

SYMPOSIUM ON LOCAL GOVERNMENT REFORM

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I suffer from two constraints. First, limited discretion; this because our report on local government reform has not yet been fully considered by the Government. Hence, it would be inappropriate for me to discuss the content of the Advisory Committee's Report now published and the Government statement on it published on 7 March. So, if not the nuts and bolts of the *content* of local government reform let me try to explain *why* that reform is important to the health of our democracy and the efficiency of our governmental system.

The second constraint is time. Local government is a considerable subject in its own right; but I suspect that a large segment of the public - even that part of it here tonight - is not expert in its ramifications. The standard text on Irish local government, by my friend Desmond Roche, runs to just 400 pages so there is no way that I could put you reasonably in the picture in 20 minutes. But I can give you some idea of why a comparison of the Irish local government system as a whole, compared with that of other European countries, provokes a chill feeling amongst those who believe, as I do, that its wellbeing is important for the future of our society, political and administrative. Moreover, what I have called the nuts and bolts of the subject are largely matters of day to day interest to those working in the system. For myself, I want to dig a bit deeper and ask you to engage in some thinking about the significance of local government reform rather than about its content.

1. THE EUROPEAN STAKES

I propose to put to you two main arguments that it is in the national interest at last to take seriously the Irish local government system. The first means taking a backward look to try to arrive at some quantitative and qualitative idea of the present state of that system as compared with some European norms. The second is to attempt a forward look, given the likely implications of the fact that, in the Taoiseach's words in the latest Programme for Economic and Social Progress, "we have fundamentally changed our approach to managing our affairs". And, be it noted, by learning as he says, "from other small, more prosperous economies". These are also, one may deduce, European economies and, I would add, not only economies but polities. There is rising evidence that the two march together. The reference is, no doubt, to the current NESC study of why five small European countries - three Scandinavian (Denmark, Finland and Sweden) and two Middle European countries (Austria and Switzerland) all, as NESC says, without outstanding natural resources have, in the European stakes, performed so much more successfully than we have.

When we talk about local government why do we use the term "government"? Is its survival in that context a sign of aspiration, or neglect or muddle? What has local government got in common with central government as we know it? True, it depends on adult suffrage, an elected assembly, and the rule of law - the basic democratic requirements. But it has in this country no vestige of sovereign discretion, that ancient value now being rapidly eroded from national government itself. How does Irish local government perform in the European stakes? The short answer is "Pretty dreadfully".

Comparative local government studies are not well developed so there is no easy way of matching our system against others. In a paper that I gave this month to the Irish branch of the Regional Studies Association, I have tried to place Irish local government, qualitatively and quantitatively in the context of 17 other European democracies. Basically, European local government, with a small number of exceptions, has been going, since World War II, through a period, as two very respected authors quoted in the paper put it, of "vitality and efflorescence". Four of the countries - Greece, Portugal, Spain and Turkey - got rid of their dictatorships in the late 1970s and have been struggling to put democratic institutions to rights in the

1980s, Spain the exception, so far as local government at least is concerned, in making notable progress in a short time. Of the remaining 13 countries, Britain and Ireland have not overcome severe problems, Britain from the active hostility of central government to local government, and Ireland the frozen, immobile cynicism of central government; but perhaps that is changing too.

Quantitatively, I have been able to collect some sort of indicators under thirteen headings, not great but all tending to point in the same direction. Under each of the 13 rankings for the 18 countries (sometimes an indicator did not extend to all) Ireland came last or second last in eight, tied for last place in three, and came in the last quarter in the remaining two. If the volume and range of local activities are reliable guides to degrees of centralisation - or, if you like, of restricted local activities - then Ireland lags far behind the European norm and scores anything from about a quarter to a half - more usually something like a third - of that norm as measured by median and mean.

Let me give three specific examples of the shackles on Representative Democracy in our system of local government.

First, the degree of local representation in this country is much less than the norm in small European countries such as Denmark, the closest to us in this matter; either less than a third, or one fifth, depending on whether the criterion taken is area or population. The IDA has been selling this country partly on our great resource of a young, intelligent, well-educated workforce. But it looks as if no other European country offers so few opportunities to its young people to contribute their energies, creativity, and sense of responsibility to the service of democracy.

Secondly, for those who can get elected the range of functions with which they are permitted to concern themselves is much the most restricted of the European democracies.

Thirdly, Ireland is one of the very few members of the Council of Europe that has not signed the European Charter of Local Self-Government adopted in 1985. This provides, *inter alia*, that local bodies should have a "general competence" to act in the general interest of their area, provided the proposed action is not forbidden by law or has not been assigned to

another body. This is the kind of power that would enable the whole approach of our local bodies to be transformed, to become open to new things and to play a creative part in relation to the rising phenomenon of Participative Democracy. By contrast, our extraordinarily restrictive interpretation of the doctrine of *ultra vires* ties our local authorities hand and foot.

In short, our relatively few elected councillors, confined to their narrow gauge tracks, face no direct stimulus to their sense of vision, no challenge to innovate, no real opportunity to exercise discretion and decision.

Quite a tocsin for summoning from the hills, valleys and plains of Ireland a *meitheal* of those gifted young people and engaging them to the task of building the New Republic!

The norm for European local government is that it is a major part - at the extreme, some two thirds in Denmark - of the system of government, not least for delivering, at the doorstep as it were, a wide range of public services, in large part caring services, in which a large part of the most socially committed citizens can play active, responsible and creative roles as servants of their communities.

In the Regional Studies Paper references are made to the *raison d'être* of different local government systems. Hesse and Sharpe, quoted from in the paper, say that for the class known as the Napoleonic influenced *Franco* group that *raison d'être* is essentially political, as primarily about community identity; for the *Anglo* group it is self-government; and for the *North and Middle European group* not only about the supply of services but also about democracy *per se*. Ireland they, for obvious reasons, class in the *Anglo* group but we certainly do not see Irish local government as *self government*. That, we have always regarded as the prerogative of what we used call "the Parliament in College Green". Have we any clear-cut view as to the nature and role in our society of our local government system? In a quotation from Professor Joe Lee that I shall give later in this paper we Irish are accused of giving no thought to the nature of our State. This is most certainly true of our local government system. To adapt a Latin tag, *Si exemplum requiris, circumspice*, which might be translated, if you want to know, have a look.

2. THE NEW CORPORATISM

We have, I think, a splendid example of the exploration of the nature of government in the ups and downs of our attempts in this country to master the planning process and to evoke the consent of those planned for. This learning process has now lasted over a generation, making us increasingly familiar with the use and the meaning of such intellectual and political concepts as, to begin with, "planning", through "social partners", "consensus", "inter-relationships", "roles", "corporatism" and, now, "strategy".

This increasing sophistication is well documented in the series of reports issued by the National Industrial Economic Council, and the later ones - 89 of them so far - of the National Economic and Social Council. Indeed, the change of name itself shows how learning can broaden the mind! The whole process of learning was, of course, profoundly influenced by our increasing contacts abroad, leading to the surprising discovery that now for a long time they seem to have been ordering many of these matters rather better on the continent of Europe. The loss of insularity is rather like the loss of innocence!

Modern government is big government and Irish government, relative to our resources, human and financial, is in Europe's big league. Growth involves transformations, sometimes pretty traumatic ones, and if the subsequent confusion is to be reduced, these require roles to be defined and redefined - within society the role of government as a whole and within government the roles of its constituent parts, central, local and functional. How can these roles be related together so as to produce the maximum synergy? So far as local government is concerned that is an issue we certainly have not faced much less mastered.

The role of modern government seems to have emerged as to foster *national development*, but the task of transmuted growth into development requires the unfolding and interaction of highly complex processes. It requires not, as in past times, simply the development of order, defence, justice, representation, taxation, the core of *political development*. Peace and order make possible the development of communications, transport, housing etc. under the rubric of *infrastructural development*. That in turn provides literally the groundwork for *economic development*. Economic

development, in its turn, provides the resources for *social development* and for *cultural development*. Underpinning the whole is the *institutional development* of the government and state. This last is my main interest and, as I see it, our principal concern this evening.

These technologically different forms of development interact and intertwine. For example, while we all accept that economic development is an essential condition for, to name but one other, *social development*, so, a short distance down the road, social development becomes a necessity for economic development, as we had to learn the hard way in the 1960s. Each form of development is both cause and effect of the others. This insight is not, and was not, readily grasped. Neither was the importance to the successful practice of government that these dynamics be balanced in time and quantity to achieve their optimum yield. This concept of the crucial role of *social balance* in the practice of government has been slow to be grasped. For example, the failure to realise the interdependence of economic and social development led to much wasteful strife in what Charles McCarthy came to call "the decade of upheaval".

Another element in overall social balance, belatedly recognised but crucial to the success of modern democratic government, is the political ingredient of consensus. This has been taking form around the recent work of NESG and in the Programmes for National Recovery and Economic and Social Progress. Here we see the "Social Partners" - a concept borrowed from Brussels - emerging as major actors in the New Corporatism, new to us, but stretching back in Scandinavia to just before World War II and in Austria and Germany to the aftermath of that war. (The Old Corporatism, it will be recalled, has left its traces in the Byzantine methods of selecting candidates for the Seanad, relics of ideas borrowed in the 1930s from Italy and Portugal). If the political implications of the New Corporatism are to be fully domesticated there could be a strong case for institutionally replacing the Old by the New. In any event, the development of the new corporatism is likely to pose some interesting institutional issues.

The kernel of what I have to say is that this kind of learning - borrowing if you like - is as needed, indeed more acutely needed, in the institutional facet of national development as in any other. This is partly because the successful practice of all kinds of government rests on appropriate and smoothly operating institutions. So far as the operations of local

government are concerned I hope the RSA paper will persuade you that by the standards operating in European countries Irish local government as it stands is neither appropriate to our needs nor smoothly operating. This is not because it is inherently inferior to any other but because it has been so ill-treated by both sins of commission and omission - by being operated upon with a hatchet in the 1920s; then after a period of genuine reform ending in the early 1940s; and now for almost 50 years grotesquely neglected or else treated as a kind of political football. So, I hope to persuade you that just as our overall government performance has got such a shot in the arm from the injections of European ideas then our ailing local government system needs something of the same kind of foreign treatment.

In general, what we see evolving before our eyes is a significant development of the democratic system, already outlined a generation ago by the great Swedish economist and social scientist, Gunnar Myrdal in that, for me, extraordinarily seminal little book, *Beyond the Welfare State*. Beyond the Welfare State we see emerging the Welfare Society and a significant contributor to that emergency is the emergence of a brother to Representative Democracy in the shape of Participative Democracy, a major institutional development now taking root in this country not only at the national level with the social partners in what might seem to be the heribicidal waste lands of the country as a whole. There is an interesting discussion of this in another paper given to the RSA conference by Brian Dillon (Dillon, 1991). It is clear that this newcomer will demand major development of the institutions of our "political society" if there is not to be strife and confusion of purpose.

I have used the term "political society" borrowed by, and from, the great Italian marxist writer, Antonio Gramsci. One of Gramsci's insights is, I believe, highly relevant to present day Ireland. That is the distinction he draws between the "civil society" with its values, ideas and mores, and the "political society" the task of which is to translate these vibes into problem solving practice (Femia, 1988, 26-9).

This is to see society as a whole as a system made up of a number of interacting sub-systems. When we focus on the political society and, within it, the system of government we see that it, too, is made up of interacting sub-systems. One is the territorial system itself made up

of interacting sub-systems, in the most developed form at four levels - national, state or regional, county, and district, each with a distinct but co-operative role. But with us the concept of roles is seldom fully grasped - as witness the widespread chaos in the regional area - and their range neither standardised nor defined. Defining roles in a manner compatible with the inherent discretion appropriate to each organisation and to coherent action within a co-operative sub-system is, of course, in accordance with the organisational principle of "subsidiarity", a concept imported in the 1930s, misunderstood especially in the early 1950s, and forgotten; but now back again, via Brussels, from its origin seemingly in Germany.

But to return to Gramsci and his idea that the process of arriving at insights into the nature of, and the forces operating in and on a society is the social role of the intellectuals on the model of the role of theologians in the Church. But as that example makes all too clear, the readiness of the institutions of Church or State to be *cupidi rerum novarum* is not to be taken for granted! A further difficulty is that while the barriers impeding learning from abroad are eroding, new barriers impeding learning and the acceptance of insights and ideas *within* our society have taken their place. This certainly true of the political society which suffers so much from what James Joyce called "hemiplegia of the will".

A notable feature of recent decades in this country has been the growth of the intellectual community in specialised bodies and universities, much of this growth in disciplines that impinge on government. But as for intellectual impact on the conduct of government is there that much to show, that clash of ideas that, in Patrick Lynch's phrase, ignites minds. When my father was young there was, apart from this very Statistical Society, virtually no forum where there could be reasonably analytical discussion of problems of government. In 1916, George Russell (AE) pin-pointed this lack, citing the notable contributions of a long line of intellectuals to the development of Germany. But Russell was ignored. Has there since been much improvement? Yes; in quantity. But in such quality as to penetrate the intellectual carapaces? To quote that percipient critic of Irish intellectual life, Professor Joe Lee:

The most striking lacuna of all in our intellectual activity concerns

analysis of the state itself. The nature of the Irish state has become quite central to the nature of our society. In no northern European country... has so little analysis been devoted to the role of the state. It is a distinctive phenomenon in its own right that we neglect serious enquiry into understanding the linkages between the several distinctive features of our social organisations. (Lee, 1985, 92).

Another major generational change has been the growth of readily available information on the comparative performances of states, especially, in our case, of Western Europe. Every year is a world cup year for governments performances are matched one against another; but in this competition the real test is the long haul. By that test "We are now perched", in Joe Lee's memorable words, "through our own efforts, at the wrong end of virtually every relevant league table". (Lee, 1985, 88).

And the reason? It is spelled out in detail in that long, terrifying last chapter of his book *Ireland 1912-1985 Politics and Society*. In a word, the emasculation of the intellectuals. And, indeed, of the intelligent. We may now have learned, painfully, to borrow political ideas and innovations from countries other than Britain; but now the urgent need is a set of listening posts wired up to highly sensitive reception centres within our institutions. Creativity rests on ideas and ideas themselves are suggested solutions to discerned problems. For survival, much less to keep abreast of the competition the political society is obliged, as much as the individual, to care for its own needs and problems. Big government, especially bigness by proliferation, is not necessarily effective government. One of its by-products is the growth of bureaucracy, itself apt to bring about amongst the citizens feelings of powerlessness. In turn, this sense of powerlessness breeds such frustration as to undermine responsibility and the sense of grasping opportunities for local initiatives and collective decision-making. In consequence, the external pressure for change and adaptation, for problem solving, gets lost. The logic of that we have seen worked out in Eastern Europe. We can see it, too, in our own country where institutional adaptation to increasing size has been so neglected, its effects most intimidating when viewed from the bottom up.

The new corporatism is, I believe, an inescapable line of policy in a modern democracy, but the points I have just been making suggest that the partic-

ipants need in some way to be widened to provide channels through which new facts, insights and ideas can be incorporated in public awareness. That is, a slot for the intellectuals. Perhaps something on the lines of the "hearings" held by committees of the United States Congress? NESC, especially in recent times, has played an important part in disseminating ideas relevant to a number of our problems; but there are still important gaps.

A price has to be paid, or at least risked, for such an approach, offputting for those who believe the power game is necessarily a zero-sum affair, and that the responsible thing to do with power is to hoard it. For the cost of a negotiated consensus is *division* of responsibility and, in consequence it will seem, of power. But too often we forget that responsibility and power do not resemble a cake where the more *you* eat the less there is for me. Not so with moral entities. Power and sense of responsibility resemble living cells - they grow and develop by division, just as shrubs are propagated by cuttings. That is to say, by being shared.

In this way, the sum of the divided parts much exceeds that which was originally divided, as biologists, nurserymen and moralists well know. If this creative division (or sharing) does not take place in the political society the environment remains inhospitable for creativity and enterprise. The sterility of that political environment is a significant part of the problems of this country. But with genuine sharing that sterile environment could become a fertile nursery.

3. LOCAL PARTICIPATIVE DEMOCRACY

You may ask me what all this is to do with local government? The answer lies, as I have earlier hinted, in the full extension of the meaning of that word "government", common both to the overall system and those parts of it carried on sub-nationally. The systemic problems of the one are largely the systemic problems of the other. The remedies being slowly applied to the one are equally necessarily applicable, with some adaptation, to the other. We are concerned with different parts of a single governmental system with some major differentiation of functions, but not with different systems.

Why, then, do we not see evidence of such adaptiveness in the sub-national

part of the system as that we have seen, however sluggish it be, in the national part? Precisely because in Ireland the barriers erected, or tolerated, by central government against an adaptive local government system are so formidable. Of these barriers the most serious is the total denial to the local government system of the *principle* of self-adaptiveness itself. As it happens, the manifestations of Participative Democracy are clearly more manifold at the local than at the national level. And the degrees of frustration, and indeed anger, are more intense. The first duty to sub-national government is to set it free to put in train solutions to its various problems so that it, too, may grow such powers and confidence that it can successfully rise to the challenges, old and new of the times. Freedom to achieve self empowerment is the name of the game. In this context I often think of Roy Campbell's little rhyme on the South African novelists:

*You praise the firm restraint with which they write
- I'm with you there, of course.
They use the snaffle and the curb alright,
But where's the bloody horse?*

Sub-national government must set about breeding much more horseflesh if it is to rise to the challenges of the times. But where will the breeding stock come from?

One obvious source is the system of local elected representatives themselves. But their functions are so few, their degrees of discretion are so limited, they are so subordinated to the iron discipline of their parties, that as a source of new democratic power they, in practice, count for little. One is reminded of the anecdote from President Nixon's time in the White House: "when the President says 'Jump' the only answer we expect is 'How High?'". That is not the stuff of democracy as the Americans were to discover. When one considers the sorry state of Irish local public representatives one is reminded of that perversion of Lord Acton's saying: "All power tends to corrupt; but absolute *lack* of power corrupts absolutely." That corruption is not of honesty but of moral force, of loss of will and of the commitment to political action, and the mounting problems, in such conditions, of simple electoral survival. A major task of local government reform is to rehabilitate the representative system, to raise it to something like the norm for small European countries and to provide the

conditions for real local politics concerning decisions on significant local issues. In short, achieving a meaningful role through the emergence of genuine, robust, local politics.

Another source of good horseflesh is, clearly, the European Community with access to its crock of gold, a crock that may more cheerfully yield up its riches if it were to get full-blooded support - not bureaucratic lip-service - for its ideas about endogenous development, integrated programmes, plans of action that are for real, strategic thinking, social partners, community participation, subsidiarity - all the very life-blood of local politics.

Foreign ideas of course - but where are the home-grown ones? Foreign ideas that are, as yet, no way part of our centralised, bureaucratic culture, yet beginning to percolate amongst thinking people. NESC is another horse coming into form. *In Strategy for the Nineties* NESC calls for and advocates "area based strategies" to moderate the fragmentation of normal bureaucratic effort and the denial of effective local decision-making powers that follow so inevitably from our passionate commitment to centralisation. This approach is taken up in the *Programme for Economic and Social Progress* (Section VIII) so far as long-term unemployment is concerned. It is proposed to mount around the country a two-part modular effort, one for welfare and training, the other for stimulating enterprise. In each area these efforts will be under the aegis of a new company, the directors of which "will consist of community interests, State Development agency executives, Health Board and local authority officials and social partner representatives". This formidable phalanx will be under the general supervision of the programme (i.e. national) agencies. And, apparently, not a local councillor in sight.

What we see here is an attempt to move some way towards public participation but with a preponderance of bureaucratic and corporate interests. Admirable so far as it goes; but where it goes is far removed from local democracy.

The conclusion that emerges, I believe, is that a great deal more thought to the place and interrelationships in our society both of local Representative Democracy - where we are so palpably the odd man out - and of local Participative Democracy. Structural reform - in the shape of standardised regions and a network of sub-county districts - would make some contri-

bution. But in a political society claiming to be a democracy there is clear need for a democratic/representative core at each of these levels to act as a focus, a decision centre and a source of synergy. At the regional level the main thrust would be the integration of the development plans of the various public and private sector bodies, the setting of priorities, and the reviewing of performance. In effect, a politico-intellectual role.

The emphasis, as I see it, at the sub-county level would be different. The key concept would be at that level to cover the bone structure of the governmental system with a full range of sensitivities so as to respond sympathetically, readily and creatively to the ideas, projects and plans thrown up by a lively sense of community. One would expect something between these two roles of integration and sensitivity to mark out the role of the intervening level of the county, namely the efficient tackling of problems that require some of the technologies for coping with scale and complexity. It is eminently in the interest of a country such as ours that lags so far behind in the area of national development to use every possible means of stimulating, not suppressing, initiative and creativity.

Behind all this looms a major problem. Representative Democracy at all levels, but especially at the sub-national ones, needs major refurbishment. One of the most urgent problems to be faced is how to come to terms with the increased pressures for genuine Participative Democracy. It is quite clear that that is quite impossible in a country like Ireland where virtually all decision-making, which after all is the heart of development, is so centralised in Dublin and where the rest of the country is, in decision-making terms, virtually a sterile desert. If this issue were successfully faced it would encourage the people to express their genius, mobilise their sense of responsibility, and sustain them in the struggle to overcome our problems. Otherwise we face sterile conflict, disillusionment, and corrosive cynicism that only the most steadfast can escape.

There is a widespread feeling that this country is at a cross-roads. But we have, it would seem, chosen one of them which is, to quote the Taoiseach once again, "an approach to managing our affairs" that "we have fundamentally changed." What I have tried to do tonight is to stress, that in translating our democratic values into action closely related to the times we have much ground to cover.

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