultation

3.1 The Public Meetings

The Royal Commission ran eight public hearings between 12 May and 27 July 1999 in order to provide opportunities for expert witnesses and members of the public to state their views. These were held in London (twice), Exeter, Peterborough, Newcastle, Manchester, Birmingham, Edinburgh and Cardiff. A planned meeting in Belfast was not held. In each of these hearings four or five expert witnesses, selected on the basis of written statements sent to the Commission, were invited to give brief statements of their positions, lasting 10-15 minutes each. After these statements were heard and commented upon by members of the Commission, an average of 15 minutes per meeting was dedicated to questions and comments from members of the public. Richard Askwith, a New Statesman journalist, attended the Birmingham hearings (two sessions in one day) and he concluded that

The Commission was pursuing its own agenda, questioning invited witnesses on written submissions that we (the audience) had not seen. Most of the witnesses were either special interest groups arguing that the House should be reformed in such a way as to maximise their influence; or political scientists haggling over minutiae of regional weightings and top-ups from the lists ... The idea of having a chance to participate directly in the political process clearly appealed to us (the audience) ... Sadly, no one except the floor seemed to be listening. The Commission members, impressively animated when examining witnesses, were now seeking diversion through all the little tricks that the rest of us had been trying for weeks. (NS, 5 July 1999)

Transcripts of the hearings show that members of the public had thoughtful and innovative comments to raise. 1,027 members of the public attended the hearings, of whom 481 (47%) attended the two London meetings. Numbers attending the non-London meetings varied from 26 in Peterborough to 113 in Cardiff. Registration for the hearings was free and open to all, although the right to speak was limited by two factors: the selection process at the meetings and the limited time allocated for the public to have its say. The average time given to members of the public was 90 seconds. No opportunity existed for contributors to interact with fellow contributors, the audience or members of the Commission who were present. In this sense, the contributions were little more than verbal submissions or monologues
which were not invited within a context of discussion. Beyond the people present, there was little expectation that contributions from the public would be heard by a wider audience, so the influence reach of such contributions was very limited: at most 50 people in any one session. There was no indication from the Commission members that public comments would in any way influence the outcome of their deliberation. Indeed, there is no reason why unrepresentative submissions should have such an influence. But if they do not, what was the point of hearing them? If the purpose was to generate public debate, this did not happen, because there was no scope for interaction and examination of perspectives. If the objective of inviting the public to speak was to obtain a sense of informed public opinion, this was partly achieved at the hearings, but was probably more effectively achieved via the questionnaires distributed by the Commission to the public to which 599 responses were received at the public meetings and 340 via the Commission's own website. Most people filling in a questionnaire are aware that they are essentially providing information rather than contributing to the determination of policy. When citizens are invited to speak at a public hearing they are more likely to assume that there will be some link between what they say and the outcome of the Commission's deliberations.

3.2 Radio Phone-ins

Phone-ins offer the public an opportunity to call an advertised telephone number if they want to state a point of view on the radio. The public is now used to political discussion within the phone-in format and, although only a minority of people ever call in to such programmes, phone-ins have become a significant forum for members of the public to listen in to and make up their minds about issues of the day.

For the purpose of this research, we examined in detail just one radio phone-in programme which invited listeners to call in with their views about the future of the House of Lords. BBC Radio 4’s afternoon phone-in, The Exchange, devoted one hour to the subject on 18 May 1999. Callers were invited to offer their suggestions for the future of the second chamber. 13 callers made it on to the programme. This constituted around 10% of those wishing to make their points heard. As we have suggested in an earlier study, although it seems to be the case that the callers determine what is said on phone-ins, producers often have a clear agenda for the discussion and will select calls to go on air that fit in with it. Access to participation
requires a degree of conformity with the broadcasters’ agenda, and this might be regarded as excessively constraining when compared with other forms of public involvement. Another constraining factor in phone ins as in most broadcasting is the limited time available.

On The Exchange callers had approximately one minute each to make their opening points. Compared with the public hearings, this was not bad and, unlike the hearings, callers had an opportunity to make supplementary points after the presenter/moderator had responded to their initial comments. Seven out of the 13 callers made a supplementary point, often in response to questioning from the presenter; and the average number of come-backs per caller was two. Such interaction allowed callers to develop their thoughts and enter into a process of dynamic argumentation, albeit very brief. Like most phone-ins, callers were not able to interact directly with one another (although it is technically quite possible for more than one caller to be on the air at once), but they were able to comment upon comments made before they came on the air. Two of the callers did so. Listeners received a sense of a vivacious discussion in which participants are listening as well as speaking.

Although phone-in agendas are not entirely determined by the callers, it is interesting to note that The Exchange discussion included some views that were unconventional. Two callers stated the case for random selection of members of the second chamber on the same basis as the jury system. This was a somewhat marginal proposal within the conventional debate, although it has been advocated by some serious thinkers. Listening to the case for such an arrangement being expressed at some length not once, but twice in the course of an hour, possibly helped to turn it into a more legitimate point of view within a wider political agenda.

A significant advantage of phone-ins over other forms of public discussion is the number of people likely to be influenced by what participants say. The listening audience for The Exchange is in the hundred thousands, many times bigger than all of those who attended the public hearings or visited the web sites examined below. There is no evidence, however, to suggest that members of the Commission listened to the programme. Phone-ins tend to be regarded as sounding-boards rather than public consultations. It is highly unlikely that the programme producers considered it useful to send a tape of the programme to the Commission or that members of the Commission would have listened to it had they done so.
3.3 Web sites

The Hansard Society’s Democracy Forum web site has been set up primarily to host electronic discussions involving invited participants with interest or expertise in aspects of parliamentary legislation. As it was set up at a time when the Royal Commission was eager to generate public discussion about the future of the House of Lords, a decision was made to run such a discussion. The Royal Commission endorsed the web-discussion. BBC Parliament kindly agreed to announce the discussion via periodic on-screen notices.

The web-discussion began in late June 1999 and was planned to run until late July, when a summary of the discussion would be produced. The site comprised four main areas: a collection of documents were put online so that participants could read themselves into the discussion; a Forum was established, at which keynote contribution from well-known political figures or organisations appeared and were planned to be changed every few days; a discussion section enabled anyone with access to an internet connection to state a point of view; and, for participants who registered, there was a ‘Shades of Opinion’ section which allowed people to agree or disagree with various propositions, on a scale from minus five to plus five.

Despite limited publicity by BBC Parliament, the site was largely unpublicised and therefore underused. People only visit web sites if they know about them; the web is far too big for any site to perform a useful role without there being an energetic campaign to direct people towards it. As such, the Hansard Society’s web-discussion fell far short of its objectives, although it provided a valuable experience to learn from. The online information was useful and will be retained as an archive; the idea of having keynote statements identifying various positions was worthwhile, although these were possibly too long, indigestible and changed with insufficient frequency (over the month we had statements from Tony Benn MP, Lord Strathclyde and the Labour Party - and one from the Law Society of Scotland which did not go online before the site closed); and the Shades of Opinion idea might have been interesting had more people participated. In the event, the site attracted 10,692 hits with 414 user sessions. Only 12 people submitted contributions to the discussion.
BBC Online ran a web-discussion on the same subject. BBC Online is by far the biggest news web site in the UK and includes a wealth of information and trusted interpretation about current events. 54 people submitted views to that discussion, although ten were from the USA, two from France and one from Sweden. 17% indicated that they were students.

Web-discussions are easy to participate in, as long as one has access to the internet and knowledge that they exist. Most contributions were reasonably brief, which tends to be the case in most web-discussions - though less so in email-based discussions. Participants did have the opportunity here to make more than one contribution to the discussion, but, interestingly, nobody took this up. Nor was there any noticeable interaction between participants: on neither web site were points made by previous contributors considered, examined or taken on board by later contributors. Other e-discussions can be pointed to where such interaction is a significant feature; these are usually more animated debates in which participants feel that they have an online audience to persuade. In both of the web-discussions examined here there was no real sense of connection between the statement of individuals’ views and the wider political process. Although the Hansard Society’s site was presented as an online consultation, whereas BBC Online’s was more obviously a sounding board, members of the public appeared to see no connection between their expression of views and any future policy outcome. Although BBC Online contributors addressed a global audience far larger than the negligible numbers reached by the Hansard Society site, one could be forgiven for thinking that both fora were surrounded by a cyber-void, detached in any meaningful way from the real world of political decision-making.

4. Conclusions

It is hard to resist the overall conclusion that the communication channels offered to the public did not serve to generate very much public discussion. At least three reasons can be suggested for this.

Firstly, there is no tradition in the UK of public consultation about constitutional issues. Indeed, until recently there has been virtually no tradition of constitutional debate. Therefore, discussion of this kind is new to people and they have kept their
distance from it. Frustratingly though, such constitutional issues arise only occasionally and it will be too late for the public to acquire an interest in such matters in a few months or a few years time, when the shape of the legislature is likely to have been decided. It is not only the future of the second chamber that deserves public discussion: issues such as the role of the devolved assemblies, reform of the voting system, the implementation of human rights, party funding, further European integration all call for public interest and discussion. It is in the interest of the public to consider these issues, but it may be that they simply do not interest the public.

Secondly, political participation at most levels is determined in part by calculations about the effect of becoming involved. Downs’ rational choice theory concerning voting is a good example of this. The public is quite sophisticated and not a little cynical about judging the value of consultation exercises. It may be that many of those who are interested in what happens to the second chamber of the legislature have little faith in the available methods of consultation as ways of influencing policy.

Thirdly, the communication channels provided failed to enhance the democratic process because there was no clarity as to why they existed. As suggested above, the section of the hearings reserved for the public seemed to serve no political purpose except to provide Commission members with a random impression of informed public opinion; radio phone-in programmes exist to inform and educate, but not to fulfill a democratic function; and the web-discussions failed to connect people to the work of Commission.

Despite these negative reflections, there is no doubt that the Commission did endeavour to engage with the public. Large numbers of written submissions have been received, in the traditional form, and this response was in part a result of the public’s recognition that its views are wanted. The problem with these submissions is that they reflect one-off statements of opinion. Democracy works best within a culture of deliberation. A society in which people know what they think, but not what others think, has still some way to go towards mature democracy.
5. Recommendations for the future

One observation to be drawn from all of the discussions examined above is that members of the public have intelligent and unique points of view to raise, often in a highly articulate and stimulating fashion. The process of determining policy would be poorer for ignoring them. Efforts should be made by future Commissions of this kind to engage the public.

We now live in a multi-media society in which public communication is best served by a combination of channels. So, the first recommendation for future national dialogues of this kind is to utilise several media. A graphically exciting web site can be used to provide information of various levels of depth and to host an extensive discussion. Radio phone-ins can be used to solicit information by publicising in advance the appearance of Commission members on particular programmes, spread across the radio spectrum, for the sake of the widest demographic representation. Excerpts from the public hearings could be played as part of such programmes. Listeners can be invited to visit the web site and continue the discussion after listening to the programme. BBC Online’s Talking Point would provide an excellent forum for immediate feedback; a more structured and moderated web-discussion would be better for an extensive national dialogue. In all of these media, it is important that people know the precise link between what they are doing and what the Commission wants from their deliberation.

The public is not an amorphous entity and one cannot engage with it per se, but with members of the public. If the Commission is concerned to generate a discussion that is fairly representative of the public as a whole they could adopt some of the principles of deliberative polling, as pioneered by Fishkin. (Fishkin, 1995) Channel 4 has run a number of highly successful deliberative polls. The main distinction between these and other polls is that they start when others finish: deliberative polling starts with a ‘snapshot’ opinion poll amongst a random-sample group and then proceeds to provide the group with balanced information and opportunities for discussion. At the end of this process the group is polled again, usually to discover that opinions have moved as a result of better understanding of the arguments. The Alaska and Hawaii Televote projects in the 1970s were based on similar principles. (Slaton, 1992) In short, it is assumed that selecting a representative sample of the population, informing them and allowing them time to deliberate, allows one to find out not only what they have come
to think but what the public in general would come to think under similar circumstances. Such an exercise in deliberative democracy is not an alternative to the widest public involvement but an interesting supplement.

Public involvement requires a significant campaign of publicity. Just as elections involve state funding to persuade citizens to cast their votes, so should policy consultations be funded to ensure maximum public involvement, not only in terms of numbers but also demographic spread. Without such publicity, the involvement of citizens is likely to remain negligible and unrepresentative, and the democratic benefits of citizens feeling a part of the policy-making process will be lost. The scope for obtaining such publicity from the public-service broadcasters should not be overlooked.

Web based discussion should not be abandoned because it does not always work. This is a very new medium of communication, particularly in the field of democratic deliberation. The UK is less advanced in the use of new technologies than the United States, where e-democracy has been used much more successfully, for example, Minnesota e-politics, the National Dialogue on Social Security, Democracy Net and Web White & Blue. The technical and editorial lessons of these successful projects need to be evaluated; this is a key area of work being undertaken by the Hansard Society's Parliament and Electronic Media research programme.

A future public consultation of the sort initiated by the Royal Commission on the reform of the House of Lords, could involve the following features:

- A well-designed, highly informative and widely-publicised web site providing a range of digestible policy positions and a forum for extensive, well-moderated public discussion.
- A series of appearances by Commission members on radio phone-in programmes on which members of the public would be invited to share their thoughts with the rest of the public and with the Commission.
- Well-publicised public meetings in which time is given for real discussion and where members of the public are informed clearly of their role.
- An experimental exercise in deliberative democracy, involving a selected group of representative citizens. (The Hansard Society would be willing to help organise such an exercise.)
- A clear section of the Commission's final report summarising efforts made to contact the public and the views expressed.
Bibliography

Coleman, S. (1999), Election Call: A Democratic Public Forum?, The Hansard Society
Downs, (1957), An Economic Theory of Democracy, Harper and Row, NY
Slaton, C.D., (1992), Televote: Expanding Citizen Participation in the Quantum Age, Preger, NY

Dr Stephen Coleman,
Director, E-Democracy programme,
The Hansard Society
February 2000

This report was produced with research assistance from Anne-Claire Guichard and Georgia Kayser.