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The Quality of Deliberation within Northern Ireland's District Policing Partnerships

by Barry Healy

Submitted in fulfillment of the requirement of the National University of Ireland, Cork, for the degree of Doctor in Philosophy (PhD)

January 2014

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List of Abbreviations and Acronyms

CAJ:	Committee on the Administration of Justice
DOJ:	Department of Justice
DPP:	District Policing Partnerships
ICP:	Independent Commission on Policing
IRA	Irish Republican Army
IRB	Irish Republican Brotherhood
NIPB:	Northern Ireland Policing Board
NIO:	Northern Ireland Office
OSC:	Oversight Commissioner
PACT:	Partners And Community Together
PSNI:	Police Service of Northern Ireland
RIC:	Royal Irish Constabulary
RUC	Royal Ulster Constabulary
UVF	Ulster Volunteer Force

Abstract

This study uses theoretical based deliberative democratic dimensions to measure the deliberative quality of Northern Ireland's District Policing Partnership (DPP) meetings in public. The study combines Habermasian, and Young's deliberative concepts to create an Augmented Discourse Quality Index. This Augmented DQI is employed by this research as am empirical instrument to establish the true deliberative nature of these DPP meetings in public. The overall goal of this study is two-fold. First; to gain an in-depth understanding of Northern Ireland's DPPs in relation to deliberative democratic theory, specifically regarding how these policing/public partnerships stand up under a deliberative democratic lens. The second goal is to provide a possible framework by which deliberative quality can be more accurately measured. In that frameworks which are designed to measure deliberative quality should include not only the dimensions for rational participation, but also include broader terms of communication such as greeting, rhetoric and story-telling.

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Chapter 1: Introduction

The history of modern policing is closely associated with the idea of the sovereign nation state yet, with it also being separated from the state and the people. While today in most societies the institutions of policing remain unchallenged, policing (what police do and how they are governed), varies widely between two ideal types. Bowling and Foster (2002) distinguishes these two models as consensual community-based policing, which has a focus on peace keeping and conflict resolution and the second is that of an authoritarian military model, prioritizing paramilitary tactics with repressive, coercive and distant policing. Clearly these two basic models of policing highlight differences in traditions, goals, values technique, equipment, even in the uniforms that the police employ. Additionally these two styles represent different principle of concerns in police ethos. These involve different police management styles and the different tactics applied to policing. This general distinction has also a conceptual importance both within and beyond the police. Since the work of the police represents only one part of the complex definition of policing;

> "Policing implies a set of process with specific social functions…Policing is arguably a necessity in any social order, which may be carried out by a number of different processes and institutional arrangements. A state-organised specialist 'police' organisation of the modern kind is only one example of policing" (Reiner, 2000; 1-2).

In recent decades there has been a shift in emphasis from the prevention of crime to community policing and safety in policing. This has been supplemented by a number of formal and informal citizen engagement practices. Northern Ireland District Policing Partnerships (DPPs) are examples of this shift and as such they can be seen as supplementary citizen engagement practices which are firmly fixed in community policing praxis of policing.

In criminology crime prevention strategies follow different theoretical and thematic approaches. These approaches can be distinguished from the individual micro-level to holistic macro-level of society. The micro-level approach intends to influence the local social conditions as well as the social institutions and it involves the concept of community policing and problem solving

policing (Goldstein, 1990). On a macro-level, different political sectors are combined, linking the welfare system, the health system, and the economic system for better regional development towards social integration of socially and economically disadvantaged members of a society. Clearly at this macro-level decision-making processes become more complex. It enters the conceptual realm of what Parkinson and Mansbridge (2012) refer to as the deliberative system. On a micro-level engagement, forums about crime prevention policies such as those seen in Northern Ireland DPPs, where local politicians, local representatives, the police and the public meet on a regular basis allow for exchange of arguments and for pragmatic opinion. In brief; Northern Ireland DPPs as community policing forums account for a progressive and more democratic form of policing. They act as a link between representation and participation. They also link top-down (policing) and bottom-up processes as well as social control and service provision. In that community crime prevention forums such as these DPPs closely resemble Habermas' (1994) understandings where there must be a balance of the competing demands of system and lifeworlds in a way that preserve citizens' autonomy and at the same time guarantees forms of justification by authorities. Additionally Northern Ireland DPPs closely resemble Habermas' (1994) proposal of discursive solutions for actors in a system. As such citizens should be consulted regarding policing policy.

In broader terms community policing partnerships such as those in Northern Ireland (DPPs) represent a beneficial way forward in the politics and the governance of policing. Northern Ireland's DPPs open up a previously insular agency to public input. In doing so, they invite community members to generate and deploy social capital to make their communities safe and engage with others in a communication on policing. Although much discussion on policing takes place within these DPP settings which involve representatives, public members and experts (the police) coming together in attempts to reach agreement, these settings do not make deliberative democratic claims. In other words Northern Ireland DPPs do not claim to be deliberative. Yet it is intuitively logical to argue that within these engagements, trust can be engender; as trust often emerges from familiarity, discussions and patterns of positive reciprocity over time (McLaverty and Halpin, 2008; 199). McLaverty and Halpin, (2008) argue that when greater levels of trust emerge between participants, then, this can transform negotiation around fixed position to deliberation. This then, leads onto an increase in communicative rationality during the interactions between participants (McLaverty and Halpin, 2008). Based upon their findings (a case study research) stemming from an exploration of Native

Vegetation Management in New South Wales, McLaverty and Halpin (2008) term this increase in trust and transformation as, deliberative drift. In other words it can be argued that;

> "deliberation does not always require deliberative design. Indeed, the orientation of the participants…[are]…key to the change from bargaining to deliberation…Shifting individual rationalities, based upon growing levels of trust, seem…the surest base for generating deliberation. Institutional design is no doubt crucial, yet not on its own sufficient" (McLaverty and Halpin, 2008; 211)

If nothing else, by drawing upon the work of McLaverty and Halpin, (2008); we ought to be prepared to be in a position to expect deliberative drift rather than find it exceptional. Arguably then, the more times people participate in these DPP meetings in public, the more the likelihood that a deliberative drift would emerge. Thus deliberation in public (policing) policy requires that it should not be constrained to deliberative institutions. Indeed that the study of deliberation should also include "orthodox" policy-making (McLaverty and Halpin, 2008). As such, one way to get a purchase on Northern Ireland DPP meetings in public is to ask if they are achieving deliberation. More specifically it is better to ask what is the quality level of deliberation (if any) within these DPP meetings in public, Hence Northern Ireland DPPs are ripe for deliberative democratic insight.

For decades policing has been one of the most contentious issues in Northern Ireland. A particular focus for this contention has been on the role policing has played in relation to how Northern Ireland has shifted from conflict to peace. Policing remains a firm priority on Northern Ireland's political agenda and it is against this backdrop of contention that this thesis sets out with the aim of evaluating the quality of deliberation within Northern Ireland's District Policing Partnership (DPPs) meetings in public. In general terms these bodies can be seen as modes of police/public discursive engagements and subsequently these DPP meetings in public can be seen as tools in re-shaping the parameters of police governance and accountability in Northern Ireland. As for deliberative democracy, it was designed to respond to liberal democracies legitimacy problems. Its aim is to enhance the legitimacy of collective decisions by means of fair public deliberation among free and equal participants. On this account, the heart of democratic legitimacy is seen in terms of the right, the capacity and the opportunity to participate in

decision-making process. Therefore from a deliberative democratic perspective not only are outcomes deemed legitimate, but so too will the processes which produced such outcomes be deemed legitimate.

The issues of policing governance and accountability remain extremely controversial issues in Northern Ireland. This makes them prime topics for research and analysis. District Policing Partnerships (DPPs) meetings in public are influenced by both North American and British policing communitarian thinking over the last two decades. In that these DPPs place emphasis on bringing the police and the public together in a partnership involving the governance of police service delivery. DPPs provide fixed points of contact between political representatives, (independent) community representatives, the public, and the police. From this account, DPPs represent the new beginning of policing and its governance in Northern Ireland. Additionally they provide examples of how the Provinces' policing, is more accountable to the public. Essentially, DPPs follow the spirit of the Independent Commission on Policing (ICP), which recommended, that the DPPs:

> Should be advisory, explanatory and consultative…should represent the consumer, voice the concerns of citizens and monitor the performance of the police in their districts…should be encouraged to see policing in its wider sense, involving and consulting non-governmental organisations and community groups concerned with safety issues and well as statutory agencies…the focus of public consultation at district levels…The District Commander should consult with the…[DPPs]… in the preparation of the district police plan, which should in turn inform the preparation of the Annual Policing Plan for Northern Ireland as a whole. (1999; 34-35)

To understands these factors of Northern Ireland's public engagements by the police. The thesis will analysis them through a deliberative democratic lens, which thus places discourse at the centre of policing partnerships. This is an appealing approach to policing due to the fact that a discursive framework which emphasises an active and regular participation in civic life can be observed and analysed. It is argued here that this will contribute to a better comprehension of policing partnerships. Indeed this thesis will be exploring if they are applying a constricted or

narrow standards for their bona fide political discourse. Since deliberative democracy allows scholars to study the design and institutional settings. It is clear that this thesis will advance deliberation as a theory which describes discursive citizenship as a form of police public participation that must contend with the institutional and ethno-nationalism which stem directly from a divided society such as Northern Ireland. The first question that this research must answer is to what extent are these DPP meetings in public deliberative? It is within this context that this thesis will go on to tests a number of different suppositions. In that the quality of deliberation within these DPPs meetings in public is predictable from both institutional characteristics and ethno-national factors. Using what is termed here an Augmented Discourse Quality Index, (Augmented DQI) these characteristics and factors are measured against a number of deliberative quality dimensions. Essentially the characteristic of group dynamics, found within DPP meetings in public and the ethno-national factors such as where these DPPs are Polarised or Partisan and where theses DPPs are Unionist or Nationalist Partisan (employed as independent variables) will help describe the unique, discursively relevant distinctiveness uncovered within these DPP meetings in public. Each of these discursively relevancies are then tested as a predictor of the relative priorities ascribed to each deliberative quality. The main question of this research is as follows;

- To what extent can these DPPs meetings in public be termed deliberative?
- To what extent is the deliberative quality within these DPPs meetings in public impacted by the institutional characteristic of group dynamics and by the ethno-nationalist factors of DPPs being polarised or partisan, and by DPPs being Unionist or Nationalist partisan?

The study of the quality of deliberation within deliberative practices such as these DPPs is important because they exist within a political-religious-ethnically divided society. This provides an excellent laboratory in which, to test the validity of public/police discursive exchange from a deliberative democratic view point. In order to test the above set of questions, this thesis will be outlined a number of key and deeply salient points over a number of chapters. Chapter 2 will progress in a review of the literature on policing, with a particular focus being placed upon community policing as model for policing governance. In chapter 3, because deliberative democratic theory is a theory of legitimacy and policing legitimacy is still being question in Northern Ireland's divided society. Then deliberative democracy is explored, and a number of

different types', features and dimensions of deliberative democracy are examined separately. The purpose of these discussions is to redevelop and augment Steiner et al's (2004) Habermasian deliberative discourse index. It does this mainly through the addition of Young's complementary modes of expression to those Habermasian dimensions employed by Steiner et al (2004). Chapter 4 examines and briefly assesses the police systems which emerged in Northern Ireland after the Government of Ireland Act (1920). This notes the caustic cultural, political and economic effects which stem from the divisional community relations. Here it is argued that Northern Ireland's historic and contemporary policing has and still is dealing with these divisional affects. This discussion gives a clear understanding of how Northern Ireland's District Policing Partnerships (DPPs) became core processes in the provinces community policing. Here DPPs engage the public in what are known as DPP meetings in public. From the literature review, a framework is established in chapter 5. This new model is of the essential deliberative dimensions, referred to in this research as the Augmented Discourse Quality Index (DQI), and is thus employed to critically examine the deliberative quality within the 29 selected DPPs meetings in public. Can it therefore be presumed that these DPPs meetings in public have certain deliberative qualities which allow them to sustain a fully deliberative approach towards community policing? The answers to this are addressed in chapter 6, which leads on to the final deliberative quality assessment of the 29 DPP meetings in public that is outlined in chapter 7.

In more specific terms then, this research is about the quality of deliberation in Northern Ireland's DPPs meetings in public. It presents data on the institutional and ethno-national factors that may impact their quality of deliberation. The goal is to present a conceptual and methodological approach to researching the quality of deliberation within these District Policing Partnerships meetings in public.

Chapter 2: Literature Review: Antecedents of the Governance in Policing

Some modern states have been police states; however all modern states are, policed societies.

2.1: Introduction

Public policing in the United Kingdom has not been far from the forefront of political debate during the past 30 years (Reiner, 2000). Many contemporary studies engage in offering advice on how to implement community policing more affectively. These are largely empirical works concerned primarily with studies from the police perspectives. Very little exploration has advanced or appraised the broader shifts in governance from the publics' perspectives, and in fact many explorations fail to ground their understandings in such overlapping disciplines as deliberative democracy and policing governance mechanisms such as community policing partnerships. Yet with the emergence of community policing, there is an opportunity to explore this gap, where non-state governance developments in policing is reinventing state security governance (Bayley, 1994; Alderson, 1998; Bradley, 1998 and Johnston, 2000).

> "Given the different origins of police forces internationally—legally, culturally and organisationally—the prospects of reaching an agreed definitions of 'the police' results in little more than the functionalist aphorism 'Policing is what people in blue (or whatever colour), police officers do'" (Brogden, 1999; 167).

This statement can be understood in an alternative manner in the context of policing, in that different cultures inspire different police styles; so too do historical patterns of organisation from the centralised versions of Europe to the vigilante of America's old wild-west determine present and perhaps future policing practices and legitimisation. Given this diversity of understandings, the question of who should govern the police remains a fundamental issue. This presents policymakers, politicians and analysts developing (different) police governance mechanisms with clear democratic challenges. Clearly the police must be subject to governance, and the police must also be accountable to those that they police; yet a central tenant of

democracy is that police must also be independent of political interference. This seemingly dichotomous doctrine of police being accountable to the state and autonomy from the state presents an enduring challenge to policing since inception. History, for example, provides many instances of states using the police as political apparatuses and where "police agencies act[ed] as a law unto themselves" (Sossin, 2004; 30-31). The legitimacy of the police centres on how societies strive to simultaneously facilitate police independence and accountability. In other words, in a democratic society the legitimacy of the police rule relies on the permission of the public which, in turn, demands oversight to ensure police control and accountability.

It has also become apparent that in contemporary democratic societies the state is no longer the sole legitimate agent for ensuring adequate and appropriate governance of the police. Much of this reconsideration comes from the fear that the power and authority of the police may be misappropriated by the state for its own gain. Other bodies or a combination of mechanisms have been deemed necessary to ensure that police power is appropriately controlled, where safeguards are in place preventing state interference and misappropriations. This is mainly due to the "considerable decline in the popular legitimacy of the police from the reported very high levels of the 1950s (at least in mainland Britain; Northern Ireland never experienced such levels of popular support for the police)" (Jones and Newburn, 2006; 35).

Bayley, (1985) and Mawby (1999, 2008) suggest that patterns of policing still tend to converge increasingly, around fundamentally similar organisations and cultural lines as that of maintaining and promoting the happiness of populations. This means that these patterns are seen as being facilitated by the diffusion of police thinking stemming from the emergence of a new international body of technocratic police experts as evidenced by the spread of enthusiasm for 'community policing' strategies (Skolnick and Bayley, 1988; Fielding 1995, 2002; Skogan, 2003, 2006; Brogden, 1999; Brogden and Nijhar, 2005). Jones and Newburn (2006; 1) additionally argue that it is now routine for criminologists to observe that there is much more to 'policing' than what (state) police forces do. Clear conclusions can be drawn from recent work in the sociology of policing, where the emphasises is placed on a shift from the former exclusive preoccupation with public policing towards a broader concern with law enforcement, order maintenance and regulation carried out by a range of governmental, commercial and community bodies (Jones and Newburn, 2006; 1). Indeed the term police carries with it broader connotations than the narrow institutional meanings it implies today (Rawlings, 2002, 2008). In

general however, Reiner (1992) notes that the science of police, since its foundation in the broad international movement in the eighteenth and early nineteenth centuries, has continued to aim at maintaining and promoting the happiness of populations.

From the early 1990s there has been a change in policing political landscape and culture which has ultimately brought about a democratisation of policing governance. Historically this change is mirrored in western democracies (which, can also be seen as persistence of political interference in policing), as evidenced by numerous commissions of inquiry into policing and police institutions (See for example, A New Beginning: Policing in Northern Ireland, 1999). In many instances these inquiries recommend best practices which include approaches such as "devolved decision making, enhanced community contact strategies, civilianization of the workforce, the adoption of more flexible work practices, role refinement and a growing use of information technology" (Wright and Bryett, 2000; 76). These best practises are best viewed under the umbrella of community policing. Brogden (1999; 167) notes that the development of community policing is different in national and local contexts and reflect the tension between the legal, cultural, and organisational structures of policing. Reiner (2000) similarly argues that there is a need to recognise the inherently political nature of policing. As such Kelling and Moore (1988) have sub-divided the history of policing into three eras:

- Political (19th century to the mid-20th century)
- Reform (from mid-20th century up to the late 1970s)
- Community policing/problem-solving policing (from the late 1970s and early 1980s to the present)

These sub-divisions are relevant to police governance, since they pay particular attention to policing reform. This chapter provides a comprehensive review of policing literature. An historical, theoretical and an examination of the relationship between the state and police in a democratic society are also fundamental to this research. Accordingly, a brief historical overview of policing contained in this chapter demonstrates the early roots and the evolution of the police. This review is followed by a number of perspectives on policing reform. This includes a description of waves of transformational reform and frameworks that influenced the politics

and the governance of policing (mainly in a British context).[1] The chapter also examines the doctrines of and the relationship between, police independence and accountability. The chapter concludes with a review of the literature which comprises specifically of the democratic and deliberative notions within the concept of community policing and police governance.

2.1.1 Defining Policing

Throughout the history of policing and at a different junctures in time, societies support for public policing has suffered from levels of fragility, which is some what inevitable when considering the police image as impartial embodiments of fair play, and their social role as defenders of the governing elite. It is worth highlighting at this point that there has been an increased fragility in public support for police forces throughout many modern nations in the last century (Ignatieff, 2005; 28). Moreover Ignatieff suggests that this is the result of deepening economic and social crisis, and that this fragility is a direct result of the fostering among societies of a return to simpler and happier times (Ignatieff, 2005). Various historical policing models alert researchers to the need to understand current policing practices and strategies in terms of negotiating and the different historical changes.[2] The key features of recent policing discourses, which are informing the new philosophy of community policing, can be seen as been an attempt to capture essential function and practice of the police. Here community policing invokes, in part, the nostalgia of police organisation. Additionally "democratic police agencies need to maintain order peacefully, remaining answerable to the public for the manner and scope of their actions" (Edwards, 2005; 297).

Throughout history "[g]roups of citizens consequently developed forms of self-policing of their sovereign communities, and appointed certain of their fellows accountable directly, to them, to conduct such functions" (Brogden and Nijhar, 2005; 26). In a great many societies today "[p]olicing like health and education, has traditionally been seen to be necessary public service and governments' have paid more or less what was asked with the occasional boost in funding as a political gesture" (Edwards, 2005; 212). Policing has always been carried out by a diverse array of people and techniques and as such the police are only one. Jones and Newburn note:

[1] Clearly Policing in Northern Ireland is very closely linked to the British model of policing. Hence the understanding of the British context of policing is extremely relevant, useful and crucial for this research

[2] See Moore and Wettenhall 1994 for examples from Britain, Australia and the United States; Moore 1994; Etter and Palmer 1995 for more detailed accounts and views of Australian policing; and Reiner 1991; McLaughlin and Murji 1995 for further examples

> That there has always been a fairly broad array of policing 'providers' in most jurisdictions. Despite talk of public monopolies and the like most jurisdictions have generally housed a variety of policing bodies. Nevertheless, there have clearly been some significant changes taken place in recent times—even if the extent of such changes is sometimes contested (2006; 6).

Contemporary policing is therefore carried out by a variety of agents both public and private with an omnibus of mandates and organisations. The police may be professionals that may be employed by specialist private policing firms; or contract security firms; or security employees of an organisation whose main business is something else (in-house security) (Shearing and Stenning, 1987; Jones and Newburn, 1998; 2006; Button, 2002, 2004, 2008). Police functions such as patrolling may also be performed by citizens in a voluntary capacity within state police organisations.[3] Similarly police functions may be carried out by other state bodies such as the Army.[4] Even the design of streets and buildings epitomise policing, for example the wide boulevards of such cities as Paris, the 1960s architecture of University College Dublin, and also the celebrated example of the bum-proof bench (preventing vagrants/ or homeless people from using park benches) (Davis, 1990). All these strategies, agency proliferation and omnibus mandates can be understood by the label 'the police'. Likewise today in the modern world, police are called upon routinely to perform a bewildering amount of tasks, from counter terrorism to miscellaneous tasks such as controlling traffic (Brodeur, 2007). Defining the police in terms of key practices, Cain argues that policing is "maintaining the order which those who sustain them define which those who sustain them define as proper" (1979; 158). In terms of the police supposed functions it is problematic to define contemporary police this way. Others scholars, such as Bayley differ in part from Cain's (1979) perspective instead, suggesting that most police incorporate three elements:

- Function: policing centres on, but does not exclusively involve, the maintenance of order and the regulation of norms

- Structure: policing is carried out by specific individuals, organised so as to fulfil these

[3] For instance the Special Constabulary; see Gill and Mawby, (1990); Neighbourhood watch schemes; see Bennett, (1990), in association with the state police

[4] See Wright and Bryett, (2000); Tonge, (2002); technology may also function as police, for example CCTV cameras Norris and Armstrong, (1999) and Goold, (2004).

functions

- Legitimacy: underpinning the structure or organisation is the overseeing of the police by some political authority

(Bayley, 1985a; 7)

Many of the debates on policing within the policing literature are imprinted in terms of what can be classified as the functions of the police. In general, these understandings stem from claims that policing has both a variety of meanings and can be understood in terms of various modes of practice (Wright, 2002; 25). Wright argues that this functionalist approach has led to a way of thinking, which has "dictated the character of modern police from its inception until the present" (2002; 25). This thinking has perhaps underpinned both the rationale of policing and the construction of policing institutions. Prescribing the formal arrangements within which the police are supposed to operate, functionalism helps to define the means of judging the effectiveness of policing. Under this functionalist paradigm "police *are* what the police *do*… [within]…their internal functionality and their wider role in society and the body politics" (Wright, 2002; 25). This functionalist approach to policing has also provided insights into the nature of policing work. Functionalism has highlighted the work involved, showing how the police adopt pragmatic (reasonable) solutions to controlling crime and take pragmatic (prudent) actions, aimed mainly at keeping the peace rather than following any real legal process (Reiner, 1992a). The functionalist perspective has also set various parameters within which many subsequent criticisms have developed, such as the comparison between what are the formal functions of the police and the range of informal behaviours evidenced from empirical research. These comparisons have opened up deep chasms about what are the authentic and genuine functions of policing within a state. In general the function of the police and policing are somewhat interchangeable. The public police and policing organisations can be described to various degrees; as being salaried, professional, organised, state-appointed, uniformed and preventative.

It appears that on the surface, police work is often full of ambiguity, especially where there is controversy about its functions, effectiveness and legitimacy (Manning 1977). The nature of policing must reflect these complexities. Criminological understandings seek mainly to proportion out the type of work carried out by the police. Shapland and Vagg (1988), for

example, suggest that dealing with crime or the potential for crime in Britain amounts to 53% of police work and that social disorder allows for 20% and traffic just 8%. In contrast a study across a number of countries aggregated that patrolling amounts to 59%; criminal investigation 15%; operational support 11%; traffic 8%; administration 8%; and with only 3% dedicated to crime prevention (Bayley, 1996; 39).

Other criminologists offer different understandings of categories of police work, with authors such as Fielding (1996; 42-59), for instance, postulating that there are three clusters namely the enforcement, service and community which perhaps characterise policing. Here the enforcement model gives attention to the control of crime and the enforcement of the law. The service model for the police focuses on priorities for dealing with crime control, order maintenance and service delivery in consultation with the public. Perhaps from the community policing model precedence is given to maintaining public tranquillity over crime control (Fielding, 1996). Moreover this model allows both the police and the public to share responsibility for dealing with crime and disorder (Wright, 2002; 5). Importantly Fielding (1996; 42-43) argues that there is no perfect model for policing and that arguably it is necessary for any current police service to borrow elements from each model to arrive at a service to meet all the demands of the public. Other researchers such as Reiner (1992a, 2000a) have a more specific focus, one that is based on the developments of the modern police in a modern society. As such Reiner's (1992a, 2000a) focus allows for an interpretation that history, culture and social construction elements, cross-cut the nature of the policing organisation in Britain. What is clear however is that those who study policing, whether they be criminologist, social scientist or political scientist, are not necessarily producing theories of policing (Wright, 2002; 5).

Still there are clear connections located between each stream of research and the way in which they examine the shifting accounts in and approaches to policing. In the broader context, research into the shifts in policing governance can be seen by the move away from trying to understand the more traditional surroundings of **why** society establishes such institutions of policing governance and towards an emphasis on trying to understand **how** governance is applied to policing. In other words due to society's unending, changing and dynamic landscapes; there is a requirement that policing governance must also constantly innovate on traditional knowledge and understandings of governance in order to develop new ways of controlling crime and on how a society is policed. In any society the most visible representatives of the state are

often the police. The ability given to the police such as to deprive citizens of the basic right of liberty clearly makes the ideas of justice and the legitimacy of the police paramount prerequisites in a democracy.

Arguably the police are a key public service in a modern state; for they perform "the quintessential function of government namely, authoritative and forceful regulation" (Bayley, 1983; 20). Clearly, democracy and policing governance has a unique relationship. In that police institutions must be democratic and legitimate (Jones and Newburn, 1998; 1). Additionally the control of crime and violence, are foundation steps towards the establishment of a democratic society. Essentially then is can be argued that a democratic state's development, whether social, economic, cultural and political are inextricably interrelated with the concepts of effective policing, while maintaining the legitimacy of the police. Therefore it appears that new models of policing governance are being drafted on the bases of democratic principles (Bayley, 2006), which represents this growing understanding of the interrelations between democracy and policing governance.

2.2 The Pluralisation of Policing a Society

There have been a number of variations in policing techniques over the last number of decades. Many of these fluctuations can be seen as part of the process of continuous reforms of policing, which have witnessed even further transformations. The rebirth of commercial policing, along with the emergence of other forms of policing provision, have led to a return of the situation where a more complex and fragmented policing system similar to that which existed prior to the nineteenth century (Zender, 2006). There is additionally a clear reallocation away from the near-state monopoly over policing policy and provision. Here the privatisation of policing to be more precise, private security firms led by the market has become "an irreversible or inevitable phenomenon…taken to imply the gradual 'privatisation' of law and order functions" (Jones and Newburn, 2006; 72). By 1991, it was estimated that there were 35 special police forces in operation (Mason, 1991). More recently, a more up-to-date overview of the key UK specialist police forces range from the Ministry of Defence Police and powers over Crown property, through to the United Kingdom Atomic Energy Authority Constabulary. It can be argued that the whole of security governance is no longer a narrow state-centred concept of policing (Johnston and Shearing, 2003). Instead the whole is the sum of its part. There are now complex networks of policing involving a range of different 'nodes', which is a key central theme within

the concept of and research on police pluralisation (Shearing, 2000). It is clear that the governance of policing has reached a situation where it now resembles a more plural or nodal governance model. Within which partnerships and networks (Johnston and Shearing, 2003) are now beginning to represent the nexus between public policing and society. Policing has therefore expanded up, down and sideways; that is to say, there is a growing diversity of institutions, actors and people who police and who make decisions on policing policy.

2.2.1: Different Models of Policing

Policing varies according to historical, political and culturally informed definitions of the police function. Anglo-American policing systems are markedly different from continental European centralised police systems. Mawby (1999) note that continental models are:

- Structurally more centralised and militaristic
- Functionally inclusive of many political and administrative tasks
- Not dependent on the ideological notion of public consent but are much more tied to the central government and less accountable to the public

(Brogden and Nijhar, 2005; 108)

Of course in practice there are distinct variations within such paradigms, yet what is most common is a structure where one central military police force is counterbalanced either by a second central policing system or by a medley of local urban forces. Tupman and Tupman (1999) suggest that in Western Europe three different models of policing are visible; Napoleonic, national and decentralised. Countries such as France and Italy have retained the principles of their Napoleonic inheritance in that they maintain a policing systems of a gendarmerie which is responsible to the Ministry of Defence, (or its equivalent) and a civilian police organisation (national police) responsible to the Ministry of the Interior or Justice. In Ireland, Finland, and Greece a unitary police service is responsible to a single centralised authority with a designated senior police commander. In Germany, Britain, and the United States of America is more decentralised unitary body or responsible commissioner. Judging from the experience of countries which inherited Napoleonic European continental centralised policing systems, these tend to encompass wide ranging functions such as defending the central state as-well-as having the distinctive roles and responsibilities in terms of terms of welfare and community

orientation. Yet according to Brogden and Nijhar (2005; 109-110) countries with Napoleonic inheritance have no inevitable progress towards community policing instead alternative forms of proximity policing have been developed. Holmberg (2002) suggests that proximity policing that is there is selective and targeted policing and direct and/or represented participation of citizens in seen as essential in the local security/crime problems. This differs from other community policing projects in that this kind of policing, the responsibility of the policing project remains in a number of designated officers instead of the whole police force. Geographical assignments and long-term affiliation with the local areas provide for a personalisation of policing. Hence in theory this personalisation is very popular with local and municipal liaisons to the police (Holmberg, 2002).Table 2.1below highlights the countries with different cultural and historical practices give rise to major variations in the interpretations of contemporary national policing structures.

Table 2.1: Models of Western European Policing

Napoleonic	National	Decentralised
Austria Belgium		
	Denmark Finland (Since, 1997)	Finland (Before 1997)
France Greece (Until, 1984)	Greece (post-1984) Ireland	Germany
Italy Luxemburg Netherland (Until, 1990) Portugal Spain	Sweden (After, 1965)	Netherland (After, 1990) Spain Sweden (Before, 1965) United Kingdom

Source: Brogden and Nijhar (2005; 109)

Skogan (1997) observes a continuum of public involvement in policing. At one extreme of the continuum, policing is carried out by specialised elites such as anti-terrorist intelligence units, on behalf of the public. Towards the middle of the continuum, the public serve as the eyes and ears of the police, although citizens have no input as to where and how police resources are used but they do provide a degree of surveillance and intelligence data. At the other end of the continuum, the public are actively involved in the identification of policing needs, and the development of policing policy. Moreover, citizens are fully involved in the co-production of policing, through such activities as neighbourhood watch, community policing consultation

meetings, policing boards and policing partnerships. The suggestion here is that members of the public had knowledge of policing and security needs. Similarly support grew for civilian review of misconduct. Reviewing the history of policing helps to understand the many changing conditions which led firstly to the foundation of what Wright calls the 'new police' (2002; 6); and secondly it helps to understand that any change in policing occurs in response to a perceptual failure of the system which makes policing, difficult for societies to get right and politicalised crime control. Unlike today, it is difficult for people in western democracies to imagine their modern society existing and functioning without the police.

2.3: Policing; Early History (pre-1829)

The origins of the English policing can be found in the Anglo-Saxon period (400-1066) in which the task of preventing and catching criminals were placed on the local community and the victims of the crime (Rawlings, 2008; 47). This origin of policing lay in a "particular functionary—the Tythingman (literally one who collects tithes, taxes)" (Brogden and Nijhar, 2005; 25). This Tythingman functionary of the Anglo-Saxon period processed the powers of English common law of arrest and prosecution (i.e. the powers of every citizen) and as such may be considered to be the original community constable. During these earliest documented days of the ninth century and tenth century, policing in Britain was an informal process where citizens essentially policed themselves. Later, appointed citizens or volunteers or self-organised night-watches were set up to patrol areas, and to apprehend wrongdoers (Trojanowicz and Bucqueroux, 1990). These Anglo-Saxon traditions and codes of law placed certain obligations on the community. A much later example of historic policing is the Statute of Winchester (1285), which directed that a thief who fled should be pursued to their death by all men willing to carry out the King's wishes. This became known as the *hue and cry*. Men of adult age were generally required to be members of a *tithing* and to swear not to be, or to conceal, a thief. The Statute of Winchester (1285) also required the establishment of a *watch* where householders were charged with performing this task in all towns. Groups of Watchmen were expected to patrol and maintain order in the streets of towns as well as to guard the entrances to these towns. Rawlings notes that the Statute of Winchester (1285) "purported to reinforce this community based approach to the prevention of crime and detection of offenders" (Rawlings, 2002; 42).

During this period, policing was mostly undertaken within the localised (private sphere) level, with the centralised state institutions generally intervening only in times of mass political

unrest. Thus the responsibility for the detection of criminal offenders remained largely with the victim of the crime or the community. These communal adaptations of policing depended on stable communities which existed under the feudal system. During the fourteenth century, the increase in the mobility of populations meant that this communal format of policing became less and less effective. This then led to the development of professional thief-takers stemming from the use of reward money and bounties for the capture of criminals; resulting in a shift away from the community being responsible for policing and towards where officials became responsible for policing (Rawlings, 2002; 42). There was the establishment of constables from the early 19th century onward, or a professionalization of the watch, but the justice of the peace still maintained significant for the governance and the oversight of policing matters. Created under the Justice of the Peace Act (1361), justices of the peace exercised authority over the parish constables. This system reached its height under the Tudors although progressively disintegrated during the 17th and 18th century. The form of police oversight and governance throughout the period between 14th to the early 19th century rested upon the appointment of Justice of the Peace (Stenning, 1996). Accordingly, this type of police governance model was consistent with most common law jurisdictions wherein the responsibility for public services was regarded as a local concern and was fulfilled through locally-controlled institutions and not a concern of national governments. The literature dealing with the history of policing and by extension its governance had tended to oscillate between the private and the public spheres and where both acted as agencies of government in past times (Wright 2002). These early models of policing perhaps also reflect the more contemporary innovations of community policing which can be traced back to the communal system of policing in the Middle Ages.

2.3.1: The Political Era: Beginning of Modern Policing (1840s-1900s)

Reiner (1992a, 2000b) states that thinking about the history of policing there is one requirement needed - that there is a certain amount of mental struggle required, as to why the police ever became a necessity. The year 1829 is the date that is often stated as being the beginning of modern-policing (Reiner, 1992, 2000; Mawby, 1990). Initially it must be emphasised that there were different models of policing outside of the British model being established (Bayley, 1985; Emsley, 1983 and 1996). In Europe for example, France led the way in the systematic nationalisation of policing in the seventh century (Bayley 1985). However throughout the rest of continental Europe this nationalisation of policing was only fitfully followed. Still the

development in the nineteenth century of the London Metropolitan Police Force can be seen "as the specific response of the state to the problems of crime and security. For those who accepted the civil authority of the state, this represented a rational development" (Wright, 2005; 6). The establishment of the Metropolitan Police Force was clearly an attempt impose state governance on policing (a body of constables or officers employed by the state) and to step away from the previous informal policing (Reiner, 1992a, 2000).

According to Radzinowicz, the London Metropolitan Police was a "hierarchical bureaucratic organisation…commanded by two appointed commissioners (who were also Justice of the Peace)…accountable directly to the Home Secretary, a cabinet in the elected central government" (as cited in Stenning, 1996; 17). As noted by Emsley, it was a model for the formalisation of many of the aspects of the existing arrangements, such as a more centrally controlled "uniformed watchmen...geared for supervising the streets and, in theory, for preventing rather than detecting crime" (Emsley, 2008; 67). The London Metropolitan Police Force established by Sir Robert Peel developed from a standpoint where the power of the police was dependent on public approval and on the police's ability to secure and maintain public respect. Despite this, Reiner (1985, 1992a, 2000) argues that inevitably the function of the police became the protection of the interest of the dominant class in a society.

From the historic literature on policing, there are certain rationales which focus on why the formation of the modern policing occurred; namely that crime had been accelerated by the conditions of modern life in particular by urbanisation and industrialisation. As such police forces were created in response to this rise in crime. The police are said to have emerged in these societies that were socially divided, above all by class (Reiner, 1985, 1992, and 2000). Hence the functions of the police inevitably led them to protect the interest of the dominant class in a society. Here the creation of a police force is viewed "essentially as a good thing, and polices forces represent the successful achievement by the modern sate as a means of social control in the absence of the norms and social bonds of traditional community life" (Finnane, 2005; 48).

The most common argument put forward for the formalisation of policing was the fear stemming from the rise and the close proximity of so called "dangerous classes" of the eighteenth and nineteenth centuries (Reiner, 1992a). This fear was brought about by the rapid expansion and proximity of the urban poor to the richer classes in emerging industrial nations

such as France, USA and Britain. Reiner (1992; 11), suggests that plainly the development of these new emerging police forces was a clearly politicised, and a fiercely contested matter. From the late eighteenth century onwards, the governance of policing was to be gradually and often controversially concentrated within the centralised state mechanisms (Reiner, 1992). Waddington (1999) argues however, that the installation of Peel's professional police was itself an expression of citizenship since it can be seen as the bifurcation of the State's monopoly of force into both civil and military terms. Still the upshot of this development in state security is that a number of the basic principles were set to underpin the establishment of these new police forces (the Metropolitan Police Force). These principles are even now recognised as the keystones and foundations pillars for the more recent models of community policing. These are:

- To recognise always that to secure and maintain the respect and approval of the public means also securing the willing co-operation of the public in the task of securing observance of laws

- To maintain at all times the relationship with the public that gives reality to the historic traditions that the police are the public and that public are the police, the police being only members of the public who are paid to give full-time attention to the duties which are incumbent on every citizen, in the interest of community welfare and existence.

- To recognise always that the power of the police to fulfil their functions and duties is dependent on public approval of their existence, actions and behaviour, and their ability to secure and maintain public respect.

The monopolisation of policing by governments had effectively been happening for the previous hundred to two hundred years prior to 1829. Clearly the development of the Metropolitan Police model in the nineteenth century can be seen as somewhat of a nexus in policing development. Throughout Britain consolidation and the centralisation of professional policing increased, specifically during the twentieth century.

During this era, which Kelling and Moore (1998) term the political era, police departments more so in the British model and to a lesser degree in the North American policing system were structurally centralised and hierarchal, yet for the most part they did not function in this

manner. Palmiotto (2000) suggests that what occurred instead was an absence of internal supervision and organisational control, where in decentralised wards police constables and officers operated in almost non-existent oversight from headquarters. This resulted in a very close relationship between the police and politicians (Palmiotto, 2000); or more to the point police activities were directed by politicians (Trojanowicz and Bucqueroux, 1990). Municipal councils in Britain either still retained or gradually re-assumed the responsibility of the Justice of the Peace and supervised the police forces. In most instances, these municipalities delegated authority to a policing/council committee comprised of the mayor and other elected or appointed officials. As such local governments controlled policing and there is little doubt that there was a very close relationship between the police and politicians (Trojanowicz and Bucqueroux, 1990; Palmiotto, 2000; 25). Palmiotto notes that it was "the ward politician who controlled the police in his neighbourhood; because job security was not available to ward police officers, they were obligated to the ward politician for their position" (2000; 25). The detectives of these wards existed usually to obtain information for political purposes (Palmiotto, 2000), in that in Britain:

> "Control over police by local politicians, conflict between urban reformers and local ward leaders over the enforcement of laws regulating the morality of urban migrants, and abuses (corruption, for example) that resulted from the intimacy between police and political leaders and citizens produced a continuous struggle for control over police during the late 19th and early 20th centuries" (Kelling and Moore, 1988; 4).

Globally, the contemporary institutional structure of police forces varies greatly, for example in the United States the municipalities retain a substantial amount of control over many safety issues. In contrast, Ireland has a single national force which consolidates most policing activities. There are also a variety of alternatives that exist, for example in Argentina and Brazil, where the state and provincial authorities are the primary policing authorities. Just as governmental control of police hierarchically varies, there also exist different functional divisions within policing structures across the world. For instance in France and Spain, policing in rural areas are separated from policing in urban areas. In Germany state controlled investigative forces are split into uniformed police who take on first-response and preventative roles, while the plain

clothes forces conduct investigations. Many countries also entrust the investigations of certain federal or national crimes to a separate force. The Federal Bureau of Investigation (FBI) in the United States is a prime example of such functions within a state's policing structure being divided. Globally, among a variety of police forces, further divisions of policing functions may arise in issues such as border security, investigation and national security matters. However addressing the issue of security also necessitates looking beyond the role of the police in day-to-day public safety issues to the participation of actors in policing. This concern is not just a contemporary reflection, as the early history of British policing "shows how the national parliament at Westminster both authorised the establishment of police then largely devolved decisions about policing to local communities" (Edwards, 2005; 231). The Lighting and Watching Act 1833 permitted tax-payers in towns to choose to establish police forces. The Municipal Corporation Act 1835 made it obligatory for boroughs to establish police forces, and then the Rural Constabulary Act 1839 expanded powers to allow country magistrates the option to establish policing in country areas.

In contrast to the British policing model, the United States of America's unique policing structure can be found in the desire for self-determination (Edwards, 2005. 251). Within this context, policing became a matter for local government, with minimal state or federal government involvement. The history of American policing unmistakably shows that the key figures in American policing agency structures are the Chief of Police and the Mayor of the municipality. Edwards (2005), notes that this form of policing governance, whereby local politics take precedence over national politics, can be an excellent means of accountability. However, as Edwards further suggests, "at its worst local politics in a democracy can facilitate and disguise much more significant corruption than is possible in the larger State or national systems (2005; 251).

The Peelian legacy of where the police are the "only members of the public who are paid to give full-time attention to duties which are incumbent on every citizen in the interest of community welfare and existence" (Brake, 2012; 10) has a contradictory logic to it. According to Crawford, (1997; 20) "the police are the public and the public are the police" this was not intended by Peel to be taken literally. The emphasis made in 1829 of the police being the public, was an exercise in external legitimisation only (Crawford, 1997). Despite this external legitimisation exercise, contemporary waves of community policing/problem-oriented approaches "reconfigure[d] the

Peelian legacy in order, somehow, to reconstitute physical and psychological relations between the police and public, to build trust, and to encourage greater public assistance in policing (Crawford, 1997; 45).

2.3.2: The Reform Era: Characteristics of the Reform Era (1930s-1970s)

The nineteenth-century attempts at reform, which originated from both internal and external forces, shaped contemporary policing (Kelling and Moore, 1988; 4). The newer models of policing demanded an impartiality of law enforcers who related professionalism and distant neutrality to citizens. This redefined professionalised role for the police placed policing into a state public service. From the overall development of the nineteenth century phenomenon, the modern police was a specific response by the state to problems of crime and security (Reiner, 1992a; Emsley, 1996a; Johnston, 2000); clearly representing a rational development (for all those who accepted this civil authority of the state). All subsequent reforms to policing can be seen as being undeniably attempts to find a compromise between these considerations. Whether it is the case that policing is simply a means for state oppression geared towards shielding the economic, cultural and social class interest, or a means to promote order and provide protection for all the citizens of the state irrespective of their class status remained unclear (Reiner, 1992a; 12-56; Storch, 1975).

The consolidation and centralisation of Britain's policing structure continued throughout the ninetieth and twentieth century, which Kelling and Moore (1988) refer to as the reform era. It is during this time that can be noticeably seen a reduction of policing forces from around two hundred in 1945 to current levels of just forty-three in 2003 (Newburn, 2003). However, important features remained, for example until the 1960s police officers were responsible for a defined geographical area; organised around a beat-system. During the late 1960s', encouraged by the British Home Office, policing forces favoured a more motorised patrols system and reduced the number of foot patrolling officers, also known as 'the bobby on the beat'. The intention was to allow increased response to calls for service, and thereby improve community-police relations. Responding to community needs or market demands became the main reform during this era where telephones and radios became ubiquitous; the automobile patrolling (the police-car) came to be seen as even more valuable. Citizens were encouraged to call the police via the telephone as soon as problems developed. Rapidly response to calls and establishing control over situations, identifying wrong-doers and making arrests became solely what police

did. “No longer were citizens encouraged to go to “their” neighbourhood police officers or districts; all calls went to a central communication facility” (Kelling and Moore, 1988; 7). Newburn (2003; 85) argues that in fact the complete opposite occurred; that this model of professionalised response policing, actually weakened the ties between the “local beat Bobbies” and the community in that they served. Eclipsing many of the local policing methods including the local governance which did “not form part of the idea of policing that was being constructed” (Rawlings, 2000; 61). Political influence came to be seen as “deviant and insidious to effective police managements” (Palmiotto, 2000, 26). The main characteristic of this reform era was the movement away from political patronage in the hiring and firing of police personal. To free the police from the control of politicians a number of reforms were introduced. The establishment of the independent police chiefs that were hired on their merit, decent salaries for all officers, accountability through record keeping, and increased supervision through the use of communication systems (Trojanowicz and Bucqueroux, 1990). Accordingly, the police were distanced from the public and the mandate of the police also shifted from a social service function to a narrow enforcement based role (Peak and Glensor, 1999). Reactive investigation, rapid response and random patrolling became the primary functions of police (Griffiths, Parent and Whitelaw, 2001). This model of policing is also commonly referred to as the professional or bureaucratic model. Essentially how professionally policing was done and who had bureaucratic control over these actions (Bayley and Shearing 2001) became the main characteristic during this reform era. In sum, this reform era contained the following characteristics:

- Professionalism
- Crime Control
- Centralisation
- Professionally Remote
- Activities channelled through central dispatching
- Preventative automobile patrolling and rapid response to calls for service

Source: Adapted from Kelling and Moore (1988; 8)

2.3.3: Forces for Reform

During the twentieth century, according to Trojanowicz and Bucqueroux (1990), other issues such as police legitimacy were also called into question. The problematic issues of racism and police brutality became hot-topics for public debate in the 1960s. These issues coincided with the then growing momentum in the civil rights movements. Throughout this period, the police structural organisation assumed an even more centralised, hierarchical and command and control model structure (Kelling and Moore, 1988). Simultaneously, the police were beginning to be impacted by neo-liberalism or new managerial mentalities, where fiscal paradigms became the paramount influence in how the police functioned. With neo-liberal and centralisation influences, the bearing down on policing synonymously began to resemble what Fielding (1996) termed as the enforcement model for policing in England and Wales. Perhaps these influences represented reasons for attempts between the early and late 1970s of reforming the relationship between politics and policing.

Morgan and Newburn (1997) saw danger in the fiscal approach to measuring police efficiency. Simply looking at how the money was spent, in terms of the breakdown into wages, overtime and particular cost of policing actions, could easily just become a simple analysis of what individual strategies cost to implement and lead to a financial examinations of operational decisions (Edwards, 2005; 236). What remained was a more reactive approach, essentially focused on crime control in which the police would respond to calls for service from the public. The scope of the public and their role in policing had been further diminished, limited to acting as the eyes and ears of the police. Seemingly communities had even less of a capacity to participate in the short, medium or the long term policing priority setting during this era of reform. Consultations between the police and the community tended to be “passive” and as a process that was there only to “legitimise pre-determined objectives” (Harfield, 1997; 273).

Other influences for policing reform can be seen in the complexities which were manifested by the rise of problematic issues such as police legitimacy, racism, and by the civil-rights movements. This challenge took several forms. The legitimacy of police was questioned, by minority groups in particular and the by the public in general, for example via watching policing tactics live on television. Moreover, minorities and women insisted that they were not adequately represented in policing. Between the 1960s and 1970s other civil right challenges had gained momentum. Here the emphasis for a more robust form of democratic public

engagement, responsibility, and accountability in policing was demanded. A civil rights momentum in the United States of America stemmed from the profound societal changes and the apparent changes in population demographics that had occurred during this era. Bayley and Sheering, (1996) note that by the end of the twentieth century policing witnessed a watershed of transformations in both the practices and sponsorship of state security, and on policing on an unprecedented scale. In broad terms this transformation in policing was just one of the many evolutions in a series of shifts which focused not only who the state allowed to police and under whose authority and sponsorship that policing was carried out, but also in how and what non-state agencies would carry out policing. This transformation in policing focused on how those who are policed (the public) conceived what the task of policing itself should be and how policing should be performed, which would best suit a society.

As such during this era of reform, the seemingly dichotomous doctrine of police accountability to the state and police autonomy from the state presented the most vexing and enduring challenge to getting reforms right. During this period Kelling and Moore (1988) note that policing would seem to be always in a state of flux and always constantly innovating.

> "Citizens met their responsibilities when a crime occurred by calling police, deferring to police actions, and being good witnesses if called upon to give evidence. The metaphor that expressed the orientation to the community was that of the police as the "thin blue line." It connotes the existence of dangerous external threats to communities, portrays police as standing as standing between that danger and good citizens, and implies both police heroism and loneliness" (Kelling and Moore, 1988; 6)

By the end of this reform era, what emerged were new kinds of policing 'networks'. "The patterns of policing in the UK has paralleled the trends in many contemporary industrial societies, in the order of maintenance, crime investigation/prevention, and law enforcement are increasingly provided by a complex patchwork of agencies as well as the public police" (Jones and Newburn, 2006; 34).

> "Complex networks of policing that reflects a mix of public and

> private security providers are emerging. In many urban areas, we are witnessing not simply two-tiered policing but multi-level policing: the public police contract out patrol service to private security firms, in some instances, private security firms help fund public police investigations: private police resolve complaints that were once within the exclusive domain of the public police; public police and private security firms co-operate investigations; and private organisations hire public police to provide security for private functions." (Law Commission of Canada, 2002; 15)

The police reforms strategies of the 1940s and 1950s provided a relatively stable period, where the police were able maintain "a relatively narrow service line and maintain dominance in the crime control market" (Kelling and Moore, 1988; 9). More significant reforms came about later in this era as a result of the civil right movements. During this time societal minorities call for greater political engagements, along with increases in fear, and increase in oversight of police actions by courts took place (Jones, 2003). However, according to Kelling and Moore "it is clear that the reform strategy was unable to adjust to the changing social circumstances of the 1960s and 1970s" (1988; 9). In the 1960s and 1970s, civil rights and minority right movements questioned deeply police legitimacy (Trojanowicz and Bucqueroux, 1990). Simultaneously socio-political challenges, crime, and the fear of crime rapidly increased during these decades; despite significant increase in policing budgets. Peak and Glensor, (1999) note that fiscal challenges at local levels and public dissatisfaction also played significant roles during this era of reform. The convergence of all these issues capped this era of reform, contributing to its end and the beginning of the community problem-solving era (Palmiotto, 2000).

2.3.4: Community Policing Era (1970s/80s—to the Present Day)

In the 1990s the movement for more democratic and effective policing developed mainly due "to the massive demands from ex-socialists countries and other transitional societies such as Bosnia and Haiti" (Hung-En Sung, 2006; 347). Democratic theory argues that institutions must bring about more accountable and effective police services. Bayley (1997), Stone and Ward, (2000) Neild (2002), Pino and Wiatrowski, (2006) understand that democratic policing places more emphasis on a commitment to the democratic pillars of accountability to the public, transparency of decisions making, and responsiveness to public or popular participation in

policing. An organisation should facilitate the learning of human rights in developing reformed policing structures in transitional societies.

> "Police governance in a democratic society, whether this is understood as the 'constitutional and institutional arrangements for framing and directing the policies of the police' or a 'governmental strategies originating from both inside and outside the state', is ultimately a balancing act, requiring the delicate handling of a number of competing and conflicting objectives" (Wood and MacAlister, 2005; 197).

This notion of a 'balancing act' is perhaps the best for describing democratic policing. Bayley (1997) Brogden (1992) and Marenin (2000) suggest that democratic policing balances the values of transparency, accountability, responsiveness and autonomy. The focus of contemporary policing is now firmly on community policing and problem-solving policing. Writers such as Johnston (1992, 2000) have clearly extended the debate into private versus public policing with the community policing paradigm. Other scholars are beginning to concentrate on the police as a state body and the critical relationship that it has with the liberty of citizens (Edwards, 2005). Goldsmith (2005) suggests that policing by consent is widely viewed as essential to democratic policing. Loader notes that "we have received a set of liberal (and lately neoliberal) discourses and institutional arrangements that have as their central preoccupation the precise task of limiting and seeking control of the police by means of rendering them accountable through and/or to the mechanism and institutions of government" (2000; 325): As such according to Loader the following attributes are required:

- Mechanisms of legal restraint and redress
- A framework of democratic institutions (i.e. policing boards and partnerships) that the police can be required to consult, corporate with, account to or defer to
- Various internal organisational devices that seek to guide the exercise of police discretion
- A set of managerial tools (i.e. performance targets and or surveys) backed up by an audit regime and inspections.

(Loader, 2000)

It remains clear from these studies that policing, crime, and the means to control crime are still enduring problems for both police forces and importantly for societies all over the world. Within these debates concepts such as governance models are now being included. Most notably Bayley (1994) suggests ways in which community-based approaches to policing are means not only for crime prevention and law enforcement but also as a way to overcome legitimacy and effectiveness issues. The concept of community policing is closely related to the community relations programs of the 1950s and 1960s, which were developed to increase interactions between the community (especially minority groups within a community) and the police and continued through the 1970s with team policing concepts. The language of community policing has become increasingly widespread in public policing discourse and police policy-making processes since the late 1980s and 1990s. Other sources of community policing stem from the United States. In this account policing arose from two sources: one being the English colonial system and partly also from the new independent state frontier society. So much so that it is firmly ensconced in the lexicon of British, Australian and the United States policing. The community policing concept was first located through the appropriation of market-based metaphors, language, and imagery. Police forces began conceiving themselves as a business that must customise their services according to the distinct needs of communities, and a thrust towards a fiscal notion of accountability (O'Malley and Palmer, 1996; 147 and Crawford, 1997). Recently, community policing has taken a turn towards the more normative ideals of citizen participation.

From the late 1970s and early 1980s, security shifted from being the business of the police (the ideal of a state monopoly on the use of legitimate violence) to being every community's business. According to Wilson and Kelling (1982), and Johnston (2000), in Europe and the United States of America urban unrest, led public authorities to challenge the way social order is created at the local level. These subsequent reforms of police structures have seen the emergence of public participation and private initiatives in the production of security, what is now called 'community policing'. Today, community policing expands our understandings of policing; in that our understandings of police governance and of crime control in general has gone beyond the previous traditional professional and bureaucratic policing models. Community policing is most commonly used within contemporary western countries, yet it

remains many things to many people. The first appearance of community policing emerged both in the Britain and the United States during the early part of the 1980s (Kelling and Moore, 1988). Thurman et al., (2001) noted that what followed was the global adoption of community policing and this reflected the paradigm shift within many policing organisations from professional driven policing to one of community driven policing. Similarly Thurman et al., (2001) argue that the ready and enthusiastic implementation of community policing by policing organisations and communities alike throughout the Anglo-American models of policing over the recent decades has been unprecedented.

2.4: Characteristics of Community Policing

Community policing was a natural consequence or a by-product of a certain amount of the public being engaged in issues such as crime control and policing. Bayley and Shearing argue that "[t]hrough community policing and order-maintenance policing, the public police are developing strategies for reducing disorder and the opportunity for crime" (1996; 721). There is little doubt that crime and its control has become more pluralised over the last 30 years, but what constitutes the governance of security has also become apparently more diffuse. "Nevertheless community policing remains vaguely articulated in texts…It is often described as a philosophy, a body of ideas, rather than a specific plan of action and implementation…infused with several different strands of thought…Different policing organisations give more weight to some of these ideas than to others" (Brogden and Nijhar, 2005; 39). Bayley (1992) characterize key themes of community policing from which the following are drawn:

Figure 2.1: Characteristics of Community Policing

- *Community policing personalises policing*—in the crime-fighting model the police have increasingly become anonymous stereotypes due to the influence of technology and such an emphasis on motor patrols. Community policing reverses this trend
- *Community policing permits vital information gathering through face to face contract*—it enhances the quality of crime-fighting through street-level interaction and the information acquired from local people
- *Community policing minimises overreaction*—by getting to know communities well, police are much less likely to overreact in encounters with the public, thereby diminishing hostile confrontations.

- *Community policing allows police officers to target potentially violent people*—because community police officers know the local residents well, they are able to identify and isolate potentially violent or troublesome individuals who may be the source of disturbances
- *Community policing enhances responsiveness*—by establishing regular processes of consultation between local police commanders and communities, police actions can be more carefully aligned with the needs of communities, especially the (previously ignored) more mundane incidents, and intrusive matters (such as domestic disputes).
- *Community policing symbolises commitment*—the activities involved in consulting, adapting to, and mobilising, show the public that the police care about a community. It is the most effective way for a police agency to obtain public support.
- *Community policing develops informal social controls*—by enlisting citizens in solving general community problems, it allows them to take more responsibility for their own destiny—by encouraging the development of tenants' groups, 'concerned parents' and so on.
- *Community policing contributes to the quality of the physical environment*—by responding to the 'signs of crime'—dumped cars, dangerous abandoned buildings, rubbish-strewn vacant sites, graffiti-painted walls, and broken street lights—not merely do officers inhibit the growth of crime by attending to such details, they also improve the social and physical quality of local life.
- *Community policing helps to ensure a sense of wider democratic accountability*—mobilising other government and voluntary agency resources to enhance the quality of life makes governments appear to be more responsive and accessible.
- *Community policing positions police to monitor racial and ethnic tensions and mediate conflicts* between local groups.

Source: Brogden and Nijhar (2005) and Bayley (1992)

Leighton (1991) claims that crime and disorder problems are the joint property of the community and the police. Furthermore according to Leighton (1991; 489-497) community policing concepts include:

> "for example; 1) its objective to ensure peace, order, and civility, provide related services to the community, and facilitate a sense of security among the public; 2) community policing agencies are service-oriented organisations viewing the public as their clients

> who consume their services; 3) a key strategy with community policing is taking a proactive approach to crime and disorder problems; 4) the composition of police services is shifting towards a better reflection of the demographic and social composition of the communities they serve; and 5) the criteria for the success of police services effectiveness or performance being established by public users of those services" (Shearing, 2000; 165-166).

All told, community policing represents a broad sweep of policing activities and it is "a creature with many different faces, encompassing varied approaches" (Brogden and Nijhar, 2005; 41). It does not however, give a direct plan of action but provides core understandings under which a variety of policing-community relationship strategies can flourish (Brogden and Nijhar, 2005). It can be defined as "a philosophy, a proactive, decentralised approach, designed to reduce crime, disorder, and fear of crime, by involving the same officer in the same community on a long term basis" (Trojanowicz and Carter, 1988; 17).

In Britain this whole process of establishing procedures for police to consult local communities can be traced back to the Brixton riots of 1981. The subsequent report (The Lord Scarman Report) highlighted political and social problems and economic factors such as racial disadvantages and inner-city decline as reasons for these riots. Similarly, the report found that there was unquestionable evidence of disproportionate and indiscriminate stop and searches on black people in the area by the police. As a consequence the Lord Scarman's report, other than recommending changes in training and law enforcement, included the recruitment of more ethnic minorities into the police force. Other measures such as greater liaison arrangements between the police, communities, and local bodies were also introduced by the Scarman Report. These were done through community consultation, youth and race relations processes. "Lord Scarman's report proposed that such committees should be set up and the Home Office responded in 1982 by giving administrative guidance to police authorities about such arrangements" (Edwards, 2005; 238). Among these guidelines are the acknowledgements that there should be a flow of information both ways between the police and the community; "[T]hat local views should be taken into account when planning police strategy and operations and that membership of the committees should be as wide as possible without being too large to be

effective" (Edwards, 2005; 238). The Police and Criminal Evidence Act 1984, (PACE) made these arrangements mandatory, yet seemingly did little to direct the constitution of these committees or the way their consultations should be carried out. PACE, (1984) obliged these community consultative committees to gain the broadest possible consensus in planning local policing policy and strategy.

Table 2.2: Difference between Traditional Policing and Community Policing

Traditional Policing	Community Policing
• Reactive to incidents • Roles of police officers are limited to incident response • Focus of internal resources • Limited linkages with the community • Random patrols in cars to respond to crime • Information from the community is limited • Organisation is control-oriented, authoritative style or command and control style • Rewards based on solving cases	• Proactive in solving community related problems • Roles of police officers are broadened to include identification and solving of problems • Leverage on community resources Police work with extensive links with the community • Visible patrols to interact with the community, i.e. foot patrols and bicycle patrols • Information from the community comes from many sources • Decentralisation of authority and autonomy given to front line officers • Performance evaluation rewards based on service activities, crime prevention, satisfaction and sense of safety of the community

Source: Brogden and Nijhar (2005; 33)

According to Edwards (2005; 196) policing matters are of enormous importance and concern for the whole community, i.e. those being policed by a particular police service. Whether the police organisation operates on a community policing policy, or concentrates on more zero-tolerance approaches, the police need to be accountable to the community for such decisions (Edwards, 2005). Edwards (2005) further suggests that underlying these new objectives is a desire that policing is indeed policing by consent. Rather than working in isolation of increasingly pluralistic societies, the police would need to reach out and mobilise the public. Public engagement is

needed in controlling newer crimes such as illicit drug trades. Put simply the police align their crime controlling priorities with the interest of the public and in keeping with law.

In a sense the bulk of modern police history illustrates that each succeeding advance inadvertently dissociated the police further and further from the people they ostensibly served (Kappeler and Gaines, 2009; 40). In contrast community policing discourses deal particularly with the shortcomings, the imperfections, and the failing public support for policing. In part the growing dissatisfaction with traditional police practices (Rosenbaum and Lurigo, 1994; 299) spurred on the development of the community policing model. As such models of community policing "have their roots in the failure of previous models of professional or reform policing to address community concerns" (Wilson, 2006; 7). Unlike the other eras of policing, such as those of the political and reform, the community policing model is designed to bring the police and community together through community-police partnerships and proactive approaches.

Community policing "incorporates a philosophy that broadens the police mission from a narrow focus on crime and law enforcement to a mandate encouraging the exploration of creative solutions for a host of community concerns—including crime, fear of crime, perceptions of disorder, quality of life and neighbourhood conditions" (Kappeler and Gaines, 2009; 1). The basic philosophy of community policing is one that increases "the quality and quantity of contacts between citizens and police to resolve community concerns…[which]…can enhance community life" (Wilson, 2006; 8). This shift in policing discourse perceives that policing is not a force; rather it recognises that policing is a service. This entails the characteristics of decentralisation, flattened hierarchal structure, and more collaborative community approaches (Rosenbaum, 1994). Wilson (2006) refers to Skogan and Hartnett (1997) with the contention that the central philosophical premise behind community policing leads to the following four principles:

- Organisational decentralisation and reorientation of patrol to facilitates communication and information sharing between the police and public

- A broad commitment to problem-oriented policing—that is, "a comprehensive plan for improving policing in which a high priority attached to addressing substantive problems shapes the police agency, influencing all changes in personnel, organisation, and procedures" (Goldstein, 1990; 32)—that analyze problems systematically to develop

more effective means of addressing them (Goldstein, 1987)

- Police consideration of community issues and priorities in tactic development
- Police commitment to assisting communities to solve problems on their own

(Wilson, 2006; 8)

This community policing discourse also represents the broader linguistic shifts that have spread across other public discourses within western democracies, such as health and education. It can be argued that this discourse use of the term policing as service acts as a (linguistic) device to draw attention away from an image of a militaristic style of policing institution. In other words the use of the term service constitutes a new relationship between the police and citizens. Rather than have a relationship of police dominance, modern policing seek consent of the public in their role as professional, crime controlling experts in the governance of security. In this vein law enforcement is exercised in the service of the community instead of against them.

The early manifestations of community policing in the 1970s did not direct the police in strategy or policy-making. In fact, according to Alderson (1998) these early interpretations of community policing failed to maximise public dialogues and consultations to maintain direction and legitimacy. These early models of community policing did not manage to have new forms of governance that, included healthy and vigorous public discourses, lacking the capacity to do so adequately (Alderson, 1998 and Wright 2002).

Wright argues that community policing "depends upon attempts to develop shared values between police and public. This is necessary to overcome the 'disciplinary' aspects of the relationship between police and the community. The degree of public participation will in turn depend upon the extent to which social, political and economic conditions have developed to make it possible" (2002; 148). These early or first waves of community policing in the 1970s are, in a sense, recognition of policing re-organisation and their response to the way the police must change with the times. These first waves of community policing refer to a movement more towards a different make-up and the different needs of the population the police were then serving. This was the central tenet in these early attempts to build new relationships of governance between the police and the public. Brogden and Nijhar, question the distinguished features of community policing and whether or not community policing represents something

real or merely a change in rhetoric (2005; 26). Punch (1983) noted that research data had revealed that most police work comprised of helping people rather than being concerned strictly with law enforcement. Therefore the police serve communities by and through a spirit of cooperation, giving the community their expert assistance and relying on the community for consensus.

The emergence of community policing as Newburn (2001) notes has given birth to a set of complex security networks and of numerous sets of actors, which are both private and public. Scholars favourable to community policing claim "that traditional policing, with its emphasis on reactive crime fighting, has failed" (Brogden and Nijhar, 2005; 27). From the community policing perspective the role of police has now broader objectives and functions, in which the police derive authority from and also requires the collaboration with the public (Skolnick and Bayley, 1988). Hence the focus is now less on thief catching and more on problem-solving or problem oriented policing which requires all stakeholders at the local level to interact and to cooperate (Shearing, 1998).

2.4.1: Community Policing as Problem Oriented Policing

The concept of community policing has been referred to by various terms such as neighbourhood-oriented policing, community-oriented policing, and/or problem-oriented policing (Leighton, 1991). Many policing researchers consider community policing as 'modern', 'progressive', or 'contemporary policing' (Sparrow, Moore, and Kennedy, 1990; Trojanowicz and Bucqueroux, 1990). This community policing model has remained the official dominant model of policing, (Griffiths et al, 2001), at least in Britain and the United States of America. The professional police paradigm remained hegemonic throughout what can be termed as the first waves of community policing of the 1970s. Similarly from a strategic policing perspective, the police continued to promote controlling crime through law enforcement. The police remained the single authority in the governance of security; placing limits on the capacity of communities to intervene in policing and its governance. So, although the notions of community policing and community police partnerships were introduced, the police were still linked with communities in a rather paternalistic capacity (Stenson, 1993; O'Malley and Palmer, 1996). Reiner suggests that these limits stem from resistance of the police themselves; in a sense the police were resisting alternative ways of thinking beyond the bounds of their world view (1992; 761-781). Still, the introduction of communities into the discourse of policing did introduce new sets of precepts.

The concept of problem-oriented policing profoundly challenged police hegemony and their paternalistic capacities, as it involves the local community in negotiating priorities and in identifying and applying solutions (Kempa and Johnston, 2005; 184).

The notion of "problem-solving" or "problem-oriented policing" began to be taken seriously, gaining popularity across much of the public policing circles, throughout the mid 1980s and the 1990's.

> "The phrase 'community policing' has more popular appeal than 'problem-oriented policing'. It sounds less technical and more friendly. On the other hand, 'problem-oriented policing' draws attention to the programmatic implications of policing for improving crime prevention; it concentrates attention on concrete activities that police need to undertake. Since community policing and problem-oriented policing cannot be untangled in practice, I prefer to use the more resonant phrase 'community policing' but to insist that community policing be understood to include problem solving" (Bayley, 1994; 168)

Here the police role as experts increasingly came under intense scrutiny (Skolnick and Bayley, 1986; Crawford, 1997). The language of "problem-solving" threatens police expertise and their authority, because it ultimately requires the knowledge and capacities of other institutions, groups and the communities themselves that are closer to the root causes of crime and insecurity (Goldstein, 1990). These problem-oriented/solving approaches to police work were subjected to extensive experimentation in Britain in the 1980s and early 1990s (Wright, 2002).

> "According to the problem-oriented policing (POP) model, policing should be about identifying and solving underlying problems within communities. It is not simply a matter of responding to individual incidents. Incidents are only symptoms of the deeper problems. Active involvement of the community and other agencies is vital to both defining the problem and to identifying the strategies to deal with them. It requires intensive commitment from the whole police service and is not the task of

specialist squads" (Wright, 2002; 112).

As such the community is acknowledged as having equal value in expertise, in the defining of crime, and in policing issues which are located and accommodated in the terrain of crime prevention. Likewise communities have expertise in the governance and policing policy decision-making. Crank and Langworthy's observations of problem-oriented policing "emerged as the articulation of a police reform movement that…re-thinks the issue of effectiveness of the police in crime control. Effectiveness is reconsidered in terms of a police function beyond law enforcement activity. Police seek to formalise order maintenance and crime prevention aspects of their work" (1996; 214).

In order to initiate problem-oriented policing, both advisory and consultative committees and partnerships are recommended (Wright, 2002; Bayley, 1994). Shifting the thinking of crime and policing; moving it beyond exclusive law enforcement strategies that are dominated by police organisations. In fact problem-oriented policing encourages the adoption of proactive approaches to the governance of security; local and disorder problems are firstly identified and anticipated (future) and secondly the underlying causes of crime are addressed (Wright, 2002; Bayley, 1994). Organisations and policing bodies are now asked to broaden their strategic tool-kit by getting involved in community crime prevention design and social development activities. Such approaches require the police to link-up with other service delivery agencies (e.g. local government, health and education). Arguably this wave of community policing promoted the conception of security governance as a networked affair.

> "The theory behind problem oriented policing is simple. Underlying conditions create problems which, if neglected, may give rise to crimes and to other undesirable consequences. These conditions might include the characteristics of the people involved (offenders, potential victims, and others), the social settings in which these people interact, the physical environments and the way the public reacts" (Brogden and Nijhar, 2005; 33-34).

Brogden and Nijhar (2005) note that the adoption of the concept of problem-oriented policing was due mainly to an acknowledgement that there are certain social and economic precursor to

an actual criminal events or activity. This is also highlighted in Table 2.3 below:

Figure 2.2: Principles of Problem-Solving/Oriented Policing (1980s)

The Problem-Solving/Oriented Policing Processes/ Second Wave Community Policing can include

- Eliminating the problem entirely—arresting, prosecuting and detaining a serial criminal
- Reducing the number of occurrences of the problem—advising schoolchildren on avoiding talking to strangers
- Reducing the degree of injury per incident—perhaps by ensuring that residents are advised on ways of utilising crime prevention methods such as safety glass on exposed windows
- Improving problem-handling—where the officer might familiarise him or herself with the range of agencies available to cater for citizens incapacitated by illness or inebriation
- Manipulating environmental factors to discourage criminal behaviour—persuading the city authorities to place street lighting in a dark civilian underpass where citizens may feel threatened
- Mediation—acting as an arbitrator between local disputants—for example, between commuters who wish to park their cars in an inner city street and residents who wish to maintain the area as a place for children to play safely

Source: Brogden and Nijhar (2005; 35)

From the table above it can be observed that there is a clear emphasis on problems and the resolution of them, which marks the key difference between problem-oriented policing and the many practices of the first waves of community policing. The principles outlined above also necessitate that there is direct participation of individuals and groups within communities other than law enforcement experts. Additionally, problem-oriented policing means the creation of spaces into which ordinary people (as users, as citizens, as beneficiaries), political representative, the police and other relevant agencies come together to engage and discuss common concerns and the identification of crime. This echoes Crawford's (1994), argument that the prioritisation of crime prevention is a key function of the police, which requires the active involvement of citizens and social services agencies in as many diverse capacities as possible. Hence to make crime prevention strategies successful problem-oriented policing is where, the police activate the (under-developed) potential of a partnership approach to solving common problems. As a consequence problem-oriented policing has a more decentralised approach to the governance of security.

This community form of policing recognises that crime-prevention and security delivery should be organised around neighbourhoods and not resource deployment. Police officers must now become familiar with particular communities so that meaningful dialogue and cooperation can take place. Decentralisation also means that police governance requires that the old hierarchical structures are transformed into flatter organisational structures (it also meant that the hierarchical, paramilitary structure of the police force themselves were transformed into one of a service provider). Under the problem-oriented policing concept, organisational shifts help support the new ethos of responsibility, autonomy, and accountability particularly among police officers and the participants in police policy decision-making processes.

> "Problem oriented policing defines the police role in terms of the nature of the problems and the range of choices available to resolve them. Consequently, problem oriented tactics are *situation specific* (that is, tailor-made to fit each problem), whereas…[first wave]… community policing tactics are *universal* (force-wide general procedures are applied) for a given problem. A problem oriented agency will engage in a search for the information and resources that appears to be most effective at addressing it. A community policing department may apply the same set of tactics to all problems that come to its attention" (Brogden and Nijhar, 2005; 36).

What problem-oriented policing/second waves of community policing models have in common with first models of community policing is that they both require decentralisation of police authority to patrol officers and to first line supervisors. Additionally, both models place great emphasis on collaboration between police, agencies in the community and the community themselves (Brogden and Nijhar, 2005).

Similarly problem-oriented policing can be clearly seen as a response to the growing public concern with the use of financial and human resources. This is in part, the growing recognition that people should and must be involved from the outset and throughout the decision-making process, if they are to buy-in to the outcome and solutions. In simple terms, governments were beginning to acknowledge that the public was asking for more involvement at all stages of the police policy decision-making process; not only at the stage of problem identification, but also

through to the development of solutions, implementation and evaluations of those solutions (Brogden and Nijhar, 2005). This growth of public concern and public demand for more active roles and scrutiny in the governance of policing was in part encouraged by the media. In the British context, Stenson notes that as a consequence of this there is a blurring of the "old separation of policing and politics…calling into question the de-politicalised concepts of law and crime which underpinned the claims of the police for a separate sphere of operations" (1993; 379-380).

2.4.2: Contemporary Policing is now Community Focused

Contemporary policing has now become community policing, and it also constitutes the other previous stages (waves) of community based policing respectively. Here the first wave of community-based policing can be described as a stage in which police forces became more engaged with communities through programs that were designed to inform and direct community involvement in law enforcement. The problem-solving policing phase (the second wave) is a stage of community policing that is related significantly with experimentation in models of crime prevention. Clearly the nature of problem-oriented policing is one that is a search for the broadest possible range of feasible solutions. This includes the involvement of (new) institutional and police resource deployment arrangements. Building on the two previous stages, policing now amounts to a community focus, implying that there is a (re)building of a relationship between citizens and their local police service. As such there is a working of both sides of the equation; that is, going beyond community or state-based approaches in that the focus is on their intersection, through new forms of participation, responses, and accountability. Furthermore contemporary community policing models have both proactive as well as reactive strategies within their tool-kit (Wilson and Kelling, 1982; Murphy and Muir 1986). Thereby crime and disorder problems are now the joint property of the community as well as the police as the local agency delivering public security services (Crawford, 1994).

The police must now actually find out what the priorities and concerns are within communities; they ultimately discover that the problems have less to do with "discrete and legally defined incidents" (Skogan and Harnett, 1997; 8) and more to do with casual social disorder and the physical decay of their community (Skogan and Harnett, 1997; 8; Wilson and Kelling, 1982; Kelling and Coles, 1996). In Australia, for example, O'Malley and Palmer have observed a similar recognition of a need to shift away from an "overreliance on police and other law-enforcement

and regulatory bodies in [an] attempt to control crime" (1996; 143). O'Malley and Palmer further note that there is a general sentiment in government that communities must now "meet this responsibility" (1996; 143). This is similar to Johnston and Shearing's (2003) understanding of neo-liberal modes of governance, whereby it empowers individuals to voice their opinions, offers their expertise, and takes responsibility for their actions regarding their policing needs. Accordingly O'Malley and Palmer (1996) suggest that the police and government are attempting to serve as a "catalyst" for communities and citizens to become more responsible regarding the governance of security. This confirms Crawford's (1997) observation that there is recognition of an impossible mandate placed on the form of exclusive police responsibility for the governance of security. "Where once the state was expected to hand down authoritative answers for problems and needs of society, now we are increasingly witnessing a situation in which those same problems and needs are rebounding back on society, so society has become implicated in the task of resolving them" (Crawford, 1997; 25).

Arguably "[t]he dominant paradigm of policing today is community policing, which combines consultation with community member, responsiveness to their security needs, collective problem solving to identify the most appropriate means of meeting these needs, and mobilisation of the public to make all this happen" (Grabosky, 2009; 1). Hence the virtues of community policing are widely extolled (at least in Western democracies). Community policing models have become invaluable in identifying problems and developing understanding of the circumstances that give rise to those problems. Wright notes that "[c]ommunity policing seems best understood as a range of specific techniques that the police and the public use to work in partnership at a local level. Used in this sense, community policing is a micro-level concept. It is a concrete effort to promote community justice and social control by mobilising social resources within an identifiable group of people" (2002; 143). The key techniques of contemporary policing assume that the community is a partner or has ownership with regard to community safety. As such, the community and the police now work together in the identification and resolution of security issues. From this suggestion community policing is always a police issue, although it is also a community and social service, education and health issue.

2.5: Democratic Policing

Goldsmith (2003) argues that if a regime is unable to satisfy the many, it may be forced to suppress and quell the few more disorderly elements within the society in order to stay in charge.

> "If the power of the police is misused, however, this abuse is potentially harmful or even destructive to the structure and processes of democratic societies. In totalitarian and authoritarian societies, police authority is used to maintain authority of tyrants. In transitional societies, police authority can either promote the development of democratic processes and institutions through the promotion of the police role in civil society or crush its development" (Pino and Wiatrowski, 2006; 30).

Goldstein (1990) argues that democratic societies have an authority granted by law to maintain a democratically determined order. Drawing on Neild (1999), Pino and Wiatrowski argue that community policing models can be "integrated into broader reform processes so that they support democratisation of policing…that democratic policing works in concert with democratic government within a symbolic and symbiotic relationship" (2006; 82).

2.5.1: Principles of Democratic Policing

Democratic values are the basis for growth and development and the police must confirm to these values in order to promote development (Pino and Wiatrowski, 2006). In that "locally constructed civic strategies that concentrate on all neighbourhoods…are needed in order to foster sustainable economic development and permanently reduce crime and disorder. Policing would be one important part of this process" (Pino and Wiatrowski, 2006; 94). As such policing is developed and implemented according to the needs of the public and emphasises assistance to members of the community. Moreover Alderson, (1998), Palmiotto, (2001 and Wiatrowski, (200) suggest that from (post) community policing perspectives the role of democratic values and protection of human rights are core principles of policing. What is therefore stressed from these perspectives is that the police require the democratic principles of transparency,

accountability, and participation. Given this proper base in democratic principles and an organisational structure consistent with democratic ideals "police strategies can support democratic values, create the conditions that support economic, political human and social development" (Pino and Wiatrowski, 2006; 71). Additionally these democratic created associations and networks between the police and communities can provide greater levels of safety. Participation in community policing and "[t]he exchange of information among citizens, and between the police and the public, can increase awareness about the strengths and limitations of various policy options" (Grabosky, 2009; 34). Pateman (1970; 44-43) and Sklansky (2008; 66-65) also argue that participation can also serve to broaden the outlook of the citizen and enhance an individual's community-mindedness. Similarly Barber (1984) suggests that the generable principle of an active citizenry is inherently good when individual see themselves not merely as a subject but as citizens. Support for the political system; and the stability of that system is ultimately enhanced. If what Pateman (1970), Sklansky (2008) and Barber (1984) suggest is generalised to policing, then citizen involvement in policing has a number of potential benefits. Marenin asserts that:

> "The minimum structural and cultural requirement for democratic policing is semi-autonomy. Some capacity for discretion…but constrained by responsiveness to law, state, and civic society demands is required. Second, the police must recognise and accept that their job requires being responsive to conflicting demands. The last requirement imposes the most difficult burden of democratizing police forces. Having been just liberated from the yoke of state and elite control they must now voluntarily submit themselves to external control of a different form and see limits of their autonomy (2000; 325).

From a democratic perspective, policing/citizen engagements in security are elevated to a basic human right and the core of police activity is directed by human right determinants (Pino and Wiatrowski, 2006; 89). Clearly for Pino (2001) policing is still developed by the relationships with communities yet policing should also be based on the foundations of democratic principles. The foundational characteristics of these relationships include elements such as civic engagement, social trust, reciprocity, and collective actions (Pino and Wiatrowski, 2006). Similarly Scott

(2002) notes that community policing is positively associated with neighbourhood social capacity; in other words community policing has the potential to generate efficacy, cohesion and trust within a community. Noticeably "democratic development is highly complementary to democratic policing, building civil society, and stabilising economies, and that democracy, human rights, cultural capital, and social capital are all related to policing" (Pino and Wiatrowski, 2006; 76). Pino and Wiatrowski (2006), further argue that the development of democratic models of policing are vital for the following reasons: 1) Curbing crime and corruption, 2) To preventing the police from embarking on crime control strategies that may be at the expense of civil liberties and civil society, and 3) Policing organisation, strategies and activities should be directed by civil society and democratic practices. For example, these developments are quite often been linked with peacekeeping and policing regions in post conflict periods (Jesilow and Parsons, 2000). Similarly evaluating police officers or police departments/institutes/bodies on their ability to keep the peace and build community, how officers listen to citizens and treat wrongdoers, may allow for less repressive policing strategies and for adversarial attitudes to erode (Jesilow and Parsons, 2000). Outlined in Table 2.5, are the general principles of democratic policing which leads to the related goals:

Table 2.3: The Democratic Policing Model and Related Goals

Democratic Policing Features	Related Goals
The Rule of Law	A commitment to democratising all public institutions, including the police
Transparency	Independent socioeconomic development
The Police are subordinated to Civil Authority	Equitable co-production, including the participation of women and other minority groups
Legitimacy	Various community policing goals, including problem solving, collaboration with various public and private organisations, decentralisation, and continual evaluation
Accountability	A commitment to human rights
Police Safety	Social and human capital building within and between the citizenry and the police
Participation	Local autonomy in developing policing and other strategies

Source: Pino and Wiatrowski (2006; 80)

In basic terms, democratic policing emphasises the fact that policing must support and be consistent with democratic values. Jones and Newburn (2006) and Wiatrowski and Pritchard (2002) make arguments that policing must include the ideas of freedom, the co-production of safety, the limitation of freedom determined by the citizenry rather than an arbitrary or unilateral process, accountability, transparency, legitimacy, and subordination to civil authority. These democratic values can all be deemed inherent in democratic policing. "In placing policing in this larger democratic framework, policing will have an incentive to abide by the ideas of accountability, transparency and legitimacy and fewer inducements for misconduct and corruption (Pino and Wiatrowski, 2006; 81). Table 2.6 below outlines the main dimensions of

democratic and community policing:[5]

Table 2.4: Mechanisms of Democratic/Community Policing

Democratic Policing	Community Policing
Democratic policing through accountability mechanisms, policing institutional forms are evaluated to determine if they are accomplishing the function they were created to affect. Frameworks of coproduction in the creation of new institutional form to promote security and to respond to crime as well as other activities are developed in active consultation with the community.	The community is consulted in the identification of problems, the development of priorities, the development of strategies and tactics, and their implementation and evaluation.
Policing responds to community, Policing assesses impact on community, enters it into an information system which links it with other community activities. The police allow citizens and other agencies to help shape the general responses if a pattern appears to be developing.	As with community policing, democratic policing is further developed through knowledge —linked to other sources which provide information about institutional accountability.
Knowledgeable about community as with community policing police officers are concerned about the impact of contact, especially with respect to fear and intimidation. The community does not fear to approach the officer.	As accountability, legitimacy, transparency and subordination to civil authority are increased similarly the probability of police corruption decreases.
Security is elevated to a basic human right and the core of police activity is directed at analysing the determinants of this security and then directing their activities to achieving these.	The model may de-legitimise the claims of terrorist/ crime organisations and promote cooperation, prevention, information and intelligence flows that are the basis for effective counter-terrorism/crime operations
Crime and fear of crime detract from community freedom. Successful responses, derived in consultation with the community expand freedom. The tension between the community and policing measures which limit freedom such as searches are balanced with democratic freedoms and community institutions and activities.	Police officers can articulate and protect human rights. The Police maintain contact with different communities in order to get first knowledge of threats which can provoke larger violence.

Source: Adapted from Pino and Wiatrowski (2006; 90-93)

What is obvious from the above table is that community consultations and democratic freedoms are core elements in democratic policing. Both mediate the tensions of the need to enforce the law. Similarly the police crime prevention activities are directly linked to community institutions and activities. However "[m]ore emphasis is placed on residents making decisions in concert with officers while ensuring that essential human rights are not violated (Pino and Wiatrowski,

[5] As can be seen from table 2.6 there is also a lot of common ground between these two models.

2006; 89). Ultimately democratic policing models denote that there are enhanced and active consultations with community in a framework of co-production (Pino and Wiatrowski, 2006). These consultations are linked to democratic values which are oriented towards sustainable democratic development. As such scholars such as Call and Cook (2003), Wiatrowski (2002), Wiatrowski and Pritchard (2002), Jones and Newburn (2006) argue that the democratic model of policing is an approach to policing which is needed for transitional or post-conflict societies. Although this model takes a variety of forms in the literature, i.e. participation in governing policing powers, accountability mechanisms to ensure that the police achieve the goals set by the public, transparency in police policy making and conduct, that they adhere to human rights standards are the core elements of the models (Pino and Wiatrowski, 2006). A fundamental premise of democratic policing is that it can also promote the development of democracy. This promotion of democratic development is the main difference with community policing as it goes beyond the community model of policing. Democratic policing includes ideas "such as "the co-production of safety, the limitations of freedom only through a due-process determined by the citizenry rather than the arbitrary or unilateral decision of a person with authority, accountability, transparency…[and]… legitimacy"(Pino and Wiatrowski, 2006; 81). "Without doubt, most of the police reform proposals in Northern Ireland fit into this model" (Engel and Burruss, 2006; 170).

2.5.2: Contemporary Policing; Towards Deliberative Democratic Frameworks

"Democratic policing cannot create a democratic regime, but police conduct is a major component of the state's relationship with its citizens. Policing reform is dependent of democratic development rather than a determinant of it" (Pino and Wiatrowski, 2006; 82). Stone and Ward (2000) state that police strategy and tactics are perhaps best developed at a local level. Although there is no single way to structure a police force democratically, there is a need to be accountable to communities, civilians, elected officials, and the courts (Stone and Ward, 2000). Citizen involvement in democratic policing is "crucial, and ideas of citizen involvement from…[community policing]…can be incorporated into a democratic policing framework" (Pino and Wiatrowski, 2006; 108). Additionally community involvement can function as an accountability mechanism since communities can create their own safety priorities and hold police accountable and especially when elected official are also involved (Stone and Ward, 2000). Policing boards and policing partnerships, (Pino and Wiatrowski, 2006)

can help democratise policing, increase collaboration, foster openness, and reduce police misconduct. "Civilian oversight bodies can incorporate the accountability theme of the democratic models of policing" (Pino and Wiatrowski, 2006; 108).

In Fung and Wright's (2003) concepts of 'deepening democracy' in policing, the notion of deliberative or discursive frameworks for the governing of the police is raised. This deliberative framework has been broached in several recent enquires into policing. For instance Northern Ireland's Patten Commission (1999), and the New South Wales Wood Royal Commission (1997) can be described as being dichotomous regarding their deliberative nature; in that deliberative frameworks were central but somewhat overlooked and understated elements in each respective commission. Whereas Patten Report (1999) and Oppal Report (1994) were more concerned with establishing new structures for the authorisation of police work as such they were pre-occupied with the structures of authority and only explicitly concerned with substantive procedures of deliberation.[6] Similarly, the reforms of 1997 in New South Wales designed strong cooperative structures between police and local communities through strategic consultation, deliberation seemed to be an afterthought. 'Operational responsibility' as the Patten Report argues the regulating of policing and forms of accountability, in that the police operational decisions in Northern Ireland should be free from partisan direction. Operational decisions would therefore be subject to detailed post hoc review by community bodies called District Policing Partnerships (DPPs). These DPPs bodies are clearly seen as key parts in the re-organisation of policing accountability in Northern Ireland. This *ex post* police accountability does in a sense de-emphasise the need to ensure the deliberative structures address policing issues *ex ante*.

Other key accounts of discursive policing and deliberative policing have been implicitly invoked by such scholars as Loader (2000) and Fung (2001, 2003) (See also Grimshaw and Jefferson (1987) and Thacher 2001, 2004). These serve as models for considering the possibilities for deliberative policing. The account of empowered deliberative democracy of Fung and Wright (2001, 2003) develops a model for institutions and their features which would guarantee fairness and efficiency within a deliberative framework. Here Fung (2001) and Fung and Wright's (2001, 2003) concept of 'accountable autonomy' within a framework of deepening democracy is

[6] The Oppal Report (1994) addressed a wide range of policing issues, including, governance, and community based policing in British Columbia Canada

used to analyse reforms which occurred in the Chicago Public Schools system and the Chicago Police Department in the 1990s. Fung noted that it was "presumed that problem-solving efforts would work with deep citizen involvement…[citizens]…can better identify and act upon critical problems" (2001; 74). As such in Fung's (2001, 2003) accounts democratic and governance deficits in contemporary policing and security can be addressed through deliberative democracy. Furthermore, citizens involvement "would enable them to better monitor police activities and hold them accountable for doing their jobs (Fung, 2001; 74). The key was police beat monthly meetings open to the public to allow local the police and "residents to jointly engage in problems identification and resolution efforts" (Fung, 2001; 78).

These developments were described by Fung (2001; 75) as a 'deep structure' of 'accountable autonomy'. For Fung (2001, 2003) the local police were held vertically accountable by the police department, at the same time these local beat police officers were held horizontally accountable to the local communities; being able to autonomously determine local priorities. Rather than simply devolving authority through decentralisation of decision-making, these were attempts to "reach beyond the simple antithesis between centralisation and decentralisation" (Fung, 2001; 101). Fung argues that deliberation and the outcomes stemming from these local police beat monthly meetings linked the horizontal problem solving directed at local issues, to the vertical relations of institutional accountability through the "three central planks of participatory local autonomy" (2001; 78):

- The beat meetings allowed citizens to become directly involved in determining police priorities through continuous rather than one off meetings; sustaining involvement, knowledge and the publicity enhanced the ability to hold the police accountable

- The beat meetings were subject to deliberative decision procedures; participants were able to identify and then priorities key problems and identify strategies and responsibilities

- The beat meeting was a form of 'empowerment' were participation and deliberation "directly affected public and its results"

(Fung, 2001; 78-79)

Loaders' (1996) account of discursive policing in police-youth relations in Scotland also defines a

process where “police policies and practices…are formulated, implemented and evaluated on the basis of public deliberation among all affected parties” (Loader, 1996; 158). And these were guided by the common good. Although Loader argues that discursive policing is not a panacea to the underlying causes (unemployment, poverty, limitations of police responsiveness to the problem experienced by young people);he does suggests that discursive policing “entails creating institutions capable of providing the doctrine of policing by consent with some meaningful substance” (Loader, 1996; 161).

2.6: The Machinery of Policing Governance

The Police Act 1964 established a tripartite system for police governance in Britain. Divided between Chief Constables, the Home Secretary, and local Police Authorities (originally comprised of local councillors and magistrates and later included a complement of independent members). These had the responsibility for shaping police policy, practice, and expenditure. Overall this tripartite system of policing governance was, according to Jones, (2003) and Jones and Newburn, (1997), the result of two high political ambition: one was to open policing up to citizen involvement the other was a more partisan desire to increase centralised control over the police. As a result of this ambiguity the relationships between governments and police authorities became strained. Throughout the 1980s and 1990s police authorities in both Britain and Northern Ireland were rendered ineffectual and timid, accomplishing little in terms of inspiring public confidence in policing (Jones, 2003; 614-616; Jones and Newburn, 1997). In the 1980s and early 1990s, British policing like many other state agencies embraced the virtues of new public management (Leishman, Cope and Starie, 1996). This consumerist concept led to new ways of policing as a public service, treating citizens as clients and consumers. Johnston and Shearing, (2003) refer to this as government retaining responsibility for ‘steering’ and citizens retaining responsibility for ‘rowing’. This relationship between the state and citizens regarding policing reflects a significant departure from the previous governance techniques.

2.6.1: Partnership as a Mechanism for Policing Governance

According to Bayley (1975), one cannot explain contemporary police systems without becoming involved in an exploration on political development. Today, it is widely and increasingly accepted in the literature on policing that crime and policing are inherently political (Bayley, 1975; Goldsmith, 1991; Estrada, 2004; Haggerty, 2004). Estrada notes that

"nobody…[politicians]…can afford to be viewed as being 'soft on crime'" (2004; 421). It is politically advantageous for crime to be cast as a political problem that must be solved. Apparently this represents a "shift towards a more visceral politics, to the point that rationalist strategies are increasingly marginalised" (Haggerty, 2004; 221). In general, what is the optimal mechanism for identifying public preferences and reconciling them with policing and security needs remain a significant question. Simply put there is no single ideal solution, as each mechanism has its strength and weaknesses. Likewise the appropriate combination of mechanisms will depend upon the relative capacity of the citizenry, the representative public service and the private sector. Similarly these administrative means, or means by which public preferences are registered, also take diverse forms. The transmission of preferences can vary from institutions, such as policing boards, community policing partnerships, and town meetings, that may have deliberative natures, to mechanisms of representative democracy, such as elections of policing commissioners (for example for the first time on 15 of November 2012, 41 Police and Crime Commissioners will be elected across England and Wales).

Clearly governments across the globe have begun to state publically that the panacea for the ills in policing is a radical change of managing policing policy (Edwards, 2005; 295). For instance Kempa and Johnston (2005) hold up the Patten Commission Report (Independent Commission on Policing for Northern Ireland, 1999) as a blueprint for the reinvention of policing system and a fundamental rethink of the role of police authorities. For Kempa and Johnston the "Patten Report…contained a 'radical stream' concerned with rebalancing the distribution of authority within the tripartite structure and, further, broadening its ambit to regulate the many nodal agencies involved in policing on behalf of the 'common good'" (2005; 186). Contemporary governance of justice and policing policy is "bifurcated by an adaptive strategy characterised by community partnership and a sovereign state strategy that stresses coercive control" (Garland, 2001; 139). Blair (2005) suggests that the emphasis on community, neighbourhood and problem-oriented policing achieved through partnerships must not be lost. Blair further states that:

> "What we should seek to avoid, at all cost, is a separation of local, neighbourhood policing from either serious criminal investigation or counter terrorist investigation. Every lesson of every police inquiry is that, not only the issues that give rise to

anti-social behaviour, but also those that give rise to criminal activity and to terrors is begins at the most local level" (2005).

2.7: In Conclusion

Goldstein (1977; 1) summarised the police as being an awesome power and argues that democracy is heavily dependent upon its police to maintain order and to make society as free as possible. The relationship between the state the citizens and the police is complex and delicate as a consequence Marenin notes that "policing is generally misconceptualised…perceived as done by agents of the state, at the behest of those who control the state, with little choice or discretion" (2000; 314). Bayley (cited in Marenin, 2000) asserts that it is important to understand that policing is a "set of order promoting policies, only some of which are located in the state and characterised by a monopoly of legitimate force" (1985; 316).

Edwards (2005), argues that policing is now overtly concerned with the welfare of society. Similarly modern policing under the paradigm of community policing has extended crime prevention to a wider term of community safety (Crawford, 2003). Any police agency that considers itself to be a service can, with good reason, to be called part of the welfare state. There is little doubt that this expresses the desired relationship between the police and the citizen much more clearly than history's previous understandings of the relationship between a society and its police. The police are expected to maintain general order and specific behaviour; yet, on the other hand, there is a wish for police to protect particular interests and for the state not to interfere in the private lives of its citizens. "The capacity of the police to balance these competing values implies and demands discretion and a degree of autonomy for police; autonomy which, paradoxically, must be legitimised and consented to by citizens and the state" (Marenin, 2000; 312). The discretionary nature of police work, and the profoundly political nature of police governance points to a need to engage in a new politics of policing. Therefore the fostering of the democratic policing has enriched police policy, practice and its governance with democratic content centred on 'deepening democracy' (Fung and Wright, 2003) and human rights. Policing Partnership thinking must be supported by different and complementary levels of capability formation, beginning with police; include public representatives and extend to the public. Central to this capability formation is the creation of various reflective and discursive/deliberative spaces that allow and encourage members to continually test, validate, or challenge the wisdom of previous and current policing strategies and policies.

What was set out in this second chapter was the nature of policing—the issues of disagreement and development of policing. Here what was established was there is an ongoing dialogue between theories and theorists of policing, and research and researchers concerned with actual existing patterns of policing. The chapter also outlined the different eras of police, drawing upon the different approaches of reform to distinguish between distinct approaches. Provided within this section was a discussion on community policing. Finally, what was developed was a case for a need to look at the democratic nature of contemporary policing. In particular through a deliberative lens this nature may become much more visible in venues where the police, political representatives and the public meet in public to discuss police accountability, planning and resource deployment.

Chapter 3: Literature Review: Deliberative Democracy

3.1: Introduction

Academic democratic literature continues to establish a multitude of contemporary models of democracy from the liberal (Dahl, 1998; Schumpeter, 1976; et al.) through to the deliberative (Habermas, [1962]1991; Rawls, 1993; Cohen, 1989; Miller, 1993; Dryzek, 2000, Young, 2000; et al). Further accounts of democracy, such as those from the associational (Hirst, 1994) to the cosmopolitan (Held, 1986, 1993), are also evidence of this contemporary study of models of democracy. This democratic literature represents a narrative on an era of change regarding models of democracy i.e. how the relationships between societies and democracy within institutions should operate yet are in continuous flux. This literature can also be viewed as a map, or at least some sort of theoretical chronicle, upon which different democratic transformations can be plotted. Conceivably too, it can be argued that this continual change in democratic modeling is recognition of the movement away from the traditional representative model towards the more deliberative participative concepts. However, democracy is also a 'contested concept' and the ongoing features of the literature argue that democracy's shape and disposition changes over time due to the influence of shifting local, national and global priorities. It is these perspectives that provide much, if not all, of the overriding contexts for the existing debates on deliberative democracy.

According to Steiner et al (2004), the politics of deliberative democracy, especially in its philosophical provisions, are usually understood in ideal terms. Cohen notes that ideal deliberative procedures are usually very far away from real politics (1989; 22). This demarcation between ideal and real deliberation is further stressed by Habermas' discourse theory, a "concept of an ideal procedure for deliberation and decision making" (1996a; 296). Yet "[e]ven under favourable conditions, no complex society could ever correspond to the model of purely communicative social relations" (Habermas, 1996a; 326). Steiner et al's (2004) proposition is that there should be less concern about the political philosophy of deliberative democracy and more concern should be given to the uses of deliberative concepts in descriptive terms. The research question is therefore not whether deliberation makes democracy better or worse as a concept for societal organisation; but rather question's, when measured empirically what is the

actual quality of deliberation within Northern Ireland's District Policing Partnerships meeting in public.

A number of empirical researchers have joined these deliberative debates and have begun to test deliberative democracy's political assumptions and hypotheses across a variety of research settings (Bächtiger et al., 2010; Elstub, 2010). In short, what has occurred is that this empirical turn and subsequent examinations have rapidly come to the forefront of deliberative democratic debates. According to Bächtiger (2010), this empirical turn tests the silence in deliberative theory, usually when deliberative theorists fail to see what does not fit (Mansbridge, 2003). As such this literature review chapter reflects this need for empirical understanding. Empirical studies thus far have focused not just exclusively on ideal types of deliberative democracy but rather on real world settings (Mansbridge, 2006).This study is therefore less about the conceptual and more about the empirical investigation into real-world deliberative public engagements. More specifically this research is interested in exploring the quality of deliberation within the 26 Northern Ireland's District Policing Partnerships (DPPs) meetings in public. These DPPs meeting in public can be seen to be allied with notions of co-governance, (Smith, (2005; 56-77), local publics (Young, 2000), and talk-centred micro-deliberative processes, in which citizens and government question, answer, share experiences and where deliberations are channelled.

Still there are numerous reasons as to why there is a necessity for more precise understandings of what are the key normative deliberative democratic terms. The first reason is that (re)constructing or (re)developing a quantitative mechanism for measuring deliberation's quality within these DPPs meetings in public needs to be theoretically informed. Secondly by having a theoretically-informed quantitative quality of deliberation measurement instrument, it would arguably prevent the proliferation of the terms of deliberation which, according to Steiner (2008), can lead to concept stretching. The overall aim of this chapter then is to delineate the core standards of deliberative theory which lay at the foundational heart of any quantitative deliberative quality measurement instrument. The quality of deliberation measurement instrument that this research puts forward (is known here as the Augmented Discourse Quality Index) will crucially add to the diversity of settings to which a Discourse Quality Index (DQI) has so far been applied. Unlike earlier DQI applications, which have mainly been employed on national parliaments; in this study the application is to 26 District Policing Partnership meetings

in public.

In order to adequately address these issues, this literature review chapter is constructed in such a way that the three generations of deliberative democracy forms its main structural elements. Hence this chapter offers normative explanations of deliberative democracy from a generational perspective. What is ultimately conveyed in this review is that there are many key deliberative perspectives which exist in the constellation of areas such as legitimacy, civic skills, equality and inclusion. This first section opens with a brief contrasting account of democracy; the aggregative account. This assessment will be carried out in order to understand what prompted democracy to take a deliberative turn. By presenting the aggregative accounts of democracy's shortcomings, the deliberative concepts of democracy can be clearly illustrated, contrasted, and differentiated. The next section of the review opens by examining the historical and early aspects of deliberative democracy. This analysis will be carried out so that the research can establish deliberation's rightful place in democratic theory. Importantly as this section continues, the literature on deliberative democracy is dealt with, by a generational approach which is carried out in order to demonstrate demarcation lines and distinct variations, criticisms, and debates within the deliberative fields of study. These criticisms and debates stem from the seemingly continuous transformation of the deliberative democratic concept itself (Bächtiger et al., 2010; Elstub, 2010). This literature review chapter will therefore examine both the ideal and the innovative literatures on deliberative democracy, basing its review survey on scholars such as Habermas, Rawls, Cohen, Bohman, Gutmann and Thompson, Young, Dryzek, Niemeyer and Dryzek, Steiner et al, Steiner and Bächtiger. Clearly these lists are not exhaustive, nor are the concepts discussed within them mutually exclusive. It is also necessary to make it clear from the outset of this chapter that the number of scholars working with and on models of deliberative democracy, and the writings on theories revolving around deliberation in democracy, is vast and any one of these deliberative models, concepts, theories or subfields could furnish enough material for perhaps wider surveys than the one offered here.

In the face of this vastness in deliberative, academic, and practical discussion the primary and crucial task of any research project, which is applying an empirical method to measure the quality of deliberation, is to first identify and provide a conceptual definition and standards of deliberative democracy. Notwithstanding the absence of a universal definition of deliberative democracy, there has been a rapid dissemination of deliberative practices over the last number

of decades. Much of these criticisms and debates stem from the seemingly continuous transformation of the deliberative democratic concept itself, since democracy's deliberative turn (Bächtiger et al., 2010; Elstub, 2010).

3.2: The Aggregative Concept of Democracy

At times it seems difficult to keep up with the debates, or the offered explanations of and guidance for these dynamics. Yet innovation and dynamism are clear features of democracy's 2,500 years story. Ideas and focus on diverging concepts shape and reshape the way people view democracy. There is ample evidence of democratic innovation and this is by no means limited to the ideas and theories of democracy, but also its practical (political) democratic functions. These have become critical commitment to popular participation and political equality, allied to an urgent imperative to understand, articulate and analyse new solutions to the problems of democracy.

In contemporary democratic theory, aggregative democracy stands in contrast to deliberative democracy. While both models of democratic theory share assumptions about the structuring of democratic institutions, they focus on different decision-making processes (Young, 2000). In broad terms the aggregative concept of democracy can be solidly placed within the liberal democratic paradigm. What makes the aggregative account of democracy distinctively liberal is that political will emerges within the constraints of liberal principles. In this way individuals are protected from the tyranny of the majority by rights and entitlements bestowed upon the individual by liberalism. Beetham suggests that liberal democracy is best described as a "portmanteau construct" (1993; 56), which essentially means that liberal democracy is a large leather suitcase full of concepts which:

> Articulate, at the same time, both liberal and democratic judgments on political institutions…hold[ing] that there are aspects of an individual's life, including certain actions, which are private and which others can never rightfully interfere…[while also]…hold[ing] that what society does should be a function of each individual's choice for what society ought to be, where these choices are aggregated according to some 'democratic ' collective choice rule. (Levine, 1981; 35)

A key point to this aggregative conception is that it takes peoples' preferences as given, requiring no public justification for these preferences only seeking to combine them in various efficient and fair aggregative ways. Fishkin (2009) identifies the aggregative conception with competitive democracy, reflecting a formal and a minimalistic approach towards participation where the purpose is solely to register and aggregate personal preference and it is "not concerned with the will of we the people" (Fishkin, 2009; 85). This view ties in with competitive democratic theorists such as Schumpeter ([1946], 1976), Riker (1982) and Posner (2003). All clearly suggest that aggregative concepts seek the least involvement of citizens in politics. The "basic idea is to build on the contrast between public will formation and a simple decision about who wins the electoral game to achieve and hold office" (Fishkin, 2009; 68). Schumpeter ([1946], 1976), Riker (1982), and Posner (2003) understand that ordinary citizens (or voters or residents) are indeed not capable of dealing with complex policy issues. Likewise, for these competitive democratic theorists, aggregative concepts of democracy also "worry about whether mass participation will lead to an aroused public that might…[lead to]…bad things and, hence commit tyranny of the majority" (Fishkin, 2009; 68-69). From these perspectives then the claim is that it may be better to let mass participation with strong emotions sleep and be kept dormant. This concern also echoes those of Elster (1997 and 1998c), Sunstein (2002), and Shapiro's (2003) who argue that real public deliberation can make decisions worse from a substantive point of view.

The aggregative conception of democracy offers two seemingly diverse but closely associated methods of governance. The first and most notable method is the use of elections as a method of governance. The second method is the use of analytical filters such as cost-benefit analysis and surveys. Turning first in the direction of periodic elections, these "act as continuous discipline on the elected to take constant notice of public opinion" (Smith and Wales, 2000; 51). Through this understanding political leaders are therefore rendered accountable to citizens through the process of elections. Elections provide the peaceful alternation of governing elites and an arena where private liberties are protected via legal and constitutional constraints. Respectively then, citizens opinions and judgements determine the content of laws, polices and public actions (Dahl, 1989). This form of democracy is essentially a utilitarian device for safeguarding internal peace and individual freedom (Hayek, [1976], 1978; 52). According to Downs, (1957), democracy under this aggregative model is built on a competitive struggle for peoples' votes, stipulating further that personal preferences are made without any need for any

public justifications. Similarly Levine describes elections as the "collective choice rule" (1981; 93), essentially meaning that elections are the (re)ordering of alternative individual preferences on how they wished to be governed and what polices they agree or disagree with. The notion behind this democratic aggregative model is that, it is an efficient and speedy way of promoting individual citizen's choices, these choices are thus mechanically fed at fixed intervals and legitimate outcomes are derived. To the same extent aggregative democracy is for Dahl (1989) the selection of a single option for the whole group participating in electoral decision-making processes. The aggregative concept assumes that preferences are given (with no need for public justification) and seeking only to combine them in efficient and a fair voting system. Seemingly then, what is advanced in the aggregative concept of democracy are the values of political equality, private liberty and public accountability, enabling citizens to eject leaders who violate or fail to account for the aggregative preferences of citizens (Young, 2000; 19).

Analytical survey methods, the second method within the aggregative concept, gives less deference to voting yet still gives great importance to peoples' preferences on public distributional factors, which can be mapped through these analytical filters such as cost-benefit analysis or surveys. Non-public justifications of preferences mark the commonality between these aggregative methods and where citizens' preferences are taken as primary material for decision-making. Aggregative methods originate then, from the classical utilitarianism theories and owe much of their pedigree in contemporary governance concepts, both nationally and locally to (welfare) economic understandings. These methods can be further seen as the application of the marketing model in political and public sectors. Generally in this analytical aggregative conception, it is the people themselves which are seen as the best judges of their own (political and welfare) interests (Dahl, 1989). The business of government thus begins to be run like a business based on an "economic model of governance in which the market or approximations to it, it is the ideal mechanism for the allocation of public services" (Collins and Butler, 2003; 52). It is a trend which is seen to greatly facilitate both the gathering and dissemination of information. Surveys, polls, and cost-benefit analysis can provide a platform for the airing of public views, which were historically unavailable. Much of this marketization of governance and the research carried out consists of studies of "customer and employee satisfaction, organisation assessment, programme evaluation, marketing project impact, customer needs assessment, and advertising effectiveness" (Collins and Butler, 2003; 59). Three assumptions in marketing are therefore applied. Firstly the rapid response to consumer

concerns, secondly the extension of choice and customisation in product development, and thirdly the application of market research techniques to ensue citizens have a role in governance and especially resource distribution. Like the electoral aggregative concept this analytical aggregative concept does not seek preference justification, and pays little or no attention to the reasons people give or fail to give for their preferences. Outcomes are clustered somewhere around the mean, mode or median (average) values—which are intended to represent optimal outcomes. To put this more succinctly the central point of these analytical approaches for gathering citizen preferences is that citizens are no longer seen as citizens, they are instead viewed as consumers.

Both of these aggregative models have put forward a view that the result of elections or the conclusions drawn from surveys/polls or cost benefit-analysis yield definitive decisions. As such those in public life or public representation are more likely to be aware and pay attention to the needs and preferences stemming from these types of analysis and from the voting patterns seen in elections. Politics and governance can thus be seen and understood mainly in terms of economic collective outcomes. As a consequence majoritarian or utilitarian assumptions come to underline the dictates of striking of deals, public policy decision-making and resource distribution as outlined in Public Choice theory (Buchanan and Tullock, [1962], 1971). These assumptions are highlighted in such paradigms as patronage or clientelism (Roniger, 2004) and in the disposing of the need for any public reasoning (Bohman and Regh, 1997).

3.2.1: Advantages of the Aggregative Concept

The sheer volume of literature produced on the aggregative concept of democracy specifically focuses on voting behaviour, outcomes, influences and affects, evidently marks this concept's pedigree. Certainly aggregative conceptions have one meaningful advantage in that they produce at least in principle outcomes that can be said to be determined by the majoritarian view of citizens, hence legitimacy. The fact that elections must be held and that these elections must express citizens' determination means that they are key cornerstones to democracy. Aggregative concepts of democracy rely on fair, uncomplicated and uncontroversial procedures to resolve disagreement. As such both voting and analytical methods within the aggregative concepts of democracy also provide techniques for reaching decisions that can be understood as expressing the views of most citizens under fair circumstances. These aggregative methods seek to treat people as equal, while also trying to respect what citizens and voters actually desire.

Voting as a political activity is where ""citizens have an opportunity to communicate their concerns and wishes to political leaders and influence public outcomes" (Verba, Scholozman and Brady, 1995; 163). In a sense, voting becomes the only source of authority.

3.2.2: Disadvantages of the Aggregative Concept

This aggregative concept of democracy seeks not only to cultivate virtue or impose truth, but to establish and maintain conditions under which individuals can "take charge of their own lives" (Rawls, 1996; 189) and pursue their "own good in…[their]…own way" (Mill, [1859], 1974; 17). Clearly this aggregative concept of democracy can be described as adversarial in nature (Mansbridge, 1980). Similarly there is only a minimal need for public engagement in aggregative democracy based on an economic market where self-interest and bargaining are seen as the supreme rudiments in resolving social problems and disagreements. In other words it transposes individual preferences into a unique social ordering of alternatives, which is perhaps best described by Manbridge when she notes that:

> Voters pursue their individual interests by making demands on the political system in proportion to the intensity of their feelings. Politicians, also pursuing their own interests, adopt policies that buy them votes, thus ensuring accountability. In order to stay in office, politicians act like entrepreneurs and brokers, looking for formulations that satisfy as many, and alienate as few, interests as possible. From the interchange between self-interested voters and self-interested brokers emerge decisions that come as close as possible to a balanced aggregation of individual interests (1980; 17)

These methods do capture economic categories very well; however other fundamental difficulties regarding aggregative conceptions do arise. Fundamentally these methods reinforce existing power distributions and as suggested by Putnam (2000), the disparities of social capital in a society. Mansbridge (1980) also suggests that aggregative conceptions fail to provide proper, deeper and more sustainable communicative avenues by which citizens' considerations are reflected. Furthermore according to Gutmann and Thompson (2004), aggregative conceptions are seriously flawed, which restricts them from serving as bases for democratic

decision-making about the issues at hand and for policy distribution concerns which may need to be changed. Fishkin (2009) argues that the aggregative conception fails to provide processes for citizens to challenge the methods of aggregation themselves. As a consequence the aggregative conception of democracy renders distorted outcomes where only the very basic components of equality and inclusion are achieved.

There is no sense of the common good or the seeking a common ground, or an accommodation for difference in a society. Responding to these criticisms, marketization of governance approaches argue for the continued weakening of the state through a combination of decentralisation and privatisation. In such formulations, citizens are often reduced to consumers and exercise where there is very little or no ownership over these processes and little real democratic power. Yet the role of the citizens is somewhat passive. Citizens participate and engage only in a limited way through elections. Citizens enjoy certain rights, yet primarily these are individual rights such as freedom from interference by the state only in matters of private property and (political and social) associations. What is rejected in these aggregative conceptions are the more demanding inclusive norms of decision-making and in a similar way reasoned rule of self-government.

Beetham (1993) suggests that the aggregative conception of democratic engagement is founded upon practical considerations rather than on purely theoretical contemplations. The key criticism for deliberative theorists is that this conception of democracy fails to encapsulate open modes of discussion or deliberation between different (marginalised) dispositions in a society in order to attain better decision outcomes (Barber, 1984; Miller, 1993). What's more, individual's preferences without public justification, considered as the primary fabric of the aggregative concepts, are very much agnostic or even perhaps hostile to the idea of deliberation, thus weakening the legitimacy of any aggregative decision (Fishkin, 1992, 2009; Hirst, 1994).

This aggregative conception does not sit easy with the norms and values placed on the idea where deliberation is at the centre of democracy. Competitive elections and the marketing applications of governance are thus seen as constricted methods for facilitating active involvement of citizens. The aggregative concept is too narrow for the forging of consensus or relationships through dialogue or for the devising and implementing of public policies (Fung and Wright, 2003). Therefore theories began to seek out formulate tools based on deliberation to overcome the aggregative adversarial conception of democracy. These tools promoted an "ideal

of democratic citizenship" (Rawls, 1996; 217), where citizens come together in a "public political forum" (Rawls, 1996a, 133), and where "free public reason among equals" (Cohen, 1996; 412) can operate to decide fairer outcomes. Through this critical deliberative democratic perspective, the aggregative concept of democracy is now seen as being a set of processes with less accountable and inclusive facets. Aggregative outcomes are therefore seen as being less superior and less sustainable. Clearly then the aggregative concept of democracy can be seen in contrast to the visions for democracy suggested by deliberative democratic theorists (amongst many others), such as Baber, (1984), Habermas, (1987, 1995) Elster, (1997) Fishkin, (1995, 2009) Dryzek, (2000, 2010) and Young, (2000).

Connections between just, inclusive and legitimate democratic decisions making (and outcomes) in a socially, economic and religiously ethnic differentiated society is extremely complex. As with issues of social and economic inequalities, the differing levels of experience, knowledge and capacities as a consequence of these issues and the ethnic division in Northern Ireland can all affect how individuals engage in and contribute to democratic processes. Democratic communities are realised by citizens who, despite their divisions, may at the level of common ground address political and social problems which they might jointly confront. Benhabib framed this point well by arguing that:

> "We cannot resolve conflicts among value systems and visions of the good by re-establishing a strong unified moral and religious code without forsaking fundamental liberties. Agreements in societies living with value-pluralism are to be sought for not at the level of substantive beliefs but at that of procedures, processes, and practices for attaining and revising beliefs" (1996, 73).

Similarly, Bohman argues that "[w]hat is reasonable is not the shared content of political values, but the mutual recognition of the deliberative liberties of others, the requirements of dialogue and the openness of one's own beliefs to revision" (1996; 86). Hence the democratic decision-making is neither a moral nor aggregative, but it is epistemological.

3.3: A Brief History of Deliberation in Democracy

The tradition of deliberation in democracy can be traced back to Aristotle, in other words deliberation has always been linked to and has continually played a decisive role in democracy. Steiner et al., (2004) noted that we should not forget that deliberative model have both deep roots in history and philosophy. Clearly then there is nothing new to deliberation in democracy (Steiner, 2004; 27). The classification of deliberative democracy was originally developed by Bessette (1980) in his description of the discussions which took place between US House of Congress members, conveyed through the concept of deliberation; to the consideration of democratic theories and practitioners. By simply adding the adjective of deliberation to democracy, the expectation which is emphasised is that deliberation helps participants' preferences to become clarified. This in turn helps clarify the information needed to enable participants to account for other peoples' needs and interests (Benhabib, 1996; 71-72; Cohen and Rogers 1995; 256). This notion is quite similar to that of ancient Athens, where political leaders thought that deliberation was an indispensable framework to any wise action. Aristotle, in his classic treatise on politics, wrote of the virtues of deliberation, declaring now any member of the assembly, taken separately, is certainly inferior to the wise man. But the state is made up of many individuals. And as a feast to which all the quests contribute is better than a banquet furnished by a single man, so a multitude is a better judge of many things than any individual (Jowett, 2000). In the early modern period, however, the notion of deliberative democracy became synonymous with participatory democracy, communicative action, as well as practical and critical reason (Dryzek, 1990). John Stuart Mill ([1861], 1991) urged democratic governments to use large, random samples of citizens to deliberate about broad political issues. Similarly Thomas Jefferson wrote that the single greatest failure of the establishment of the United States of America was the fact that it had not created an institution that encouraged popular deliberative politics (Ackerman and Fishkin, 2002). Aristotle, Mill and Jefferson can be considered as precursors to modern deliberative theory. Yet because of their exclusionary tones and ideas of who should be allowed to participate in deliberative processes, these deliberative theorists by modern standards must be considered as undemocratic (Gutmann and Thompson, 2004). As these early theorists continued to prefer that deliberation be held by the better educated men, they also concluded that not alone is deliberation part of democracy but that it is also a necessary condition of government. Since Aristotle however, "when we talk nowadays of

modern deliberative democracy, we refer to an ideal that was first openly stated in the 1980s" (Besson and Marti, 2006; iii).

By the turn of the century it can be said that democratic theory experienced what Dryzek's (2000; v) famously calls a "deliberative turn". Deliberation's revival is rooted in the renaissance of a participatory view of democratic politics (Pateman, 1970; Mansbridge, 1983; Barber, 1984). Deliberative democracy is heavily predicated on the theory of participation in democracy and nearly all deliberative democrats, and participatory democrats, argue that citizens should be provided with greater institutional opportunities to participate in the decisions that affect their lives. In general the "theory of participatory democracy is built round the central assertion that individuals and their institutions cannot be considered in isolation from one another" (Pateman, 1970; 42).

In the 1980s a number of deliberative publications were published in Europe and the United States which (re)emphasised the contribution of the ideals of deliberation in democracy (Habermas, 1981; Elster, 1986 and Cohen, 1986 and 1989). Drawing on Erikksen and Fossum (2000), "[d]eliberative democracy does not preclude voting or bargaining but places the emphasis on obtaining a shared sense of meaning and a common will, both of which are on product of a communicative process of arguing and counter-arguing" (Curtin, 2006; 133). Among many deliberative theorists, this turn is often cited as a response to the perceived flaws in the aggregative conceptions of democracy (Bohman 1997; Chambers, 1996; Cohen, 1997 and 1996; Dryzek, 1990, 2000, 2005 and 2010; Fischer, 2006; Fung, 2003; Gutmann and Thompson, 1996, 2000 and 2004; O'Flynn, 2006; and et al). The following decades saw more ambitious and crucial understandings of deliberative democracy emerge (for example, Gutmann and Thompson, 1996; Habermas, [1962] 1991; Bohman, 1996; Bohman and Rehg, 1997; Rawls, 1993; Dryzek, 1990; Elster, 1998). More recent discussions have outlined a number of caveats, which according to Bohman tempers the theory with considerations of "feasibility, disagreement and empirical limits" (1998; 422). There exists what can only be dubbed as a commencement of the maturing of deliberative democratic theory, a time for deliberative democracy to come of age in terms of real-world contexts and in terms of citizen-government talk-centred public engagements. Parkinson (2006) roughly described this shift in democratic theory and governance as a way of thinking about politics which emphasises the give and take of public reasoning between citizens, rather than counting votes or authority of representatives.

3.3.1: The Normative Deliberative Concepts of Democracy

Deliberative democracy refers to the ideal of increasing participation by citizen in public deliberation and making collective decision-making responsive to public deliberation rather than to the aggregative and economic power. The literature on deliberative democracy has grown to a place of prominence in democratic theory over the past number of decades.

Proponents of deliberation have increasingly called for the integration of deliberation into existing political institutions and for a focus on the role of formal and informal deliberation in political life. It therefore seems that much of the democratic theoretical discussions have come to be dominated by the promises and criticisms of the normative, the practical, and the empirical considerations of deliberative theory (Elstub, 2010). Clearly then, theorises of deliberative democracy are "now widely accepted as an ideal… [and]… democracy should be as deliberative as possible" (Pettit, 2006; 93). What is more, as is the case with many other political and social perspectives, the practitioners of deliberation usually take their cues about what deliberation ought to be from the ideals which stem from these theoretical debates. Researchers and scholars oftentimes add elements from their own experience to deliberative processes (Mansbridge et al, 2006; 1), but it must also be noted that there are strong divergences amongst many of these deliberative theorists' accounts. In a very general account, deliberative theorists suggest that citizens' deliberations will produce policy decisions that are perceived to be more legitimate, more consensual, rational and fair. Divergences stem mainly from the placing of different emphasis on the two components of deliberative democracy—the deliberative and the democratic.

3.3.2: Defining Deliberative Democracy

Identifying and providing a conceptual definition of deliberative democracy becomes a crucial and primary task for this research project. As such the Deliberative Democracy Consortium website has perhaps provided one of the most practical definitions from the vast literature. They define deliberation "as an approach to decision-making in which citizens consider relevant facts from multiple points of view, converse with one another to think critically about options before them and enlarge their perspectives, opinions and understandings… [furthermore they suggest that deliberative democracy]…strengthens citizens voices in governance by including people of all races, classes, ages, and geographies in deliberation that directly affect"

(http://www.deliberative-democracy.net).[7]

Similarly other definitions suggest a strong connection between decision-making procedures that should secure the voluntary assent of its members and substantive just outcomes. Definitions also highlight the reasons why deliberative democracy is better than other democratic concepts and perhaps highlight reasons why deliberative practices and engagements have come to be accepted ways of making policy. Therefore in the following, the literature reviewed in the generational account of deliberative democracy there are a number of deliberative understandings outlined, which are organised to achieve such requirements.

3.4: Generations of Deliberative Democracy

So far this chapter has described deliberative democracy in broad, normative, and general philosophical terms. In practice, deliberative democracy does not translate into a single method or process. Rather, deliberative democracy is an umbrella term for a wide variety of processes, in that deliberative democracy "broadly defined, is…any one of a family of views according to which the public deliberation of free and equal citizens is the core of legitimate political decision making and self-government" (Bohman,1998; 401). Nonetheless there is also some considerable overlapping, since deliberative democracy is credited with delivering numerous benefits and criticisms. The following section has a generational structure in order to reviews some of the key deliberative processes, benefits and criticisms of deliberative democracy, particularly with respect to its potential as a working theory. Mansbridge et al., state that "deliberation would have no point if it did not produce change in the views of at least some participants" (2010; 78).

Hence the aim of this section is not at all exegetical, but rather it aims to expand the meaning of deliberation when incorporated into real-world politics. For "deliberative democracy to succeed in real-world settings, it must engage individuals with little experience and few skills of participation" (Fung and Wright, 2003; 32). Supporting Dryzek's (2010) and Young's (2000) arguments, this research understands that ideal theories of deliberative democracy are somewhat questionable in terms of real world deliberative public engagements.

What is examined next is the movement from first to second generation of deliberative democracy. This is followed by an exploration of the movement from second to third generation

[7] Last viewed September 1st 2013: http://www.deliberative-democracy.net/index.php?option=com_content&view=article&id=19&Itemid=57

deliberative democracy. These explorations and examinations of the generations of deliberative democracy thus, lead onto an assessment of some of the empirical considerations.

3.4.1: Deliberative Democracy: First Generation

The first generation approach to deliberative democracy considers the works of Habermas, Rawls and Cohen as having similar practical requirements, although with some clear detachments. Alternatively, second generations fuse Rawls and Habermasian understandings, thus transforming our understandings of deliberative democracy in the process. Here there is an understanding that preferences will adapt to public reason and the new information, but this transformation is not done in a uniform manner (Gutmann and Thompson, 1996; Bohman, 1996; Elstub, 2010). The third generation of deliberative democracy emerges from seeking to establish a reconciliation between the deliberative theory's ideals and the nature of real-world political discussions (Baber and Bartlett, 2005: O' Flynn, 2006; Parkinson, 2006; Dryzek, 2010). Clearly more examination is needed to overcome the challenges laid down by difference theorists such as Sanders (1996) and Young (2000) and pluralist theorists such as Bohman (1996) and Gutmann and Thompson (1996); so that deliberative democracy becomes both theoretically and practically robust. Adopting a generational approach as a structure to the examination of deliberative democracy allows for an organisation of the diversity in deliberative literature owing to criticisms and its empirical turn.

Established in the philosophical writings of Jurgen Habermas ([1962], 1991), John Rawls (1993) and Joshua Cohen (1989), which stress the facets of rationality, the search for the common good and consensus formation became first generation deliberative democracy's core. It is from these understandings that first generation deliberative democracy begins. These works are seen as being imperative, decisive, and essential to any understanding of deliberative democracy. There is clear evidence in the works of Habermas (1987, 1990, 1994, 1996a, 1996b, 1997), Cohen (1989), Rawls (1993, 1997a, 1997b) of approaches to forge solidarity through encouraging more knowledgeable and informed rational decisions.

The accounts developed by these first generation deliberative democrats are, according to Elstub, "derived from differing interpretations of Kant's transcendental formula" (2010; 293). From this Rawls' hypothetical publicity test claims that for a law or policy to be considered right, it must have the capacity to endure publicity (Elstub, 2010). Habermas (1996) claims that it is

only through rational public debate that the making and testing of laws and policies are tested, and that there is no other way of knowing if laws and policies have the capacity of being public (Elstub, 2010). Equally there are vital distinctions between the standing and the importance of public reason in first generation deliberative democratic theories, which have led to contrasting views. For example Rawls (1971, 1996 1997a, 1997b) appeals directly to a strictly defined concept of public reason, applicable only to questioning "constitutional essentials" in public political arenas. Rawls (1996) employs an original position where consensus is arrived at through citizens deliberating behind a veil of ignorance about their particular circumstances.

This is clearly a procedural approach to public reason and deliberation in public. Habermas' raison d'être of the public sphere can be seen as "a theatre in modern societies in which political participation is enacted through the medium of talk, the space in which citizens deliberate about their common affairs, hence becomes an institutionalised arena of discursive interaction" (Fraser, 1992; 111). Asserting that deliberation in public is an interventionist as well as fusionist condition between government and citizen, which is likely to privilege a mode of interaction that is based on conversation and reasoning, Habermas (1996a) argues that public deliberation successfully provides publicity, transparency and accountability which can account for the procedures that regulate it and thus become objectively legitimate of which, a pre-commitment to consensus is the consequence. Cohen (1998) notes this when he argues that Rawls' and Habermas' perspectives have different mechanisms both in possibility and in the scope to which principles of equality, fairness and freedom should be applied. Therefore, it is argued here that Habermas' version can be termed as pre-commitment, while Rawls' version can be termed as procedural.

Despite these differences, Rawls' and Habermas' versions of deliberative democracy can be classified as first generation, not only because of chronology but also because they both focus on the "normative elements of democratic deliberation and the ideal condition related to them rather than the far from perfect reality of complex modern societies" (Elstub, 2010; 293). It seems clear also that no matter what the model of deliberative democracy, whether pre-commitment, or procedural, each of them "demand the presence of a well-functioning public sphere as the social location of deliberative activity…The public sphere provides the practical implementation that a radical democratic theory often lacks; for democratic control over complex institutions, deliberative requires a spatially and temporally extended form of

publicity" (Bohman, 1996; 43). First generation deliberative democratic theories stress that once all relevant actors are included in a substantively equal and unlimited discourse (Elstub, 2010), the existing power relationships are enabled to be transformed, and common interests become promoted instead (Baber and Bartlet, 2005; 83). Mansbridge et al., (2010) argue that deliberation has had different forms. Deliberation is founded on antithesis between aggregation and deliberation, which excludes the notions of self-interest. Mansbridge et al termed these early deliberative democratic theories as "classic deliberation" (2010; 64). Subsequently, they declared that these classic deliberation theories equate deliberation within reason and therefore cannot embrace pluralism (Mansbridge et al., 2010; 67). Bächtiger similarly designated these early versions of deliberative democracy as Type 1 deliberation. However, here deliberation is primarily characterised by the Habermasian (1984 and 1987) logic of communicative action (as exhibited in his *Theory of Communicative Action*); whereby Habermas (1984 and 1987) argues that there should be a decoupling or the uncoupling of the lifeworld (processes of reaching mutual understanding) and system (strategic action where there is no need to establish any shared understandings).

As such, first generation deliberation can be conceived of as logic of action oriented towards common understanding (Bächtiger, 2010). Elstub (2010 294), argues that reasons and rationality are prominent in first generation deliberative democracy. In first generation accounts of deliberation, rationality provides the normative basis for emphasising the processes of deliberation and this ultimately results in decisions that are uniquely rational, and therefore, legitimacy is bestowed. Habermas (1984) asserts that in terms of communicative rationality, deliberative democracy coalesces around rationality and consensus, and that the role that public discussion plays in legitimating decisions made by political bodies is further stressed. There is a progress in democracy not just in terms of the extension of the right to vote, but rather in terms of the increasing involvement of citizens in debate and criticisms of policies and government. Habermas (1972) in *Knowledge and Human Interest*s links communicative reason to the cognitive interest, in that, human beings have mutual understandings and communication. In order for humans to flourish and survive they must be able to control their natural environment (through science and technology) and communicate effectively and productively in order to viably organise themselves in complex societies. Ultimately through communication and discourse an ideal end will be reached in consensus between those who take part in the conversation.

To make sense of what a first generation deliberative processes is, "participants have to presume (provisionally) that, in principle, they could reach a consensus (Bächtiger, 2010; 37). Outcomes are "democratically legitimate if and only if they could be the object of free and reasoned agreement among equals" (Cohen, 1989; 22); or as Young states, the "goal of deliberation is to arrive at consensus" (Young, 1996; 122). With these points in mind looking at Table 3.1, there is little doubt that first generation deliberative democracy theories canvassed the characteristics of reason, consensus (common good), legitimacy and transformation.

Table 3.1: The Early Generational Accounts of Deliberative Democracy

	Classic Deliberation(Mansbridge et al, 2010)	**Type 1 Deliberation**(Bächtiger, 2010)	**First Generation Deliberation**(Elstub, 2010)
Why Deliberation?	Deliberation founded on antithesis between aggregation and deliberation	Communication about rather than merely aggregation of (fixed) preferences	Derived from differing interpretations of Kant's 'transcendental formula' (1957[1795])
Deliberative Process	Excludes self-interest Equates deliberation with reason/cannot embrace pluralism	Rational, communicative discourse including justification rationality and force of the better argument Sincerity/truthfulness	Contrasting versions of deliberative democracy (Rawlsian and Habermasian) Yet public settings for the rational public testing and debate of the rightness of Law and policy
Deliberative Outcomes	Mutual justifiability (include different conceptions of the common good)	Rational consensus on validity claims	For Rawls, justice is achieved when people unanimously and voluntarily consent which are bound in a constitution. For Habermas legitimacy is achieved when all actors are included in a substantively equal and unlimited discourse

3.4.2: First Generation: Transformation and Reasoned Consensus

Whether termed first generation by Elstub (2010), classic deliberation by Mansbridge, (2009) or Type 1 deliberation by Bächtiger (2010), all three accounts are based on the normative ideals of rational argument transforming opinions and consensus on the best decision. These ideals of rationality and consensus are well charted by Habermas (1987, 1990, 1994, 1996a, 1996b, 1997), Cohen (1997) and Rawls (1993, 1997a, 1997b) and as a result the normative ideals of

rational argument and consensus distinguish these first generation accounts of deliberation from other forms of communication. "[M]ere talk, conversation, or information-sharing do not directly qualify as deliberation, because they lack standards of rational justification" (Bächtiger, 2010; 37).

The first generation of deliberative democratic theory "should not involve a tussle between different interest groups or lobbies in which the numbers matter more than arguments…Democracy, it is said, should promote public deliberation among citizens and authorities as to what…is…best for the society as a whole and should elicit decisions-making on this basis" (Pettit, 2006; 93). Accordingly the proponents of first generation deliberative democratic theory argue that rationally motivated reasons have the power to shape opinions; that is deliberation with other participants have the power to change people's views and preferences, in order to achieve mutual understanding by way of unforced consent (Miller, 1993). This transformation of opinions is expected to emerge in light of new information, through the consideration of different perspectives and by reflecting upon one's views (Rosenberg, 2007). Deliberative democrats Dryzek and Braithwaith, (2000; 242) refer to this transformation as the power of deliberation. Chambers (2003) suggests that deliberation refers to discussion which produces reasonable and well informed opinions; hence people or participants in deliberation should be willing to revise their initial preferences in light of the discussion. Elster (1997; 12) notes that these transformation are also generated through the public character of the deliberative process. In short the ambition of such views is that democracy is best driven by deliberation in public among citizen. Accordingly within the first generation of deliberative democratic theorists there is an uncomplicated consideration of the shift in democracy from bargaining, interest aggregation and power, to the common reasoning amongst deliberating equal citizens as the dominant force in democracy (Cohen and Fung, 2004).

Much of these views of deliberation in first generation deliberative democracy are built upon the philosophical work of Habermas ([1962]1991), in which arguments are seen as the best ways of solving public problems and through citizens deliberating and reasoning together about how best to solve them. In this Habermasian view, deliberative participants are not only rational actors who make choices and act to satisfy personal interests, they are also ethical and moral agents who reflect and collaborate (Rosenberg, 2007; 7). Clearly within these first generation

deliberative democratic understandings preferences are conceived as endogenous and are formed during the political process (Elstub, 2010; 294). In this context, for Habermas, consensus is the essential nature of democratic deliberation, since without it people will be less inclined to engage in an exchange of reasons and likewise without it people are inclined to act instrumentally (Baber and Bartlett, 2005; 89). Barber and Bartlett (2005; 36) note that Rawls understands that without consensus, reasonable religious, moral doctrine and philosophical beliefs which regulate a society, justice would be unsecured. First generational/classic/type 1 deliberative democrats understand that it is not the concept of publicity alone which ensures that reason does not represent partial and self or specific interests, but rather the common good; consensus will be eventually reached (Elstub; 2010). Linked to this idea is that the nature of publicity is promoted, which Habermas ([1962]1991) assumes to be inherent in the conversational public sphere. The consideration and deliberation of different reasons in public arenas allows for existing preferences to be transformed and new preferences formed (Elstub, 2008; 82). In effect "bridg[ing] the gap between high and low politics by raising the quality of ordinary people's everyday deliberation…that the more such ordinary political deliberations approximates the models suggested above, the more the likelihood increases that it will be informed by constitutional principles in the 'right way" (Benhabib 1996; 89).

There is little question that for Habermas the conversational public sphere is conceptualised through the ideal speech situation (Bächtiger, 2010), in which two or more persons "could infinitely question one another's beliefs about the world until each perspective had been fully scrutinized, leaving only a limited set of valid statements on which to base one's conclusions about an issue" (Gastil, 2008; 18-19). Behind these first generation deliberative democratic theories is "none other than the public discussion model—the ideal of a rational exchange of views resulting in enlightened understanding" (Gastil, 2008; 19). "In this view, deliberation implies a systematic process wherein actors tell the truth, justify their positions extensively, and are willing to yield to the force of the better argument" (Bächtiger, 2010; 33). First generation deliberative theories conceive deliberative democracy as being based purely on the exchange of reason (Habermas 1996a; 542; Rawls, 1993) in public. Despite the departures between the two main theorists, Rawls and Habermas' first generational deliberative democratic concepts are fastened together by rationality in that they have the narrower feature of aiming for a rationally motivated consensus. Deliberative democracy of the first generation type is a "way of thinking about politics which emphasises the give and take of public reasoning between citizens, rather

than counting the votes or authority of representative" (Parkinson, 2006; 1).

Similarly, Cohen (1997) understands that both the shaping and identifying of the interests of citizens contribute to the formation of a public conception of a common good that can in turn be taken as a broad description of these first generation deliberation perspectives. Or better still, it can be suggested that "in Habermas' words: A discourse-theoretic interpretation insists on the fact that democratic will formation draws its legitimating force not from a previous convergence of settled ethical convictions but both from the communicative presuppositions that allow the better arguments to come into play in various forms of deliberation and from the procedures that secure fair bargaining processes" (Murphy, 2005; 216). Ultimately then, these first generation deliberation theorists give the two presuppositions that Murphy (2005) considers necessary for deliberation to be successful: a) democratic authority of deliberative decisions, and b) resulting in high quality of deliberative decision. In other words there is a link between legitimacy and rationality.

It seems quite clear that first generation deliberative democracy proceeds on the establishment of legitimacy, the transformation of communicative actions and consensus which can act as a guide for practices of actual democracies. This is understood more clearly here by echoing Murphy's (2005), presuppositions of authority and quality, in that "democratic legitimacy (authority) is supplied through the active constitution of public opinion" (Murphy, 2005; 216); occurring through the various forms of deliberation and communicative procedures that secure fairness, freedom and equality. This allows the better argument to come into play and thus the result is that deliberation leads to more rational and consequently higher quality decisions, (Murphy, 2005; 216-217). Other forms of communication, most notably rhetoric in deliberative democracy are seen as having a distorting effect on the deliberative process (Barber and Bartlett, 2005; 143-144). Accordingly, the conversational public sphere is a rational one, embedded with the fundamentals of fairness, freedom and equality, (Benhabib, 1996; Habermas, [1962]1991; Murphy, 2005). These fundamentals can be found in Cohen's and Rogers' (2003) suggestion of "civic consciousness", which includes a recognition and commitment to democratic procedures and norms, generated through participation in civil society. Virtuous citizens are therefore said to be created as a consequence of deliberation and, as such, institutions with deliberative democratic mechanisms are seen as having good governance structures by many international institutions. Hardin suggests that citizens

participating in deliberative procedures “learn enough to be able to vote for their interests intelligently (2002; 260).

Fair, free and equal participation are seen as being an essential set of characteristics in first generation theories of deliberative democracy, which can determine the forceless force of the better argument correctly. Not only are the debate levels transformed, “but the very thought processes of ordinary citizens themselves—and hence their “everyday deliberations”—are transformed through exposure to deliberation” (Murphy, 2005; 218). It would seem that the ultimate goal of first generation deliberative democracy is to seek the truth. Here first generational accounts of deliberative democracy draw upon more rational idealised version of deliberation; linking rationality with truth and likewise there is an enhanced link between deliberation and legitimacy. Most noticeably they are ultimately testing the truth of political argument through public reasoning (Dryzek, 2010). Similarly truth is tested though publicity, whereby publicity promotes the existence of principles of inclusiveness, equality and rationality (Habermas, 1996a). This deliberative public sphere asserts that a decision-making process should ultimately result in consensus where the decisions are legitimate and rational. An elucidation of the ideal deliberative democracy set out in the first generation also highlights the enhancement of “mutual respect and recognition because participants are forced to think of what would count as good reason for all others involved in, or affected by, the decisions under discussion” (Cooke, 2000; 950). “Rawls (1993; 217-20) and Habermas (1995, 117) both argue that these reasons should be universal and impartial, and that if they were, they would eventually lead to preference convergence” (Elstub, 2010; 294).

Bohman is skeptical about the extent and conformity of preference adaptation, due to social diversity, and argues that public reason is plural (1996; 80-83). Psychological research also indicates as much; for instance Femia argues reflective preference transformation will be limited because people are unresponsive to reasons that do not support their preconceptions of an issue (1996; 378-381). This is illustrated in Parkinson’s case study evidence, which indicates that deliberators were able to make rational judgements on the rhetoric employed, although they did not always do so (Parkinson, 2006, 139-142). People will often publicly defend their initial position, even when they come to realise it is wrong, usually out solidarity or in order to save face (Parkinson, 2006; 37-38).

3.4.3: Normative Ideals in Deliberative Democracy

A number of theorists are central in terms of outlining a cohesive normative account of deliberative democracy, foremost among these theorists is Habermas ([1962] 1991, 1995, 1996) who proceeds on the basis of discourse ethics and rationality. Habermas' approach is grounded on the presence of a number of conditions required for an ideal speech situation, which requires individuals and participants to deliberate with reference to an "ideal audience or an ideally inclusive community" (Habermas, 1996; 322). Contemporary models of deliberative democracy lie within various versions of Habermas' public sphere ([1962]1991), where "certain normative presuppositions concerning equality, accessibility, and rationality in the formation of public opinion" (Murphy, 2005; 214) are secured. Habermas' concepts of democracy, his concept of the public sphere, and his related concepts of speech acts and discourse ethics are all clearly important foundations for deliberative democracy. "The concept of the public sphere envisioned in such cases is what will be termed the "conversational public sphere"—the public sphere understood as "specifically a part of 'civil society," and hence constituted by the web of interpersonal interchanges that arise in the intermediate associations that constitute civil society" (Murphy, 2005; 214). Habermas offers that:

> "Under the pragmatic presuppositions of an inclusive and non-coercive rational discourse among free and equal participants, everyone is required to take the perspective of everyone else, and thus project herself into the understandings of self and world of all others; from this interlocking of perspectives there emerges an ideally extended we-perspective from which all can test in common whether they wish to make a controversial norm the basis of their shared practice" (Habermas, 1995; 117-118)

According to Elster (1995, 1998) by merely adding deliberation to democracy, it refers to decision-making based on argument, and therefore deliberative democracy is all about the search for the better argument (Habermas, [1962]1991). Habermas in "*The Structural Transformation of the Public Sphere*" ([1962] 1991), offered an account of the emergence of the public sphere during the European enlightenment in which he characterised this public sphere with that of the people's public use of their reason in rational-critical debate free of domination (although often harassed) by the power of Church and state. Here communication could take

place with relative freedom in salons, gatherings, and coffee houses in conversation and correspondence, i.e. in newspapers and in periodicals. The public was in a sense not strictly democratic as the participation was presupposed both by education and means (wealth and status) and was in fact a bourgeois public sphere. Nevertheless this public sphere was politically significant because of its churning discourses which were not tightly subordinated as previously spheres of discourse (such as those of Church and state). Clearly more than any other theorist, Habermas' revised the idea of deliberation (Mansbridge, 2006) by grounding it in the concept of the public sphere and giving it a thoroughly democratic foundation through the suggestion of popular sovereignty as forms of communication which regulate the flow of discursive opinion-or will-formation (Habermas 1989, 30-31).

Habermas ([1962]1991) perceived this enlightened public sphere world as a precursor to a world that supported participation by all competent people in public debates. Habermas ([1962]1991) also saw it as a precursor to an increasingly democratic conception of public reason free from coercion, giving very distinctive appreciations to the meaning of democracy. In this way, democracy is a 'lifeworld' which outlines a having of different sorts of moral, ethical and pragmatic reasoning that should inform political decision-making and law-making (Habermas, 1998); and one where democratic appreciations should not be the exclusive province of branches of government or institutions, which can be understood as a system (Habermas, [196]1991, 1996). The authority over law and policy making institutions and bodies and the kind of reasoning used within them should be allocated to different public fora of will-formation processes. Essentially what Habermas (1998) is arguing is that citizens should not lose their grip on the legislative and the administrative functions of a state and that the organisation of these institutions and state-bodies should therefore reflect the prerequisite of a concern for the common good in order to guide an inclusive will-formation process (Habermas, 1990).

Habermas' (1990) refers to the properties of the public space for the 'ascertainment' (the finding out with certainty) of truth and or the general acceptability of competing visions of what is the good life, and where the public sphere has a sense of juridical conception in which government institutions and bodies with the enlightened ideal of the public use reason as the medium for the process and purpose of collective decision-making and self-determination (Habermas, 1990). For Habermas (1989) there is great importance placed on the concept of the public sphere and this importance is best understood as the "conversational public sphere" and

"specifically a part of civil society" composed of interpersonal interchanges that arise in the intermediate association which constitutes civil society (Habermas, 1989).

3.4.4: Habermas' Appeal of the Public Sphere

Habermas (1984) notes that it is the onset of modernity that allows societies to be contained less by the sacred while at the same time life and its forms became diversified. For Habermas modernity denotes a time and space in which "individuals, groups, and nations have drifted far apart in their background of biographical and social-cultural experience" (1984; 77). Habermas (invoking the public sphere of the eighteenth-century bourgeois society), suggests that it is possible to see how modernity represents an unpredictable application for the potential emancipation of reason. Markedly, the scope of communicative action grows tremendously as result of modernity (Habermas 1984, 1987, 1990, 1994, 1996a, 1996b, 1997). It would seem that Habermas' (1984, 1987, 1990, 1994, 1996a, 1996b, 1997), concept of deliberation is found within a comprehensive theory of modernity. To the same extent then, democratic communications underlies many social and political practices of modern liberal Western societies. Seemingly, the public sphere should not merely be considered as a means for generating (philosophical) regulative ideals similar to Rousseau's General Will or for generating counterfactual thought experiments such as Rawls' veil of ignorance. Rather, it should also be seen as the results of normative and empirical consequences which, can be measured when actual deliberative processes take place. The Habermasian public sphere and discourse theory ([1962]1991, 1994) requires rational arguments in order for public opinion to form. Benhabib (1996) endorse the transformative effects of deliberation and emphasise how deliberation enhances the quality of decision-making outcomes. Benhabib advocates that deliberative democracy "seeks to bridge the gap between high and low politics by raising the quality of ordinary people's everyday deliberations…the likelihood increases that it will be informed by constitutional principles in the right way" (1996; 89). Whereas according to Habermas' (1989) concept of the public sphere and deliberation is placed at the forefront of public reason and moral justification. Therefore the requirement of reasoned conversation in decision-making conveys democratic principles of participation beyond the goal of mere minimal engagement. Habermas (1989) notes that institutions should allow for reasoned conversations which in turn should lead to actions that can be justified on the basis of moral claims. Accordingly, reasoned conversations in the public sphere are efforts to minimise the distortion of influences such as

money, status and coercion, given that these influences artificially limit deliberation (Cohen, 1997).

3.4.5: Habermas' Appeal for Speech Acts

Modern trends also heighten the possibility for disagreement, which places greater responsibility on individuals to cooperate on and explicitly communicate any shared certainties. Participants should and can "in communication…come to an understanding about something in the world, and they can make their intentions understandable to another" (Habermas, [1962]1991; 3). In lieu of this, Habermas (1991) argues that democratic development should not become too constrained by reference to parliamentary deliberation and representative decision-making alone. Instead he argues that development in democracy should rely more on the properties of deliberation and a discursive opinion and will formation more generally (Habermas, 1990, [1962]1991). This is necessary in order to be able to be more flexible in adapting to the demands of democracy and the increasing changes to the structural preconditions between society and state alike (Habermas, 1990). The formula for this general discursive democracy is the underlying principle of a reflexive citizen able to articulate and orientate their abstracted points of views in inclusive political opinion and will formation processes (Habermas, [1981]1984, 1987, 1990, [1962]1991 1994, 1996a, 1996b, 1997).

Habermas suggests that "communication in language can take place only when the participants, in communicating with one another about something simultaneously, enter upon two levels of communication…the level of inter-subjectivity on which they take up interpersonal relations and the level of propositional contents" ([1962]1991; 53). Habermas (1996a) proposes that a model of democracy should include the public in both informal deliberation and formal deliberation within decision-making institutions. Therefore the political integration of modern societies should also take the form of more associative forms of democracy (specific sectors of civil society such as volunteer associations should have a greater role in formal deliberations with the state) which are premised solely on capacity and the un-coerced willingness for communicative action and self-organisation. It is important to note that for Habermas those communication actions and self-organisations are found in speech-act theory which "postulates—communicative rule competence namely the competence to employ sentences in speech acts" ([1962]1991; 26). Given that to utter a sentence the speaker must fulfil general presuppositions of communication, the pragmatic functions of the utterance must first

represent something. It must secondly express an intention and thirdly establish a legitimate interpersonal relation (Habermas, [1962]1991). For a speech-act to succeed a relationship between the speaker and the listener must come to pass (Habermas, [1962] 1991).

Habermas ([1962]1991) identifies those conditions that have to be met in order to make operative two fundamental elements which together form an understanding of legality: the first is a claim to generality built into the notion of law, and the second is that which provides for equality, and rightness or the moral truth that satisfactory provide justice (Habermas, 1990; 266). The concept of reason or rationality is connected to the quality of interactive and cognitive language themes (Habermas [1962]1991). He also connects them to the quality of our knowledge which enables proposes to be realised where language becomes the specific medium for understanding and agreement. Habermas notes ([1962]1991) that language and discourse are needed for coming to terms with different biographical and social-cultural experiences.

Habermas ([1962]1991) also appeals to discourse ethics as a response to the fact that in modern societies' the terms of life forms and interest positions are so differentiated and will increasingly become so. Hence the claim is that action oriented towards mutual understanding ceases to be effective in modernity (Habermas, 1989; 1991). In fact he declares that our need to reach an understanding to the same degree increases, in order to meet higher and higher levels of abstraction (Habermas, 1986). As a result, the norms and principles that people can agree on become more and more general (Habermas, 1986; 174) agreement is based more on rationality and recognition which corresponds to the validity claims of truth, truthfulness and rightness comprehensions, (Habermas, [1962] 1991).

Fittingly then, the Habermasian appeal for speech acts is that communication interaction happens when "participants coordinate their plans of action consensually, with the agreement reached at any point being evaluated in terms of inter-subjective recognition of validity claims" (1990; 58). Peoples' actions and expressions elicit "validity claims" (Habermas, 1990). Validity claims are "(a) uttering something understandable; (b) giving {the hearer} something to understand; (c) making himself thereby understandable; and (d) coming to an understanding with another person" (Habermas, [1962] 1991; 2). It is for these reasons that agreement over law and policy is based on "recognition of the corresponding validity claims of comprehensibility, truth, truthfulness and rightness" (Habermas, [1962]1991; 3). Equally then, discourse is considered to be a collection of statements in which a speaker must have the

intention to communicate (1) a true proposition (2) the speaker must express intentions truthfully; and (3) so that the listener can believe that the utterance is right (Habermas, [1962]1991). The interactive language themes of warning, of making a promise, and of making a request into which a speaker and the listener enter into are like the themes of the cognitive use of language. This has the content of the utterance as a proposition about something that is happening in the world. The simple logic here is that all can participate equally and the results or outcomes are in the end determined, by the unforced force of the better argument.

In Habermas' appeal for speech acts in his concept of democracy, two key democratic presuppositions are established; (a) the democratic authority of deliberations, and (b) the high quality of deliberation through reasonable made decisions. The public sphere delivers democratic legitimacy by allowing the better argument to come into play and come to the fore which is done through speech acts (Habermas, [1962]1991). The fundamental source of legitimacy is supplied by the collective judgements of the people and the active constitution of public opinion (Habermas, 1987, 1990, 1994, 1996a, 1996b, 1997). Benhabib suggests here that "the deliberative model of democracy, it is a necessary condition for attaining legitimacy and rationality with regard to collective decision making processes in a polity, that the institutions of this polity are so arranged that what is considered in the common interest of all results from processes of collective deliberation conducted rationally and fairly among free and equal individuals" (1996; 69). Furthermore Benhabib notes that:

> "The procedural specification of this model privileges a plurality of modes of association in which all affected can have the right to articulate their point of view. These can range from political parties, to citizens' initiatives, to social movements, to voluntary associations, to consciousness-raising groups, and the like. *It is through the interlocking net of these multiple forms of associations, networks, and organizations that an anonymous "public conversation" results. It is central to the model of deliberative democracy that it privileges such a public sphere of mutually interlocking and overlapping networks and associations of deliberation, contestation, and argumentation"* (Benhabib, 1996; 73-74; emphasis in original).

The appeal of the participative nature of language and speech acts becomes central provisions in contemporary conceptions of deliberative democracy (Habermas, 1987, 1990, 1994, 1996a, 1996b, 1997). Habermas is emphatic that communicative action is the discursive foundation of democracy, since communicative action is inherently oriented towards truthfulness and sincerity. This establishes that deliberation should be determined by the "force of the better argument" as participants in deliberations "are required to state their reasons for advancing proposals, supporting them or criticising them" (Habermas, 1989; 22).

3.4.6: Habermas' Appeal for Discourse Ethics

Discourse ethics is conceived by Habermas as being a response to the fact that modern society is differentiated into life forms and interest positions; yet he also understands that the degree of mutual understanding actions also increases at the same time. Discourse ethics developed from the logic of linguistics and the analysis of the philosophy of language which take speech acts as a point of departure for a universal theory of decision-making. Here human cognition, speech, and action always involve an attempt to realise something, while our various purposes in life also entail the use and the application of knowledge. Merely by the fact that people attempt to live together peacefully, democracy is therefore not about the individual or even the collective ordering of preference, rather democracy is about something that we (as people) already implicitly advocate (Habermas, [1962]1991). For that reason conflict, strategic action, and competition are seen as derivatives of actions orientated towards researching understanding (Habermas, [1962]1991). Language is fittingly the specific medium of understanding at the social-cultural juncture. Along these lines, agreement is "based on recognition of the corresponding validity claims of comprehensibility, truth, truthfulness and rightness" (Habermas, 1979; 3) of speech actions. It is in this fashion that "participants in communication can come to an understanding about something in the world, and they can make their intentions understandable to one another" (Habermas, 1979; 3).

3.4.7: Habermas' Communicative Action

Habermas argues that there are three types of rational action: instrumental, strategic and communicative action. Typically Habermas ([1962]1991) makes distinctions between these types of actions. For Habermas ([1962]1991) both instrumental and strategic actions are seen to be oriented towards success rather than mutual understanding. Essentially instrumental action is a solitary action according to technical rules, and as such it is non-social. For Habermas

([1962]1991) strategic actions are designed to influence the decisions of others according to the rules of rational choice. It is difficult to make the distinction between communicative and strategic action however, Habermas ([1962]1991) stresses that communicative action is orientated towards understanding and not in terms of strategic actions that is orientated towards only success. Here Habermas is interested in how individual actions can be coordinated into patterns of interactions and as such Habermas ([1962]1991) is focused on the way speakers may use speech acts: establishing, maintaining, or even transforming social relationships with other people. In other words, Habermas ([1962]1991) locates deliberative decision-making processes as those orientated towards reaching common understanding, which can be characterised by communicative action.

> "For Habermas, communicative action entails the establishing or maintaining of a social relationship between two or more individuals. As such actions are meaningful; they will involve some sort of appeal to ordinary language. At its simplest, this would be action that is couched in ordinary language, and so is saying something or writing something. More subtly the action might be a gesture that carried meaning (such as a raised fist or a blown kiss). In that all such action is an attempt to establish communication between two or more people, if it fails one or other of the people involved will resort to more language to make sense of (that is, to find the **meaning** in) what is going on" (Edgar, 2006; 21).

Habermas, in his theory of communicative action, "aims to go beyond standard conceptions of rational action to generate…In this form action—or more properly, interaction—participants pursue their goals on the basis of an existing consensual understanding or with the aim of developing that kind of understanding" (Baxter, 2011; 9). In communicative action participants base their interpretations of the situation; pursue goals and plans but they proceed on the bases of achieving consensus. Taking these claims forward Habermas notes that:

> "I speak of communicative actions when the action orientations of the participating actors are not coordinated via egocentric calculation of success, but through acts of understanding.

> Participants are not primarily orientated towards their own success in communicative action; they pursue their individual goals under the condition that they can co-ordinate their action plans on the basis of shared definitions of the situation" (Habermas, [1981]1984; 385).

Habermasian discourse has a strong procedural component, crystallizing in the idea of the ideal discourse. In this regard Habermas draws from Cohen's conception of an ideal deliberative procedure" (Bächtiger, et al., 2010). Warren argues that Habermasian deliberative democracy has strong proceduralism by imposing constraints on the medium rather than on the substance of the political decision-making (2002; 196). According to Cohen (1989; 23) ideal deliberative procedure consists of the following principles:

- No one with the competency to speak and act may be excluded from discourse;
- All have the same chances to question and/or introduce and assertion whatever as well as express their attitudes, desire, and needs;
- No one may be prevented, by internal or external coercion, from exercising their rights;
- All have the right to question the assigned topics of conversation;
- Al have the right to initiate reflexive arguments about the very rules of the discourse procedure and the way in which they are applied or carried out; and
- Discourse must be public

(See also Bächtiger et al., 2010; 36; Chambers; 1995; 233 and Benhabib; 1996; 70)

Habermas' vision of democracy is particularly related to speech acts because of the pragmatics of language; that is in how language is used in real life. Furthermore how people can do things or get things done just by speaking, for instance through the use of language, it is not only used to refer to tangible things but also, language can also be used in ways that cannot be characterised. Habermas' interest lies in the way speech acts can be the source for norms and conventions. Speech acts according to Habermas (1987, 1990, 1994, 1996a, 1996b, 1997) contain the seeds for establishing normative relationships between two or more speakers.

People orient themselves towards mutual understanding when people communicate by virtue that the very structure of communicating is done through language, i.e. people aim towards a rational consensus. Communicative action and the use of language and actions are themselves intrinsically linked. Habermas' discourse ethics, as the name would suggest, is therefore a theory on how people ought to act. It allows for answers to be found to practical questions through the forceless force of the better argument. Accordingly for Habermas (1996a; 296, 326), his discourse theory uses the concept of an ideal language procedure for deliberation and decision-making (Steiner, 2004), with the emphasis here being on freedom among the participants to speak their minds as a necessary element of any deliberative process to gain legitimacy. This approach is grounded on there being a particular presence of a number of ideal speech conditions, requiring individuals to deliberate in an "ideal audience or an ideally inclusive community" (Habermas 1996a; 322). The result is that the basic tenet of Habermas' notion of democracy is tied to the fundamentals of rationality in modern societies. Moreover without the considerations of legitimacy and rationality being present then no consensus can be forthcoming or attained. Communicative action is, then, the preconditioned standard for deliberation.

As noted earlier definitions of deliberative democracy differ widely depending on the perspective of the various scholars, although there is some agreement on its core elements. First generation definitions of deliberative democracy coalesce around points of rationality and consensus which Habermas ([1981]1984) asserts and is thus almost always understood in terms of communicative rationality. This involves reflecting on the issues from shared and contrasting perspectives on the issue at hand and under conditions where individuals engage in preference formation in instrumental rationality. The role here is of balanced, logical, realistic argumentation and is based on reason discussion and dialogue or active communication in democratic decision-making. Also noted is Habermas' line of reasoning is that citizen should deliberate in a rational argumentative-based-discussion to reach consensus about socially optimal solutions and policy options. Habermas ([1962]1991) defines rational argumentation as mutually understandable speech, whereby understandable means that one can justify one's argument to others through empirical and on observational shared normative grounds. Thus consensus should be determined by the argument with the most merit or the forceless "force of the better argument" (Habermas, 1989; 22). The only constant in Habermasian deliberative view is there should be the better argument or the merit of the argument and nothing else forms this

consensus. Explicating Habermas, Dryzek explains in more depth and detail that speech should be "free from deception, self-deception, strategic behaviour, and domination through exercise of power" (1990; 14). Rational arguments as modes of interaction provide and serve as the foundation for public spiritedness (Habermas, [1962]1991, 1989). Consequently participants should use rational arguments which can lead them to constructing claims based on publically defensible norms, so that participants genuinely become more public spirited. The use of communicative reason establishes a framework for Habermasian deliberative democracy theory. Through the combination of procedural systems of democracy and discourse ethics theory, Habermas (1996a) is attempting to bridge the gap between normative political theories of discourse ethics and real-world political practices. The key integral principle of this attempt is that all affected by a decision are entitled to participate in the deliberation. Critically Habermas (1996a) argues that voting transforms public opinion in the public sphere into a communicative power. Legislation is the mechanism which transforms this communicative power into administrative power, and deliberation in the public sphere is where communicative, administrative and political power originates. The public sphere free from institutional interference is therefore central to (deliberative) democracy.

3.4.8: Rawls Understanding of Deliberative Democratic

Crucially also within deliberative democratic understandings, lies Rawls' (1996) definition of the individual citizen. Here citizens have has significantly greater moral potential and cognitive capacity than the one suggested in the liberal aggregative model or outlined in rational choice theories. In the Rawlsian account, individuals are rational, reasonable, and logical. For instance, according to Rawls (1996) citizens have the basic cognitive ability to argue and reason, to be reasonable enough to recognise the criteria of justification, and to be logical to understand evidence and rules. Rawls (1996) highlights two ideas which are connected with the term democracy: majority voting procedures and the protection of certain rights of the individual. Equally Rawls (1993) observes that there is tension between these ideas, from which a question emerges as to how to ensure that everyone's right to vote and stand for office does not become devalued. The grounds upon which people should vote are of the greatest concern for Rawls (1972, 1996), and as a consequence this outlook determines to be the ensuring of fair value of political liberty. Rawls' project within the Theory of Justice (1972) sets itself against the utilitarian position, in that there is a need to bring about good in society; then, there should be a

maximisation of total or average happiness. This concept set itself against the intuitionist political philosophy in that there are many values but no principled way of settling matters if there are clashes or disagreements. Rawls (1972, 1996) is attempting to locate a theoretical pathway by incorporating the theoretical rigour of utilitarianism with the value of pluralism (which is found in intuitionism) (Cohen, 1997a). Rawls' concept is trying to navigate away from the attentiveness of sacrificing the individual in utilitarianism and the failure to provide procedures for rational decision-making in intuitionism (Cohen, 1997a). Cohen (1997a) effectively applies this, when he famously framed deliberative democracy in terms of a "moral requirement" (Freeman 2000; 379). At the heart of Rawls (1972) understandings of democratic theory are the component of justice as fairness and this has two principles:

> **First Principle**
>
> Each person is to have equal rights to the most extensive total a system of equal basic liberties compatible with a similar system of liberty for all
>
> **Second principle**
>
> Social and economic inequalities are to be arranged so that they are both;
>
> - To the greatest benefit of the least advantage…and
> - attached to offices and positions open to all under conditions of fair equality of opportunity
>
> **Source:** Rawls (1971; 302), Theory of Justice

In general terms what is outlined above is known as the hypothetical contract method, i.e. the placing of people behind a hypothetical (or counterfactual) veil of ignorance, to overcome bias, where people do not know their strengths abilities, talent, social status, sex, race or personal values, so that rational agreement to the principles of justice can be found. The liberty principle (the first principle) has a lexical priority over the second principle in that the considerations of liberty should have absolute priority over matters of economic advancement, or equality of opportunity. This theory of Justice advances democratic theory in two ways: the first theoretical advance is that people should not vote or make a decision based on their private interest or preferences; or in accordance with their private moralities, but what people feel they can justify to others; although there are tensions between them. The second theoretical advance is the inclusion of all in a decision-making processes and the goal of just and efficient decision-making processes. Then once people are given the opportunity to participate in decision-making processes, there is reason to believe that citizens will use it wisely.

Individual citizens are able to consider not only their own personal values, but also common values allowing for general interactions and their specific actions and outcomes. At the heart of these definitions of individuals are the claims that individuals have a sense of justice and fairness when they make judgements. The appeals set out by Rawls theory of justice is strictly defined as concept of public reason, applicable only in the public political forum to questions of constitutional essentials. Citizens are described as reasoned citizens, those sharing the status of equal citizenship', with the general picture centred on the "the good of the public" (Rawls 1996; 213). For Rawls this is in direct contrast to the pluralist scheme in which democratic politics consist of fair bargaining among groups each of which pursues its particular or sectional interest (Cohen, 1997). Rawls views this scheme as being unsuited in a just society and, those citizens' and parties operating in the political arena ought not to "take a narrow or group interested standpoint" (1971; 360-1). Instead, arguing that all citizens' groups and parties should be responsive to demands that are "argued for openly by reference to a conception of the public good" (Rawls, 1971; 226) This notion can be extended to an interpretation of consensus, whereby substantive goals are agreed to by people from all moral doctrines and from their respectively different personal grounds.

Equating the legislative process with public deliberation on matters of political importance, Rawls (1999) is articulating the theory of deliberation in order to solve the problem of legitimacy. The use of, and the focus on, the idea of public reason by Rawls suggests that "public reason comprehensive doctrines of truth or right [are] replaced by an idea of the politically reasonable addressed to citizens as citizens" (Rawls, 1999; 132). For Rawls there are three key elements of deliberative democracy: (a), the idea of public reason; (b), a framework of constitutional institutions and (c) a general willingness by citizens to realises the ideal of public reason (1999; 139). Rawls places limits and restrictions on political deliberation to political and legal elites, such as judges, constitutional courts, elected officials, while also confining public deliberation to subsections of the public sphere such as non-governmental associations.

3.5: Favouring a Habermasian Approach

The employment by Rawls of justice in the Theory of Justice (1971) is quite narrow, specifically in a distributive sense, (the sense encapsulated in his two principles of justice). It is hard to think of Rawls' notion of justice being possible, as social ideal of regulating certain areas of individual conduct. Justice as fairness, is not a moral theory, it is not a general theory of right conduct. At

most it is only part of a general moral theory, namely the part that has to do with social and political justice. Habermas' discourse ethics, by contrast is a moral theory in the broader sense; it is a general theory of right conduct. The central concept of discourse ethics covers the whole range of interpersonal conflicts of action that can be resolved by appeal to valid moral norms.

Clearly Habermas' general theory of argumentation has many virtues. To begin with, it establishes a bridge between logic (normative questions concerning right reasoning)) and rhetoric (factual questions concerning psychological persuasive reasoning). Justification is the framework upon which this bridge is formed. In other words he links justification of arguments to consensus. What is also linked is what Habermas termed "Lifeworld" i.e. the background of resources that enable people to interpret their surrounding world and to coordinate their actions. Habermas understands this to be communicative action where there must be interaction among people who are in search of mutual understanding about a specific situation in order to make plans and coordinate their actions. Here Habermas brings together peoples objective claims, their social claims and their subjective claims, through the medium of language. The coordination of actions is thus inherently consensual and actors mobilise the potential of rationality in order to form fair policies and laws. Communicative rationality is an ideal as such Habermas himself confesses is an ideal it cannot wholly or realised fully. According to Habermas language has a primacy in communication. Similarly communication rests on the fact that people should have common conviction; that people can learn in the course of the process; that people can change their minds or their point of view in the course of the process; agreement can be defended in a public debate; reasons are given and all parties must be heard. Hence on the basis of these criteria, the concept of communicative rationality may be used empirically. As such this should enable an evaluation of actual political processes. Thus, unlike Rawls, Habermas is one of the few philosophers that directly tackle the relationship between his social theory and positive social science;

> "[I]t is unclear how [my] procedural concept, so weighted with idealizations, can link up with empirical investigations that conceive politics primarily as an arena of power processes…As I understand it, this question does not simply imply an opposition between the ideal and the real, for the normative content…is partially inscribed in the social facticity of observable political processes." (Habermas, 1996; 287)

Similarly unlike Rawls, Habermas delivers an understanding where communication and mutual

understanding are placed at the heart of democracy. This Habermasian understanding has a plea for a deliberation to be at the heart of democracy. In that deliberative democracy must be absence of exclusionary or power distortions. Likewise that deliberation is egalitarian in the sense that minorities or marginalised groups must be entitled to the same degrees of civil, political and cultural rights as that of the majority. From this respect it is clear that that Habermasian approach is arguably more favourable.

3.5.1: Deliberative Democracy beyond Habermasian and Rawlsian

Although Cohen (1997) is, in some respect similar to Rawls (1971, 1996) appeal that decisions made will reflect justice and fairness. Cohen also favours a formula of deliberation within political institutions which offers legitimate outcomes. Cohen (1997) argues that in order for a deliberative democracy to exist and effectively function, institutions of a democracy must support deliberative democratic activity. "Joshua Cohen was the first major theorist to specify criteria by which one might judge democratic legitimacy of deliberation" (Mansbridge, et al., 2006; 4). Cohen's (1989) criteria list contained the necessity for freedom, reason, the equality in deliberation and the aim of reaching rational consensus. Accordingly freedom in deliberation, according to Cohen, is where participants are unhindered by the "authority of prior norms or requirements" and are able to act on the results (1989; 22). Cohen's criteria of reasons are important because outcomes should be settled only by "reasons" referenced by participants. This emphasis joins Cohen's ideas to those of Rawls (1996, 1997) and Habermas ([1962] 1991). Cohen additionally understands that deliberations are never free of power paradigms, thus his criteria of equality points out the necessity that deliberation should be "substantively equal in that the existing distribution of power and resources does not shape their chances to contribute to the deliberation…The additional criteria which aim for consensus, is there to stress that a deliberative process should aim for not "arrive at a rationally motivated *consensus* (Cohen, 1989; 23, emphasis original). Again similar to Rawls and Habermas before him, Cohen stipulates that deliberation should be "focused on the common good" (1989; 19) in that deliberation should shape citizens identities and interests so that they can contribute to the formation of a public conception of the common good (Cohen, 1989; 19, 1997a). Cohen (1989) further argues that this formation of a common good can even be found by ultimately relying on a majority vote to resolve disagreement. For Cohen (1997a) there are three general aspects to any deliberation: (1) an agenda; (2) alternatively proposed solutions to the problems on the agenda, and (3) settling

on a particular solution; in that outcomes are the result of free and reasoned agreement amongst equals. In other words democratic legitimacy is required for solutions and outcomes.

Other theorists such as Gutmann and Thompson have developed an alternate understanding of deliberative democracy that among other things seeks to "qualify—but not disavow—the presupposition that the deliberation within the public sphere is the source of democratic authority [legitimacy]" (Murphy, 2005; 219). The deliberative perspective they develop, "then, explicitly rejects the idea, sometimes identified with deliberative democracy, that deliberation under the right conditions—real discourse in the ideal speech situation—is sufficient to legitimate laws and public policies" (Gutmann and Thompson, 1996; 200). Gutmann and Thompson object to the smuggling of "guarantees of basic liberty and opportunity into ideal conditions of deliberation" (1996; 17) rejecting the procedural neo-Kantian thought experiments (Murphy, 2005); instead arguing for what they call "middle democracy" (1996; 17). What is included in this middle democracy, is "not only legislative sessions, court proceedings, and administrative hearing at all levels of government but also meetings of grass roots organisations, professional associations, shareholders meetings, and citizens' committees in hospitals and other similar institutions" (Gutmann and Thompson, 1996; 12-13). The Gutmann and Thompson (2003) approach includes the capturing of substantive principles such as individual liberty and equal opportunity that extend the fairness to the person. Additionally these principles of basic liberty and fair opportunity "can be defended on many substantive grounds…from widely recognised principles of reciprocity or mutual justification among persons who are bound by the laws of democracy" (Gutmann and Thompson, 2003; 31).

Gutmann and Thompson base their theory of deliberative democracy on the assumption that citizens are not passive or subjects of governments, but rather citizens are autonomous agents capable of taking part in governance of their own society (2004; 3). The content of these processes are subject to the certain constraints of basic liberty, basic opportunity and fair opportunity as they are the best means for attaining justifiable results (Murphy, 2005). These deliberative normative standards evaluated by Gutmann and Thompson have four characteristics; (1) reason-giving; (2) be place in public and accessible to all citizens affected by decisions; (3) produce a decision that is binding for some period of time; and (4) dynamic and keeps open the option for continuing dialogue. Combining their four characteristics, deliberative democracy becomes viewed as a form of government where free and equal citizens (and their

representatives) justify decisions in a process in which they give one another reasons that are mutually acceptable and generally accessible with the aim of reaching conclusions that are binding in the present on all citizens but open to challenge in the future (Gutmann and Thompson, 2004; 3-7). As a result by combining these four characteristics, Gutmann and Thompson define deliberative democracy as:

> "A form of government in which free and equal citizens (and their representatives), justify decisions in a process in which they give one another reasons that are mutually acceptable and generally accessible, with the aim of reaching conclusions that are binding in the present of all citizens but open to challenge in the future" (2004; 3-7).

A further proposal for deliberative democracy is identified by Bohman (1996). According to Murphy (2005) Bohman's proposal for deliberative democracy harmonises with Rawlsian understandings. Bohman's proposal is a procedural model which pre-commits the polity to certain substantive principles in which the criterion for successful deliberation is the restoration of the conditions for ongoing cooperation in problematic situations (Bohman, 1996; 240). This dialogical model is compatible with deliberative democracy because it enables Bohman (1996) to stipulate three conditions; non-tyranny, equality and publicity that permits continued commitment to dialogue.

Dryzek's (2006a) argues that the more recent arguments for deliberative theory are based more on discursive theories which are not limited to the nation state, rather democratic polity that is transnational in nature. Dryzek (2006a) theory springs from a transnational public sphere which is centred on communicative action where the transnational public sphere "is an informal communicative realm that can be contrasted with the constitutional exercise of authority (though of course it can influence the latter)" (Dryzek, 2006a; 154). Based on critical theory, Dryzek (2006a) develops a conception of deliberative democracy that is not dependent on liberal institutions. Rather it depends on mechanisms such as citizen protests, actions and mobilisation, which usually spring from a political civil society that "consists of self-limiting political associations oriented by a relationship with the state, but not seeking any share in state power" (Dryzek, 2000; 100).

3.5.2: The Normative Benefits of Deliberative Democracy

Clearly the works of Rawls (1971, 1993), Cohen (1989, 1996) and Habermas ([1962]1991, 1996, 1998) serve as a foundation for deliberative theory. Their respective works stress public reasoning and discourse in the public sphere as the key democratic features for democratic states. Within their work there is also the emphasising of the benefits of deliberation to current democratic state. Correspondingly, there is little doubt that deliberative democracy also appears in various forms throughout the works of these key scholars. Considerable importance is still given to the concept of reason-giving as tools of practice in order for democracies to develop. In this regard reason-given-discussions are important for the justifications of appeals and the giving of evidence, where acceptable arguments are reasonable to all citizens affected by decisions.

A number of normative commitments or let's say wider democratic dimensions such as legitimacy, civic skills and equality are also seen as benefits for having deliberation as the key feature in political decision-making processes. All the theorists discussed understand that deliberative democracy has an instrumental rationale by which people are involved with different perspectives and specifically all those people affected by an issue, will be able to have an impact on policy outcomes and lay the groundwork for successful implementation. As such "outcomes are legitimate to the extent they receive reflective assent through participation in authentic deliberation by all those subject to the decision in question" (Parkinson, 2006; 25). This is also related to a substantive rationale which holds that citizens have a good sense about their own needs and that outcomes grounded largely in local experience and knowledge uncovered through deliberation can contribute to a wealth of valuable information that would otherwise have been overlooked. That being said, this rationale is further tied into the empowerment rationale, which makes the case for citizen participation in that it helps to cultivate skills of active listening, problem solving and public dialogue in citizens. Thus this gives citizens' opportunities to problem solve and make their impact on outcomes through and with greater authority. There is also what may be called a social capital rationale which suggests that the citizens are (re)-engaged in political life reversing the long-term decline in political and social/civic engagements suggested by Putnam (2000). Another normative rationale is grounded in the views which hold that citizens as members of a (political) community have rights to self-determination, or self-governments. In other words they have the right to have a say in the

decisions that impact their lives. Likewise to have exposure to dissimilar views, benefits the inhabitants of a public sphere by encouraging greater interpersonal deliberation and intrapersonal reflection (Habermas, 1989), there must be equality. Arendt argues that;

> "by considering a given issue from different viewpoints, by making present to my mind the standpoints of those who are absent…The more people's standpoints I have present in my mind while I am pondering a given issues, and the better I can imagine how I would feel and think if I were in their place, the stronger will be my capacity for representative thinking and the more valid my final conclusions, my opinions" (1968; 241).

It is important to clarify also that each rationale is insufficient by itself to justify deliberation. Drawing upon deliberative democratic normative discussions, Elstub notes that "there has been an increasing number of attempts in public administration to approximate the norms of deliberative democracy, through a variety of institutional structures, at various levels of governance throughout Europe, the USA, Australia, South East Asia, and South America, making the institutionalisation of deliberative democracy an issue of international importance" (2008; 1). Similarly numerous scholars have outlined the potential instrumental and intrinsic benefits of these deliberative democratic processes. Elster (1998a; 1) asserts that deliberation is (or can be) good because it:

- Reveals private information
- Lessens or overcomes the impact of bounded rationality
- Forces or induces a particular mode of justifying demands
- Legitimises the ultimate choice
- Makes for Pareto-superior decisions
- Makes for better decisions in terms of distributive justice
- Make for larger consensus
- Improves the moral or intellectual qualities of the participants

Many other deliberative democratic scholars conclude that these engagements are multi-meaning due to the fact that they are substantively linked to the ideas of equality (Cohen, 1989, 1998; Sanders, 1997; Chambers, 2003; Christiano, 2008) "legitimisation" (Habermas, 1987; 1990; 1996a; 1996b; Rawls, 1996, Cohen, 1997; 1999; Button and Ryfe, 2005; Elster, 1998; Fung, 2003, 2005; Gutmann and Thompson, 1996; 2004; Young, 2000), "citizens' learning" (Gutmann and Thompson, 1996, 2004; Thompson, 2008; 502-503), "improve civic skills" (Hendricks, 2006; 491) and what Dryzek (2010) terms "capacity building".

Fundamental linked to every account of deliberative democracy is the fact that deliberation allows for legitimacy to be conferred on those processes making the decisions as well as the resulting outcomes. Additionally, the empowerment of citizens also becomes a function of deliberative accounts. Ultimately citizens' experiences of being included and being involved in deliberative processes lead to substantively better policy recommendations. Deliberative democracy can therefore be defined as an inclusionary communication process, which takes place between individuals who are procedurally and substantively equal. Accordingly the procedures and preconditions of deliberative democracy are designed to generate legitimate outcomes (Button and Ryfe, 2005; Elster, 1998). As a consequence these processes will lead to effectiveness of public action (Fung, 2003, 2007) and can increase what can be termed as buy-in for longer term support for policy implementation. Fung (2003, 2007) argues that by shifting the locus of power and influence away from government officials and more towards citizens, deliberative processes are therefore said to better address legitimacy deficits. Here the legitimacy of policies is perceived to increase since the extent of the agreement that is achieved stems from all relevant voices being equally heard. In other words policy outcomes from processes of deliberation are more likely to be seen as being more distributive and procedurally legitimate since they are the result of inclusive, reasoned, and equality (Button and Ryfe, 2005; Cohen, 1996; Gutmann and Thompson, 1996, 2004; Habermas, 1996a; Rawls, 1996). Subsequently for a process or an institution to qualify as legitimate, the process must be where "public deliberation is free and equal citizens are the core of legitimate political decision- and self-government" (Bohman, 1998; 401). "Legitimacy in the theory of deliberation exists to the extent that those subject to a collective decision have the right opportunity and capacity to contribute to deliberation about the decision in question" (Hendricks, Dryzek and Hunold, 2007; 362). For deliberative democrats, legitimacy of decisions will be increased if they are made after a period of deliberation (Manin and Stein 1987; Gutmann and Thompson, 1996).

Moving next to the benefit, where deliberation makes us better as citizens or people, here citizens are said to be in a mutual exchange or deliberation with openness towards the argument of others is considered a very important factor in deliberative theory. What scholars are suggesting is that deliberation embodies the ideas of openness and (political/cultural) tolerance based on mutual acceptance of differing arguments where citizens or participants gain both knowledge and experience. Citizens become more confident about deliberating in public, reflecting stronger mutual understandings (Cohen, 1997a; 75-76; Gutmann and Thompson, 1996; 174; Miller, 1992; 62). In part, this mutual understanding among participants implies an educative effect whereby through engaging in a deliberative process, the participants become more knowledgeable not only about the deliberative process, but also about the issues being discussed. In itself, this knowledge adds to the quality of deliberation (Hansen, 2000 and Hansen and Andersen, 2004). It is important that efforts are made to communicate in ways that other people can understand (Young, 2000) or ways in which oppressed groups may need to assert their self-interest (Mansbridge, 2006) or in more expressive and emotive ways (Young, 2000; Dryzek, 2010).Chambers (1995) argues that citizens need to cultivate attitudes of mutual respect and impartiality.

Equality is also a fundamental precondition for normatively appropriate deliberation. In this context participants in a deliberative process “need to be on equal footing” (Chambers, 2003: 322) and likewise for Cohen (1989) participants need to have equal voice, and are formally equal. Gutmann and Thompson (1996, 2004) in particular understand deliberation must be universal in that it must involve all those affected by decision produced the deliberation; or at least must provide the opportunity for people to become involved. Deliberation must be inclusive in that citizens involved must present, a full range of voices and interests, they must also be heard, respected and incorporated (Gutmann and Thompson, 1996, 2004). Other scholars, such as Young (2000), assert that the greatest benefits that the essence of deliberative democracy can achieve is an issue about privileging inclusion that is citizens’ participation in non-coercive forms of deliberation amongst all affected parties in decision-making. In other words, the principle of inclusion requires that all affected people, groups, and parties are included, so that they engage in a free and open discussions and dialogues. People, then, gain civic skills and respect for others.

Inclusion comes in different degrees, ranging from the passive (e.g. filling out fixed-response

surveys) to the active (e.g. participating and engaging in [face-to-face] meetings, and decision-making processes and discussions). Equally, as with deliberative democracy, there are many places in between these poles. There is great debate regarding which point between these poles is always the best. It is clear from a deliberative democratic perspective that there is little guarantee that policies and solutions will be rendered legitimate solely by being inclusive, particularly where inclusion is passive.

Passive inclusion is not enough to ensure that all genuine voices are included. Deliberative democracy's understanding of inclusion requires active inclusion, which most certainly shades into the requirement of communication. Whereas inclusion ranges from passive to active in deliberative processes, communication ranges from elucidating to critical. Elucidating communication can be termed as being limited to clarifying the views and individual's understandings through argumentation. Critical communication, on the other hand, includes clarifying views and understandings, while also subjecting these views and understandings to scrutiny, reflected "in everyday modes of communication that already appear in political discussion" (Young, 2000; 57). Habermas (1984) argues that discussion allows people to express diverse intensities of preferences, whether they have strong or indifferent feelings about particular policy choices. Preferences are transformed through the active exchange of ideas (expressed in an ideal speech situation) (Habermas, [1962]1991). Elster (1998a) advocates that deliberation can help clarify, understand, and refine their own preferences and positions on issues. Deliberative processes should contain unconstrained dialogue that promotes collective interactions which "are egalitarian, un-coerced, competent, and free from delusion, deception, power and strategy" (Dryzek, 1990; 2001). Taken together inclusion and unconstrained dialogue hold three key beneficial features in deliberative democracy: 1), deliberation improves citizens' civic skills 2), legitimacy is grounded in deliberative decision-making and 3) that deliberation is compatible with equality.

Inclusion, unconstrained dialogue and communication in deliberative democracy is not found in any one of the three key individual beneficial features; but is found in and having all three in the avenues of the deliberative process. Indeed to make deliberation harmonise better with democracy these three key benefits are needed. Inclusion, unconstrained dialogue and communication are said to firstly improve citizens' civic skills (Gutmann and Thompson, 2004). Secondly through inclusion, the unconstrained dialogues and communication between all

affected parties in deliberative democratic processes, outcomes are said to be legitimate (Habermas, 1996a). Thirdly through inclusion of all affected parties, and the unconstrained dialogue between them equality is bestowed. Deliberators are equal participants in discussion with equal access to conservations. Voices must be listened to and considerations must be addressed. According to Gutmann and Thompson:

> "Citizens who owe one another justifications for the laws that they seek to impose must take seriously the reasons their opponents give. Taking seriously the reasons one's opponents give means that, at least for a certain range of views that one opposes, one must acknowledge the possibility that an opposing view may be shown to be correct in the future. This acknowledgement has implications not only for the way they regard their own views. It imposes an obligation to continue to test their own views, seeking forums in which the views can be challenged, and keeping open the possibility of their revision or even rejection" (Gutmann and Thompson, 2004, 172).

Habermas, Rawls, Cohen and Dryzek works are examples of where the deliberative democratic label is often used to describe the range of these three benefits. This range is marked by the liberal ideals of Rawls and the approach proposed by Dryzek. Clearly deliberative democracy utilises citizens' communication and deliberation in order to solve social and political problems; yet it also represents a range of public spheres, citizens' rights and obligations, for instance the Habermasian ([1962] 1991, 1994) public sphere and discourse theory requires rational arguments in order for public opinion to form. At its core is the exercise of public reason through the (political) deliberations of citizens. Deliberation is often normatively distinguished from other forms of discussion in that there is an emphasis on individuals' willingness to allow their self-interest to be altered by deliberating with others in decision-making, and for outcomes based on common ground or good to be found.

3.5.3: Advantages of Deliberation in Democracy

Drawing on the justification for deliberative democracy in decision-making processes, the literature outlines that deliberation adds greater democratic value to a decision-making process.

Indeed it is hard to object to deliberation being part of any decision-making process. Avoiding discussions on the issues in question will only accomplish poorer decisions and outcomes. There are many reasons given by proponents of deliberative democracy (Fishkin, 1995; Warren, 1996; Dryzek, 1990, 2000) as to why deliberation should improve the quality of democratic decision-making. First people make better informed and come to better decisions by deliberating. In order to make reasonable decisions, people have to be informed about the issues or problems they are deciding on. For example, Fishkin (1995) underlies his argument for deliberative democracy in that a reasonable democratic decision is what the people would decide if they were informed. Equally Warren (1996) argues that deliberation leads participants to share information and experiences. A second claim is that people may change their preferences and their position as a result of deliberating with others and as such arguments during a deliberative decision-making process may be framed in more public-spirit ways. For Dryzek (1990) this second claim for deliberation defines deliberative democracy in that it is possible that processes of deliberation will lead to people changing their ultimate values. Therefore there is a case for consensus or some sort of common ground to be found on matters under questions. This is very similar to Habermas' (1990) claim that communication oriented towards finding agreement leads to moral arguments that are universal and impartial. Rawls (1996) and Gutmann and Thompson (1996) also suggest that public deliberation leads to norms of reciprocity. For Gutmann and Thompson, reciprocity holds that "[d]ecision makers owe justification for the policies they seek to impose on other people" (2004; 156). Here arguments are made in good faith about what is fair in public and are justified in the context of other people. This adds credence to the final value of deliberation in that there are many circumstances where it is only possible to know if a decision is a reasonable only after deliberation takes place about the issue. Through deliberation there is an expectation that there should be an examination of the issues and solutions in terms of what is best. For Bohman (1996) deliberative processes should have certain co-operation among deliberating individuals. In that there is a presupposition that locally held knowledge hold the best answers to a public problem and through the processes of (structured) deliberations will yield the best solutions. It is assumed that participants in these deliberations do not come to these deliberations with strong rigid ideas about what they will or will not compromise of, or how to accommodate the needs of others. Rather participants come prepared to engage in the free and equal sharing of information that will help everyone arrive at a reasonable if not more just outcome in a sense arriving at "mutual understandings" (Gutmann

and Thompson, 2004).

The form of deliberation favoured in deliberative democratic theory is that of rational arguments. Yet thicker inclusive forms of communication are now being added to rational argumentation; as they are seen to be complementary components for a functioning deliberative process (Dryzek, 2010; Young, 2000). The argument for this thicker form of communication between deliberators is based on both rational and emotive appeals, in that the emotive appeals may help to clarify values, and to focus on what actions need to be done in some situation. In other words people have the autonomy to relate the considerations of their own beliefs and values and to critically reflect on these beliefs and values in both rational and non-rational modes of communication. Central to these claims is the notion that political decisions are made through the collective procedures, where argumentation encloses the notion of the exchanging reason-for or against certain proposal; rationally convincing others. In addition political decisions are also made through communication that "aid the making of arguments and enable understanding and interaction in ways that argument alone cannot" (Young, 2000; 57). Taken together, participants in deliberative processes should have the characteristics to recognise relevant considerations and to weigh-up contradiction considerations. Likewise participants must listen effectively, be critical to but also open to objections, to articulate his or her own ideas and suggestions, and to revise beliefs when better arguments suggests that they should do so. These general characteristics of deliberative stem from Young's concept of reasonableness:

> "Reasonable participation in democratic discussion must have an open mind. They cannot come to the discussion of collective problems with commitments that bind them to the authority of prior norms of unquestionable beliefs. Nor can they assert their own interests above all others' or insist that their initial opinion about what is right or just cannot be subject to revision. To be reasonable is to be willing to change our opinion or preferences…are incorrect…Being open thus also refers to a disposition to listen to other, treat them with respect, make an effort to understand them by asking questions, and not judge them too quickly" (2000, 24-25).

It can therefore be argued that when citizens or deliberative participants conduct their arguments and participate according to these prescriptions and embodies reasonableness then deliberative processes are best able to achieve the normative benefits such as legitimacy, building civic skill, and equality.

3.6: Deliberative Democracy from First to Second

First generation deliberative democracy runs the risk of being judged as an elitist model; in that it reasons away differences in societies; for it argues for neutrality or impartiality in that is relegates passions and narrative to the private sphere in order to render the most rational consensus possible (Mouffe, 1999; Steiner et al., 2004). Accounts of first generation deliberative democracy can also be referred to as collective conversation, whereby participants or citizens reason together publically with consensus being the end product. This commitment to a public reasoned and argumentative collective conversation ending in consensus is not sufficiently merited. Since deliberative democracy's has also a commitment to public openness this makes it clear that the deliberative democratic model needs to provide a well-grounded concept of what defines a public, in particular a public's unsophisticated and unreasoned communications and interactions.

The point is that deliberative democracy fails to account for difference in society. Difference democrats such as Sanders (1997), Williams (2000) and Young (2000), all argue that deliberation democracy is formally inclusive in the sense that it seeks the participation of all (Elstub, 2010). They also argue that participants in a deliberative process may not have equal status and respect under first generational deliberative approaches and theories. They maintain that first generational theories are "not substantially inclusive because of the complete dependence on rational forms of communication privileges dominant social groups" (Elstub, 2010; 297). Sanders' (1997) for instance considers power structures and raises the possibility that complete equality in deliberation is impossible, for example complex discussions on scientific or complex legal issues would seem to indeed confer unequal status on those participating. In some-ways, participation in deliberative democratic processes is somewhat relegated to questions of access to decisions-making processes.

This is particularly illustrated by Young (2000) in her notion of "external exclusion". Here, external exclusion' designates the many ways in which individuals and groups ought to be

included and are either "purposely or inadvertently left out of fora for discussion and decision…The easiest way for powerful people to get what they want out of the political process is to set up exclusive self-appointed committees that deliberate privately to set the agenda and arrive at polices which they then introduce to public debate as accomplishment facts" (Young, 2000; 53-54). For Young (2000) the formation of these self-appointed committees dominated by the better-off, well-educated and the politically experienced which deliberate privately are instances of external exclusion. Clearly, then, according to Young (2000) participation in deliberative democratic processes can be exclusive, and inhibiting. This is specifically important for the access of some individuals and groups, in terms of the equality of access to and also the equality of opportunity to express and speak, once inside these processes. Issues such as participants' ability, is thus clearly very important.

Young's discussion of access and opportunity are related to what she terms "external exclusion", and "[m]any of the struggles within formal democracies concern efforts to expose such exclusion and press for institutional changes that will better ensure the real inclusion of more affected people in decision-making processes. One task of democratic civil society is to expose and criticize exclusions" (2000; 55). In instrumental terms participation is about doing and it is also about getting results, thus outcomes can be presented in these broad terms (Parry et al., 1992; 9). Since people participate to improve and preserve desired outcomes, these can include narrow self-interested goals, as well as outcomes which concern the common good or common ground. Essentially for Young (2000) this means that individuals are in positions to exercise power and influence. The concept of empowerment is closely related to participation and to Young's (2000) understandings of inclusion. The fact of taking part in a political process, in conjunction with the communicative power associated with political engagements, lends empowerment dimensions to the act of political participation (Habermas, 1996). Yet routes to empowerment are not equal; differences in resources can affect who and how participants can be empowered in a given context. According to Young:

> "Though formally included in a forum or process, people may find that their claims are not taken seriously and may believe that they are not treated with equal respect. The dominant mood may find their ideas or modes of expression silly or simple, and not worthy of consideration. They find that their experiences as

> relevant to the issues under discussion are so different from others' in the public that their views are discounted" (Young, 2000; 55).

Young terms these "internal exclusion, because they concern ways that people lack effective opportunity to influence the thinking of others even when they have access to fora and procedures of decision-making" (2000; 55). "Participants in communicative democracy should listen to all modes of expression that aim to co-operate and reach a solution to collective problems" (Young, 2000; 80). Hence:

> "[s]tandards of political communication should be thought of as *virtues*, however, rather than as conditions of entry into public deliberation. Arguments, greetings, stories, and rhetoric al have their virtues. While most people most of the time do not achieve excellence in any of them, most of us recognise and admire excellence in others when we see it performed. Capacities for communicating in situations of social difference and conflict can be developed and deepened, and a public is always better if more of its members have more developed capacities than fewer…inclusive deliberative practices with more attentive ways of allowing for and evaluating the contributions people and groups make to political discussion" (Young, 2000; 80).

Declaring that "[t]hrough the process of public discussion with a plurality of differently opinionated and situated others, people often gain new information, learn of different experiences of their collective problems, or find that their own initial opinions are founded on prejudice or ignorance, or that they have misunderstood the relation of their own interests to others" (Young, 2000; 26). Young's (2000) account of deliberative democracy suggests that it carries both visible and hidden sources of exclusion. By rooting her criticism on the emphasis of "democratic inclusion", Young (2000) links the values of inclusion and equality to produce the ideal relationship between democratic inclusion and deliberative democracy, which thus allows for expression of interests, opinions, and perspectives relative to the issues or problems to be maximised.

In general Young's (2000) normative account of deliberative democracy is rooted in democratic inclusion, linking the values of inclusion which allows for the maximum relevant expressions of interest, opinions, and perspectives in order to seek solutions. Her account is thus, based on a critique of the ideal assumptions of deliberative democracy and in particular first generation accounts, as they carry with them visible and hidden sources of exclusion (Young, 2000). Young (2000) develops' an understanding to the extent that ideal deliberative democracy has exclusive tendencies, which can permeate internal inclusivity, although these deliberative processes may on the surface look like an ideal inclusive processes. Issues of exclusion and inclusion are also relevant, especially in a divided community, such as that in Northern Ireland, where disagreement is beyond formal and familiar activities of the norm (Young, 2000). Related to this is Young's (2000) explicit linking of socio-economic and cultural inequalities and intolerance. These can also be held up as factors that account for democratic exclusion which again are relevant to Northern Ireland's society.

Young (2000) puts forward communication as of primary importance, in that inclusion through communication is closely linked to issues of justice and legitimacy. The main consideration for Young (2000) is that communication is a core component of deliberative democratic engagements. This echoes earlier discussions that communication refers to interacting and interaction between parties inside a deliberative democratic setting or forum and also assumes access has or is being achieved. However it does not assume that inclusion in these fora and processes are equal to all parties and interests. In other words, the quality of communication depends to a large extent on the inclusiveness of the deliberative democratic processes, since communication is tied to the defining norms and values of all accounts of deliberative democracy. Additionally for Young (2000) is her concerns around consent and the common good; argument is a primary mode of communication, she points out that:

> "Given the heterogeneity of human life and the complexity of social structures and interactions…the effort to shape arguments according to shared premises within shared discursive frameworks sometimes excludes the expression of some needs, interests, and suffering of justice because these cannot be voiced with operative premisses and frameworks" (2000; 37).

Furthermore;

> "[t]he privileging of allegedly dispassionate speech styles, moreover, often correlates with other differences of social privileges. The speech culture of white, middle-class men tends to be more controlled, without significant gestures and expression or emotion. The speech culture of women, racialized or ethnicized minorities, and working-class people, on the other hand , often is, or is perceived to be, more excited and embodied, values more the expression of emotion, uses figurative language, modulates tones of voices, and gestures widely" (Young, 2000; 39-40).

Responding to this, Young (2000) developed "an expanded conception of political communication, both in order to identify modes of internal inclusion and to provide an account of more inclusive possibilities of attending to one another in order to reach understanding" (2000; 56). This expansion takes the form of three 'modes of communication' that can supplement argument and produce:

> "A more complete account of modes of political communication not remedies exclusionary tendencies in deliberative practices, but more positively describes some specific ways that communicatively democratic processes can produce respect and trust, make possible understanding across structural and cultural difference, and motivate acceptance and action" (Young, 2000; 57).

Young (2000) terms these modes of expression, public acknowledgement or greeting the affirmative uses of rhetoric, and argues in favour of situated knowledge and narrative. Accordingly, these modes supplement argument in order to produce an inclusive form of political communication which can and do acknowledge differences (Young, 2000). These considerations lead Young (1996, 2000) to advocate "communicative democracy", which she suggests differs from deliberative democracy by favouring modes of expression such as greeting, rhetoric and storytelling, testimony or narrative over rational arguments. Young (1996, 2000) argues that these modes of expression render communication more compatible with the disparate range of social groups in society.

3.6.1: Modes of Expression

Greeting or public acknowledgment is defined as communicative political gestures through which participants in democratic discussion recognise other specific groups as being included in the discussion that will issue decisions. By such gestures of greeting, participants acknowledge that they are together with those they name, and that they are obliged to listen to their opinions and take them seriously (Young, 2000; 61). Greetings gestures such as the acts of saying hallo, good-evening or even good-bye, are often based on ritual and habitual aspects of everyday life communication. The positive aspects of manners, politeness, and making people feel welcome are all clearly the mere act of treating others with respect (Young, 2000). The very nature of and purposes of these are linked with greeting, and further linked to the development of an inclusive democratic process which "are to assert discursive equality and establish or re-establish the trust necessary for discussion to proceed in good faith" (Young, 2000; 60). Essentially at the "most basic level, 'greeting' refers to those moments in everyday communication where people acknowledge one another in their particularity…Communication would never happen if someone did not make the 'first move' out of responsibility for the other to expose herself without promise of answer or acceptance" (Young, 2000; 57-58). Such gestures of greetings can be automatic and somewhat minimal. Then, sense of togetherness, then, becomes superficial and thus fails to have any meaningful role in drawing others into the discussion.

Greeting is not specifically about communicating about the issue at hand, it is however about recognising others right to be present. For Young, this is seen as "the gesture of opening up to other persons where the speaker announces 'Here I am' for the other, and 'I see you' (2000; 58). Clearly, then, the moment of greeting is extremely important preliminary factor to discussion (Young, 2000). Furthermore "situations of political communication, in which participants explicitly acknowledge the other participants, are more substantively inclusive than those that do not" (Young, 2000; 57).

Gestures of greeting can have remarkable transformative effect on participants simply by recognising others and giving motivational benefits to others. "By such gestures of greeting, discussion participants acknowledge that they are together with…, [those they greet]…, and that they are obliged to listen to their opinions and take them seriously" (Young, 2000; 61). Take for example the greeting (the shaking of hands) between Dr Ian Paisley First Minister of Northern

Ireland and Bertie Ahern Taoiseach of Republic of Ireland in 2007, which symbolised the removing of old barriers (http://www.belfasttelegraph.co.uk). Without these moments of greeting, no discussion can take place (Young, 2010).

Narrative is a form of communication that is not argument, where the emphasis is on the communicating meaning and experiences and when individuals and groups do not share sufficient premises to proceed with argument (Young, 2000). Young argues that in situations where "arguments alone will do little to allow public voice for those excluded from the discourse…narrative, serves important functions in democratic communication to foster understanding among members of a polity with very different experiences or assumptions about what is important" (Young, 2000; 71). Political narrative in this sense becomes about getting a point across, in other words testifying by relating an experiences or incidents to others in a political in fora, or decision-making. It is not about storytelling for the sake of entertaining or amusement.

Young cites the example of sexual harassment in that prior to "the language and the history of sexual harassment was invented, however, women usually suffered in silence, without a language or forum in which to make a reasonable complaint" (2000; 73). Here, for example, women telling stories to each other and to the wider publics about their treatment by men on the job and the consequences of this treatment, (Young, 2000). By women relating their experiences in the form of narratives, the issue of sexual-harassment became defined and discussed and dealt with. According to Young (2000) narrative can also be a response to a wrong.

Young (2000) states that narratives are ways of expressing injustices that may not otherwise be articulated or if expressed, and that is not in accordance with the prevailing norms of rational communication and so effectively excludes those who are affected by injustice. Narratives are important ways in which local publics can find out about one another and learn more about their own 'situated experiences'. Importantly also for Young, local publics are "a collective of persons allied within the wider polity with respect to particular interests, opinions, and/or social positions" (2000; 73). In mass democratic societies debate and discussion are usually dispersed amongst these local publics. "Once in formation, people in local publics often use narrative as means of politicising their situation, by reflecting on the extent to which they experience similar problems and what political remedy for them they might propose" (Young, 2000; 73). Therefore

narrative can facilitate local publics and articulate their collective affinities

Additionally narrative plays a part in countering exclusion by bridging the gulf between assumptions, experiences and values of one group of people internally within the group and with other groups (even between one individual and another). "[P]erhaps more often people come to a situation of political discussion with a stock of empty generalities, false assumptions, or incomplete and biased picture of the needs, aspirations, and histories of others with whom or about whom to communicate" (Young, 2000; 74). Again Young (2000) employs an example to explain how narrative "often help[s] target and correct such pre-understandings" (Young, 2000; 74) as those experienced by disabled people, who must respond to assumptions of others, and to make themselves' heard and understood. Likewise to relate stories of their experiences about their 'physical, temporal, social, and emotional' barriers, to those others with different situated experiences. Here storytelling and narratives prevents the narrow stereotyping of disabled people. Political narrative helps in the understanding of experiences of others and countering pre-understandings.

Narrative is also important in serving to "explain to outsiders what practices, places, or symbols mean to the people who hold them and why they are valuable" (Young, 2000; 75).The case in point is that:

> "[m]embers of a polity with very different histories and traditions than others in it, for example, often find things important to them that no meaning or which seem trivial to other. Indigenous people in Anglo settler communities [who] too often encounter incredulity, mockery, or hostility, from whites, when they try to make major political issues out of holding or regaining control over a particular place, or insists on their right of fishing or gaming particular species in particular ways, or face police batons in protest of development projects that they believe desecrate burial sites" (Young, 2000; 75).

Accordingly narrative allows for particular situation of a group and individual to be exposed, revealing the group sources of value, priorities, or cultural meaning. Narrative can also be used to communicate an individual's or a group's total social knowledge. Stories not only relate the

experiences of the protagonists, but also present a particular interpretation of their relationships with others. “Each person and collective has an account not only of their own life and history, but of every other position that affects their experience, thus the listening others, can learn about how their own position, actions, and values appear to others from the stories they tell” (Young, 2000; 76). The combination of storytelling and the act of listening to them constitute different perspectives, which amounts to a “collective social wisdom not available from any one position, by means of narrative expressed in public with others differently situated who also tell their stories, speakers and listeners can develop the ‘enlarged though’ that transforms their thinking about issues from being narrowly self-interested or self-regarding about an issue, to thinking about an issue in a way that takes account of the perspective of others” (Young, 2000; 76). Hence narrative can aid in the constituting the social knowledge in order to enlarge thought.

To summarise Young understands:

> “The general normative functions of narrative in political communication, then, refer to teaching and learning. Inclusive democratic communication assumes that all participants have something to teach the public about the society in which they dwell together and its problems. It assumes as well that all participants are ignorant of some aspects of the social or natural world, and that everyone comes to a political conflict with some biases, prejudices, blind spots, or stereotypes” (2000; 77).

Insight on narrative is backed up by Ryfe’s (2005) and Polletta and Lee’s (2006) empirical observations. Ryfe’s (2005) research on small-groups forums concluded that people mainly communicate in narrative forms in such settings. This suggests that people are highly likely to engage with narrative/story-telling in deliberation. The use of narrative in deliberative processes produces a more favourable sense of community common interests and favourable sense of differences between participants. In that “not only [does narrative] exhibit experiences and values from the point of view of the subjects that have and hold them…[narrative] also reveals a total social knowledge from particular points of view” (Young, 2000; 76). A “well-crafted story shares with the elegant theories the ability to bring a version of the world to light that so transforms the way people see that it seems never to have been otherwise” (Disch, 1993; 665).

Similarly Bohman argues that the way to deal with moral disagreements is to seek moral compromise which relies on a notion of public reason that is closely tied to dialogue and communication (1996). In a moral compromise, narrative interactions can help the conflicting parties to understand each other's moral framing of the issues (Young, 1996, 2000). The claim is that story-telling or narratives can invite inclusionary political democratic moments of mutuality. The term moments of mutuality here refers to people bringing what Young calls "social knowledge that enlarge thought" (2000; 76) as well as their authentic-selves to the interaction by being truthful and open about their thoughts, feelings, and experiences. Here, openness involves a genuine acceptance of the other person for who he or she is.

As a consequence "narrative empowers relatively disfranchised groups to assert themselves publicly; it offers a means by which people whose experiences and beliefs differ so much that they do not share enough premises to engage in fruitful debate can nevertheless reach dialogical understanding" (Young, 2000: 53). When narrative is encountered people experience a high degree of mutuality. Here the emphasis is on awareness of the uniqueness of others. Story-telling also presumes respect for others that includes confirmation and the willingness not to impose beliefs and standards, nor does it presume power parity. Clearly a story told in isolation cannot guarantee moments of mutuality; for mutuality cannot be guaranteed in any interaction. Nonetheless, personal stories told by a member of a group in the context of group deliberation can invite and encourage inclusionary political democratic moments. Stories bring peoples' perspectives and experiences to the conversation in an influential way that is qualitatively different from rational-oriented discussion (Young, 1996, 2000; Polletta and Lee, 2006). For Young (2000), a story can change the nature of a deliberative interaction, by making the story-teller present their experience to other group members and other members of groups.

Narrative/story-telling is additionally important in the way people construct their identities. Telling and responding to stories assists group members and other group members to negotiate the tension between their individual identities and collective identities. Narrative/story-telling allows the shaping of interacting partners identities in relation to one another. Promoting perspective taking, which is an important part to enable what Schimdt (2010) claims that it allows agents (actors/partners/participants) to act on their background ideational abilities, while also allowing for people to foreground their discursive abilities which "enables them to communicate critically about" (2010; 1) policy issues.

Rhetoric' moves beyond the generally accepted usage where "[r]hetorical speech…aims not to reach understanding with others, but only to manipulate their thoughts and feelings in directions that serve the speaker's own ends (Young, 2000; 63). Instead, Young argues for the inclusive and exclusive dimensions of rhetoric. Accordingly rhetoric can have positive contributions to the fostering of inclusive communication. So how something is said rather than not what is said is important? What are included in this positive rhetoric, then, are figures of speech, such as simile, metaphor, hyperbole, puns, etc. Emotional tones such as passionate or dispassionate tones, for example, styles of speech involving, humour, playfulness, seriousness somberness and tones of being earnest as well as instances of point making, which are not exclusively verbal. The use of symbols, visual media, signs and banners, likewise Young cites guerrilla theatre and street demonstrations are non-verbal examples of rhetoric. Young argues that "[a]ll these affective, embodied, and stylistic aspects of communication, and orienting one's claims and arguments to the particular assumptions, history, and idioms of that audience" (Young, 2000; 65). There are no discourses which lack emotion, even "dispassionate discourse carry an emotional tone of calm and distance" (Young, 2000; 65). Rhetoric is therefore an unavoidable part of speech or discussion and the very goal of a neutral display of the arguments is simply impossible. By appearing dispassionate, unemotional, impassive, and a detached reasoned speaker, this displays what Young notes that "such privileging takes to be neutral, universal, and dispassionate expression actually carries the rhetorical nuances of particular situated social position and relations, which social conventions do not mark as rhetorical and particular in the same way that they notice others" (Young, 2000; 63).

The positive contribution that rhetoric brings to democratic inclusion is therefore not that "political argument is inevitably suffused with rhetoric can sound like a submission to the constraints and necessities of real life that ideally ought to be otherwise' but is rather a more 'positive claim' that rhetoric can have a real role to play in the fostering of inclusion in political communication (Young, 2000; 66). This position is defended by Young (2000) firstly in that rhetorical acts can get otherwise neglected issues discussed, in that outside the dominant rationality of powerful participants in a forum, then, other views or issues may never be taken up or even taken seriously. For example, outwardly a forum may be well characterised by order, and may in fact be the product of rational eloquence that disguises the exclusion of affected parties from having a voice. In such a situation;

> "[d]emonstration and protest, the use of emotionally charged language and symbols, publicly ridiculing or mocking exclusive or dismissive behaviour of others, are sometimes appropriate and effective ways of getting attention for issues of legitimate public concern, but which would otherwise not be likely to get a hearing, either because they threaten powerful interests or because the particularly concern a marginalised or minority group" (Young, 2000; 67).

Importantly for Young "[t]o be sure not every issue, position, or discourse that individuals or groups insist on having heard by speaking emotionally or engaging in rowdy demonstration is legitimate. Some formulations of positions can be ruled out of order by a deliberative public on the grounds that they fail to show respect for some members of the polity" (2000. 67). The use of rhetoric that concerns Young (2000) is how arguments, views, and claims are framed and expressed; and even whether they count as legitimate, depends on how the speaker expresses him or herself, that is, how he or she employs rhetoric in public. Young's understanding is where "[r]hetoric constructs the speaker, audience, and occasion by invoking or creating specific connotations, symbols, and commitments. Through rhetoric we construct our positions and messages in a way appropriate to the particular context and audience to which we are speaking" (2000; 68-69).

"The good rhetorician is one who attempts to persuade listeners by orienting proposals and arguments towards their collective and plural interests and desires, inviting them to transform these in the service of making a judgement together, but also acceding to them as the judges, rather than claiming himself or herself to know" (Young, 2000; 69). Young (2000) argues that this creates a movement on the part of the listeners from deliberation and reflection to action.

Correspondingly, like narrative/story-telling "rhetoric is often going to be necessary in reaching across these different elements" (Dryzek, 2010; 326), for "rhetoric constitutes the flesh and blood of any political communication, whether in a neighbourhood meeting or the floor of Parliament" (Young, 2000; 65). Problems can be communicated simply and effectively in ways that more formal (scientific and rational) communication fails to do (Dryzek, 2010). In parallel, "deliberative rhetoric makes people think, it makes people see things in new ways, it conveys information and knowledge, and it makes people more reflective" (Chambers, 2009; 335).

Dryzek states "rhetoric in politics remains just as disputed as when Plato criticized rhetoric and Aristotle appreciated its multiple forms 2,400 years ago" (2010; 319). Rhetoric is the art of persuasion, and persuasion in Aristotle's analysis works via three means: the emotions of the audience (*pathos*), the character of the speaker (*ethos*), and the coherency of the argument (*logos*). According to Aristotle these three must come together in such a way that the audience becomes engaged and won over to the proposition (Dryzek, 2010). Yack (2006) makes a very persuasive case that healthy democratic deliberation must include Aristotelian questions of character and emotion. Yack's (2006) sees a community working out common interests through full rather than constrained debate. In other words, in an Aristotelian vision; good rhetoric makes people think, it makes people see things in new ways, it conveys information and knowledge, and it makes people more reflective. A classic example would be Martin Luther King's "I Have a Dream" speech.[8] Here eloquence and emotion, imagery of social justice are used to awaken and to help an audience to visualise a cause. Therefore for Garsten, rhetoric is *deliberative* when it engages "our capacity for practical judgment" (2006: 175). Additionally "[s]peech that aims to persuade can engage our capacity for practical judgement…this capacity is what allows us to integrate the various opinions, desires, and emotions that we have gained throughout our lives as active beings and to bring them to bear on a particular case in a way that yields a decision" (Garsten, 2006; 174-175).

As such a growing number of normative theorists are confronting the division between rhetoric and deliberation (and democracy) (Dryzek 2010).Their challenge is that ideally rational deliberation ought not to be a rhetoric-free zone (Bohman 1996, Young 2000, Richardson 2002, Yack 2006). The rehabilitation of rhetoric and the role it can play in both representative and deliberative democracy has become centrally important for inclusiveness issues in deliberative processes. As rhetoric "proves crucial when it comes to invoking discourses in the audience conducive to the claim made by representative, and downplaying competing discourse…Rhetoric can enable effective communication between differently situated actors, and can both establish and maintain deliberative systems" (Dryzek, 2010; 320).

[8] (http://www.americanrhetoric.com/speeches/mlkihaveadream.htm).

3.6.2: Rhetoric and Second Generation Deliberative Democracy

It is noted by Young that "rhetoric assumes a distinction between *what* a discourse says, its substantive content or message, and *how* it says it (2000; 64). Thus Young understands rhetoric as referring "to the various ways something can be said, which colour and condition its substantive content" (2000: 64).Young makes three very convincing and cogent arguments. The first is that when it comes to political speech, the dispassionate versus passionate dichotomy so popular among the rational deliberative practitioners is deeply suspect. In other words that dispassionate speech is somehow neutral and rational is itself often a rhetorical move to dress-up self-interested claims in the guise of neutrality (Young, 2000). The second argument identifies a mode of speech that is non-rhetorical or neutral. Young (2000) suggests that this has the effect of excluding those who speak in a different idiom (use different phrases or expression/jargon/vernacular) or with a different cadence (tone, intonation or inflection). Young (2000) notes that groups are regularly identified as lacking sufficient neutrality in speech—groups that have been overwhelmingly drawn from the marginalized or less powerful in society "feel intimidated by the implicit requirements of public speaking; in some situations of discussions…many people feel they must apologies for their halting and circuitous speech (Young, 2000; 39). Finally, Young (2000) argues that rhetoric can be a very positive force in discourse and deliberation. In trying to persuade a particular audience, rhetoric can be attentive to the needs and interests of the audience for "rhetoric provides contextual and motivational grounds for choosing between rationally acceptable position" (2000: 70).

Young's (2000) account is compelling because it offers ways in which passion, metaphors, evocations and trope can enhance dialogue, deliberation and discourse. Furthermore it lends itself to mutual understanding in the sense that rhetoric is simply not the adversary of deliberation that rational enlightenment thought it was, as speech is never "dispassionate, cultural and stylistically neutral" (Young, 2000; 63). The upshot of this consideration of deliberative processes is that the modes of expression i.e. narrative, rhetoric and greetings, can play are essential parts in communicating across conflicting groups. Linking differently situated groups and differently disposed groups not in "privilege specific ways of making claims and arguments…[but rather]…should listen to all modes of expression that aim to co-operate and reach a solution to collective problems" (Young, 2000; 80).From a deliberative perspective these modes of expression ensure that peoples' contributions are ensured, in that there are equal

opportunities for peoples' expressions to be heard, thus determining that a more complete level of inclusion in deliberative processes.

Rational discussions are still critical to the deliberative process as it is understood as being a communicative and linguistic device that draws links between justifications and actions. Claims such as these are based on the fact that reason-based rational arguments are much more likely to stand up to deliberative contestation, as well as persuade others of the merits of the argument. Bächtiger et al's (2010) Type 1 deliberative democracy which represents rational discourse, and is rooted in the Habermasian logic of communicative action that "the related distinction between communicative and strategic action, and has a strong procedural component" (2010; 33). By definition, the universality of rationality remains a pre-requisite for deliberation and as such participants must have this cognitive ability, irrespective of their personal experiences and skills. Equally, rational discussion benefits the give and take of deliberation, in that individuals can be countered by any other without having to establish shared personal history or cultural perspectives (Bohman and Richardson, 2009; 254). Alternatively, as Manin et al, understands it, "[b]etween the rational objective of universal agreement and the arbitrary lies the domain of the reasonable and the justifiable, that is, the domain of propositions that are likely to convince, by means of argument, whose inclusion is not contestable, the greater part of an audience" (1987; 363). As a result the ideal rational features outlined in first generation models of deliberation definitions may well exclude other forms or less rational forms of communication; while the second generation accounts of deliberative democracy take a different view.

Drawing heavily on the work of Schumpeter in particular, Sanders (1997) suggests that not everybody is capable of rational argument and that "some citizens are better than others at articulating their arguments in rational, reasonable terms" (1997; 348). Similarly Dryzek (2000) offers a more concise explanation for a second generation deliberative democracy, claiming that there are some particular forms of discussion that should, form part of a comprehensive definition of deliberation. In other words, second generation deliberative democratic processes have now the intent and definitions of discourses which include not only rational, but also greeting, narrative, and rhetoric. The requirement for deliberation to proceed solely on reason-based or rational discussion is no longer valid, instead if individuals are "to be represented in anything like his or her entirety, all the discourse to which he or she subscribes generally merit

representation in the forum" (Dryzek, 2010; 324). Dryzek states that "we must determine the degree to which [deliberative democracy] must stress rational argument, and the extent to which it can and should admit other forms of communication (2000; 67). Dryzek (2010, 2007) makes the proposal that the requirement for communication in deliberation (in particular in the second and third generational deliberative processes) should be to connect the particular to the general, although this should be done devoid of coercion or the threat of coercion.

The second possibility, and one that Young (2000), Dryzek (2010) and this research embrace, is to include other forms of communication into the deliberative democratic model. On one level inclusion is based on a distinction between types of talk that cause individuals to reflect on their preferences in either non-coercive or coercive manner (including manipulation, propaganda, deception and threats). On another level, inclusion "ought not to mean simply the formal and abstract equality of all members of the polity as citizens. It means explicitly acknowledging social differentiations and divisions and encouraging differently situated groups to give voice to their needs, interests, and perspectives on the society in ways that meet conditions and reasonableness and publicity. This thicker meaning of inclusion highlights the importance of valuing diverse models of communication in democratic discussion" (Young, 2000; 119). As such second (and third) generation or real-world deliberative democracy has a thicker meaning of inclusion. Here, then, deliberative democracy can be defined as deliberation based on reason-based discussion because it benefits in the persuasion of others of the merits of an argument, supplemented with sources of greeting, or public recognition communicates that constitutes the plurality of groups and perspectives. Narrative conveys situated knowledge; i.e. differently situated knowledge of people who are differently positioned. Rhetoric, as a means by which people that are positioned in particular social positions, can adjust their claims for them to be heard by those in differing social situation.

Young's (2000) conception democratic communication opens up wider aspects of communication and sheds new light on the meaning and scope of deliberation. Young's (2000) communicative democracy is especially relevant to deliberative democracy because it is grounded in the real-world, since first generation deliberative democracy facilitates certain groups to participate more and therefore allows them to dominate decision-making as rational argument cannot challenge existing inequalities (Elstub, 2010). O'Flynn (2006) accepts the need for Young's (2000) forms of communication to be included in the deliberative process, arguing

that stories act as "causes, reflectors and exacerbates" while laying emphasis on the psycho-cultural dramas at the centre of the ethnic conflicts (O'Flynn, 2006; 135). Likewise, because of the potential social and cultural bias in deliberative democracy, Parkinson (2006) also accepts that greetings, rhetoric and storytelling could and should play a part in deliberation. Furthermore Parkinson explores cases of deliberation and provides empirical evidence to indicate that these styles of communication are included in 'real world' approximations of deliberative democracy (2006; 135); thus suggesting that collective deliberation is compatible with a wider range of communicative styles than those understood in first generation deliberative democracy (Parkinson, 2006; 139-142; Elstub, 2010; 297; Bächtiger et al's 2010).

Other reasons for a move from a first to a second generation deliberative democracy include the fact that it is that first generation deliberative democracy is seen as culturally specific and disadvantages subordinate groups (Elstub, 2010; 297; See also Elster, 2006; 31-32). As a consequence Bohman (1996), and Gutmann and Thompson (1996) attempt to somewhat diverge from the theories of Habermas and Rawls. Baber and Bartlett, (2005; 34) and Elstub, (2010) note that this divergence is appropriate because society is complex in that there are issues to do with scale, socio-economic inequality and a need for the appreciations for globalisation. Furthermore according to Elstub:

> "For Bohman in particular, a realistic conception of deliberative democracy must acknowledge; cultural pluralism and its challenge to common goods and unitary public reason; that social inequalities would mean the exclusion of permanent minorities from public deliberation; that large-scale public organisations are inevitable; and finally, that due to community bias there is a restriction on the problems that will be acknowledged and solutions that are considered feasible" (2010; 293-294; See also Baber and Bartlett, 2005; 107).

Bächtiger notes these concerns as Type 1 deliberation blind spots, claiming that at "the normative level, difference democrats and pluralists have raised several well-known objections (2010; 38), such that rational and dispassionate discussion creates what difference democrats identify as a stifling uniformity and constrains deliberation (Sanders, 1997; Young, 2000). Usually it is the disadvantaged and marginalised people who do not engage in idealised forms of

deliberation, and that idealised deliberation is usually suits only the privileged few (Sanders, 1997). Both "Sanders and Young stress the need to admit wider forms of communication—such as testimony, storytelling, or rhetoric—to avoid these constraints" (Bächtiger, 2010; 39).

According to Bächtiger, who draws upon Mouffe (1999), the Habermasian model of communicative action "is unable to acknowledge in ineradicable dimension of antagonism that pluralism of values entails" (2010; 39). The possibility of the public sphere to equalise power to the degree so that power cannot trump deliberation and that rational consensus can be realised is therefore rejected. In second generation deliberative democratic views, reasons are still public; yet for the resulting decisions to be considered successful and accepted by citizens, or at least sufficiently acceptable for citizens to continue to participate in deliberation, there is a need for what Bohman calls "plural agreement" (1996; 34). Here Bohman (1996) is describing a conception of democratic legitimacy that merely requires continued cooperation and compromise in an ongoing dialogical process of settling common problems and conflicts. Similarly, there is a need for what Gutmann and Thompson term "deliberative disagreement (1999; 73-79). Unlike the first generation models, second generation deliberative democracy assumes that people are motivated by their own interests (Gutmann and Thompson, 1996; 176-177). According to Bohman, these interests can be temporarily reconciled through public deliberation, but never resolved (1996; 72-73).

3.6.3: Argumentation and Second Generation Deliberative Democracy

Habermas' (1996a) discourse theory is still seen as a central ingredient in assessing real-world deliberative formal public engagements. Ideal speech situations supply a philosophical clarification for an illumination of truth itself or at least an "objective validity of normative statement, without appealing to anything outside of our own rational communicative capacities exercised in real life" (Estlund, 2006; 75-76). This echoes arguments but forward by theorists such as Cohen, (1989) and Steiner et al., (2004) including Habermas (1996a) himself. For these reasons, this research is interested in Habermas' (1996a) discourse theory because it can collectively bring before the public the diverse perspectives as well as the wide variety of reasons and argument in order to come to correct decisions. More importantly however discourse theory can similarly operate as a plausible observation and measuring device for the quality of deliberation, as testified by Steiner's et al., (2004) use of a Discourse Quality Index.

Argumentation is related strongly to discourse theory, and Habermas sees this as the goal of democracy. This is contained in his call for deliberative democracy that has evolved in the general framework of Habermas' discourse theory. Here discourse is understood as being a mechanism for transforming dissent into consent and has to with communication and the force of a better argument in dialogical situations (Eder, 2000; 226). Discourse theory acts as a 'regulative ideal', as such a benchmark against which existing institutions or decision-making processes can be measured (Pellizzoni, 2001; 69). Rational argument necessitates that only through rationality can individuals advance positions so they are defended against criticisms. In *The Theory of Communicative Action*, Habermas (1984) argues that an expression is rational only if the claim has empirically or observed denied or confirmed evidence that done through shared normative standards. In other words, argument is supported by reason in order for public opinion to form and to serve or to provide counterweights to prevailing political thinking. According to Fishkin, Habermas defines his "ideal speech situation as situations of free, fair and equal discussions, of unlimited duration, constrained only by the consensus which would be arrived at by the 'force of the better argument' (1991; 34). Habermas understands argument to be an "orderly exchange of information and reasons between parties (1992; 370) and as such "arguments must have intrinsic characteristics that make them compelling to others" (Steiner, 2004; 20; Habermas 1984). Similarly argumentation is the foundation for political choices that should be "based on good cognitive reasons" (Dryzek, 1990; 218). This is underscored when Habermas notes that for these reasons argumentation has a universal appeal:

> Communication action refers to a process of argumentation in which those taking part justify their validity claims before an ideally expanded audience. Participants in argumentation proceed on the idealised assumption of a communicative community without limits in social space and historical time…The[se] counterfactual presuppositions assumed by participants in argumentation indeed open up a perspective allowing them to go beyond local practices of justification and to transcend the provinciality of their spatiotemporal contexts" (1996a; 322-323).

Drawing on Sebeok's (1986; 50-51) semiotic point of view, Steiner et al (2004) note that

argumentation is a process in which someone tries to convince someone of something by citing evidence and drawing, or suggesting, inferences from the evidence and from other beliefs and assumptions (hypotheses). Therefore argument is a process of reasoning which lies between a premise and an outcome or conclusion. However, argumentation may be a drawn out affair, thus it may be intermittent. Furthermore, part of the argumentation process may be hidden and occur as part of informal relations and exchange, for example argumentation, may not resolve the issue acceptably for all parties, or the process of argumentation may be curtailed. Likewise, the process of argumentation may also include, or intermingle with, emotional outbursts, and the telling of stories, and so on. Therefore there may be occasions when argument disappears altogether, being replaced by another mode of communication such as narrative.

Echoing these points, Young (2000), comprehends argumentation as a necessary component of political communication, but there are conceptions of argument that however, inadvertently, foster exclusions. Therefore for Young (2000), Habermas' reasoned argument may well take the form of his ideals, yet more than likely these processes of argument are coloured or distorted by other modes of communication. This puts Habermas' discourse theory very much on the right track when analysing deliberative quality. However "there are too many valuable products of the human mind that would be suppressed if the egalitarian and public-spirited norms of the ideal deliberation were to characterise all areas of public-communication" (Estlund, 2006; 79).

Combining Habermas' (1996) ideal speech established in discourse theory and Young's (2000) democratic communication modes, as Neblo (2007) argues that Type 2 standards of deliberative democracy are compatible with Habermasian discourse theory. Furthermore Neblo (2007) states that arguments for admitting testimony, storytelling and the like begin from concrete questions of institutionalisation in which "all else" is expressly unequal. Habermas explicitly countenances moving away from the abstract ideal to accommodate the realities of human psychology, institutional design, and patterns of social inequality. Therefore, the inclusion of alternative forms of communication does not lead to a fundamental cleavage in deliberative theory (Bächtiger, et al, 2010b; 7). The importance of Habermas' (1996a) discourse theory in deliberative settings is not dismissed by Young's (2000) "democratic communication" although this approach is centred on criticisms of the three pillars of deliberative democracy; inclusion, equality and the common good. Young's (2000) modes of expression, narrative, greeting and rhetoric, are seen as congenial deliberative situations to Habermasian ideal speech situations in

a real-world setting. It does, therefore, seem logical to follow this line of reasoning and add these modes of expression as indicators for the evaluation of deliberative quality.

For Manin et al "the force of an argument is always relative" (1987; 353) and it can be stated that rational arguments must appeal to peoples' present beliefs in order to persuade them and "consequently, participants in debate will offer different reasons to persuade different citizens of the need for the same outcome and therefore will not be public in the way envisioned by Habermas and Rawls" (Elstub, 2010; 294; Elstub, 2008; 73; See also Gaus, 1999). Posner (2003) argues that people are viewed to be generally confused, inconsistent, and ignorant for deliberative democracy to succeed. Rosenberg (2007) is skeptical about whether people really possess the requisite abilities for making rational discourse work. Janis (1972) notes the social psychological phenomena known as groupthink and this is not specifically considered by deliberative democratic theorists. In this sense deliberation might widen rather than narrow differences and political divisions (Sunstein, 2003). These elements are extremely critical for what O'Flynn (2006) notes are preference changes which are intensified in divided societies, "especially in relation to preferences that are connected to the underlying values of an ethnic group" (Elstub, 2010; 295). This can be tied to Shapiro's argument that deliberative models ignore the reality that "politics is about interests and power" (1999; 36). What is established is a disconnection "between the macro-political analogue of ideal deliberation in the form of the "public sphere" and the real world either in the form of empirical observation or institutional prescriptions" (Bächtiger, 2010; 39). Like with other normative theories, deliberative democracy hinges on empirical evidence demonstrates "that participants really engage in rational discourse as well as identify the institutional settings in which this occurs" (Bächtiger, 2010; 40).

The result of the premises offered by pluralistic views and those presented by difference democrats' is that second generation deliberative democracy is therefore repositioned away from first generation models. Without question second generational theories of deliberative democracy are a direct derivative of first generational theories, in that it they are not abandoning reason altogether, since reason is still seen as the most vital form of communication (Bächtiger, 2010). A more realistic conception of deliberative democracy is acknowledged because cultural and social inequalities excludes minorities permanently from public deliberation (Barber and Bartlet, 2005; 107). Second generational theories (Elstub, 2010), or as Bächtiger (2010) terms Type 2 deliberation, represent an attempt to address the normative and

empirical blind spots of the of first generation theorist of deliberative democracy, where clear shifts are stressed in which there is an emphasis from an ideal conception of the political to the phenomenological.

Second generational theorist, while still clearly drawing upon Rawls' and Habermas' first generation features, have adapted them in ways that offer new and distinct interpretations of reason giving, consensus, compromise, preference change and for the allowance of applicable non-rational communication. For example both Bohman's (1996) and Gutmann and Thompson's (1996) institutional approaches stress the importance of a plurality of discourses among and between different interest groups and participants. The second generational deliberative theorists also accept that socio-economic and cultural inequalities and deficits must be addressed to ensure that all participants have equal opportunities to enter into processes of decision-making, express their views and influence decisions, rather than have these inequalities and deficits bracketed (Elstub, 2010).

Within these more flexible or less rational accounts it can be argued that deliberative theory has experienced an expressive and emotive turn. Second generational deliberative democracy can be seen as an attempt to respond to the number of challenges to the original articulation of deliberative democracy. These challenges can be roughly divided into plurality concerns and exclusivity issues, which have in turn led to the inclusion of other forms of communication and expression to be allowed, once again recasting deliberative democracy away from rationality and consensus.

This recasting is outlined in Table 3.2, where the taxonomy delineated is that participation and communication in arenas of deliberation are outlined. There is the obvious fact that both first and second generational models share a common emphasis on the importance of communication, as well as on matters of how communication is used to overcome differences and likewise on matters of common interests.

Table 3.2: From First and Second Generation Deliberation Democracy

Deliberative Democracy	First Generation Rigid Rational Communication Leading to Consensus and then Decisions **Type 1 Deliberations**	Second Generation Flexible Communication Leading to Plural Agreement or Deliberative Disagreement Decisions **2nd Type 2 Deliberations**
	Rational Deliberation leading to Consensus (Rational Deliberation Consensus)	Aggregation only after Deliberation (Deliberative Aggregation)

Source: Adapted from Bächtiger et al., (2010)

Both generational accounts of deliberative democracy allow for better policy-making, deeper reflections on the issues at hand, improved understandings, to the clarification of reasons and the easing of contradictions (Benhabib, 1996; 71-72; Cohen and Rogers, 2003). Actors who participate in deliberative processes increase their learning capacities and these complementary democratic fundamentals are important features to deliberative theory (Gutmann and Thompson, 2004). Yet second generation deliberative democracy "dispenses with the narrow preconditions for deliberation that are (arguably) exclusionary to all but a few, broadening the deliberative program this way, deliberative democrats can also build bridges to difference democrats" (Bächtiger, et al., 2010; 44). This suggests that without the strict rational and consensus dogma proposed by first generation deliberative accounts; these complementary democratic fundamental features can still be reached. Simultaneously second generational deliberative accounts build and seek wider concepts of agreement which relax the requirement of consensus. Truly inclusive and successful deliberation may involve "non-rational" elements such as story-telling, personal experiences, humour, or rhetoric. Again according to Neblo (2007), such alternative forms of communication do not constitute fundamental disconnects in deliberative democratic theory. Following Rosenberg (2005), second generation deliberative democracy "is typically more problem-driven and empirically grounded, rather that theory-driven—although there may be an interplay between the two where normative claims are treated as hypotheses to be explored and tested, maintaining an openness to modifying the theory where necessary" (Bächtiger et al, 2010; 44-45). Dryzek similarly identified the importance of relaxing the normative boundaries of deliberation, while still pointing to the dangers inherent in admitting all possible forms of communication (2000). For instance it must be noted that rhetoric can be coercive when deployed as an emotional manipulator (Dryzek, 2000; Bächtiger et al, 2010).

Still both theorists Dryzek (2000, 2010) and Young (2000) set great store in broadening the narrow rational aspects and the stress on consensus, and both argue that there should be a broadening in the modes of communication, a focus on personal interests, and the reduction of prejudice through the telling of personal stories. Correspondingly Young (2000) argues that trust is increased through such practices of greeting, while common ground or common visions can be shared by the use of rhetoric (in speech acts) (Dryzek, 2000, 2010; Young, 2000).

3.7: Deliberative Democracy: From Second to Third

Within the last decade, a movement away from this second generation deliberative democratic theories and towards an emerging third generation development has occurred. Barber insists that at the heart of strong democracy—is talk (1984). Democracy celebrates conversation, a process that was as much about mutual discovery as problem solving. Political decision-making is talking-with-a-purpose and talk of this sort must be open, inclusive, and free flowing, because "conversation responds to the endless variety of human experience and respects the initial legitimacy of every human perspective, it is served by many voices rather than by one and achieves a rich ambiguity rather than a narrow clarity" (Baber, 1984; 185). "It involves introspection on subjective values, rather than merely objective analysis, it also includes open-ended brainstorming, holding more than one perspective at a time, and possibly never reaching a decision. In other words, it may be enough to just talk and listen for a while" (Gastil, 2008; 19). Other forms of deliberative practice include a significant number of debates across time and space, in which Parkinson understands that the informal public sphere would involve the interplay of civil society organisations and combine activist networks, dramaturgical action and media contestation (2006, 168).

These multiple understandings are best captured within two diverging streams of thought in the literature on deliberative democracy: micro and macro deliberative processes (Hendriks, 2006; 486). Elstub (2010) understands that the third generation of deliberative democracy has emerged because of this prevalent distinction between what Hendricks (2006) derives as micro and macro deliberative democracy. According to Hendricks (2006), micro deliberative theorists such as Bessette, (1994) Cohen, (1997) and Elster, (1997) concentrate on defining the ideal conditions of a deliberative procedure or Type 1 deliberation. While in contrast macro deliberative theorists emphasise informal discursive forms of deliberation or Type 2 deliberation, which takes place in the public sphere (Benhabib, 1996; Dryzek, 1990, 2000;

Habermas, 1996a). As such deliberative democracy provides contrasting accounts of civil society (Hendricks, 2006; 502). In essence "civil society in deliberative democracy varies depending on whether the theory is focusing on the conditions for *micro* deliberative fora or on the informal *macro* discourse in the public sphere" (Hendricks, 2006; 502). These "different orientations of civil society expose a number of questions that continue to haunt the institutionalisation of deliberative democracy, for example, how can structured deliberative arenas work together with some of the more unconstrained, informal modes of deliberation operating in civil society?" (Hendricks, 2006; 502-503). Civil society can be largely seen in terms of given or explanatory social relationships based on such characteristics as family, religion, race, and ethnicity. Civil society can be seen essentially as private realms, with social ties to communities and communal identities.

One attempt to overcome such challenges draws on Mansbridge's (1999) deliberative system as a more integrated system of public deliberation. This is "best conceptualised as an activity occurring in overlapping discursive spheres'—some structured, some lose, some mixed—each attracting different actors from civil society" (Hendricks, 2006; 503). Clearly, then, Hendricks (2006) rightly argues that an approach to improve the quality of deliberation is to promote venues that bring together a diversity of voices as these mixed discursive spheres are crucial because they encourage diverse actors to come together and cross-fertilise macro and micro public deliberations. In other words both macro and micro deliberative democracy should be integrated. Likewise Parkinson highlights the need for fostering both macro and micro institutions to ensure that the weakness of each are compensated for by the strengths of the other (2006; 17-18; 165). This echoes Barber and Bartlett's (2005) point of ensuring that opinion formation in civil society and state decision-making are linked (Elstub, 2010). Micro deliberative institutions can be viewed as conduits for macro deliberation in civil society (O'Flynn, 2006; 152). Third generation deliberative democracy, therefore, has distinct yet ever increasing related approaches to micro and macro deliberative democracy in that there is ever increasing alliances between micro and macro deliberation. These are complemented by the increased experimentation with a range of more sophisticated decision-making processes seeking to bring expert and lay members of the public into dialogue.

The rise of these three different generations of deliberative democracy has been driven by both deliberative and democratic concerns of the previous generations. The rapidity of generational

developments in deliberative democracy is a direct result of advancing conceptualisation of democratic processes, which are underpinned by the exchange of reason under conditions of fairness and equality among citizens (Niemeyer and Hobson, 2010). Additionally too, since the 1990s, important shifts in institutions, which have tended to facilitate the development of micro (small group) deliberation (Smith, 2001; Chambers, 2003; Fung, 2003), involve newer forms of interactions between state, market and society. All these can be seen as drivers in newer generations of deliberative democracy, establishing that the clearest basis for democracy is a continuation of this deliberative turn and the desire to collapse the distinction between government and citizen/society- where the functions of governments are to a certain extent diffused or transformed into the ideas of social, associative and participatory democracy (Habermas, 1990; 335-346).

Table 3.3: Three Generations of Deliberative Democracy

First Generation/ Conceptual Stage	**Second Generation/ Evaluative Stage**	**Third Generation/Empirical Stage**
Clarification and Criteria	**Clarification and Criteria**	**Clarification and Criteria**
Clarifications to limit the deliberative democratic concept and its scope	Clarification of what is and what is not meant by the deliberative democratic concept	Clarification of the deliberative democratic concept in operational terms
Defining what deliberative democracy can be applied to	Defining criteria by which judgement can be made	Defining criteria that are required for real-world applications

Drawing upon Thompson (2008; 501), Table 3.3 above is developed. Echoing Steiner's (2008) concern about concept stretching in deliberative theory, and a need for a certain amount of caution is required; Thompson (2008) argues that although empirical research on deliberative democracy is essential to deepening our understanding of democracy, these empirical investigations must crucially be guided by normative theory.

3.7.1: The Empirical Turn

Running parallel to this coherence between micro and macro deliberation has been a need to measure the extent and quality of deliberation. This empirical turn (Bächtiger, et al. 2010) of social and political science methodologies is essentially the third generation deliberative democracy, which attempts to put first generation deliberative democracy into practice in

contrasting contexts. This variety in deliberative settings allows for the testing of the assumptions and hypotheses of deliberation. Critically this empirical turn in deliberative democracy has joined the pluralist theorists of Bohman (1996), Gutmann and Thompson (1996), and difference theorists of Sanders (1997) and Young (2000) in pointing to ways of institutionalising deliberative democracy. In the same way these empirical investigations can be seen as attempts to find the specifics of deliberation which may or may not occur within deliberative institutions, the empirical turn can be seen as contributing to the formation of a third generation of deliberative democracy. This third generation of deliberative democracy has an increasingly institutional, civil society and empirical focus and practice (Elstub, 2010; 305). Bohman (1996) and Gutmann and Thompson (1996), refrained from discussing the actual specifics of these focuses (Elstub, 2010; 298), instead their empirical investigations are a continuation of the evolutionary developments of and in deliberative democratic theory. In a sense these investigations move deliberative democracy further away from the first generation deliberative democracy and its origins. Empirical and institutional focuses can be regarded as sufficiently echoing Saward's (2003; 161) suggestion that democratic theory has now moved "beyond deliberative democracy". "Saward encourages the move away from thinking of contrasting democratic models to a more 'ecumenical' understanding of democracy that is 'sensitive to context, open-ended, productive, and adaptable" (Elstub, 2010; 305).

Investigations within this empirical turn are still relatively scarce, indicating a large gap in the research concerning what transpires when people deliberate (Ryfe, 2005). Similarly Dryzek makes the point that in many of the cases, much of the empirical evidence presented is often in the form of general claims or stylised facts. Dryzek and Niemeyer (2008; 2) note that the problem with discourses is that they constrain as well as enable thoughts, speech, and action, in that conceptions of common sense and acceptable knowledge are also embodied in every discourse. In this sense expression of power by the recognition of some interests as valid occurs along with the rejecting or repressing others (Dryzek and Niemeyer, 2008). It is perhaps more so that for these reasons the reluctances on behalf of deliberative theorists to engage in empirical research can be explained. Other reluctances may be due to, in no small way, the lack of clear and definitive deliberation measurement instruments, which may curtail empirical investigation of deliberation. The relationship between deliberative theory and empirical research on deliberation is not particularly harmonious. While Bohman, notes that "the best and most feasible formulation of the ideal of deliberative democracy require the check of empirical social

science" (1998, 422) others have identified problems with empirical translating the imprecise nature of deliberative democracy conceptual definitions into testable hypotheses (Thompson, 2008). Mutz (2006) asks whether deliberative theory in many of its formulations is even falsifiable in the first place.

Despite these disconnects between theory and practice, the number and scope of empirical studies applying deliberative theory to experimental and natural settings has expanded rapidly in recent years. A number of macro and micro analytical tools as well as direct and indirect measures of deliberation have been developed.[9] To mention just a small number of empirical deliberative researchers such as Holzinger (2001) Steenbergen et al (2003), Steiner et al., (2004) Stromer-Galley's (2007),and Siu (2009) who have empirical focuses, evaluations and verifications of deliberative processes. Siu (2009) argues that studies of the processes of deliberation tend to measure higher-level aspects of discussion and interaction; the amount of time participants talked. Deliberative empirical researchers have set out to test a wide variety of different beneficial outcomes, namely the hypothesised benefit that deliberation associated with reason-giving will improve the ability of participants to understand and provide reasons for their own preference (Gutmann and Thompson, 1996). Other research tests increased likelihood of the linking of fate with other citizens (Chambers, 1996), and the improved political tolerance (Gutmann and Thompson, 1996). Additional empirical investigation tests such as Fishkin's (1995) increased trust in government and the burgeoning of civic engagement and activism (Barber, 1984). Luskin and Fishkin outline a long list of possible beneficial outcomes, including improved awareness of competing facts and arguments, increased political awareness, a greater propensity for political participation, as well as improved external and internal political efficacy features.

The literature on empirical investigation extends across a number of different deliberative fields. Deliberative polling sites, for example investigates increases in political information and knowledge (Luskin and Fishkin, 1998; Luskin, Fishkin and Jowel and Park, 1999; Luskin, Fishkin, McAllister, Higley, and Ryan 2000; Luskin, Fishkin, and Jowel, 2002). Other settings test deliberative games on whether deliberative outcomes are more universalistic and on whether participants view deliberative decision-making as fair opportunities to deliberate (Simon and Sulkin (2002). In fact, for Simon and Sulkin (2002) nearly all communication is deliberation.

[9] See Carcasson et al., (2010) and Fishkin's (1995), Deliberative Polls

Other researchers have noted that polarisation appears to be the outcome in deliberative settings (Sunstein, 2002). “Comparative scholars (Steiner et al., 2004), for instance, have explored political institutions and issues contexts that variables that might affect deliberative quality as well” (Bächtiger and Hangartner, 2010; 1). Hence instruments have been applied to a wide variety of deliberative settings, including expert citizen fora and debates, micro deliberative juries, parliaments and experimental communication in deliberative polls (Steenbergen et al, 2003; Steiner et al., 2004; Siu, 2009). The clearest conclusions that can be drawn from the empirical literature on deliberation, is that further analysis is very much merited. This great variety of different research settings, whether experimental or naturally occurring have produced a non-uniformed set of findings. Yet a number of dependent variables have, been settled upon as measurable indicators of deliberation.

In brief deliberative democracy has moved from first through to second generation and now has crossed another threshold, that of a third generation understanding. Deliberative democracy has certainly become “more contextualised indefinite and tractable…more towards the overarching approach to democracy craved by Saward” (Elstub; 2010; 305) in that deliberative democracy has moved beyond theory. Accordingly third generation deliberative democracy is concerned with and considers how deliberative democracy could operate in practice. Thompson (2008) argues that accommodating social complexities will only lead to the distinct features of deliberative democracy being lost. In contrast to the explanation and description of political science, deliberative democratic theory challenges political reality in that it is critical and not acquiescent while political science purports to describe and explain (Thompson, 2008; 499).

Deliberative democracy is a normative theory “that suggests ways in which we can enhance democracy and criticise institutions that do not live up to the normative standard” (Chambers, 2003; 308). Macedo writes “the phrase, deliberative democracy does not signify a creed with a simple set of core claims. Those who seek to advance the cause of democratic deliberation do not altogether agree about what the democratic ideal nor how it should be fostered” (1999, 4). This poses significant difficulties and risks for the empirical analysis of deliberation, as any mistake in characterisation of the key elements of deliberative theory may distort resulting findings. Clearly when people come together in public situations, there are rife with cultural, moral , or practical problems “it is common…might even say ‘normal’…for participants to rely on ways of communicating such as ‘attempts to persuade, frustrated diatribe, and sometimes even

violence (Pearce and Littlejohn, 1997; 152). Therefore it can be argued that if deliberation includes everything; it then by definition refers to nothing (Steiner, 2008). This has to be done so that it is possible to tell whether the empirical study is examining the deliberation and not the other related forms of communication such as dialogue (Pearce and Littlejohn, 1997), cooperative communication (Makau and Marty, 2001) or simple debate

3.7.2: Deliberative Democratic Processes (In Practice)

Attempts to institutionalise political deliberation, which deliver these benefits and values that deliberative normative theory suggests, stem from a number of different fora which have been developed throughout the past number of decades. Commonly these settings for deliberation can be referred to under the general term of 'mini-publics' (Goodin and Dryzek, 2006). These different incentives have often been used in order to inject increased levels of legitimacy, justice, inclusion and democracy into decision-making. Benhabib argues that:

> "According to the deliberative model of democracy, it is a necessary condition for attaining legitimacy and rationality with regard to collective decision-making processes in a polity, that the institutions in this polity are so arranged that what is considered in the common interest of all results from processes of collective deliberation conducted rationally and fairly among free and equal individuals" (1996b; 69)

Habermasian deliberative institutions aim to embody a form of (political) communication, promoting mutual understanding where participants are as Warren (1996) suggests motivated to resolve conflicts by argument rather than other means. The processes highlighted must also be carefully designed to create the conditions within which democratic deliberation can emerge; in that citizens are exposed to a range of information, participants must have opportunities to question each other and witnesses or experts in the issue at hand, and be able to reflect on their own experiences and the perspectives of fellow citizens which may have very different backgrounds. It is important to point out that while these deliberative processes outlined vary along a number of salient dimensions, and they also share the key normative features of seeking legitimacy, the building of civic skills and equality.

The Deliberative Democracy Handbook (Gastil and Levine, 2005) discusses numerous processes

of public deliberation. The examples within this work include but are not limited to deliberative polling, consensus conferences, study circles and e-democracy initiatives. Participatory budgeting in Porte Alegre (Brazil) is a case study, which undoubtedly represents one of the first attempts of inclusion of a formal deliberative process into public policy. Many of these processes have several deliberative aspects, most notably the involvement of (ordinary) citizens (inclusion) which are asked to debate and discuss policy decisions (unconstrained dialogue). Citizens Juries (Health Policy, UK 1996) are another example discussed but these are on a smaller scale (Parkinson, 2006). Another common deliberative mini-public form is the consensus conferences, which originated from the Danish Boards of Technology in the late 1980s (Hendricks, 2006). Citizen Assemblies are yet another example of mini-publics. This is most associated with British Columbia (Lang, 2007; Warren and Pearse, 2008). Originally, and perhaps most associated with Fishkin and the Stanford based Centre for Deliberative Polling and Deliberative Poll© have come some of the high profile examples of mini-publics and micro deliberation in practice. This fundamental design includes up to 500 randomly selected citizens, who are given a preliminary survey to complete on a topic of the forum. Over two days they divided into smaller groups of 12-15 each led by trained facilitators they are asked to discuss and deliberate with each other. These events culminate with a completion of a second survey where differences and similarities are noted.

Drawing on this brief discussion, two fundamental questions are raised. The first is what form of public opinion is being assessed within these mini-publics, and the second has to do with whose opinions are being assessed. In other words, what is the form of public discussion (opinions) raw or refined (Fishkin, 2009), and who is actually being consulted. This latter point concerns the fact that people can be self-selecting or selected by other methods such as random sampling, they can even be elected. They may even constitute a particular group being consulted. As for discussion being raw or refined, this may well range from the raw unsophisticated discussion, which can take the shape of storytelling and emotive speech act; to refined discussion that of an expert, rational and neutral. Clearly this raises concerns about the wider project of deliberative designs. There is a tension between democracy (how are people included) and deliberation (how are opinions included) and this is the perpetual potential fragility in deliberative theory which is clear to see in larger scale forums of deliberation. Similarly, the role of consensus in deliberation among divided societies becomes contentious.

3.7.3: Critiques of Deliberative Democracy

While accepting that deliberation is central to the theory and practice of democracy, not all scholars agree that deliberative democracy has such benefits highlighted above. Many scholars such as Irvin and Stansbury, (2004) point to high transaction cost (for citizens transaction costs include time and money) for participation in deliberative processes which outweigh these potential benefits. Since most deliberative citizen participation processes require large time commitments, it may take significantly longer to reach a decision through citizen participation process than if a single official or group of officials made the decisions on their own (Irvin and Stansbury, 2004). Citizen participation efforts also carry significant monetary and financial costs and expenses (Irvin and Stansbury, 2004). Social psychological research indicates that it is difficult to get people involved in heterogeneous groups, and that when they do join such groups, they tend to interact with groups members who are similar to them (Sunstein, 2003). Sunstein notes that "deliberative enclaves can be breeding grounds for both the development of unjustly suppressed views and for unjustified extremism, indeed fanaticism" (2003; 82).This may lead to group polarisation. According to Sunstein:

> "The term "group polarisation" is somewhat misleading. It is not meant to suggest that group members will shift to the poles, nor does it refer to an increase in variance among groups, though this may be the ultimate results. Instead the term refers to a predictable shift within a group discussing a case or problem. As the shift occurs, groups, and group members, move and coalesce, not toward the middle of antecedent dispositions, but toward a more extreme position in the direction indicated by those dispositions. The effect of deliberation is both to decrease variance among group members, as individual differences diminish, and also to produce convergence on a relatively more extreme point among pre-deliberation judgments" (2003; 83)

Deliberative proposals for democratic politics among epistemic virtuous citizens' raises challenges associated with a Schumpeterian model of democracy. These challenges are forcefully articulated by Posner who notes that:

> "Deliberative democracy…is as purely aspirational and unrealistic as rule by Platonic guardians. With half the population having an IQ below 100…with the issues confronting modern government highly complex, with ordinary people having as little interest in complex policy issues as they have aptitude for them, and with the officials whom the people elect buffeted by interest group and the pressures of competitive elections, it would be unrealistic to expect good ideas and sensible policies to emerge from the intellectual disorder that is democratic politics by a process aptly termed deliberative" (2003, 107).

Posner runs together two general skepticisms: first being that citizens lack the interest in politics and second that a large majority of citizens in a state lack the aptitude for deliberation regarding complex political issues. Other criticisms lie in deliberative democratic mechanisms being based on rigid notions of rational discourses; as such these deliberative mechanisms rely on strong procedural components, aimed at achieving a consensus outcome. In view of these challenges deliberative democracy has developed a too rigid account of communication based on rationality. Other critics, who are also favorable to deliberative theory, argue that more emphasis should be placed on more diverse communication forms (Young, 2000; Dryzek, 2000; 2010). Flexible articulation is what a deliberative process should achieve, and not marked by rigid articulation based in terms of rational based consensus and outcomes. Certainly now, thicker inclusive communicative engagements, which involve non-rational forms of communication seem to be the key factors. Sanders (1997) points out that more inclusive talk would add more accessible communication avenues, including what she called 'testimony' or using one's own words to state one's own perspective on the issues at hand. The requirement being that legitimacy is based on reason implicitly and explicitly excludes the positive role that emotion can have on deliberation (Mansbridge et al, 2006; 5). There is a dichotomy between reason and emotion, since emotions always include some form of appraisal and evaluation, and reason itself at least needs an emotional commitment to the process of reasoning (Rorty, 1998; Nussbaum, 1995, 2001a). Nussbaum's (1995, 2001a and 2001b) positive account of the role of the emotions of compassion in deliberation singles it out as being an essential element of good reasoning in public deliberation. Other theorists such as Barber, (1984), Lindblom, (2006) Knight and Johnson (1994), and Hall (2007) note the importance of related but other emotive notions

such as community spirit, togetherness and solidarity.

Other critics argue that Habermas' and Cohen's focus on the common good and consensus keeps us from seeing that deliberation may legitimately conclude that the interest of the participants fundamentally conflict (Mansbridge, 1983, 1996; Young 1996, 2000; Sanders (1997). Whether conscious or unconscious, framing an argument along the lines of a common good distorts participant's understanding of the issue, thus making it harder to resolve the issue. Deliberative processes should allow not only the forging of a common good but should also allow citizens to express self-interest and see conflict more clearly and not masked or hidden by hegemonic definitions of the common good. In other words there is a legitimate role for articulation of self-interest in democratic deliberation, (Mansbridge, 1992; Stoker 1992). Additionally, forging legitimacy for solutions, laws or problem solving are therefore based on the quality of deliberation not just deliberation itself. The quality of deliberation contributed to by public opinion from both the public will and the public reason give support to these solutions and thus from which law is derived. Young articulates that:

> [t]he activist is suspicious of exhortations to deliberate, because he believes that in the real world politics, where structural inequalities influence both procedures and outcomes, democratic processes that appear to conform to norms of deliberation are usually biased toward more powerful agents. The activist thus recommends that those who care about promoting greater justice should engage primarily in critical oppositional activity, rather than attempt to come to agreement with those who support or benefit from existing power structures (Young, 2001; 671).

Niemeyer, (2004; 352) argues that it seems only the powerful polity will dominate the common good. Related to this are Young's (2000), criticisms of deliberative ideals that privilege the assumptions of unity, order and the restriction of deliberative communication to face-face interactions. In that deliberative democracy's assumptions of unity are being protected from certain effects of what is being discussed; such as thorny, awkward and problematic issues, these issues which could create division are conceivably avoided in order to maintain the appearance of unity (Young, 2000). According to Young (2000) some topics, problems, views,

interests, groups and individuals could possibly be, to a greater or lesser extent, excluded from deliberation in order to preserve the image of unity. Another related point is that of Young's (2000) criticism is that pluralist and structurally differentiated societies have limited capacity for any degree of genuine consensus or common understandings. Young (2000) argues that differences of many kinds certainly characterise pluralistic societies, thus problem solving' in deliberative democracy processes should not be weighted towards a striving for 'shared interests of common good or consensus and which may not have any direct bearings on 'solving conflict in democratically acceptable ways (Young, 2000). Instead Young (2000) proposes that difference is core and central to an inclusive conception of deliberative democracy. The notion of difference encapsulates the ideas and the standpoint that individuals have. They further encapsulate the network of group identities which comprise and helps constitute an individual's unique identity, interests and outlooks. Furthermore Young argues that difference is an important resource in deliberative democracy as it allows alternative, and excluded, hidden experiences to be heard and to contribute to problem solving (2000; 81 and 102).

Deliberative democracy's assumption of the need for norms and order can lead to the exclusions of those, who for whatever reason, do not adhere to prevailing and dominant norms and desires for order in deliberation. Sanitising deliberative democracy by removing or side-lining the unorthodox and innovative forms of communication, limits the fostering of inclusion. Young is critical of the face-to-face encounters as the acceptable context for deliberation. "Bewitched by the image of small-group face-to-face interaction a model of deliberative democracy often implicitly assumes what Jurgen Habermas calls a 'centred' image of the democratic process. In this image a single deliberative body, say a legislature or a constitutional convention can take the society as a whole as the object of its deliberations, and discuss the best and most just way to order its institutions and its rule" (Young, 2000; 45).

Young understands that "[s]ociety is bigger than politics and outruns political institutions, and thus democratic politics must be thought of as taking place within the context of large and complex social processes the whole of which cannot come into view, let alone under decision-making control" (2000; 46). There is therefore a need for a decentred conception of deliberative democracy and of political communication. "While there are meetings and discussion in this process, there is no final moment of decision, such that the democratic forum can itself come under review. The norm-guided communicative process of open and public democracy occurs

across wide differences of perspective as well as space and time" (Young, 2000; 46). This decentred notion of democracy and democratic processes "gives more prominence to processes of discussion and citizen involvement in the associations of civil society that do most theories of deliberation" (Young, 2000; 46). Deliberation is said to enhance mutual respect, recognition, and empathy because "participants are forced to think of what would count as a good reason for all others involved in, or affected by, the decisions under discussion" (Cooke, 2000; 950). Yet clearly drawing on these normative accounts, there is a variety of democratic concepts which now claim to "sail under the deliberative banner" (Dryzek, 2000; 2). Then, there is also a great deal of debate about what constitutes deliberative democracy - i.e. what are the connections between democracy and deliberation? And what kind of deliberation is democratic?

As such, the terms of deliberative democracy are very much, debated concepts. Other challenges put forward by the empirical literature on deliberative democracy further fragment and currently lead to inconclusive accounts of the theory (Ryfe, 2005). As such proponents of deliberation—both of the micro and macro kinds of deliberation—face a number of significant critiques, such that deliberative democracy is likely to lead to gated deliberation, hostile to minority interests. Dryzek notes that a significant portion of the critiques of deliberation can be boiled down to social choice theorists who "fear that deliberative democracy opens the door to an unmanageable proliferation of participants and positions" (2000; 58). Dryzek also suggests that for difference theorists deliberation may "exclude a variety of voices from effective participation in politics" (Dryzek, 2000; 58).

Advocates of deliberative democracy assert that through the process of discussion within a deliberative process, greater understanding among people with divergent preferences, as well as more tolerance for these opposing views can be created (Benhabib, 1996; Guttmann and Thompson, 1996, 2004). Additionally deliberation enhances mutual respect, recognition, and empathy since "participants are forced to think of what would count as good reason for all others involved in, or affected by, the discussion under discussion" (Cooke, 2000; 950). Hence deliberation may increase consensus about a policy issue. Cohen notes that "deliberation aims to arrive at rationally motivated consensus—to find reasons that are persuasive to all" (1989; 33). Public discussions increase individuals' awareness and considerations to other's interests. Deliberation can improve compromise and consensus, in such way as they move beyond the immediacy of self-interest to that of the general interests, or in other words from the specific to

the general (Bächtiger, 2010). Here a number of pluralist democrats (Bohman, 1995, 1996; Gutmann and Thompson, 1996, 2004) have all identified examples of consensus being impossible under deep disagreement, as the idea of a single conception of a common good supported by all individual participating cannot be guaranteed, and therefore reasons cannot be accepted by all (Bohman and Richardson, 2009). Likewise Mansbridge et al (2010) argues for the principle of self-interests as both a necessary and even a desirable feature of deliberative democracy. Elster (1997; 12) makes a further claim that the requirement of making arguments in public will eventually lead one becoming swayed by these considerations.

3.7.4: Consensus and Deliberative Democracy

Dryzek (2000; 170) argues that consensus where all individuals agree to the same outcome for the same reason is unnecessary, and undesirable, specifically the cases in which pluralism is valued. Here the presence of completely contradictory although reasonable preferences can be put forward, so that no consensus is possible (Dryzek and Niemeyer, 2006).The idea here is that of "Inter-subjective rationality" which argues for a strengthening of the link between values/beliefs and expressed preferences as the ideal outcomes which comes into play (Niemeyer and Dryzek, 2007), or in other words a common ground. The core idea is similar to Habermas' ([1962] 1991, 1996) framework in that people interpret their needs, preferences, (forming their identities) and opinions in communication with others. When this communication is distorted by deep division opinion formation does not take place rationally and autonomously. Niemeyer and Dryzek, (2007) are attempting to reconcile the tension between pluralism and consensus in deliberative democracy. According to Liston et al, (2012) discourse representation involves an array of discourses which are relevant to the specific policy issue at hand and at a particular moment in time. Hence discourse differs from individual representation as each person subscribes to number of discourses which are activated in different contexts. Dryzek and List (2003) suggest that deliberation may lead to a structuration of preferences; hence Dryzek's and Niemeyer (2007) argue that through deliberation agreement can be found on the nature of the disputed choices, which they term *preference meta- consensus*. For Dryzek and Niemeyer (2006) deliberation entails avenues of mutual justification that narrows down the scope of acceptable normative and epistemic argument. Niemeyer and Dryzek (2007) define meta-consensus as agreement based on the domain of reasons and considerations pertaining to the issue at hand as well as the nature of the choices to be made. As such meta-consensus does

not refer to agreement on outcomes, moreover where the deliberative process is constituted by non-common values, then, acceptable outcomes can still be reached by reframing consensus on epistemic, normative and preference meta-consensus (Niemeyer and Dryzek, 2007). The concept of meta-consensus does not require agreement on outcomes; instead it involves agreement based on reason, reflections and contemplation as well as the nature of the choices to be made on the issue at hand (Liston, et al., 2012). Here *normative meta-consensus* refers to the recognition of the legitimacy of disputed values. *Epistemic meta-consensus* denotes agreement found on the integrity and credibility of disputed or factual beliefs that are in doubt and their relevance to the normative argument again on the issue at hand. *Preference meta-consensus* is the degree of agreement on a) the dimensions along which choices across alternatives can be structured or b) on the number of alternative options considered acceptable that are available (Niemeyer and Dryzek, 2007; Dryzek, 2010; Liston et al 2012). Consensus is therefore, extended to include the context of how engagement should proceed in highly pluralist society (Niemeyer and Dryzek, 2007).

Table 3.4: Types of Consensus

Elements of Preference Construction			
Types of Consensus	**Value** *Normative consensus* (Agreement on the values that should predominate)	**Belief** *Epistemic consensus* (Agreement on belief about the impact of a policy)	**Expressed Preference** *Preference consensus* (Agreement on expressed preference for a policy)
Meta-Consensus	Recognition of legitimacy	Acceptance of credibility of disputed beliefs	Agreement on the nature of disputed choices

Source: Niemeyer and Dryzek, (2007; 503)

Table 3.4 outlines the three elements of values, beliefs and preferences which are the components of the three kinds of consensus. Similarly Bächtiger et al. (2010d) developed a practical deliberative model which attempts to address the core issues of inclusion, equality and consensus. Here Bächtiger et al. (2010d) promote a sequential approach to deliberation, whereby "a sequential perspective of communication processes not only unravels its (real-world deliberation) dynamic nature" (Bächtiger, 2010d; 4) can also be linked to a conception of broader communication types. "Such inputs would then be integrated into canonical forms of

argument in later sequence, involving a systematic weighing of counterarguments and proposals and a connection of particular preferences to more generalisable interests" (Bächtiger et al. 2010d; 15) "It may even be a precondition for their proper empirical application; since it is not very likely that an entire communication process can be captured by a single"(Bächtiger, 2010d; 4) communication type. Accordingly different forms of communication can be articulated at various stages of deliberation, and that rationality does not have to define deliberation.

3.7.5: Understanding Deliberation as Communicative Participation

Deliberation as communicative participations is grounded in Young's (2000) account of democratic communication and Habermas' (1996) discourse theory; based on the extent to which participants communicate, how participants communicate and when participants communicate. Therefore a communicative action concept seems to encompass the deliberative participation considerations quite succinctly.

The communicative action perspective is that participation concerns the exercise of popular agency based on recognising that people have and will use different communication capacities as active participatory agents. Here, is what are included as acts of communication are Young's (2000) modes of expressions and Habermas' (1996) ideal speech acts. Acts such as reading newspapers or reading reports, or the taking part in informal discussions amongst friends and family are not included. Such acts can be termed as 'potential participation' (Parry, et al., 1992), as these have little to do with empowerment and getting things done (Parry, et al., 1992).

The endpoint of these deliberative public engagements is to first render neutral all that may distort a decision-making process; such as, for example, those elite monopolies where people have deep pockets, those that have the expertise to shout the most effectively and loudest and those who could potentially be the source for votes in decision-making and its benefits, distort deliberation. Secondly to somehow grapple with a common good consensus or at the very least try to live respectfully with moral disagreement (Gutmann and Thompson, 2004). Thirdly that obstacles such as those of gender, ethnicity, religion, language, class (Kadlec and Friedman, 2007) are rightly overcome.

Perhaps it is fitting that this research is sympathetic to Young's (2000) understanding of the deliberative democratic theoretical project. Young's (2000) emphasis on difference over unity allows views that would otherwise be marginalised to come to fore and be heard, although,

laying bare all manner of disagreement and conflict, this is seen as a resource that makes outcomes more just and inclusive. That been said, Young (2000) does not discount notions of unity as a foundation of deliberation. When Young writes about the unity and differences, she is suggesting the ways that people (ought to) interact in collective decision-making. What she is saying is that people work towards shared goals or interest or some form of common understandings in which the participants are aware and take account of different multiple perspectives which exists within a particular context. This reflects the idea that people bring other forms of communication to their interactions in collective decision-making. That is to say, never "presuppose and opposition between mind and body, reason and emotion (Young, 1996; 124). Hall suggests that for Young's "this opposition is directly responsible for deliberation's exclusion of passionate and embodied speech, for it leads to the conclusion that the presence of passion threatens rationality" (2007; 85). As such "expressions of anger, hurt, and passionate concern…discount the claims and reason they accompany" (Young, 1996; 124). Young "expanded theory of political communication" was developed to highlight the "more inclusive possibilities of attending to one another in order to reach understanding" (2000; 56). By considering and regarding Young's (2000) greeting, rhetoric and narrative as significant forms of expression which are expressed alongside rational discourse and arguments in deliberative processes a more complete account of political communication can be attained. As such a more precise measurement of the quality of deliberation can be achieved. For the purpose of this research deliberative democracy can be understood as a practice by which people engage in reflective discussion on (police) policy issues within an institution (District Policing Policy) that is intended to have ancillary impacts towards free and reasoned consensus among citizens. Hence the practice of deliberation should signify the following:

- Deliberation should not be a gated democracy (it is not an enclave reserved for better-educated, affluent and better public speaking (civic skilled) groups) (Sander, 1997; Mansbridge, 1980; 1992)

- Deliberation should be tolerant, in that differences in opinions and disagreement are welcomed (Young, 2000).

- Deliberation should not "reduce deliberation to an instrumental process (Ryfe, 2002; Button and Ryfe, 2005). This similar to Barber's (1984) call for authentic democracy

where preferences are shaped and citizens are infused with deliberation (Dryzek, 2000; Benhabib, 1996; Gutmann and Thompson, 1996)

- Deliberation should rejuvenate democratic life; as an effort to (re)engage citizens in public life. Building civic skills. Instilling deliberative habits, skills and motivation. Prompting people to work together and to work through complex issues.

3.8: Deliberative Democracy in Northern Ireland

Clearly in Northern Ireland, it is difficult to maintain a public sphere that is distant from the contest over the state's sovereignty. As such Northern Ireland is a highly politicised society where there is an abundance of public debate. Both the Unionists and Nationalist communities have deep connections with their respective political leaders. These facts have led to deep sectarianism within the region. The quasi Consociationalist institutional solution resulting from the Good Friday Agreement (1998) offers a path for sustainable peace and is seen as a positive example of conflict resolution. However, Dryzek (2005) notes a word of caution when he suggests that consociational regimes may in fact actually freeze cleavages and may reinforce the conflict that it is designed to solve. Yet Dryzek also endorses other features of consociationalism by arguing that "only a power-sharing state…is in a position to contribute to deliberation across division in the public sphere" (2005; 232). The Good Friday Agreement (1998) although at times comes under great pressure has remained in place. Mainly because not only were the political elites involved but it also involved the engagement of the hard-line paramilitary groups, a number of non-governmental organisations such as historical societies, church groupings and community representatives from both communities. Rather than deliberative democracy being seen as an alternative to consociationalism, the Northern Ireland's Consociationalist model of governance and conflict resolution combine features of deliberative democracy. Clearly this, orbits around the fact that deliberation takes place across many different public spheres (Mansbridge, 1999 and Parkinson and Mansbridge, 2012) which enhance the effectiveness of power-sharing institutions in Northern Ireland. Accordingly deliberation should not be thought of as a one off process, but as a wider much opaque series of processes that traverse different arenas, where discourses are made public.

A more overt example of deliberative democracy in Northern Ireland was a "deliberative poll" organised by James Fishkin and his colleagues in 2007. Here one hundred and twenty-seven

Protestant and Catholics were asked to answer a series of questions related to policy concerning children's education in the region. After the poll; participants were invited to deliberate in small-group discussion and plenary sessions. The result of this experiment indicates that the perceptions of the participants changed significantly in the course of the dialogue. In that Catholics belief that Protestants were open to reason increased from 36% to 52%, while the proportion of Protestants believing that Catholics were open to reason increased from 40% to 56%. Trustworthiness also increased among the communities. Here the Catholic proportion rose from 50% to 62% while Protestants rose from 50% to 60%. As such this experiment suggests that citizens are open to rational discussion and willing to change their opinions, and that deliberation can enhance mutual trust in divided societies such as Northern Ireland (Fishkin, 2009 [chapter 6]).

Clearly deliberative democracy begins with the assumption of the important merits of inclusion. It acknowledges that there cannot be legitimate democratic discourse or outcomes unless the process is more substantively inclusive. Hence the legitimacy of decisions turns upon mutual acceptability, in a process where all affected are equally included, and are free to exchange information and reasons (Bohman, 1997). For O'Flynn (2006), these traits are clearly important for divided societies such as Northern Ireland. He suggests that deliberative democracy offers a normative argument for reconciling the tensions and concerns about political equality in divided societies. Significantly he finds that a deliberative consociational model of democracy will stress the need for political equality and has a greater potential for states that are working towards political stability (O'Flynn, 2006). O Flynn (2006) also notes that deliberative democracy has the potential for allowing Northern Ireland to look past the short-term conflict management and help it to develop democratic bodies that can deal with long-term conflict resolution thus, strengthening the process of democratisation in Northern Ireland. Drawing on Gutmann and Thompson (1996), O'Flynn argues that another great strength of deliberative democracy is its ability to deal with disagreement. For when people are divided over values that cannot themselves be reconciled, then, knowing why people hold or have these particular positions can leave deliberators better equipped to formulate policies that address areas of mutual concern (O'Flynn, 2006). This need to understand other people's point of view is in part the reason why deliberative democracy does not collapse under strong fundamental disagreement.

Therefore O'Flynn's (2006) concept of deliberative democracy is built around two key norms;

reciprocity and publicity. The reciprocity requirement seeks to justify proposals. Here citizens must appeal to reason that all parties involved in the discussions can appreciate rather than it been reduced to the interest of one (ethnic-political-religious) group. Clearly this is important for any sustainable peace in Northern Ireland. In terms of publicity, O'Flynn (2006) argues that the process by which representatives arrives at a decision should be open and transparent. Hence proper respect for these norms can help citizens in divided societies to sustain the development of a sense of collective or common identity, without discarding their own affiliations (O'Flynn, 2006). This stresses an importance of fostering a strong civil society in which individual are able to engage in non-ethnic terms and which allows space for engagement that cut across Northern Ireland's ethno-national lines. O'Flynn (2006) further suggests that these spaces of engagement offer alternative forms of political engagement and expression, where reasoned political argument and narratives and personal stories are also included in deliberations.

Hence in terms of what O'Flynn (2006) understands as spaces of deliberative engagement. Then perhaps the most successful institutions which closely parallel what O'Flynn understands to be spaces of engagement that cut across Northern Ireland's ethno-national lines and attempt to overcome the state's dilemmas are the Northern Ireland District Policing Partnerships (DPPs). Here representatives and public members from both communities engage with the police. These partnerships deal with policing; one of the most divisive and contentious issues in the day-to-day life of people in Northern Ireland today. Similarly these DPPs mirror much of Habermas' understanding of public spheres. In how communal deliberation and community dialogue can be transferred to state institutions and policing decision-making processes. Additionally as an extension of the theory, how public deliberation could manage differences and the ethno-national conflict. Furthermore and echoing Mansbridge notion of deliberative systems these DPPs must also not be seen in isolation. They are part of the whole; they are what Fishkin (2009) terms microcosmic in nature; they are important cogs in a discourse on how to manage and govern policing in a divided society such as Northern Ireland.

3.8.1: District Policing Partnerships a Cog in a Deliberative System

As noted above Hendrix's (2006) noted that deliberative democratic theory can be divided into two streams; micro (deliberative) and macro (discursive) accounts. Macro accounts of deliberative democracy are concerned with "the messy forms of deliberation that take in the

public sphere. Here the focus is on how informal, open and unstructured deliberation in civil society can shape public opinion and, in turn, political institutions" (Hendrix, 2006; 491). It concerns the ebb and flow of public debate that is carried out in the media and private conversations, in formal and informal settings (Mansbridge, 1999). Dryzek (2000) terms this as "discursive democracy" reserving the "deliberative" term for micro-level practices. In contrast micro deliberative theories concentrate on defining and discussing the nature of a deliberative procedure and its ideal conditions (Hendrix, 2006). Clearly this study of the quality of deliberation within District Policing Partnerships is a micro approach to deliberative democracy. In that the deliberation which occurs within them takes place in a structured form and where free and equal participants come together to discuss, to reason and to argue together and settle on policing outcomes for their respective communities. Hence the key emphasis within these District Policing Partnerships as micro accounts of deliberation is that their "participants are relatively impartial, willing to listen to each other and committed to reaching a mutual understanding in view of the collective good" (Hendriks, 2006; 492). The question of how to link the micro with the macro converges on deliberative democracy's success in providing factual information which is required about an issue in order to inform political-decision-makers about preference of citizens (Goodin and Dryzek, 2006). In that micro deliberative processes have the potential to inform and guide political judgement (Warren, 2009).

In short, the claim is that deliberative mini-publics have natures which are anticipatory, gyroscopic and surrogate (Mansbridge, 2003). That is micro deliberative processes signal potential problems and their solutions to decision-making bodies. Hence they look within, and make use of their own experience to derive conceptions of public interests. Additionally they appeal to the broader constituency and suggest potential concerns or problems of shared relevance (Warren, 2009 and He and Warren, 2011). As such District Policing Partnerships are part of a system which is according to Parkinson and Mansbridge (2012) a set of noticeable array of independent parts, often with dispersed set of functions and divisions of labour, connected in such a way as to form a complex whole.

Clearly this study is concerned primarily with these District Policing Partnerships as micro-level settings. It presents an opportunity to explore the quality of deliberative engagement from a perspective, where individual participant speech acts are the main unit of analysis. Clearly these DPPs are seen by this study to be part of what Mansbridge (1999) understands to be a

deliberative system, in that deliberation in complex societies emerges from the connection of different discursive spheres and deliberative moments. Deliberation is understood through broad lenses which are capable of grasping the complexities of discursive currents in contemporary societies. In that "often everyday talk produces collective results the way a market produces collective results, through the combined and interactive effects of relatively isolated individual actions" (Mansbridge, 1999; 212). A deliberative system thus, encompasses a talk-based approach to political conflict and problem solving; through arguing, expression, persuasion and demonstrating. As such Parkinson and Mansbridge (2012) note that normatively, a systemic approach to deliberation means that (deliberative) democratic processes should not only be judged independently but there should be a judgment placed upon the whole deliberative system. They go on to argue that a process within the deliberative system can be accessed according to how well they perform based upon their epistemic, ethical and inclusionary functions (Parkinson and Mansbridge, 2012). With the successful realisation of all three functions promoting the legitimacy of democratic decision-making, then it is clear that sound and reasonable decisions are ensured in the context of mutual respect among citizens. Additionally there is an inclusive process of collective choice.

On an abstract level Parkinson and Mansbridge (2012) argue that high quality deliberation promote these functions effectively, while low quality deliberation fails to do so as effectively. Yet as already noted this research is an empirical study addressing discrete instances of deliberation within DPP meeting in public. Clearly conducting such research in formidable enough without attempting to relate any findings to deliberation in other parts of Northern Ireland's police governance or political and deliberative system. As such the quality of deliberation level found within these DPP meeting in public can only briefly draw our attention to Parkinson and Mansbridge (2012) concept of a deliberative system. Clearly there is a great need to conduct more study on the potential inducers of systemic connectivity since clearly different bodies and institutions contribute in different ways to the legitimacy of policing and the system in Northern Ireland. Hence institutions and bodies such as Northern Ireland Policing Board, the media, the bureaucracy, representative institutions such as the Northern Ireland Assembly all need to be studies, since the design and norms of these bodies and institutions are also venues where the police and community's engage in participatory deliberative forums. All of this is clearly beyond this project which is taken up here in this study. At best all this study can do is seen in terms of what Fishkin (2009) argues, in that these DPP meetings in public are

processes that provide a 'microcosmic' snapshot of deliberative practice between citizens. The assumption being made here is that DPP meetings in public will have a tangible and lasting impact on policing in Northern Ireland, but are not the only processes involved. Deliberative theory is ultimately concerned with legitimacy, but it is also concerned with the democratic process as whole, and therefore with the relationship between and of its parts. In this light this research is concerned only with a micro (deliberative) process, and as such must be seen as such.

3.9: In Conclusion

Deliberative democracy emerges as an alternative to aggregative democracy, by addressing its main limitation, in that participation in democracy should not only viewed in terms of voting (i.e., an aggregative conception of democracy). As such deliberative democracy can be viewed as a rejection of representation likewise it can be viewed as an expansion of representative discussions and the institutions of more inclusive processes (Chambers, 2003; Gutmann and Thompson, 2004). Deliberation emphasises the need for public discussions and the exchange of un-coerced views and information which are not predetermined but open to modification in the course of public reasoning and argumentation.

The generational understanding of deliberative democracy places significant requirements for both procedures and outcomes and offers a noticeable disconnect between deliberative theory and empirical analysis. Despite this, deliberative democracy still emphasises the elicitation of broad public participation in processes which provide citizens with opportunities to consider issues that impact their lives, to weigh different alternatives, and to express judgements about which solution or policy is preferred. In other words citizens are brought into sustained conversations about issues that impact on them

In this chapter the discussions outlined how second generation deliberative democracy departs from their first generation. Likewise how third generation deliberative democracy departs from second generation. This was done in order to find commonly held deliberative standards to employ as indicators of deliberation. These can only be found in the normative understandings on deliberative democratic theory. As such this chapter outlined a number of standards which an authentic deliberative process ought to encompass, such as participation, argumentation, respect, consensus, storytelling, rhetoric and greeting. Importantly, these deliberative standards

are consistent with deliberative procedures. Furthermore they are also empirically tractable. In that the quality of deliberation can be described in terms of these theoretically underlying standards.

Chapter 4: Northern Ireland: Conflict and Policing

4.1: Introduction

As with all other divided societies throughout the world, Northern Ireland's history is a particularly controversial topic (McEvoy, 2008). Often the contentious issues that exist within these societies are derived from different and conflicting interpretations of history by the protagonists of the conflict. There have been many books and articles written, and many scholarly examinations carried out, in order to explore Northern Ireland's complex nature.



Map 4.1: The Island of Ireland

One way of understanding the conflict in Northern Ireland is to claim that it is a throwback to the religious wars of the seventeenth century; in that the conflict relates to or displays some of the recurrence of the religious features that have been absent for several generations across Europe, but, somehow remain in Northern Ireland. Another view is that Northern Ireland is an anachronistic society out of step with the rest of Europe (Ellison and Smyth, 2000; 9). In this instance such conflicts become situations where adversaries' identities become defined by the fact they are mutually opposed to one another, indivisible and non-negotiable (Smithey, 2011). This type of conflict comes to be understood in zero-sum terms of 'us and them'. The conflict also becomes intractable because there is an almost seamless vicious cycle involving identity and violence. Wright and Bryett argue that the relationship between "the majority Unionist and minority Nationalist populations in Northern Ireland have never been particularly good" (2000; 3). In simple terms Northern Ireland is a state where "most Catholics are Irish Nationalists, but

some are not. Overwhelmingly, Protestants are British Unionists" (Tonge, 2002; 3). However, in the context of Northern Ireland there are both endogenous and exogenous dimensions to the conflict (O'Leary and McGarry, 1993); dimensions in which Irish and British nationalism has in Northern Ireland seemingly been locked into an episodic perpetual conflict. According to Ellison and Smyth, if "there is one lesson to be learned from the conflict in Northern Ireland, it is that the suppression of identity and the denial of rights to minorities is not a solution" (2000; 9). For McEvoy (2008) there has been a number of competing explanations for the intractability of this conflict. She argues that the main accounts for the conflict are first derived from Marxist writings in terms of "green Marxism" (O'Leary and McGarry, 1993), second those accounts stemming from colonial interpretations (Tonge, 1992), thirdly is the consociational theoretical accounts, and fourthly the concept of identity (McEvoy, 2008). From these theoretical perspectives, it is the ethno-nationalist issue rather than simply religion which advances the most appropriate explanation (McEvoy, 2008). Despite the ongoing debate with its focus on consociationalism as an approach to conflict resolution, McEvoy notes that the root of Northern Ireland's problems lie in the fact "the opposing national identities of nationalism and unionism with the two communities stressing their competing claims to self-determination" (2008; 19). As such for "sustainable peace to emerge, emotions, identities, and ideologies, as well as the rituals and cultural expressions that sustain them, must begin to accommodate one another" (Smithey, 2011; 9). In a global context, from the mid-1990s, most armed conflicts have been civil and internal wars with strong international or regional contexts. "Security Sector Reform (SSR)—the transformation of military and policing institutions in post-conflict societies—is one of the most challenging issues in international conflict resolution" (Doyle, 2010; 1). Doyle notes that:

> "Peace agreements at the end of civil wars, almost by definition, leave previously hostile political groups and armed forces sharing the same political and geographical space. In this context, new forms of government at the national level—usually involving power-sharing of some form—and security sector reform within the police and/or military, have emerged as some of the most crucial elements of the content of peace agreements signed over the past 20 years" (2010; 1)

In order to fully understand Northern Ireland today, an exploration of its historical background

has to be carried out. For reasons of brevity it is best that this is completed in a holistic way, as it is difficult to separate history, the conflict and policing in Northern Ireland. In general, furnishing an exploration of the key historical impression left on Northern Ireland's policing. This becomes the main aim of this chapter. Within this chapter a number of key issues that exist in the Northern Ireland conflict are highlighted. In order to shed light on issues which involve the longevity of Northern Ireland's contentious policing; whilst also examining the political, ethno-nationalist, (social and cultural) contexts that feed into Northern Ireland's policing experience. It is clearly then difficult to separate out the inter-related aspects of Northern Irelands history. Hence the first section briefly explores the historic nature of (Northern) Ireland. This includes Ireland's Home Rule crisis and the creation and evolution of Northern Ireland as a state, and the emergence of the territorial division, which further led to the creation of the state of Northern Ireland. The second sections deals with Northern Ireland's policing from 1920 to 1970. This section enters into a discussion on the colonial aspects of Ireland's history. It does so by examining the construction of policing or in other words how the region's security apparatus - the Royal Ulster Constabulary (RUC) emerged. The third section of this chapter will focus on Policing during the period known as the Troubles. This section also briefly delves into the Sunningdale attempt at power-sharing (1972-1974) and the Anglo Irish Agreement (1995) to give some understanding of the move from conflict to peace, cumulating in the Good Friday/Belfast Agreement (1998). The following section explores Northern Ireland's devolution process. This section will deal with an examination of the benefits and pitfalls of the Northern Ireland peace process. A discussion of the main findings of the Independent Commission on Policing will be explored next. Here the establishment of the structures of Northern Ireland policing such as the Northern Ireland Policing Board (NIPB) and District Policing Partnerships (DPPs) design and mandates will be assessed and discussed. The final section will deal with Northern Ireland's contemporary ethno-nationalist identity aspects, with a particular focus on the easily identifiable symbols of these ethno-nationalist divisions

4.1.1: Background: Leading to Ireland's Partition (1920)

Before presenting an overview of the current policing structures and functions in Northern Ireland it is necessary to provide a brief historic summary of the key events which can be said to have contributed to Northern Ireland's recent troubles. Cleary there is an extensive body of literature focusing on the numerous aspects of this conflict. Coakley and Gallagher's (2010)

suggest that there is a powerful nationalist interpretation of Irish history, and that in a sense the Irish nationalists make full use of these events in constructing an image of unrelenting resistance to English rule (Coakley Gallagher, 2010). Additionally for McEvoy (2008) Northern Ireland has a much more contentious past and that the different historical interpretations from Nationalist and Unionist are very important. As such the following discussion will set out in synopsis focused on policing in Northern Ireland rather than providing an all-encompassing historical study of the origins of the conflict. However, to truly understand the origins of the conflict and the deeply entrenched ethno-nationalist dispositions of the communities it is necessary to travel back in history. According to McEvoy (2008) the roots of Northern Ireland's conflict can perhaps be traced back the Anglo-Norman invasion of 1169. Similarly, Tonge (2002) suggests that the origins of Northern Ireland's existing political problems have deeper historical conflicts, for example:

> "…conflicts between Planter and Gael. Pre-plantation, the hegemony of the clans was stronger in Ulster, the province which traditionally comprised nine counties; Antrim, Armagh, Derry, Down, Fermanagh, Tyrone, Cavan, Donegal and Monaghan. Only later, with the partition of Ireland, was Ulster redefined to become a political-administrative unit excluding the latter three counties. Attracted by close geographical proximity and exploitative opportunities, large numbers of Scottish Protestants undertook the Plantations of Ulster in 1609" (Tonge, 2002; 4).

Here these religious, social, and economic tensions between the native Irish and the Protestant plantation settlers culminated in the 1641 Rebellion. This rebellion overlapped with the English Civil War of the same period and that of Charles I losing his crown added to the Rebellion's dynamics. For examples the subsequent Cromwellian military campaign in Ireland led to more confiscations of land by Protestant settlers. In addition with the victory for William of Orange and the defeat of the Catholic King James II at the Battle of the Boyne in 1690, both the ascendancy of Protestantism and the success of Plantations in Ireland were secured. Table 4.1 below provides a brief outline of Catholic decreasing land ownership in Ireland for the period 1641 to 1778.

Table 4.1: Land Owned by Catholics in Ireland

1641	59%	After the Ulster Plantation
1661	10%	After Cromwell
1685	22%	After Catholic King Charles II restored lands
1703	14%	After the Williamite War
1778	5%	After the Penal Laws

Source: Liechty (1993; 22)

The subsequent century saw control over Ireland consolidated by the British Crown and its Parliament. This rule became increasingly sectarian in terms of institutions of government. In particular the Penal Laws implemented against Catholics (at the time 70% of total population) excluded from the political systems, educational systems, as well as land inheritance and the legal professions (Bartlett et al, 1998). Coakley and Gallagher (2010; 4) note that:

> "Penal laws directed against Catholics completed the process of marginalising this formerly rebellious population; its leaders either conformed to the established Protestant church, fled to the continent or sank into social and political obscurity in Ireland. The main legacy of this collective experience was a fusion of religious and political interests that was of huge importance when it resurfaced again in the form of Irish nationalism in the nineteenth century".

Although Protestants dominated the political order of Ireland by the end of the 1600s the Irish parliament, which was effectively controlled by London, began to call for greater autonomy. Despite achieving some gains, these calls were ineffective. The oppressive Penal Laws also inspired the formation of secret societies to preserve native Irish culture and to promote independence. Most of these societies were agrarian based groups, focused on land reform. By the late 1700s many of these secret societies had distinct political ambitions. For instance the Society of United Irishmen also advocated the use of violence to achieve independence. Unrest became commonplace across the country as whole, largely because of competition for land. Inspired by the American Revolution of 1776 and the French Revolution in 1789, the Society of United Irishmen called for equality between Catholics and Protestants. This peaceful call,

however, soon turned to the rebellion of 1798. Although this rebellion failed, it had two major consequences. The first was that during this period of time the minority Protestant community cultivated what can be best described as a siege mentality; suspecting that Catholics were constantly planning to rise-up against them. Subsequently the Orange Order was founded in 1795 for the mutual protection of the Protestant faith, king, and constitution. During the following centuries the Orange Order came to seen as the main voice for political discontent among Protestant working classes. Formed among the working and agrarian Protestant classes, it is from these classes that the Orange Order's legitimacy resided. Similarly its legitimacy was found in its links to the Church and its Protestant outlook.

The second was that the failure of the 1798 Rebellion also led to the abolishing the Irish government through the Act of Union (1801) and imposing direct rule.[10] Here Britain secured more direct control over Irish affairs. Ireland was incorporated into the British political system. It destroyed the Irish prerogative in domestic and international affairs by placing these executive decisions-making powers in the hands of the Westminster parliament. Officially, the Act of Union was to make Ireland a partner in the United Kingdom; to share in the economic and political advantages of nineteenth century Britain. In reality for most Irish Protestants the joining of Ireland to the Britain provided them with greater personal protection. The act of union however, also polarised the two religious communities on the island of Ireland. In essence the 1800 (1801) Act of Union meant that Irish members of parliament sat in the House of Commons and Irish peers took their seats in the House of Lords; the creation of a single parliament meant a permanent Protestant majority on all political matters.

There is little doubt that the Act of Union also brought important structural changes to Ireland, accompanied by important population movements as well as the lifting of industry and trade restrictions. In particular Belfast prospered becoming a major industrial city under the Union. Similarly after this Act of Union (1801) anti-Catholic measures began to be progressively revoked. This process of repeal was most notably in response to Daniel O'Connell's formation of the Catholic Association (1823) and its non-violent and popular agitation campaign, which eventually brought about the Catholic Emancipation Act (1829). This provided Catholics with the extended rights to vote and, according to Liechty (1993), firmly bounded political and religious identity together. Clearly these reforms during the early 1800s including, Catholic emancipation

[10] The 1800 Act of Union abolished the Irish Parliament that had been in existence since the Middles Ages

alleviated some of the inter-communal tension on the island.

Despite these reforms, tensions between the two communities were reinvigorated by the momentous event of the Irish Famine (1845-1849). The Famine left a distinct mark on the Irish people. Over one million people died and two million people emigrated (O´Gråda and Rourke, 1997). For many Catholic Irish, this left a terrible hatred of the British, who in their eyes, had done very little to prevent the mass starvations and forced evictions. Ultimately, the Famine (1845-1849) disaster led to a new series of land reform acts. Clearly it also focused Catholic nationalist activity on the land issue. In this context ownership was eventually transformed from landlord-dominated to the control of small farmers. Political upheaval remained a common occurrence throughout Island of Ireland from the mid-1800s to the beginning of the 1900s. For example the Irish Republican Brotherhood (IRB) was formed (1858). This organisation mounted a failed violent campaign in 1867 to secure independence. In a sense the many calls for land reform increasingly turned to calls for Irish Home Rule. Here political initiatives of the Irish Parliamentary Party under Charles Stewart Parnell culminated in the first Home Rule Bill in 1886. Arguably, these events clearly indicate that there were many periods of constant disruption to Ireland's political, social, and economic development.

This disruption and the legacy of violence also impacted the development of policing in Ireland. Policing development in Ireland differed from that which was introduced to British society in the nineteenth century. Here policing on the British mainland had its development in the complex roots of urbanisation, propertied classes, revolution, and the reality of riots. The British police had a significant part to play in suppressing what was then seen as anti-social forms of behaviour among the working class (Reiner, 1994). Under the Act of Union (1801) Ireland was centrally governed and administered by a Lord Lieutenant (a peer of the realm), by a Chief Secretary, and by an Under-Secretary. Ellison and Smyth (2000) argue that the development of a centralised, armed, and bureaucratic police force in Ireland confronted a number of apparent anomalies, such as the absence of an industrial revolution and the widespread survival of a rural and pre-capitalist economy. As such rebellion and the ongoing or recurring rural unrest gave rise to this type of force. By 1786 the Dublin Metropolitan Police came into existence (it was not until 1820 that a similar force was established in London). At this time the Catholic poor and middle classes were alienated from the state. Thus it can be argued that this legacy was a central weakness not only in Ireland's development but also Irish policing development. This is

perhaps evidenced from the recurring use of the army to police society outside the few urban centres. Throughout the nineteenth century the British authorities became aware that only a continental-style model of policing, which was centralised, militarised and heavily armed, to promote force and to impose order on unruly Irish (Ellison and Smyth, 2000), was the only option. Ellison and Smyth (2000) note that by 1836 the Irish Constabulary was, in the opinion of its first Inspector General, more akin to a light infantry regiment. Clearly this force was under military-type discipline and drill, this became a central part of training and practice (Ellison and Smyth, 2000; 13). This type of militaristic training and drill was deemed necessary because the Irish Constabulary set itself the task of suppressing the agrarian and political unrest. Ellison and Smyth note that:

> "British policy in Ireland activated the police force as a central institution in this endeavour by using them to condense an array of cultural meanings and social and property relations. Not only did the Irish Constabulary carry out a repressive function through evictions, combating agrarian unrest and armed uprisings, it also policed cultural practices such as pattern days, fairs, wakes and other cultural practices of the lower orders" (Ellison and Smyth, 2000; 15).

By middle of the nineteenth century and the defeat of the Fenian uprising of 1867, this force was transformed into the Royal Irish Constabulary (RIC). Brogden (1987) suggests that the RIC was a colonial style of policing and that the policing of Ireland during this period was the prototype for paramilitary policing agencies across the world. It can also be argued that "the model of policing developed in nineteenth century Ireland involved a centralised force organised and trained on military lines, and based on the colonial 'strangers policing strangers'" (Brogden and Nijhar, 2005; 211). McGarry and O'Leary (1999) argue that this profoundly irritated large sections of Irish society which increasing saw themselves as nationalists. McGarry and O'Leary (1999) note that the very name of this force, the Royal Irish Constabulary, emphasised how undemocratic and un-parliamentary in character it was. Clearly this colonial policing which was developed in Ireland during the middle of the nineteenth century was strongly disliked by Irish Nationalists. This dislike became more evident in the following century; i.e. during Ireland's war of Independence (1919-1921), when the RIC was continuously attacked by anti-British forces

(McGarry and O'Leary, 1999).

According to Aughey (2005), the popular understanding of Ireland's of Home Rule crisis provides a clear example of unionist and nationalist ideology seemingly "chase[ing] each other tails". Aughey states that this "is because the origin of Northern Ireland is so important to their respective political identities and has defined the character of winning and losing and its legacy remains a key issue" (Aughey, 2005; 42). After, the 1885 British Elections the Irish Parliamentary Party, under the leadership of Charles Stewart Parnell held the balance of power at Westminster. For their support the Irish Parliamentary Party insisted on Home Rule for Ireland. In 1886 the first Home Rule bill failed to pass. This Bill was bitterly opposed by many Irish (Ulster) Protestant Unionist members, and by the members of Conservative party. Unionists; the people who supported the bond between Britain and Ireland created by the Act of Union of 1800, based their opposition to this first Home Bill of 1886 on issues such as religion, money and conglomeration of anxieties centred on questions of culture, loyalty and ethnicity. [11]

Bew argues that "[d]espite this setback, it was… [also]…clear that Parnell's leadership had advanced dramatically a cause which had been drifting aimlessly…[since]…the mid-1870s" (2007; 352). Home Rule for Ireland had been endorsed by the Liberal premier of the British Parliament. For Bew (2007), this first defeated bill made it certain that Home Rule would eventually be granted to Ireland. In 1893 a second Home Rule bill was introduced by Gladstone, this time it was passed by the House of Commons, although it was immediately overturned by the House of Lords. Resistance to the Home Rule was growing amongst an increasingly hostile Unionist movement. This growing Unionist hostility towards Home Rule became apparent with the establishment in 1905 of the Ulster Unionist Council (UUC). This organisation had one specific aim; to resist Home Rule. The UUC announced in September 1911 that it was preparing to establish a provisional government in Ulster, due to the fact that for many British and Irish Unionists (and for the Irish Unionist Party) Home Rule was deeply unacceptable. In 1911 the strongest opposition was felt amongst the population of the six northern counties of the island of Ireland, which would later become Northern Ireland. Outside of these specific north eastern counties there were other large concentrations of Protestant/Presbyterian communities spread throughout the island of Ireland, which also opposed Home Rule, including in counties such as

[11] For a more detail discussion see Downey, J (1983) Them and Us: Britain, Ireland and the Northern Question, 1969-1982, Ward River Press; Dublin

Dublin and Cork. By 1912 a third Home Rule bill was introduced and in 1914 was signed into the Statue Book. The Bill called for an all-Ireland parliament with responsibilities for most domestic matters. Issues such as war, the army and navy, international treaties and most taxes remained under the British parliament remit. Parliamentary supremacy remained with Westminster. A few months after the third bill's introduction, the Ulster Unionist Council published the 'Ulster Solemn League and Convent' (1912); demanding the exclusion of Ulster from the Home Rule Bill. In 1913, the House of Lords again rejected this third Home Rule Bill. By September of that year (1913) the UUC turned itself into a provisional government, thus the UUC began preparing to take over the administration of the province after the passage of the third Home Rule Bill. By June 1914 the British government introduced an amended bill, which temporarily excluded all of Ulster from Home Rule. Hence on July 12th 1914, the UUC declared itself the provisional government of Ulster. This UUC declaration brought Ireland's two ethno-national communities closer to open armed conflict.

Similarly during this period and, in response to this growing fear of a Catholic dominated Irish state; many thousands of Ulster Protestants began to be trained in militias which later became the Ulster Volunteer Force (UVF). Shortly afterwards the Irish (later the National) Volunteers was formed to ensure Home Rule. Since both sides had entrenched their support for or against Home Rule and that both sides had significant amount of arms to back up their claims. With the passing of the third Home Rule Bill in 1914, armed conflict between these two forces seemed imminent. The Home Rule crisis was abruptly ended however, by the outbreak of the First World War. Instead of open armed conflict, the outbreak of the First World War resulted in both sides seeking favour for their individual viewpoints by volunteering their service to the British Army.

The ultimate outcome of these attempts at Home Rule for Ireland was the growth of Ulster Unionism into a coherent force against the threat of Home Rule. According to Tonge, the formation of the Ulster Unionist Council in 1905 was "the first time, the political, religious and cultural forces of unionism were fused into a single organisation, the political homogeneity of which was enhanced by the unity of defensive resistance to Home Rule" (2002; 8).Tonge (2002) additionally notes that the opposition to Home Rule amongst Unionists was based upon three factors:

- "Firstly, that large sections of the Ulster province represented skilled and advanced

portions of a working class; for example by 1911, 93 percent of Belfast Shipbuilders were Protestants, compared to 76 percent of the population. This emphasised common cause.

- Secondly, there was the strong religious component to the formation of attitudes. Indeed, the Presbyterian Church described resistance to Home Rule as a 'sacred duty'.

- Thirdly, the assertion of Ulster Protestants of their British identity was reinforced by a Gaelic revival in the south of Ireland. Ulster's cultural distinctiveness was therefore heightened and emphasised, (although it should be noted that Protestants have always played a part in the development of Gaelic culture). "These three mutually reinforcing elements of an Ulster identity were hardened by the defensiveness of a siege mentality, as the Union with Britain was threatened." (Tonge, 2002; 8-9).

At noon on the 24th April 1916, a new uprising under the auspices of the Irish Republican Brotherhood and elements of the Irish Volunteer force began, which became known as the Easter Rising. "The original plan for the 1916 Rising involved an elaborate county-by- county rebellion, which would have depended for its success on German-backed invasion, with the landing being at Limerick" (Bew, 2007; 374). The seizing of a number of buildings in Dublin, including the General Post Office, as part of the Easter Rising and the declaration of an Irish Republic was intended to trigger revolution in the rest of the country. This did not materialize. However, with the execution of most of the uprising leaders, and on the resultant wave of sympathy, Sinn Fein which stood on an abstentionist pledge triumphed over the Irish Parliamentary Party (capturing 73 of the 105 seats) in the 1918 British General Election. Following its election victory, Sinn Fein established a provisional government. "The Irish Volunteer force became the Irish Republican Army" (Tonge, 2002; 13). Ultimately a full blown insurgency erupted, which led to atrocities on both sides. Preceding the 1921 truce; 400 hundred policemen were killed, whilst 160 British soldiers were killed (Ellison and Smyth, 2000; 18). It is worth noting that the British government, under pressure from Protestant Unionist politicians, also created a separate auxiliary police force in 1920. This auxiliary force; the Ulster Special Constabulary (USC) was commonly known as the "B" Specials policed the Ulster region of Ireland (Wright and Bryett, 2000). Policing in Ireland, at this time both north and south, had "most in common with continental European pattern—a direct consequence of Britain's

imperial and colonial relationship with Ireland" (McGarry and O'Leary, 1999).

The British government finally concluded that separating the nationalist from the unionists by partitioning the island was the only reasonable solution to quell the violence. Thus the Government of Ireland Act 1920 created two separate Parliaments on the island. The Belfast parliament (Stormont) represented six northern counties in Ulster (there six counties were broken away from the traditional nine counties of Ulster). The Dublin parliament represented the remaining 26 counties. In addition to these two parliaments a Council of Ireland was proposed with limited responsibilities for all thirty two counties. In December 1921 a negotiated treaty conferred the status of an Irish Free State (comprising of the twenty-six southern counties), whilst the Unionist succeeded in a new six county administration of Northern Ireland. This was the largest area that could be comfortably held by a pro-Union majority. Accordingly this "mini-statelet of Northern Ireland" (Brogden and Nijhar, 2005; 210) with its own government and devolved powers the ultimate authority was retained within the United Kingdom. For many Unionists in Northern Ireland the establishment of Northern Ireland was as a consequence of their strength and their passion for their position within the Union. Alternatively for many Northern Irish Nationalists, the formation of this state was more of a confinement for them being isolated and vulnerable within this new Protestant dominated state. Ireland's key events such as Home Rule to the island's subsequent partition are presented in table 4.2 below. There is little doubt that Ireland's question of Home Rule was a crucial period in Irish history, as it eventually led to the island's partition under Government of Ireland Act (1920).

Table 4.2: Northern Ireland's Home Rule and Partition Timeline

Home Rule and Partition Timeline	
1886	First Home Rule (Defeated in the House of Commons)
1893	Second Home Rule (Defeated in House of Lords)
1905	UUC was formed
1911	UCC announced intention to form provisional government of Ulster
1912 (April)	Ulster Unionist trained militia became (the UVF)
1912 (September)	UCC published 'Ulster's Solemn League and Covenant'
1914	Government's Third Home Rule bill amended in the House of Lords to exclude all of Ulster; delayed due to First World War
1916	Easter Rising
1919	Fourth Home Rule Bill
1918/1919-1921	War of Independence between the IRA/IRB and Britain
1920	Government of Ireland Act became law; created two jurisdictions and two parliaments; Dublin and Belfast
1921	Anglo-Irish Treaty: Independence for Twenty-Six Counties of the Irish Free State
1921-1922	Civil War between Irish Free State and IRA/IRB anti-treaty

Source: Adapted from McEvoy, 2008; 27

Clear Ireland's partition "was an attempt to accommodate, rather than to transcend or resolve, the historic conflicts" (Ruane and Todd, 1996; 48). According to Coakley and Gallagher partition and the "territorial extent of Ireland's frontiers, and issues of whether these should include Northern Ireland, was for long the subject of bitter dispute; and the identity of the state itself, and the extent to which it was formally and substantively independent of Great Britain, continued to be matters of contention well after 1922" (2010; 383). As such it can be argued that Ireland and Northern Ireland are states which have existed as contested concepts since their respective inceptions.

In this light "Northern Ireland's creation in 1920-2 was one of a number of uneasy ethnic and religious compromises that resulted in the aftermath of the First World War" (McGrattan, 2010; 3). There were a majority of people in both communities who would have wholeheartedly support the establishment of a more inclusive State (Todd, 1994; Ruane and Todd, 1996). In terms of a nationalist perspective; nationalist in Northern Ireland (a third of the population) who aspired to a unified Irish state did not get their wish (McGrattan, 2010; 3). In electoral terms, because of the first past the vote system adopted (which was not in the Government of Ireland Act 1920), nationalists could only hope for no more than 10-12 seats from the 52 seats available

in Northern Ireland's (Stormont) Parliament. Correspondingly the Unionists retained the constitutional link with Britain and "saw little point offering concessions to a minority that offered allegiance to a 'foreign' and 'hostile' government" (McGrattan, 2010; 4). A compounding factor according to McGrattan (2010) is the fact that unionists were also a minority on the island of Ireland; hence they feared any political and institutional change as these may alter the status quo.

By the early decades of the twentieth century two culturally and politically polarised communities emerged in Ireland. Within Northern Ireland itself, the conditions for this deep division of identity, as well as the different religious and cultural solidarity among the two communities, were also all created by the partition of the Island. Significantly, the dynamics for the persistence in the communal polarisation between the Protestant and Catholic communities in the post-partition period are still visible in Northern Ireland today. This is despite the fact that both Unionist and Nationalist communities are more complex than they were nine decades ago, since identities have become more diverse, contested, ambiguous and contradictory. This communal polarisation can be seen most obviously through the fact that both communities of Northern Ireland are conscious that the State was established to defend the interest of the Protestant community and that it remains in existence at Protestant insistence (Ruane and Todd, 1996). Similarly O'Leary and McGarry (1993; 109) state that the politics of Northern Ireland was that of a "particularist polity" in that only those people that were not nationalists were entitled to take part in governing the state. The division between Northern and Southern Ireland was further widened by the Second World War and the Southern Irish state neutrality stance, as well as by the Southern Irish state declaring itself an Independent Republic in 1948.

Here it is also important to understand Ulster unionist motivations in terms of developments in the Irish Free State. Following the 1932 Free State general election, a government was formed by the anti-treaty party Fianna Fail led by Eamonn de Valera (McEvoy, 2008). This election result resulted in considerable anxiety for the Unionist Government in Northern Ireland. The subsequent adoption of the 1937 constitution by the Free State furthered this high level of anxiety. Under Article Two of the 1973 Constitution the national territory of Ireland consisted of the whole Island and Article Three set out the terms for re-integration of all territory under the jurisdiction of the Irish Government. Clearly too, this constitution afforded special position of the Catholic Church in Irish society. Other concerns were raised by the IRA violent campaigns of

1938-41 and its broader campaign of 1956-62. As noted by O'Leary and McGarry, the "less Ireland remained within the symbolic trappings of the British empire and the more its internal policies reflected the cultural values of its Catholic majority, the greater the likelihood was that hegemonic control would be entrenched north of the boarder" (1993; 147).

4.2: Northern Ireland Policing (1920-1969)

In terms of policing, by the middle of 1919, fighting between the IRA, and the RIC, was widespread (Wright and Bryett, 2000; 4). During this War of Independence (1919-1921) the RIC "was a policing agency directed by the central state whose primary commitment was to defend the state against locals rather than police by any notion of local consent" (Brogden and Nijhar, 2005; 211). The RIC clearly faced a population that, by and large, was hostile to colonial rule. The IRA and the British forces, in the form of the RIC and an auxiliary force known commonly as the Black and Tans (due to their mixed uniform style), marked this conflict with violence and fighting that was bitter and savage and where both sides fought each other to a standstill. Post Government of Ireland Act (1920) both governments in the North and the South of Ireland broadly adopted the RIC organisational model of policing. Yet there were crucial differences, for instance the Southern police force, the Garda Síochána, were unarmed and based on the assumption that they should be accepted as a legitimate arm of the state. The Garda Síochána also adopted a less militaristic blue uniform. While in Northern Ireland, policing reverted to a model akin to that which had existed in the first half of the nineteenth century (Ellison and Smyth, 2000). For Wright and Bryett (2000) the origins of policing in Northern Ireland lay in the formation of the UVF, as well as the institutions created to oppose Home Rule. As such the origins of Northern Ireland's policing reflected the colonial status of Ireland rather than the situation which prevailed in the rest of United Kingdom (Brogden, 1987; Brogden and Nijhar, 2005). In June 1922 the RIC was replaced by The Royal Ulster Constabulary (RUC) as the full-time permanent police for Northern Ireland.

It is argued that this new police force; the RUC "[f]rom its inception it was not simply charged with ordinary policing duties. The Westminster parliament devolved responsibility for internal security to the new parliament in Belfast, and so the RUC was given the job of defending the Union against all types of nationalists" (McGarry and O'Leary, 1999; 28). Similarly Wilson and Stapleton state that the RUC were "charged with policing a divided society within a contested state, the political legitimacy of which was challenged by a sizable minority of the population

(2007; 397). Clearly, then, from its foundation, the RUC was used both as an instrument of the state rather than solely focused as a crime prevention or as a crime solving force. Generally the RUC central function was that of defending the state against national unrest (Wilson and Stapleton, 2007; Brogden and Nijhar, 2005; Wright and Bryett, 2000; Tonge, 2002; McGarry and O'Leary, 1999).

Figure 4.1: Lancia Armoured Car of the RUC: Copyright (c) PSNI



The Royal Ulster Constabulary (RUC) had an initial quota of 3000 serving officers, of which one-third of its allocation was to be Catholics; ex-members of the RIC. This quota was never reached, however, and the RUC became a predominantly Protestant police force. Additionally the RUC due to its embryonic nature; of it being based upon RIC and UVF remained heavily centralised, armed, and under direct political control (Ellison and Smyth, 2000). Likewise the government of Northern Ireland (the Stormont government) heavily depended upon the loyalty of the RUC. It also depended upon the Ulster Special Constabulary (the 'B' Specials), for its existence. This dependency clearly contravened the standards and norms of the Anglo-Saxon constitutional traditions. As such neither the RUC nor the "B" Specials exercised any semi-autonomous, relationship with political authorities (McGarry and O'Leary, 2004; 373). Ellison and Smyth (2000) further argue that the RUC was devised primarily as a paramilitary force. Clear the RUC was a force that was closely supervised by the Ministry of Home Affairs, whose top officials were strident defenders of Protestant interests and whose policies with regard to law and order were sometimes purely political and biased against Catholics. For instance:

> "[t]o assist it in its paramilitary role, the RUC was equipped with some of the most draconian police powers ever granted in a

> liberal democracy. These were contained in the Civil Authorities (Special Powers) Act of 1922, renewed annually until 1928, then for five years until 1933, and then made permanent. The 'Special Power Act' was augmented by other legislation, notably the Public Order Act (1951) and the Flags and Emblems Act (1954). All three laws armed at quelling nationalist dissent" (McGarry and O'Leary, 2004; 372-373).

Similarly all RUC officers were armed with a .45 Webley, handgun and had access to a rifle and bayonet. More powerful firearms and Lancia armoured cars (as seen in Figure 5.2 above) were also readily available when and if needed. The RUC retained an officer corps and as a force it was divided into 'A', 'B' and 'C' detachments. 'A' the first detachment was the full time police. The "B" (Specials) detachment was the part-time (auxiliary) force and 'C' was the reserve force. This police man-power arrangement "ensured that, if necessary, every able-bodied Protestant male could be uniformed and armed to defend the state" (Ellison and Smyth, 2000; 20). Additionally by 1922, 13 battalions of regular British Army troops augmented some 50,000 full-and-part-time police. At that time this meant that for every 30 citizens there was one armed member of the security force (Ellison and Smyth, 2000). The respective district barracks represented the organisational base of policing in the province. These were manned on a 24-hours basis, in which, 'A' and 'B' (classed as 'B' Specials) was mobilised for full-time barrack duties. Approximately 224 police stations were inherited from the RIC, although that number was reduced to 196 (Hezlet, 1972) during this period (1922).

There were also overt connections between the ultimate Protestant organisation—the Orange Order and the RUC. A branch of the Orange Order appropriately called the Sir Robert Peel Lodge had been created specifically for RUC police officers. The existence of the Ulster Special Constabulary (USC), the 'B' Specials and the inter-recruitment between the 'B' Specials and the RUC can also be seen as key reasons which reinforced the impression among Catholics that the RUC were the armed wing of Unionism (McGarry and O'Leary, 1999). The Northern Irish Ministry of Home Affairs, whose top officials were all strident defenders of Protestant interests (McGarry and O'Leary, 1999), closely supervised the RUC. Consequently in Northern Ireland, police policy and law and order were influenced from purely political and anti-Catholic bias. Roland Moyle, parliamentary private secretary to James Callaghan in 1969-70, recalled, for

example, that "the way the old Home Affairs department in Northern Ireland ran the police, my God, I mean the police were the creature of the mini-aristocracy" (cited in McGarry and O'Leary, 1999; 29). Throughout the 1930s, 1940s and 1950s the RUC continued to operate in a highly partisan manner. According to Wright and Bryett (2000) the Special Powers Act (1922) and the Flags and Emblems Act (1954) should be interpreted as specifically targeting Catholics and any manifestations of Irishness. The repressive nature of these Acts, especially the Specials Power Act (1922), gave the state the right to take any steps necessary to preserve law and order. It gave the RUC the right to make searches without warrant, arrest on suspicion and internment without trial; powers which the RUC employed mainly against the Nationalist Catholic community in the province. This (anti-Catholic) operating manner of the RUC confirmed policing along sectarian lines was in operation within the province. Consequently the RUC became a source of fear, hatred and resentment among the Catholic minority (Wright and Bryett, 2000).

For Wilson and Stapleton, Northern Ireland "was a Protestant state, with Unionists in control of local government" (2007; 397), for example between 1921 and 1972, the Northern Irish government was comprised of the Ulster Unionist Party, and was always Protestant (with the exception of one cabinet minister appointed towards the end of what is now known as the Stormont era) (McGarry and O'Leary, 2004). Between the early 1920s and the late 1960s, 93% of the Unionist party's Stormont MPS were members of the Orange Order at the time of their elections (McGarry and O'Leary, 1999; 28-29). Additionally policing and its governance were in reality subordinate to political direction. Mulholland (2002) suggests that this clearly disadvantaged the position of Catholics in society and fuelled existing Nationalists' opposition to the partition of Ireland on both ideological and political grounds. Equally the period from 1922 to 1968 was distinguished by fact that "the numbers of Catholics in the RUC steadily declined until on the eve of the civil rights demonstrations it was approximately 11 per cent" (Wright and Bryett, 2000; 6). Consequently from both the political and policing perspectives the relationship between the Nationalists and the RUC has always been a troubled one (Ellison and Smyth, 2000). In contrast there was a much more contented and self-serving relationship between the Protestant community and the RUC. As such the RUC and policing became one of the core issues of the "conflict in and over Northern Ireland and the negotiations that led to the Agreement of 1998…[the Good Friday Agreement] (McGarry and O'Leary, 2004; 371). In contrast from a Protestant perspective Northern Ireland before the 'troubles' was a time of relative' peace, with stable and generally good relations prevailing between Protestant and

Catholic communities (Ellison and Smyth, 2000). McGarry and O'Leary (2004) further suggest that the success of policing in Northern Ireland during this period was measured by the fact that there was very little sustained and significant armed nationalist unrest between 1921 and 1972. It would seem then that before the period known as the Troubles "good police—community relations, particularly with the nationalist/Catholic community could only exist in so far as they did not conflict with the RUC's principal role in stifling national and republican dissent" (Ellison and Smyth, 2000; 33).

Politically sectarianism was also evident in the gerrymandering of constituencies' boundaries, which ensured Unionist control of National majority areas. Voting in local government elections was also restricted since voting was denied to lodgers, subtenants and servants of rateable premises. These were categories of housing which were disproportionately represented by Catholics (Tonge, 2002). Hence broader social sectarianism were additionally very common across Northern Ireland, an example being that of local Unionist councils in which Catholics were greatly underrepresented allocated houses largely on the basis of political allegiance rather than need. This sectarianism was similarly reflected in the judiciary and in Northern Ireland public corporations. Preference was also given to workers from Protestant backgrounds, since most of the large businesses were owned by Protestants. Industrial development also favoured the Protestant community in that there was a long running policy to invest economically east of the river Bann, while much of the Catholic community lived west of the river Bann. These social sectarian characteristics of the province contributed significantly to Catholic unemployment and a sense of injustice (Tonge, 2002). Thus it can be argued that during the period from 1920-22 to 1970s

> "[i]n Northern Ireland there was a clear absence of a 'political opportunity structure' through which the demands of civil rights organisation could be channelled. The existing 'political opportunity structures' were closed and incapable of mediating and resolving conflicts. The Unionist-dominated Stormont parliament treated the Nationalist opposition with contempt" (Ellison and Smyth, 2000; 55).

However, the post-Second World War period, saw an emergence of a Catholic middle class and an increase in the awareness of civil rights issues in the North. By the late 1960s and taking their

lead from similar organisations in the United States of America in 1967, a non-sectarian Northern Ireland Civil Rights Association was formed. The goal of this Civil Rights Association was to attain civil rights within Northern Ireland rather than that of a nationalist or republican unification ambition. Hence the motivations for the Northern Ireland Civil Rights movements were based on attaining one-person one vote, cessation of gerrymandering, the fair allocation of housing (impartial allocation of public housing), the repeal of the Special Powers Act (1922) and the disbandment of the "B" Specials. Ellison and Smyth (2000) argue that the then, Northern Ireland government had neither the political will nor the structural means to grant concessions to the Civil Rights Movement. The only real option open to the Unionist government was to increase oppression (Ellison and Smyth, 2000; 57). It is also important to state that the RUC was the only armed general police force in the United Kingdom. Generally public police forces in England, Wales, and Scotland were for the most part unarmed.

It is clear that the RUC inherited the 'B' Specials, and that the "B" Specials were designed to operate within their locality and armed only on duty. Yet, in reality arms were kept at home so they were always armed. Numbers of 'B' Specials personal and the degrees to which it was mobilised varied and fluctuated according to the perceived threat from republican, Nationalists and IRA threats. The following table provides an outline of the number of 'B' Specials active in Northern Ireland during both the IRA (1956-1962) and Civil Rights (1968-1970) campaigns:

Table 4.3: 'B' Specials Mobilisation

'B' Special Mobilisation	**Era**
1141 'B' Specials mobilised for full-time service and the full establishment stood at 12, 606 (Hezlet, 1972; 201)	1956-1962 IRA campaign
'B' Specials establishment stood at 8579 with only 125 still mobilised on a full-time basis (Hezlet, 1972; 207; Farrell, 1983; 271)	1968- 1970 Civil rights campaign

Source: Wright and Bryett (2005)

It is obvious that the Stormont government was crippled by internal divisions during this period (1968-1972) and that both the RUC and the "B" Specials used prejudicial enforcement of oppression towards the Civil Rights Movement. This was increasingly highlighted by the fact that television cameras were at many civil right demonstration and events. For example this was particularly obvious at the ambush at Burntollet Bridge where, in 1969, civil right marchers escorted by the police were attacked by a loyalist mob including members of the RUC. The RUC

and ‘B’ Specials also clashed with Catholic protesters in Derry in August of the same year. Here Catholics attacked the police following a Protestant Apprentice Boys march. As a result of this attack the police ran amok and invaded and damaged property and persons, this later became known as the Battle of the Bogside. Tonge describes this event as;

> “Two nights of rioting ensued as the police attempted to force entry into the Catholic Bogside. Sectarian violence spread to Belfast, with hundreds forced to flee their homes. Four-fifths of those made homeless were Catholics…Eight Catholics and two Protestants were killed in the violence. Bogside became part of ‘Free Derry’, a self-policed, ‘no-go’ area for the security forces until the entry of the British Army in Operation Motorman in 1972” (2002; 39).

McGarry and O’ Leary contend that these demonstrations and riots were not policed impartially, noting for instance “[n]ationalists’ protests were heavily policed, while the loyalists’ counter-protest ‘rarely elicited any response” (1999; 31). Increased global media concentration on the demonstration and the civil unrest in Northern Ireland bolstered the recognition that there should be some form of British intervention in Northern Ireland. On the 13th of August 1969 the Irish Taoiseach, Jack Lynch, called for a UN peace-keeping force to be sent to Northern Ireland (Irish Times, 14th August, 1969). In 1969 the British government was forced to deploy British troops onto the streets of Northern Ireland. According to McGarry and O’Leary the introduction of the British Army onto Northern Ireland’s streets was not just because the RUC were unable to control nationalist protests and of a looming loyalist backlash, but also because the RUC was certainly unable to do this impartially (1999; 32). Further consequences of the Northern Ireland policing failures due to its unraveling policing situation were the number of reports that were published which all criticised the police’s conduct. For example the British government ordered a number of official investigations to consider the behaviour of the RUC and to investigate the possible causes of the disturbances in an attempt to diffuse the increasing hostile situation. The Cameron Report (1969), set up to investigate the disturbances in Northern Ireland, “criticised the RUC for a breakdown in discipline” (Brogden and Nijhar, 2005; 212). It went on to describe “a breakdown of [police] discipline’, police involvement in the assault of civilians, and the use of provocative sectarian and political slogans by officers” (McGarry and O’Leary, 1999; 32).

Similarly the Scarman Tribunal (1972) which was also created to investigate the violence and civil disturbances was similarly extremely critical of the sectarian conduct of the 'B' Specials, noting that the USC were "a partisan and paramilitary force recruited exclusively from…[the]…Protestant" community (cited in Ellison and Smyth, 2006; 64). The Tribunal went on to stress that the majority of police officers acted professionally, but found some RUC officers and the 'B' Specials to be at fault on several occasions. An investigation committee under the Lord Hunt Report (1969) was also extremely critical of policing in Northern Ireland and again in particular its paramilitary character and image. The Hunt Report (1969); set up to examine the recruitment, organisation, structure and composition of the RUC was specifically critical of the RUC's security role and called for the RUC to be disarmed and for the 'B' Specials to be disbanded. "At a structural level, the finding of both the Cameron and Scarman reports highlighted the nature of dominant-subordinate relations in Northern Ireland" (Ellison and Smyth, 2000; 64). Between 1969 and 1973 a number of reforms were undertaken (McGarry and O'Leary, 1999). Following these criticisms the Civil Authorities (Special Powers) Act was repealed in 1973; another key demand of the civil rights movement. In line with policing practices across in Britain, a title of Chief Constable was given to replace the title of Inspector-General of the RUC. The USC (the 'B' Specials) were disbanded, and its duties were now to be undertaken by newly formed RUC reserve force and the Ulster Defence Regiment (UDR). This was a locally recruited regiment under the command of the British Army. These reforms, as noted by Wright and Byrett (2000), were vigorously opposed by Unionist who saw them as:

> "the disbanding of 'their' force. This was not surprising since the 'B' Specials served the purposes of Protestantism and Unionism well. Perhaps most importantly, the force provided a 'home' for rank and file loyalists and especially former UVF men. It gave a veneer of legitimacy to what would have almost certainly developed into a paramilitary force anyway. Its recruitment and organisation was very locally based and this, along with the fact that its members by and large kept their weapons at home, served to remind Catholics of Protestant supremacy" (Wright and Bryett, 2000; 5-6).

In order for the RUC to become depoliticalised and independent, a Police Authority for Northern

Ireland was established in 1970. Again this process was in line with broader British policing practice under the Police Act (Northern Ireland) of 1970. Additionally the RUC was also disarmed briefly. This disarming was however, short lived and came to an end with the killing of the first RUC officer in the Troubles (11 October, 1969). According to McGarry and O'Leary:

> "The Police Authority for Northern Ireland "role was to increase police accountability to the public, and to loosen the relationship between the RUC and the unionist Ministry of Home Affairs. It was stipulated that the Police Authority, unlike the government, would have to be 'representative' of the population. The process of removing the UUP's control over policing was taken even further in 1972, when the Stormont parliament was prorogued and the British government assumed direct responsibility for policing" (McGarry and O'Leary, 1999; 33).

Arguably these reforms took place in the context of a political vacuum and an increasingly violent conflict between Northern Ireland's state security forces and republican paramilitaries. The RUC continued to struggle to "deal with the anarchy and disorder that resulted from extensive violence on the part of the Irish Republican Army (IRA) as well as a number of Protestant paramilitary groups" (Wilson and Stapleton, 2007; 397).

As well as these policing reforms, other broader social reforms were also implemented, such as a Housing Ombudsman; a point system for housing allocation, and an end to the property votes system. These reforms did little to stop the situation from spiraling out of control, as they did not go far enough for the Nationalists and went too far for the Unionists. In particular Unionists were suspicious that the civil rights campaign was simply a cover for the Nationalists and Republicans to attack the State and their Unionist loyalist heritage. Ultimately the RUC was unable to contain the increasing sectarian violence; British troops were sent to Northern Ireland in 1969 to restore order. The Catholic population initially welcomed British troops as protectors. However, this security development failed to stem the violence (rapidly souring and curdling) mainly due to the methods used by the troops responding to Irish Republican Army (IRA) attacks and in their quelling of civil disorder. Overall the Civil Rights Movement period (1968-1970) "demonstrated that the nationalist community would no longer acquiesce in the practices that had underpinned the operation of governance in Northern Ireland for the previous fifty years

and that informed the traditional demeanour of the RUC" (Ellison and Smyth, 2000; 63). The emergence of the civil rights movement fragmented the Unionists political platform, culminated in one of the most pivotal events in Northern Ireland's history; Bloody Sunday. On the 30th of January 1972 in the Bogside area of Derry city a march was organised to protest against the controversial security measure of 'Internment' (implemented in August 1971). By the end of the day 13 civilians were shot dead (a fourteenth died some days later due to injuries sustained). All fourteen were shot and by the high-powered rifles of 1st Battalion of the British Army's Parachute Regiment.

4.3: The Troubles and Policing (1969-1989)

Coakley and Gallagher (2010) acknowledge that the Northern Ireland problem had not simply been about civil rights, if it was it could have been resolved at a relatively early stage, but:

> "much more than this was at stake; having exposed the vulnerability of the state, nationalists followed up with more far-reaching demands…for power sharing between the two main communities within Northern Ireland and for institutional recognition of the Irish identity of northern nationalists be the creation of an 'Irish dimension', such as some kind of council of Ireland" (Coakley and Gallagher, 2010; 387).

Instead what followed was an escalation of paramilitary violence on both sides of the conflict. According to Tonge who cites Boyle and Hadden (1994; 83), "a 'succession of mistakes in security policy made a major contribution to the escalation of the conflict' (2002; 40). During what became known as the Troubles (1969-1998) the security efforts to control the conflict by the Army and the RUC became part of the conflict.

> In that the "[a]rmed conflict developed partly as a response to the errors of the Army. Untrained as peacekeepers, the Army alienated the Nationalist working-class by using powers of search and detention. In April 1970, the Army fired baton rounds against Catholics in Ballymurphy. Two months later, the growing estrangement of the Army from Nationalists was virtually complete, following the imposition of a thirty-six-hour curfew

> upon the Lower Falls in Belfast, as part of an arms search" (Tonge, 2002; 40).

The introduction of interment and detention without trial in 1971 reinforced the growing hostility among Catholics towards the RUC and the Army. Between the period of interment (1971-1975), 2,060 republican/nationalists were detained compared to 109 loyalists/unionists (McGarry and O'Leary, 1999; 36). Clearly this policy of interment and detention was a strategic disaster. It was unjustly oppressive and generated a wave of support across the Catholic community for the IRA. Undoubtedly it was such event as these which marked the further alienation of the Army and the RUC by the Nationalist population. McGarry and O'Leary note that:

> "In the period between 1969 and 1989, while the security forces—the British Army, the UDR and the RUC—killed far fewer republican paramilitaries (123) than numbers of their own were killed republican (847), they killed almost ten times as many republican paramilitaries as loyalist paramilitaries (13), and almost six times as many Catholics civilians (149) as Protestant civilians (25). Had the RUC been flawlessly professional, this differential impact of the security forces on the Catholic population would nevertheless have adversely affected their relations with nationalists" (1999; 36).

As a consequence of the escalating conflict, the Northern Irish Government was suspended in 1972 and direct rule from Britain was imposed. This suspension was intended to be a temporary arrangement.

In practice however direct rule lasted three decades, with the exception of the brief interlude of the Sunningdale Agreement which led to devolution being restored through a power-sharing executive. The Westminster government published a White Paper (Northern Ireland Constitutional Proposal) in March 1973, establishing the construction under which a power-sharing arrangement would operate. This paper called for a 78 member assembly with devolved power and the development of a Council of Ireland to establish cross-boarder cooperation. Britain would retain responsibility for the province's legal and security apparatus. Elections for

this assembly took place in June and resulted in 72.3% of the electorate casting ballots. Turnout was quite successful despite the Republican boycott and incidents of intimidation. The results indicated 52 of the 78 seats were won by those who favoured power-sharing, yet many of the 24 UUP representatives elected would subsequently come to oppose the power-sharing executive.[12] In 1973 this power-sharing assembly was seen by many as the best hope for political inclusion and the possibility to establish institutions which could have paved the way for a more peaceful and equal society. [13] No sooner had the Sunningdale executive met, when it suffered its first major challenge and blow. In January 1974, the United Ulster Unionist Council rejected the Sunningdale Agreement.[14] This forced Brian Faulkner the leader of the UUP to resign his leadership of the party (Googan, 2002). The Sunningdale power-sharing Executive collapsed in 1974; firstly when anti-Sunningdale Unionists swept to victory in the Westminster General Election and secondly when a general strike by the Ulster Workers Council brought the province to a standstill. Combined with the continued pace of IRA activities and the refusal of the Dublin government to extradite wanted Republicans for trial in Northern Ireland; direct British rule was once again imposed. After the collapse of the 1974 Sunningdale power-sharing experiment, the British government had until the implementation of the Anglo-Irish Agreement (1985), attempted to resolve the conflict predominantly within the context of Northern Ireland itself.

This meant that in 1975 the conflict in Northern Ireland was 'Ulsterised' in that primary responsibility for security passed from the British Army back to the RUC and the UDR. The British "government was anxious that its role in Northern Ireland should be externally regarded as impartial and legitimate, and it may also have been anxious to reduce losses of army personnel" (McGarry and O'Leary, 1999; 37). The attempt to internalise security in the shape of Ulsterisation and criminalisation "amounted to a switch from colonial counter-insurgency techniques towards an attempt to place crisis policing within a liberal democratic framework" (Tonge, 2002; 97). Mistrust of the RUC remained high amongst sections of the Nationalists and therefore the primacy of the RUC in security achieved little (Tonge, 2002; Wright and Bryett,

[12] See: CAIN Web Service. Available on-line at: http://cain.ulst.ac.uk/events/sunningdale/chron.htm

[13] See: CAIN Web Service. Available on-line at: http://cain.ulst.ac.uk/othelem/organ/aorgan.htm#apni

[14] The United Ulster Unionist Council was coming together of Unionist who were in opposition to Sunningdale

2000; McGarry and O'Leary, 1999). The Ulsterisation and the criminalisation of terrorism and the Troubles in Northern Ireland "acted as substitutes for political thought" (Tonge, 2002; 121). Tonge (2002) suggests that Ulsterisation and criminalisation did not offer any political solutions to the conflict, and that furthermore the adoption of Ulsterisation and criminalisation of the conflict was far from total (Tonge, 2002). Given that whilst 'normal' policing resumed, there remained an increased reliance upon the undercover operations of the Secret Air Service (SAS). Simultaneously there were still many uncompromising security policies being implemented throughout the province (Tonge, 2002; 97). The table 4.4 below outlines the extensive powers which were given to the police under legislative frameworks throughout the period of the Troubles:

Table 4.4: Northern Ireland Security Legislative Frameworks

Year	Measure	Feature
1971	Internment	Detention without trial of IRA suspect (Ended 1975)
1973	Trial Without Jury	Single Judge decides court cases
1974	Prevention of Terrorism Act	Extended detention; exclusion order
1988	Broadcasting Ban	Prohibition on direct television transmission of statements from paramilitary groups (Ended 1994)
1998	Emergency Powers Legislation	Extension of powers of arrest ad detention (Following the Omagh bombing)

After 1972, however, many of Northern Ireland's institutions had begun a process of reform in order to eradicate discrimination, thus becoming more democratic in nature. For example the Northern Ireland Constitution Act 1973 introduced clear if limited, legislative anti-discrimination requirements (replacing the uncertain provisions of the Government of Ireland Act 1920). Deep structural inequalities remained within Northern Ireland. Despite the fact that great faith was placed in economic development and inward investment at that time, and where employment was seen as being a key tool to help eradicate much of this deep structural inequality. In reality much of major investment stemmed from British subsidies which did little to prevent the rate of unemployment becoming the highest in the United Kingdom (Tonge, 2002). Table 4.5 below outlines the (failed) attempts to return power to elected Northern Ireland representatives and

to Northern Ireland's police:

Table 4.5: British Policy Approaches 1972-1984

Period	Approach	Features
1972-4	Devolution with power-sharing and an Irish dimension	Power-sharing Executive and Council of Ireland by 1974, collapsed after five months Constitutional Convention; unworkable
1975	Devolution with minimal all-Ireland dimension	Constitutional Convention; unworkable
1976-9	Ulsterisation and Criminalisation	'Non-politics'; normalising problem via treatment of terrorism as criminality
1980-4	Rolling devolution without an all-Ireland dimension	Northern Ireland elected Assembly; boycotted by Nationalists and ended in 1986

Source; Tonge (2002; 113)

In 1972 there were 22,000 British troops based in Northern Ireland. However, the numbers of British troops did fall from to 13,500 by 1978, which was as a result of the RUC undergoing significant expansion after 1976. By 1982 the force comprised of 7,700 regulars and 4,800 reservists (McGarry and O'Leary, 1999; 37). Additionally after 1976 the day-to-day security policy was shifted away from the army and became the job of the Chief Constable of the RUC. This was done "without substantial reform of the RUC and, significantly, without the support of a majority of the Catholic community" (Wright and Bryett, 2000; 9). The large number of British troops that were still being stationed in Northern Ireland only added to the IRA's argument that it was involved in a war of liberation against a foreign army.

The army in the shape of the Special Air Service (SAS), which was active since the very early days of the Troubles, remained in position as a primary counter-terrorism force. One of the major functions of the SAS was to train sections within the RUC in intelligence gathering techniques (Urban, 1992). The section of the RUC known as E4A was developed to be responsible for covert surveillance. What were "also established were Headquarters Mobile Support Units, as the name suggests, were designed to be rapid reaction squads…the Headquarters Mobile Support Units were at the centre of allegations of shoot-to-kill policies which not only created huge propaganda opportunities for the IRA but also exacerbated community tensions" (Wright and Bryett, 2000; 9). According to Tonge (2002) the presence of the British Army was symptomatic

of the absence of policing by consensus. McGarry and O'Leary (1995) suggest that the presence of the British Army was an indication of how the Northern Irish State and its problems was a product of both endogenous and exogenous factors. The endogenous explanations emphasise that the conflict was based upon the struggle between two communities over who governed Northern Ireland, and included competing religious dominations engaged in sectarian feuding. Under such circumstances the British Army could never have been seen as neutral peacekeepers (Tonge, 2002). As far as the exogenous explanation or influence outside of the region the most important was that of the British government. In the mid-1970s Britain had begun to suggest that Northern Ireland should be integrated within Great Britain. "London moved away from this option though not consistently. Unionist had always considered direct rule—not radically different from their goal of an integrated United Kingdom—as preferable to the risk of a power-sharing…with nationalists" (McGarry and O'Leary, 2006; 49).

The lack of progress in finding a political solution within the confines of the Ulsterisation of the conflict, led to alternative avenues to move the process forward. In May 1980 Prime Minster Margaret Thatcher and Taoiseach Charles Haughey agreed to establish an Anglo-Irish Inter-Governmental Council to examine cooperation in the area of security and the economy. It was also established to encourage mutual understanding between both the British and Irish governments and to reach across the sectarian divide (Mulholland, 2002). However, over the following five years the backdrop to this Inter-Governmental Council was that of increasing savagery in the conflict. For example this period was marked by the hungry-strikes, of 1980 and 1981 (the election of the hunger-striker Bobby Sands to the British parliament and his death) and the IRA bomb attack on the Conservative party conference in Brighton, in October 1984.

At Hillsborough Castle in Northern Ireland on the 15th November 1985 the Anglo-Irish Agreement was unveiled. The "Anglo-Irish Agreement was an international treaty registered at the United Nations" (Mulholland, 2002; 118). There is little doubt that this Agreement was designed to reassure Unionists by declaring in Article 1 that there would be no change in the status of Northern Ireland without the consent of the majority of the people within the province. Both the British and Irish governments understood that the majority wished to remain part of the United Kingdom. Furthermore Article 1 of this Agreement left open the possibility that if, at some future date, the majority of people in Northern Ireland wished to become part of united Ireland, then the government would introduce legislation to accommodate such a wish.

This part of the Agreement was designed for the Nationalists in that it held out hope or the possibility of a united Ireland in the future. According to Mulholland (2002) the single most endearing characteristic of the Anglo-Irish Agreement (1985) was its imperviousness to either a Unionist or Nationalist veto. In other words this Agreement between the British and Irish governments did not depend on the concurrence of the parties to the ongoing conflict or their representatives. As such it ignored both the constitutional parties and the paramilitaries. This was certainly in contrast to the Sunningdale attempt (1972-1974). The Anglo-Irish Agreement (1985) therefore, sought to resolve the conflict on an intergovernmental basis. Hence the Anglo-Irish Agreement (1985) was not an agreement which sought to solve the conflict or the Troubles. It also did not create mechanisms for an instantaneous peace. Rather, it was a framework designed to create conditions for such an agreement that was capable of lasting peace acceptable to all parties to the conflict. The Anglo-Irish Agreement (1985) became the bridge to (a future) peace.

"By the beginning of the 1990s it had become clear that there could be no clear-cut military victory for either side and protracted negotiations led to the declarations of a ceasefire in September 1994" (Brogden and Nijhar, 2005; 212). In terms of policing the Troubles (1969 to 1998), Northern Ireland's violent conflict erected tremendous obstacles to any potential worthwhile policing reforms. The conflict produced heavy-handed security responses, marginalising and estranging Nationalists; while at the same time making it difficult for unionists to moderate and make concessions on policing reforms. With the physical conflict beginning to end in 1994, deep political divisions especially over policing emerged (Brogden and Nijhar, 2005; 212). Clearly the legacy of the conflict is still relevant, and still reflects a continuation of polarisation in attitudes towards policing and policing reform today. In the course of the Troubles the number of casualties and deaths were significant indeed, as is highlighted in Table 4.6 below:

Table 4.6: Northern Ireland Troubles Causality List

During the Troubles Police Officers	During the Troubles Military Personal	During the Troubles Civilians	Between 1969 and 2001 Republican Paramilitaries	Between 1969 and 2001 Loyalist Paramilitaries	Between 1998 (Good Friday Agreement) and 2010	Between 1969 and 2009	Between 1998 and 2010
303 Killed	**711 Killed**	**2,100 Killed**	**394 Killed**	**159 Killed**	**89 Killed**	**50,329 people were injured**	**1000 people were injured**

Source: Baroness O' Loan (2010; 113)

According to McGarry and O'Leary, (1999) partisan unionists regarded the RUC as their police and viewed them as protectors of the Union. In contrast, non-partisan Unionists regarded the police as everyone's police. Essentially, unionists of goodwill were committed to treating Catholics as equal citizens of the Union whereas the majority of Protestants thought that the police had already met the requirements set out in the Good Friday Agreement (McGarry and O' Leary, 1999). Northern Ireland policing prior to the Troubles "was contingent upon the principle role of the RUC in combating and suppressing political dissent from the minority population. All policing even at that period came secondary to the security role of the RUC" (Brogden and Nijhar, 2005; 215). Equally, Brogden and Nijhar (2005) argue that the notion of Northern Ireland during the Troubles was largely crime free was a myth. Simply crime was rarely recorded and opinion polls were grossly distorted since they lacked the direct opinion from the minority Nationalists community. Illustrated in the table 4.7 below, is the simple fact that there was significant difference between, Catholics and Protestants perceptions of RUC treatment of the public in 1997;

Table 4.7: Perceptions of the RUC (%) in 1997

Perception	Protestants	Catholics	Total
Treat Catholics better	8%	0%	5%
Treat Protestant better	15%	64%	35%
Treat both equally	69%	26%	51%
Don't know/Refused to answer	8%	9%	9%

Source: Adapted from the Police Authority for Northern Ireland (1997; 39). The Police Authority of Northern Ireland was dissolved on the 4 of November 2001 and replaced by the Northern Ireland Policing Board (NIPB).

In addition policing governance pre-Good Friday Agreement (1998) period took the form of the

Police Authority which did not function as an agency of police accountability but instead acted more like the public relations arm of the RUC (Brogden and Nijhar, 2005; Mulcahy, 2006). In Britain "[t]he Police Act 1964 consolidated and rationalised the governance structure for provincial policing which had developed in the previous century" (Reiner, 2000; 188). The general duty of the police authority was to secure the maintenance of an adequate and efficient police force for the area. Similarly the Police Authorities established throughout Britain in the 1960s also failed to interact with communities or to exert sufficient influence over the police (Reiner, 2000). Reiner (2000), Jones and Newburn, (1998) argue that the Police Act 1964, failed to clarify the precise relationship constitutionally or in practice between the Police Authorities, Chief Constables and Home Office and was self-contradictory or vague at crucial points. Additionally, Reiner argues that:

> "The police authority were explicitly empowered to appoint the chief constable, to secure his retirement (subject to the home secretary's agreement) 'in the interests of efficiency', and to receive an annual report from him. They could also ask him to submit further reports on 'matters connected with the policing in the area' (Section 12.2). However, the chief constable could refuse to give such a report it, if she deemed it inappropriate, and the dispute was to be referred to the home secretary as arbiter. Nor was the 1964 Act clear about the possibility of the police authority being able to instruct the chief constable on general policy concerning law enforcement in the are(as distinct from the immediate, day to day direction and control of the force, which is clearly precluded)" (Reiner, 2000; 188).

The Policing Act (1964) limited the responsibility for operational matters to the chief constable and together with the organisation made changes in policing such as amalgamation, advances in technologies, professionalism and the growth policing lobbies, the power of the Chief Constable and the Home Office, which were strengthened at the expense of the local policing authority (Reiner, 2000). In fact these commentators (Reiner, 2000; Walker, 2000; Brogden and Nijhar 2005) point to the gradual weakening influence of these Police Authorities all over Britain and the increasing influence of centralised internal security in Britain.

The Community and Police Liaison Committees (CPLCs) formed after the reorganisation of local government in 1973, rarely reflected local views and were partisan in character (Brogden and Nijhar, 2005). According to Mulcahy these CPLCs had "little impact on policing operations generally and were largely confined to discussions of minor issues" (2006; 44). Moreover the two major Nationalists political parties Sinn Fein and Social Democratic and Labour Party (SDLP) formally boycotted the CPLCs. They did so; on the basis that these CPLCs had no statutory basis or powers and developed mainly in an uneven and piecemeal fashion.[15] Essentially mechanisms and reform for police professionalization and accountability pre-Good Friday Agreement (1998) were at best "uneven, and often contradictory, as the apolitical discourse of professionalization was always vulnerable to challenges given disputed political frameworks within which it was enacted (Mulcahy, 2006; 45). These two goals were also further hampered and limited by the lack of political peace in the larger political paradigm.

In essence then, Mulcahy (2006) notes that from the outset, Northern Ireland governments conceived its police force (the Royal Ulster Constabulary; RUC) as a paramilitary force which would play a direct role in the maintenance of the state and its unionist character. It is around this point that conceivably the whole character of policing in Northern Ireland has always been seen as contentious. The legislative frameworks under which the RUC operated from were in a sense schizophrenic, in that the police force (the RUC) had roles more akin to a normalised force such as dealing with crime and then it had a role more concerned with the policing of an insurgency conflict. The RUC saw the Nationalists and the Republican movements as the most visible representation of a threat to the state and consequently most of the RUC resources and governance system were concentrated on policing this community and its movements.

4.3.1: The Anglo Irish Agreement (1985); A Path to Peace

Article 1 of the Anglo Irish Agreement reassured the Protestant majority that there would be no change in the Northern Ireland's status without their consent. In the same Article an attempt was also made to offer hope to Nationalists "that future demographic changes leading to a National majority, would produce a united Ireland" (Tonge, 2002; 129). The Agreement also guaranteed respect for the minority Catholic community's traditions and aspirations plus fair treatment under the law. Another aspect of the Agreement was that it did not define the state

[15] Seen CAIN website http://cain.ulst.ac.uk/issues/police/docs/mcgarry.htm

purely in territorial terms. The most important and dramatic element of the Anglo-Irish Agreement, was the establishment of an intergovernmental conference. Under Article 2 this was the official recognition for the first time of the interest of the Irish Government in the position of the Northern Nationalists community and the acceptance of the Irish Government as a conduit for the views of that community. According to Tonge (2002; 129) within the framework of the Anglo-Irish Inter-Governmental Council created in 1981 the following could be dealt with:

- Political matters;
- Security and related matters;
- Legal matters, including the administration of justice;
- Cross-border co-operation.

Drawing on Aughey's (1989) criticisms of the Anglo-Irish Agreement, Tonge (2002; 130) states that the Agreement was based on four assumptions made by the British government:

- Northern Ireland is different from any other part of the United Kingdom and must, therefore, be treated differently;
- The problem of Northern Ireland need not form part of debate in the British parliament, as the Province is a place apart;
- The logic of history suggests Irish unity;
- Stability will only be achieved by a balance of political forces

Nationalists broadly approved the Anglo-Irish Agreement because many Republicans now felt better enfranchised through the Irish Government's watching brief. The limited role in Northern Ireland's affairs offered to the Irish Government gave a signal that the British Government was open to recognising the rights of Nationalists and Irish unification through plebiscite. According to Tonge, Sinn Fein believed that the Agreement:

> "Consolidated the six-county state and provided a Unionists veto over change…The Agreement appeared to recognise British sovereignty over Northern Ireland. Concurrently, increased

> British influence upon the activities of the government in the Republic amounted to a partial recolonisation of Ireland" (Tonge; 2002; 136)

The Anglo-Irish Agreement included the establishment of and Fair Employment Act (1989), the repeal of the Flags and Emblems Act (1954), and the merger of the Ulster Defence Regiment (UDR) with Royal Irish Regiment. The Agreement also allowed for the establishment of an independent Commission of Police Complaints. Such repeals and reforms of legislation had huge implications for Northern Ireland security structures. Measures such as re-housing schemes, promotion of the Gaelic language and the attempts to eliminate religious discrimination recruitment and in the workplace were also introduced. Few in "Northern Ireland saw the Anglo Irish Agreement as a panacea. Substantial majorities in both Nationalists and Unionists communities believed that the Agreement had failed to benefit either (Tonge, 2002; 138; McGarry and O'Leary, 1996, 2004). According to Coakley and Gallagher;

> "The Anglo-Irish Agreement…did not provide a solution to the problems of Northern Ireland, and was probably not intended to do so in any kind of permanent way. By attempting to enhance the status of the nationalist community, it strove to undermine support for the IRA; but that body continued its armed campaign. The agreement was perceived by unionists as damaging, unfair and one-sided, and they did their utmost to overturn it. But it had been designed to withstand the kinds of action that had brought down the power-sharing executive in 1974. The two governments in Dublin and London were far distant from Northern Ireland, and the new Anglo-Irish secretariat, though based outside Belfast, was physically out of bounds to protesters" (2010; 392-393).

4.4: The 1998 Good Friday Agreement

The Good Friday Agreement (1998) is a complex and far reaching document which attempts to provide a reasonable balance between Northern Ireland's two communities and their competing claims and aspirations. It also redefines relations within North-and-South Irish contexts, and that

of a British-and-Irish one. "For Irish nationalists…even those who had strongly opposed the IRA, the police were part of the problems; they were an unrepresentative force with a poor human-rights record, who had almost no support among wider nationalists community and who could not provide a normal post-conflict policing service" (Doyle, 2010; 2). However Northern Ireland's peace was achieved with "[t]he making of the Agreement, unarguably consociational in its pre-figuration and its content, and with all of its attendant difficulties, has been associated with highly significant reduction in political violence" (McGarry and O'Leary, 2004; 23). According to Wright and Bryett, "while the road… is complex and by no means linear, the two major factors have been a realisation by the IRA that violence was not going to bring about a united Ireland, and a realisation by the Unionists that the British government could not uphold indefinitely their veto on constitutional and social change" (2000; xv). The road to negotiations and peace was long and the peace process itself was fluctuated in its pace by disagreement; for instance in the late 1980s John Hume leader of the SDLP commenced a dialogue with Gerry Adams leader of Sinn Fein. The aim of these dialogues was to bring Sinn Fein into the constitutional arena (following a renunciation of the Provisional Irish Republican Army (IRA) of violence). This was followed by the Brooke-Mayhew talks (1991-1992), which were an attempt to involve Northern Ireland parties in discussions, with the Irish Government. In 1993 the Downing Street Joint Declaration was signed by both governments. The British Government stated that it is for the people of the island of Ireland; by agreement between the two parts; to exercise their rights of self -determination. The Irish Government acknowledged that it would be wrong to attempt to impose a united Ireland in the absence of the freely given consent of a majority of the people in Northern Ireland. This Joint Declaration also introduced the possibility of Sinn Fein joining talks for the first time if there was a cease-fire beforehand.

On the 12th of August 1994 the IRA announced a complete cessation of its armed struggle. "The IRA ceasefire at the heart of the peace process was predicated upon the idea that its political representatives in Sinn Fein would quickly become engaged in inclusive dialogues with the British and Irish governments and other political parties in Northern Ireland" (Tonge, 2002; 168). In October of the same year the Combined Loyalist Military Command (the umbrella body for loyalist paramilitary groups in Northern Ireland) announced a ceasefire. Meetings between Sinn Fein and the British Government began and in 1995 following talks with the main political parties in the North, the Framework for the Future (Framework Document) was published. Negotiations would centre upon the details of:

- Internal government within Northern Ireland;
- The relationship between the North and South of Ireland
- The relationship between the British and Irish governments

(Tonge, 2002; 168)

Decommissioning paramilitary weapons became a stumbling block which a politically weak British Government, dependent upon Unionist support, could not overcome. The British government and Unionists wished to see the IRA disarm before their representatives entered into talks. On the other hand the IRA insisted that no decommissioning should take place in advance of a negotiated political settlement. "The Irish government also insisted the decommissioning was not a prerequisite for entry to all-party talks, pointing out that the Downing Street Declaration made no reference to the surrender of arms" (Tonge, 2002; 170). Sinn Fein's Martin McGuinness insisted that there was not a "snowball's chance in hell of any weapons being decommissioned this side of a negotiated settlement" (quoted in the Guardian, 21 June 1995). Cited in Tonge (2002) the then Irish Taoiseach Albert Reynolds stated in the Irish World that:

> "[e]verybody clearly understood that the ceasefire of August 1994 was about getting a place for Sinn Fein at all-party talks. And there was never any question of decommissioning being set as a pre-condition for those talks. So decommissioning became the poisoning factor (11 October, 1996).

With issues over decommissioning continuing, the peace process stagnated. Sinn Fein's entry into fully inclusive talks was delayed. The cease-fire ended on the 9th of February 1996 with the commencement of a new IRA bombing campaign, it started with the London Canary Wharf bombing which killed two people. The negotiations and peace process had all but disappeared in 1996. "IRA activity during 1996 remained sporadic…Five further bomb attacks, all in London" (Tonge, 2002; 176), but apart from the Lisburn bombing IRA activity within the Province centred mainly on upon 'punishment' beatings against individuals whom the IRA deemed guilty of 'anti-social behaviour'. The Loyalist ceasefire did hold, which also helped to maintain the multi-party talks at Stormont (Tonge, 2002). The election of the Labour Party to the British Government,

with a clear majority in 1997 meant that it did not need Unionist support. In July 1997 a ceasefire was once again announced by the Provisional IRA and talks resumed.

The multi-party negotiations between the Northern Ireland parties and both the British and Irish governments culminated with the signing of the Good Friday Agreement on the 10th of April 1998. The Democratic Ulster Party (DUP) had withdrawn when Sinn Fein was admitted, but all other significant parties remained with the two governments to approve the final draft. "The Good Friday Agreement (also known as the Belfast agreement) was remarkable for the range of parties that went along with its provisions and for the wide span of areas that it covered" (Coakley and Gallagher, 2010; 394). The Agreement contained several Strands outlined as follows:

- Strand 1: a developed Northern Ireland Assembly of 108 seats, presided over by a cross-community Executive and headed by a First Minister and Deputy Minister;
- Strand 2: a North-South Ministerial Council , to establish all-Ireland implementation bodies in at least six policy areas;
- Strand 3: a British-Irish Council, comprising representatives from the British and Irish governments, alongside those from devolved institutions in the United Kingdom. A British-Irish intergovernmental conference, designed to explore the totality of relationships between the two islands, replaced the Anglo-Irish Agreement.

(Tonge, 2002; 182)

Other provisions of the Good Friday Agreement acknowledged that a majority of the population of Northern Ireland wished to remain in the United Kingdom. Articles 2 and 3 of the constitution of the Irish Republic were amended in a referendum (1998). It would henceforth contain a mere aspiration, rather than assertion, of Irish unity (Tonge; 2002; 182). Aside from these constitutional issues, equality and human rights were also covered by the Agreement. There was an acknowledgement that the nature of Northern Ireland's society was indeed divided, and as such there was a commitment to respect the equality of the two cultures "including a right to opt for either British or Irish citizenship, or both, whatever the overall territorial arrangements" (Coakley and Gallagher, 2010; 396). Addressing the legacy of the conflict meant that the political parties had to work in good faith. It also made provision for an accelerated programme of early

release of prisoners, a victim assistance structures, the removal of all paramilitary weapons and the reduction in the security forces presence (Coakley and Gallagher, 2010; Tonge, 2002).

Dissatisfaction among Unionists grew with the implementation of the Good Friday Agreement (1998). Many Unionists perceived the Good Friday Agreement (1998) as actively eroding their British identity and security. Alternatively, the Nationalists had to accept less than full Irish unification. However the Good Friday Agreement (1998) succeeded in greatly reducing political violence within Northern Ireland. As a legal Framework, (albeit flawed, with the devolved institutions in the North collapsing for a five-year period), it provided a design for the achievement of a political accommodation between mutually antagonistic communities. The Northern Ireland Executive "continues to experience severe strains from within (tensions between the DUP and Sinn Fein in particular) and from without (threats from dissident republican groups, and periodic surges of sectarian unrest), no alternatives has so far been on the table as a long-term option" (Coakley and Gallagher, 2010; 402). Clearly the reform of the RUC was also critical to the future peace in Northern Ireland. The Good Friday Agreement (1998) recognised that there were deep divisions between the communities on matters of policing and that policing was part of the history of Northern Ireland, which therefore made it a highly emotive issue. The Good Friday Agreement (1998) thus provided an opportunity for a new beginning to policing in Northern Ireland, in which a police service capable of sustaining support from the both communities as whole could be created. In the words of the Good Friday Agreement (1998) the police service must be a:

> "professional, effective and efficient, fair and impartial, free from partisan political control; accountable, both under law for its actions and to the community it serves; representative of the society it policies, and operates within a coherent and co-operative criminal justice system, which confirms with human rights norms" (1998; 22).

In the Good Friday Agreement (1998) the executive power-sharing chosen is according to the principles of representative democracy, and the main communities sharing power. Each community enjoys self-government in matters of cultural concerns. Each is represented proportionately in key public institutions. Additionally each community is able to prevent changes that affect vital interests (McGarry and O'Leary, 2004: 1)

The Good Friday Agreement (1998) suppressed the variety of points of interaction, communication and indeed deliberation between the Unionists/Loyalist/Protestant community and the Nationalists/Republican/Catholic community. McGarry and O'Leary (2004), as revisionist Consociationalists, disagree with Lijphart in respect to Northern Ireland when they suggest that it requires much more than just consociational institutions, and that it needs all-island and all–Ireland cross-border institutions linking the two sovereign governments of the United Kingdom and Ireland. As such the Good Friday Agreement (1998) is a quasi-Consociationalist agreement, due to the fact that "it was inspired more by an integrationist approach to power-sharing that a segregationist one" (Dixon, 2005; 358). Although O'Flynn notes that these are "contradictory guiding principles" (2006; 152), the Good Friday Agreement (1998) has bi-nationalism at its heart. There is a settlement between two national communities rather than two ethnic or religious communities; for instance Ministers take a 'Pledge of Office', not an 'Oath of Allegiance' (McGarry and O'Leary, 2004).

Evans and Tonge note that the Good Friday Agreement (1998) entrenched the Unionist-Nationalist dichotomy and divisions based on identities, which perhaps resulted in the diminishing of the moderate centred political parties in Northern Ireland. Harris argues that "it would be erroneous to assume that the non-elite are without influence (2003; 35), which suggests that civil association has still an important role to play in Northern Ireland (Harris, 2004). It must be conceded that negotiations which result in the Good Friday Agreement (1998) were achieved with "less frequent involvement of the grassroots" (Harris, 2004; 35). This leads to questions not so much about the negotiations themselves but more about the difficulties in the implementation of the Good Friday Agreement (Harris, 2004). Within the Good Friday Agreement there is "much more detail, and much more compulsion" (Collins and Cradden, 2001; 136) which makes it nature not wholly Consociationalist, for instance:

> "they could involve…separate 'Catholic' and Protestant' police forces to police their 'own areas' entrenching communal identities through strong groups rights, the continuing identification of Assembly members as 'nationalist', unionist' or 'other', and orientation towards segregation in housing, education and social activities" (Dixon, 2005; 357).

Also within the Good Friday Agreement (1998) are the dimensions of the European Convention

on Human Rights (incorporated into law in both the Republic and Northern Ireland) and the all-embracing Northern Ireland Equality Commission.[16] These dimensions can be seen as instigating dialogue between sub-elite members of the different groups and communities. The establishment of the Equality Commission and the incorporation into law of the European Convention on Human Rights means that equality is a core principle which underpins the Good Friday Agreement (1998) (Baker et al, 2004). For the people of Northern Ireland there are very specific guidelines that have been given legislative effects "in terms of consulting with people…assessing the impact of policy, monitoring, publishing data, training staff and so on" (Baker et al, 2004; 200). This section of the Good Friday Agreement (1998) also frames the relationship between the state and civil society; allowing for reciprocity and publicity to be institutionalised (O'Flynn, 2006).

With regards to the conflict and the peace process, the Good Friday Agreement (1998) cemented the progress that was made from the Loyalist/Unionists and Republican/Nationalists ceasefires in 1994. Clearly the Good Friday Agreement (1998) recognised that there were mutual national claims, i.e. "Unionists who made the Agreement recognised nationalists as nationalists, not simply as Catholics. Nationalist recognised Unionists as Unionists, and not just as Protestants" (McGarry and O'Leary, 2004; 12). Since the singing of the Good Friday Agreement in 1998, Northern Ireland has officially been engaged in a peace process.

Additionally mandated by the Agreement, the Patten Report on policing recommended, that the police force would have an ethno-nationalistic impartial name, that the Union flag should no longer be flown on policing stations premises, and that the portrait of the queen within police stations should also be removed. Moreover Policing symbols were to be free from association with British or Irish states. Policing and the reform of policing has, however, remained a central and contentious issue for this ongoing peace process (Wilson and Stapleton, (2007); Brogden and Nijhar, (2005); Tonge, (2002); McGarry and O'Leary, (1999)).

Unmistakably the Good Friday Agreement (1998) made it clear that in principle and with broad support from the political parties, the responsibilities for policing and justice issues would be devolved. Yet before devolution could be restored a number of initiatives had to be carried out. A major initiative was that of decommissioning of the IRA arsenal of weapons. A further

[16] See http://www.equalityni.org/site/default.asp?secid=home

initiative which signalled to the Unionist community, when the British, the Irish and American governments, stated that Sinn Fein was indeed embracing peaceful transformations and their endorsement of the PSNI (New Police Service of Northern Ireland). Sinn Fein took up its positions on Northern Ireland's Policing Board and District Policing Partnerships on May 1st 2007. In 2006 Northern Ireland's Oversight Commissioner stated that two thirds of the Patten recommendations' had been implemented and was confident that the remaining recommendations would be achieved on time (NIO, 2006)[17].

4.5: Independent Commission: The Patten Report

Established under the Good Friday Agreement (1998) was the Independent Commission on Policing (known also as the Patten Commission). This independent commission on policing would recommend on a police force acceptable to the two communities. This commission "included experts from Canada and the United States, as well as the United Kingdom. It held a series of public meetings throughout Northern Ireland, invited written submissions, conducted a survey, researched focus groups, met with the police services and experts in other countries, and delivered its report in September 1999" (McGarry, O'Leary, 2004; 379). In making its recommendations the Commission was mandated to adhere to the following seven principles; that the police should be:

- Representative
- Impartial
- Accountable
- Decentralised
- Infused with human rights culture
- Efficient and effective
- Free from partisan political control

(The Patten Report, 1999)

[17] For further details see http://cain.ulst.ac.uk/issues/police/oversight/oversight-rep16-060606.pdf

Topping (2008a) notes that the Patten Report (1999) was indicative of a perceived need for an end to incremental and politically nuanced 'thinking' within policing, and the beginning of substantial, inclusive and permanently acceptable change to the policing process. Mulcahy argues that reforms to normalise policing in Northern Ireland should be viewed "as one of the most significant dividends of the peace process" (2006; 89). The Oversight Commission; tasked with overseeing the implementation of the Patten Commission recommendations, described the process of reform as the most complex and immense task by a law enforcement agency (2001). It also noted that policing reform within the context of a movement away from high levels of religious ethnic and political conflict and towards the context of peaceful/normalisation of policing certainly presented an enormous challenge. A further claim by the Oversight Commission (Post-Patten) noted that this process was done in the light of public scrutiny, in order to make them (the reforms) and the police more accountable and legitimate. Major policing reforming initiatives were introduced by the Patten Commission Report (1999). According to Tonge:

> "The Patten Commission's report published in September 1999 after 36 meetings with the public, acknowledged that the RUC enjoyed overall high levels of public support, but that significant attitudinal variations existed between Protestants and Catholics. Many Catholics believed that the police force was too clearly associated with the defence of the state. The police force was seen by such critics as too Unionist and too Protestant. The RUC was also lacking accountability" (2002; 90).

Lord Patten (2010) reflecting on his work, argued that policing in Northern Ireland was caught at the heart of this identity trap, within which the police were seen to be either the custodians of nationhood or the symbols of oppression. "For the majority, the police service was the 'we', for the minority it was the 'other' (Patten, 2010; 18). Shearing has noted that the Patten Report "has received a curiously uneven response over the past decade" (2010; 27). This unevenness is clearly due to the lack of critical evidence on the new community policing in Northern Ireland (Shearing, 2010). Brogden and Nijhar (2005; 216) observe that the Report stressed the sensitivity of policing and the necessity to consider it separately from wider societal changes. According to the Patten Report "policing is a matter for the whole community and not

something the community leaves to the police" (Brogden and Nijhar, 2005; 217). Placing the principles of consent and accountability at the core of the new service, the inherited paramilitary colonial model of policing was dismantled (Brogden and Nijhar, 2005). This is a key proposal within the Patten Report as it established a community policing structure and function for Northern Ireland. Furthermore this community policing structure and function simultaneously established the central concepts of decentralisation and transparency (Patten Report, 1999). The Commission, in drafting its Report, did not react to the local political sensibilities and debates, instead it sought to identify and address the generic issues and debates within policing. It developed democratic good governance for policing. In doing so the Pattern Report:

> "was to fundamentally alter the relationship between police and community and establish policing as a 'collective responsibility', not something which the community 'leaves the police to do'. Structures should be developed to transform the 'defensive, reactive, and cautious culture of the RUC, replacing in with on of openness and transparency" (Brogden and Nijhar, 2005; 217; Patten Report, 1999; 25).

One of the major themes of the Report was the symbolically charged issues of the name, the uniform, and the badge. Symbols of policing "were at the heart of the debate that was raging within Northern Ireland at the time the Commission was sitting, and the consumed much of the discussion about the *Report* once it was released" (Shearing, 2010; 30).

Considering what symbols and associated meanings would best serve the police in the future, the Commission moved towards inclusive symbols. Shearing (2010) noted that much of the debate in popular media was focused on symbols. What was shown in time was that the "symbols ultimately chosen have indeed been unifying, so that today there is considerable agreement that the decisions made by the Commission were the right ones" (Shearing, 2010; 31). Another theme to emerge from the Patten Report was good policing in the conventional terms or normalised good policing, linked into good training and good thinking within policing; namely the importance of communities as resources for good policing. In this regard the Report argued that the "police working in partnership with the community, with the community thereby participating in its own policing; and the two working together, mobilising resources to

solve problems affecting public safety over the longer term rather than the police, alone, reacting short term to incidents as they occur" (Patten Report, 1999; 40). Alongside the first theme of symbols, this second theme of good policing provided an agenda for police reform in Northern Ireland. Added to this were the Human-rights and policing issue, regarded in the Report as not being at odds but also being both consistent and encompassing of each other. "It is a central proposition of this report that the fundamental purpose of policing should be, in the words of the Agreement, the protection and vindication of the human rights of all" (Patten Report, 1999; 18). "It was on these two themes of recommendations and their associated principles that the police have focused their attention in transforming themselves and their police practices" (Shearing, 2010; 32). Hence this became the basis for the Police Service of Northern Ireland (PSNI). The third theme to emerge from the report, which according to Shearing:

> "While acknowledging the vital importance of ensuring that police are not subjected to undue political interference in operational matters, the Commission argued that the notion of 'operational independence' for police had effectively swung the governance pendulum too far towards the police and their leadership. This, the Commission argued, had created a situation whereby chief constables had become less accountable to the public, and to their political representatives, than was appropriate"
>
> (Shearing, 2010; 32)

Instead the Commission argued for the notion of 'operational responsibility', in that, while the police and police leaders are responsible for police operational matters, their decisions and their actions should not be immune from scrutiny after the fact. The report stated four types of accountability should be used to make sure operational responsibility was embraced:

- Democratic accountability, by which the elected representatives of the community tell the police what sort of service they want from the police, and hold the police accountable for delivering it

- There is transparency, by which the community is kept informed, and can ask questions, about what the police are doing and why
- Legal accountability, by which the police are held to account if they misuse their powers
- Financial accountability, by which the police service is audited and held to account for its delivery of value for public money

(Patten Report, 1999; 22)

These principles of accountability had some of the most fundamental and far-reaching impacts on policing in Northern Ireland. Shearing suggests that the Patten Commission also shaped policing in Northern Ireland in its "distinction between policing, as a set of arrangements that involved both police and others, and the activities carried out by police…policing with the community' in preference to 'community policing' to draw attention to, and to emphasise, the necessity of acknowledging that communities could, and should, be actively engaged in policing in partnership with the police service" (2010; 33). Another distinguishing and radical feature of the Patten Commission was that it highlighted the need for the police and policing to be carried out through the twin notions of a 'policing budget and the policing board. The Patten Report did reject the notion of the centralised hierarchical and highly specialised model of the RUC, but its acceptance of accountability, transparency decentralisation and consent arguably afforded greater democratic principles to policing in Northern Ireland.

"Like other such Reports, there was a long way between the principles enunciated and final implementation" (Brogden and Nijhar, 2005; 220). The subsequent Police Bill published in 2000 considerably watered down the Patten Commission's proposals (Brogden and Nijhar, 2005). According to Shearing (2010) the name of the legislation, 'Police Act' rather than 'Policing Act, was a clear sign that the British government failed to take on board these radical policing innovations. In a sense the Police Act 2000 argued that "[y]ou cannot alter policing without a favourable political and economic context…You cannot use policing as the lever of political and social change" (Brogden and Nijhar, 2005; 220). Shearing (2010) indicates that the changes which occurred during the legislative process failed to follow Patten in the idea of locally based policing, accountability, transparency and policing as a community function. For instance outside

of the statutory provision for District Policing Partnerships and District Commanders, there was no legislative provision for the development of a decentralised, non-hierarchical policing service. Similarly there was no provision in the Police Act 2000 for devolved budgeting and financial control, which remained an operational matter determined by the Chief Constable. The Police Act 2000 also failed to incorporate the concepts of 'operational responsibility' and 'retrospective accountability', by denying the automotive right of the Policing Board to request reports and to establish enquiries. The Secretary of State remained in ultimate control of the police but not the Policing Board. The Police Act 2000 also ignored the principle that everything should be made available to the public unless it was in the public interest. From the perspective of the Police Act 2000 policing is simply encapsulated as a state function. In the final legislation draft some of the key elements of Pattern were restored (Brogden and Nijhar, 2005). Policing under to the Police Act (Northern Ireland) 2000 could be understood as an example of policing which stemmed from what Topping (2008) termed 'meta-bargaining'. Hayes, argues that "the legislation to reduce the influence of the Policing Boards, to shift the balance of power back towards the Secretary of State and to emasculate the DPPs. This largely reflected the culture of the Northern Ireland Office (NIO) and those who had had charge of policing…Having looked at policing through one set of lenses, they were not likely to embrace change of this order" (2010; 66). The Police Act (Northern Ireland) 2003 amended much of these failures and implemented the Patten recommendations. Despite these limitations placed on Patten's report implementation as a result of meta-bargaining dialectics, Topping, argues that:

> "As the final 'stepping stone' along the journey towards a lasting peace in the country, the Patten Report, as the most 'significant' and 'complex blueprint' for police reform in the world, was part of an overarching consensus that if policing could somehow 'be got right', the other pieces of the jigsaw would fall into place" (2008b; 779).

Topping suggests that the "meta-bargaining' with regard to policing is now concerned with the nature of policing the peace; and the ubiquitous link between politics, policing and the rule of law has now been replaced by a broad social agenda focused on creating safer communities" (2008b; 779). The core recommendations of the Report proposed and implemented, can be summed up as neutrality, accountability, "compositional representation of the community"

(Wilson and Stapleton, 2007; 397) and policing with the community rather than community policing. The table 4.8 below provides an overview of the key events in policing:

Table 4.8: Chronology of Events in Policing

Date	Event
31 May 2000	Oversight Commissioner, Tom Constantine appointed to oversee the change processes
6 November 2000	Police (Northern Ireland) Act 2000
1 April 2001	Establishment of police district command units based on council areas
17 August 2001	Revised Implementation Plan published
29 September 2001	Appointment of new Policing Board (to replace the Police Authority)
4 November 2001	First new recruits enter training
4 November 2001	Policing Board assumes its powers
4 November 2001	RUC changes name to Police Service of Northern Ireland (PSNI)
14 November 2001	Names of trustees on RUC George Cross Foundation and Northern Ireland Police Fund announced
5 April 2002;	New uniform and emblem comes into service; first recruits under 50:50 graduate: new flag-flying new rules introduced
29 April 2002	intergovernmental agreement signed between the UK and Republic of Ireland on police co-operation
4 March 2003	Public Appointments to DPPs
8 April 2003	Police (Northern Ireland) Act 2003
December 2003	The new Oversight Commissioner Al Hutchison succeeds Tom Constantine
31 May 2007[18]	*Sinn Fein takes up their seats in the Policing Board and in the DPPs*

Source: Adapted from United Kingdom Yearbook 2005

The endorsement of the Northern Ireland Policing Board and the District Policing Partnerships by Sinn Féin' s governing council in January of 2007, meant that the legitimacy of the Police Service of Northern Ireland (PSNI) was accepted by both communities for the first time since its creation in November 2001 (Belfast Telegraph, 2007). This also resulted in the formal procedures for the re-organisation of the District Policing Partnerships, as stipulated in the Northern Ireland (St Andrews Agreement) Act 2007, to reflect more fully Nationalist/Republican/Catholic communities. Seen in a practical setting, rather than just symbolic terms, this meant holding the PSNI to account at a local level to all sections of the community (Topping, 2008a); thus allowing policing in Northern Ireland to change dramatically. The meta-bargaining seen in the first decade of policing change has been replaced with

[18] Intended to clearly highlight that this date and event was added to Northern Ireland Yearbook (2005)

concerns about the nature of policing the peace.

4.6: The Northern Ireland Policing Board

The Patten Commission designed structures of accountability to ensure democratic and effective policing. It also designed governance of policing based oversight while creating a close partnership between the police and local communities (Rea, et al, 2010). The Northern Ireland Policing Board (NIPB) is central to this, and its creation was a signal of a new beginning for police accountability. The NIPB replaced the old Policing Authority, which failed to have any democratic basis. The NIPB has a number of very clear statutory and primary functions; holding the Chief Constable and the Police Service of Northern Ireland (PSNI) to account. "It is the role of the Board to secure the delivery of an effective, efficient and impartial policing service for Northern Ireland and to hold the Chief Constable to account for that (Rea et al, 2010). This work is delivered through meetings and through work done with communities. Shearing (2010) argues that the NIPB and the standard which it has set can become a model for other countries. Tom Constantine (2000), the first Oversight Commissioner for policing reform, described the policing reform process in Northern Ireland led by the NIPB as "complex and of a magnitude that is virtually unparalleled in…scope" (cited in Rea et al, 2010; 131). The Patten Commission envisioned the role of the NIPB as going beyond the mere supervision of the PSNI, but to allow for a more holistic set of contributions to be made from individuals, groups and organisation towards better police policy and public safety.

The Policing Board's meetings (normally) comprise of three types of sessions. These sessions entail two private sessions which include meetings between Board members and officials only, and the other private session includes a private meeting where the Board is joined by the Chief Constable and his chief officers. The third type of session is the public Board's meetings where members of the public and the media are invited to attend. This session injects transparency and openness into policing oversight. These sessions form a key part of the new accountability arrangement in Northern Ireland policing. Rea et al (2010) note that in order to succeed in this task the NIPB as a body of police accountability must have support, credibility, and power and responsibility.

The NIPB (the Board) has a total of 19 members, including a chairperson and vice-chairperson. Ten of these are elected members of the Northern Ireland Assembly and are appointed under

the D'Hondt principles. The d'Hondt method requires that the number of votes for each party is divided successively by a series of divisors. Seats are then allocated to the parties with the highest resulting quotient until all seats available have been allocated. These members then become the political members of the Board. The remaining nine members of the NIPB are self-nominated and independent, appointed by the Secretary of State (under Part II of the Schedule of the Police (Northern Ireland) Act, 2000) and become the independent members of the Board. The chairperson is chosen from the political members and the vice-chairperson is chosen from the independent members. The NIPB has an in-built political majority of one. In other words the political membership of the NIPB has one extra member than that of its independent membership.

The Policing Board has set out mechanisms for monitoring and performance assessment of the PSNI and the Chief Constable. Fundamental to these mechanisms was the inclusion of the framework for human-rights monitoring and a code of ethics for police officers (Rea et al, 2010). Through these frameworks and other accountability oversight mechanisms, objectives are set-out for the PSNI. Significantly these are essentially what shape policing across Northern Ireland (Shearing, 2010; Rea, 2010; Brogden and Nijhar, 2005). The Police Board "has also taken the lead on securing the resources necessary to deliver effective and efficient policing, while holding the Police service to account for the way in which it has managed and used the resources it has been given" (Rea, et al, 2010; 130).

Guided by the Good Friday (1998) Agreement, the Policing Board recognised that for the community to trust and to lend their support for the police. Then the police must be representative. The table 4.9 below outlines the composition of the PSNI in 2012.

Table 4.9: The Composition of the PSNI (2012)

	% Protestant	% Roman Catholic	% Not determined	% Female	% Male	% Ethnic Minority	
Police Officers	67.45	30.34	2.21	26.73	73.27	0.46	Total 7133
Police Staff	77.91	18.84	3.25	63.98	36.02	0.40	Total 2521

Source: The Northern Ireland Policing Board: Figures are accurate as of 4th of July 2012

In response to the Omagh bomb (15th of August 1998) which caused the largest loss of life in thirty years of the Troubles. 29 people and 2 unborn children died. The Police Board outlined the following key actions to the reform of the Special Branch based on the Omagh Report (2001)

- The Board would appoint a Deputy Chief Constable to act as an independent scrutiniser of the investigation
- Chief Constable would request Her Majesty's Inspectorate of Constabulary (HMIC) to conduct a full review of the policy (became known as the Blakey Report)
- The Policing Board requested HMIC to conduct a focused review of Special Branch (Crompton Report)
- The Board established a monitoring system for the implementation of findings and recommendations from these review

In February 2003 the Police Board introduced a code of ethics for the PSNI. This code of ethics lays down the standards of conduct and practices for police officers, and set their rights and their obligations under the Human Rights Act (1998). Additionally the Police Board has statutory responsibility to monitor the PSNI's compliance with this Human Rights Act (1998). The Police Board published its first Human Rights Annual Report in 2005. The Police Board also has responsibility for monitoring public confidence and public satisfaction in policing. In the Policing

Plan 2009-2012 the Policing Board has set confidence and support for the PSNI as a main objective.[19] To measure these, the Policing Board commissions two independent surveys twice yearly. Here police performance between 1st of April 2008 and 31st of March 2009 (from those victims of Violent Crime, Vehicle Crime, Domestic Burglary, Racist and Road Traffic incidents); found that 79% indicated that they were satisfied with the overall service provided by the police, similar to the 2007/2008 findings of 80%.[20] The Police Board is also responsible for appointing senior police officers. To date the Police Board have appointed two Chief Constables, two Deputy Chief Constables and six Assistant Chief Constables to the PSNI. The Police Board's appointment panels comprises of representation from the political parties. Notably PSNI Chief Constables are the first senior officers in the UK to undergo formal appraisals.

Policing with the community best describes Patten's style of police. To maintain this community policing style, the Policing Board has the statutory duty to appoint independent members to District Policing Partnerships (DPP). Other member comprise of Councillors. In appointing these independent members the Policing Board seeks to ensure that the membership of each DPP is representative of the community it serves. Here the Policing Board takes into account, gender, age, race, sexual orientation and disabilities, to ensure representativeness. The initial appointment by the Policing Board was the "largest simultaneous public appointment process ever undertaken in Northern Ireland" (Rea et al, 2010; 137). In the opening remarks at the first meeting in public of Northern Ireland Policing Board it was said that "…as the Board begins its work, it has the ability to shape the future of policing in Northern Ireland" (Chairman of NIPB, Rea 2001; 4). These are the key areas of the Policing Board's oversight and accountability of policing. Policing transformation through the Policing Board and its accountability structures, human rights, confidence monitoring, appointments and symbol change, etc. has allowed Northern Ireland to experience policing with the community within a post-conflict society.

4.7: The Northern Ireland's District Policing Partnerships

Having examined the Northern Ireland Policing Board, it is now apt for this research to turn its attentions on the features of policing partnerships, since these are the core cases of study. The District Policing Partnerships (DPPs) enable the police to be subject to popular accountability

[19] Policing Plans are published on NIPB website http://www.nipolicingboard.org.uk/index/publications/policing-plans.htm

[20] These surveys can be found at http://www.nipolicingboard.org.uk/.

structures at the meso-level (Ryan, 2008). Northern Ireland is divided into eight policing district. Belfast comprises 4 urban Districts A, B, C and D. The remaining four are rural E, F, G and H. Each District is led by a Chief Superintendent and Districts are further divided into areas, each headed by a Chief Inspector.

Indeed similar to the NIPB, the DPPs also have a statutory monitoring remit under Part III of the 2000 Police (Northern Ireland) Act. The DPPs must consult, identify, engage, and act with and within the community in a remit of accountability and oversight of policing. These policing partnerships are also a tool for the police to reach out and engage with communities. They also act as platforms for the public to voice their concerns and hold the police to local account. Orde (2010) argues that the formation of the DPPs "were perhaps the most fundamental in the process of change in policing in Northern Ireland" (2010; 108). The DPPs have indeed out-stripped previous efforts to engage the communities in policing (Orde, 2010). As part of the of the Patten Commission's vision for the DPPs, it was envisaged that these partnerships workings should be related to crime and policing (rather than police) issues, and that they would involve:

> "creating a real partnership between the police and the community, government agencies, non-governmental organisations, families, citizens; a partnership based upon openness and understanding; a partnership in which policing reflects and responds to community needs" (Patten Report, 1999; 8).

DPPs were specifically designed to move policing in Northern Ireland beyond a state monopoly on crime control and towards policing with the community (Ellison, 2010). The DPPs consist of both the police and community representatives, with their members selected to reflect the social make-up of the district/region—political, ethnical and religious demographics. There are 26 DPPs. In Belfast, there are four sub-DPPs which contain at least six members of the Belfast DPP, in order to cover the city's police districts, rather than each city district having a full DPP. Tonge argues that rather than a city-wide DPP, the division of Belfast into four sub-districts has prevented Sinn Fein from having substantially greater input into local policing issues (2006; 145). All told there are 26 DPPs with Belfast having four sub-DPPs to constitute its larger district.

The structure of these DPPs membership (other than Belfast DPPs sub-group) comprise of 8, 9 or

10 councillors selected by the local council and 7, 8 or 9 independent members selected by the NIPB, which provides apolitical majority of one in each DPP. In appointing the independent members the Northern Ireland Policing Board (NIPB) seeks to ensure as far as it is practical that the DPP is representative of the community it serves. This is a statutory duty of the NIPB. To carry this out, the NIPB undertakes recruitment processes for appointing independent members. It develops awareness raising campaigns to bring the appointment processes to the attention of the general public. It also encourages young people, people from minority groups, and people from the LGBT community to nominate themselves for appointment, in order to participate in these DPPs. In general the NIPB must also account for the community (gender, race, age disability and etc.). Independent members receive a stipend as part of their roles and responsibilities. Each DPP had to have at least six meetings in public annually.

"DPPs ensure that local people have a voice on police delivery, and this have contributed in a unique way to building community confidence in policing" (Rea, et al, 2010; 137). It is suggested by Ryan (2008) that Professor Shearing, a criminologist and a member of the Patten Commission, is arguably the person behind the inspiration for the DPPs in Northern Ireland. Security in Shearing's and Wood (2000), and Bayley and Shearing, (2001) view is a social practice that involves a network of numerous actors from civil society. Accordingly, Shearing argues that state-centred approaches to policing fail to protect the marginalised in a society and that by constructing institutions with community based methods of governance; marginalised people gain a stronger bargaining position for the allocation of security resources (Bayley and Shearing, 2001). Shearing and Stenning (2000), and Bayley and Shearing (2001) termed this as a 'networked approach to policing'. According to Ryan, Shearing's approach to policing and its governance lies in "a pared-down state where local capacity and knowledge is harnessed to market mechanisms to alleviate inequality in the provision of security" (Ryan, 2008; 348).

As a result of Shearing's influence the Patten Report proposed that the DPPs were to be associated with the innovation of a 'policing budget'. The DPPs be able to raise taxes equivalent to 3p in the pound outside of the provincial budget to fund local initiatives for policing with the community (Patten Report, 1999; para. 6.33; Stenning, 2009).

> "This would permit local police commanders to apply for funds to supplement their budgets and at the same time encourages other policing nodes to apply for support from the Policing

> Board. In proposing a framework for supporting policing rather than simply the police, the Commission's report sought to encourage the mobilisation of diverse knowledge and capacities in the governance of security" (Shearing, 2000; 387).

Furthermore according to Hillyard and Tomlinson this raising of funds can be best understood in terms of;

> "[t]he proposal for…[DPP's]… to buy–in extra policing could reduce the inequalities in security provision and also provide an opportunity for the democratic control of this public good rather than leaving it, at the moment, to the individual and the market" (2000; 400).

However, this key recommendation of a budgetary role for the DPPs was not implemented (Irish Times, 20 January, 2000), on the grounds that they could become a conduit for local paramilitary organisations to exert an undue influence over the nature of local policing (Ellison, 2007; 255). Instead the creation of the DPPs formalised the participatory arrangements between local police (PSNI) offices and their communities. Downs (2010; 289) notes that the DPPs were focused on level of accountability focused at municipal level with the District Commander. Similarly Stenning (2009; 29) argues that the Patten Report proposed that the functions of the DPPs should be advisory, explanatory and consultative at a local level. Their primary function are accountability but they also bring policing closer to the community and to give people a say on local policing issues; thus helping to make communities safer and policing more effective. The report considered these DPPs as the police being only one part of the partnerships alongside the political, and the independent members (the public being the other significant partners). Indeed the style of policing favoured by the Patten Commission was that whereby the police would work with the community and the community would participate in its own policing with these communicative sites (DPPs) (Rea et al, 2010; Topping, 2008; Wilson and Stapleton, 2007; Brogden and Nijhar, 2005; Tonge, 2002). The DPPs provide sites for communities to discuss views and matters concerning policing of the district. The Code of Practice for these DPPs state that:

- The public are consulted in issues related to policing and their views on policing are

gathered;

- The views of the public with regard to policing are analysed and priority issued identified and presented to the District Commander to be considered for inclusion in the Local Policing Plan;
- The DPP monitors the performance of police in carrying out;
    - The Annual Policing Plan as it applies to the district
    - The Local Policing Plan for the district
- the DPP engages to gain co-operation of the public with the police in preventing crime;
- the DPP acts as a general forum for discussion in matters relating to the policing of the district

Source: http://www.districtpolicing.com/draft_cop_version_12ac_16.12.05.pdf

The DPPs were mandated to monitor the performance of the police and to obtain public cooperation of the community. They acted as a forum for discussion of district policing matters. Statutorily the District Police Commanders (For each police district the Chief Constable designates an officer of the required rank a (district) commander) are mandated to consult with the DPPs before they produce a local policing plan. This plan must be consistent with the general policing plan published by the Policing Board upon consultation with the Chief Constable. In other words, communities have an input into the management of policing and a role in leveraging police-policy in Northern Ireland.

4.7.1: Criticisms of DPPs

A number of academics have identified a number of shortcomings associated with DPPs. Ryan (2008) has highlighted and researched a number of these shortcomings through interviews. In his work, he constructs a critical view of the DPPs (Ryan, 2008). Outlined in this analysis is a series of interviews carried out with DPPs participants and information gathered from other relevant documentation, Ryan (2008) argues that expectations of the participants of the DPPs are low. In an interview with the Communication Officer of the Police Authority of Northern Ireland (dissolved in 2001), Ryan notes that “the DPPs to have any more authority than the

previous CPLCs because 'they have no legislative powers (2008; 356). Similarly in other interviews there were expressions of frustration with attendance at the DPPs public meetings in general, and that the public were very rarely or never informed about them (Ryan, 2008). According to a community leader interviewed:

> "I don't even know where they're on. Nobody from around here goes to them', he said. Asked why, he ventured, 'apathy, and maybe a perception it's a middle-class thing…An independent member of Lisburn DPP echoed this point when she identified 'a perception that DPPs are middle-class bodies, concerned only about good policing in middle-class areas, and they look at middle-class problems rather than tracking issues of disadvantaged areas. Indeed research at the time found that, of the 24 per cent of young people who had heard of the DPPs most were within the higher educational bracket" (Ryan, 2008; 357).

Ryan's (2008) research clearly marks a level of frustration with the DPPs. The Committee on the Administration of Justice (CAJ) report findings that many political members of DPPs see their independent counterparts as inexperienced. The CAJ goes on to also state that political members of the DPPs have undue influence over the discussion within the DPPs to these political members. Furthermore there is a distinct lack of youth at these DPP meetings in public. Additionally the District Commanders reports have been criticised for being too statistically-based. The impression given by Ryan (2008) and the CAJ is that the DPPs are just forums for police publicizing their work. Within these meetings many members of the DPPs argue that the answers of the police are insufficient to allow them to hold the police to account. Other people interviewed argued that these meeting in public were just talking shops staged-managed to avoid controversy (Ryan, 2008; 356-358). Topping (2008b) contends that the body of the DPP work in community engagement, consultation and monitoring local policing has a negligible impact upon the rank and file community policing officers. For those on the coal-face the DPPs have become a:

> "shallow, sad reflection of what Patten envisaged…[and]…there's no bite with them at all, and that suits the police, because they don't want that critical engagement…(PSNI Officer quoted in

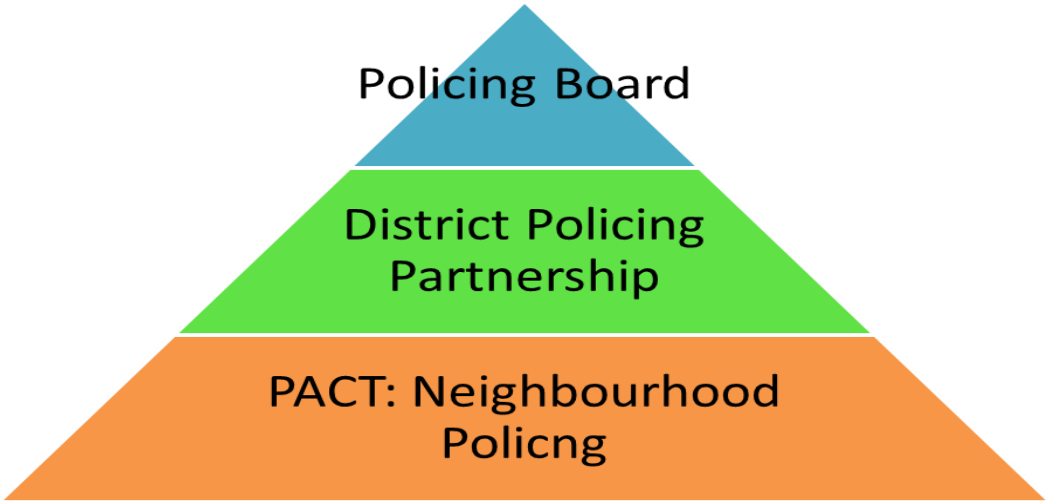
Topping, 20008b; 789).

Nevertheless DPPs provide police/citizen engagement. Clearly they are influenced by North American and British communitarian policing thinking of the last two decades. It is also clear that they place unmistakable emphasis on bringing working partnership into police governance and police service delivery. As such DPPs provide fixed points of contact between the PSNI and the public/communities.

The DPP meetings in public model involve providing PSNI officers (in general the District Area Commander) with an opportunity to communicate with people from a local community. Generally this is done through a presentation discussion component. Here crime statistics and plans to resolve district crime issues are outlined and discussed; which is certainly a more factual and less interactive form of discourse. Yet it enables localised policing issues to be addressed together through partnership with communities. The second component of these DPP meetings in public are based upon an open interactive format, which places emphasis on encouraging public discussion, where the agenda in these discussions is directed by the audience.

Figure 4.2 outlines the structures of Northern Ireland police/public engagement processes in order to provide policing with the community. At the bottom of the pyramid is the Partners and Communities Together (PACT), these are attempts at neighbourhood contact by the PSNI within the community policing paradigm.

Figure 4.2: Structures of Policing/Public Engagement Processes



With devolution of policing and justice powers in April 2010, it was revealed that there is still a deep sense of mistrust between both political community leadership and at a general level, on the issue of policing. Community safety is still synonymous with the wider developments relating to the politics of, and transition to, peace in Northern Ireland.

David Ford, the leader of the non-sectarian Alliance party in a cross-community vote in the Assembly at Stormont, became Northern Ireland's new justice minister. At this point policing and justice powers were transferred from London to Belfast; thus completing the devolution process. In a sense there was always pressure exerted, not only on Sinn Fein but on all parties in the Assembly, to come to an agreement about whether or not, or when was the right time for, devolution of policing and justice to occur.

After devolution of policing and justice, the Northern Ireland Minister of Justice (referred to as the Minister of Justice) has now the responsible for policing and criminal justice policy. The Secretary of State remains responsible for national security (National security relates to the safety and security of the state and the people). Clearly it was recognised that national security issues may and could possibly touch on the responsibilities of the Minister of Justice. Hence there was a set of protocols set out to deal with such issues. As such there will be a need for consultation and sharing of information between the Secretary of State and the Minister of

Justice. What information pertaining to national security can be shared and what terms it is provided remains the responsibility of the Government of the United Kingdom. Other issues relating to national security include the Northern Ireland Office (NIO) providing access for Department of Justice officials (DOJ) to those pre-devolution (NIO) records. Although DOJ officials will have no access to pre-devolution NIO records that relates to matters that remain the responsibility of the Government of the United Kingdom, including records that relate to matters of national security. As such the main provisions of devolution are as follows:

- United Kingdom-wide Counter-Terrorism Policing and Legislation applies in Northern Ireland and remains the responsibility of the United Kingdom Government; the United Kingdom works with the PSNI and other agencies in the policing and justice field on issues relating to counter terrorism

- Contingency planning and crisis management; Northern Ireland Executive Ministers lead in the planning and government response to any event that does not involve a national security dimension.

- Police operational response, including any request for military assistance, is a matter for the Chief Constable

- Post devolution of policing and justice, the Chief Constable, while remaining operationally responsible, will be accountable to the Minister of Justice on all aspects of PSHI work (while continuing to be accountable to the Secretary of Sate for those aspects of the PNII's work-past, present or future that have a national security element or dimensions.

- The Minister of Justice is responsible for the process of appointing the Police Ombudsman and for sponsoring his/her officer (although the appointment is made formally by HM The Queen on the recommendation of First Minister and Deputy First Minister). In relation to reserved national security matters, Police Ombudsman reports to the Secretary of State and the Secretary of State may issue guidance on those matters

http://www.legislation.gov.uk/uksi/2012/2595/pdfs/uksi_20122595_en.pdf

The International Monitoring Commission believes that the devolution of policing and justice means that the criminal justice system is "owned by and accountable to the people of Northern Ireland. As such it offers a potent response to paramilitaries…most strikingly at present to the threat from dissident republicans but also to other paramilitaries still involved in crime of any kind" (International Monitoring Commission, 2010; 30). Today the DPPs have been replaced with a new statutory body called the Police Community Safety Partnerships (PCSPs). These partnerships are an amalgamation of Community Safety Partnerships (CSPs) and the DPPs.[21]The PCSPs were established on April 1st 2012. These PCSPs have the authority to increase the funding for local policing, because they are tied to the local council and to council budgets.

4.8: Northern Ireland Today: From Conflict-to-Peace

"In Northern Ireland people can often tell what community you come from based on your name, school, where you live and the sport you play" (McEvoy, 2008; 38). Since there are social, cultural and economic divisions within each bloc, this two-community existence should not be overestimated. Many times these intra bloc differences are difficult to observe and are complex to grasp. Additionally there are many people that choose not to identify with either the Protestant/Loyalist/Unionist or the Catholic/Republican/Nationalist community.

However there are clear degrees of inter-communal separation evident in Northern Ireland that are established on the basis that there are fundamental differences between Protestant and Catholic communities; whereby the two communities display distinctive and different cultures, histories, beliefs, and allegiances. The presence of two political/religious-ethnic distinctive collective identities remains the fundamental basis for much of the social and political life in Northern Ireland. Clearly the forms of ethnic identity do not remain unchanged; but that these senses of distinctiveness and differences are processes that have to be maintained and sustained through a variety of practices. Sectarian violence is one such key form of activity that marks the sustained ethnic differences in Northern Ireland. Power and authority, the establishing of control over territory, and the instilling of fear and defining of boundaries are all affirmed by such sectarian violence. Distinction and division as well as hostility and antipathy

[21] CSPs were local council led bodies with the key priorities of identifying through consultation local issues about crime.

expressed by many during their daily routine activities such as social structures, ritual events, public celebration, commemorations and institutions. Historically sectarianism in Northern Ireland (and across the whole Island more generally) has been associated with forms of discrimination and inequalities. “Old ideas, of course, have immense power of survival and reconstitution. As Dryzek admitted in a critical aside on the Belfast Agreement, it had resulted from a process that was far from being a ‘paragon of deliberation’” (Aughey, 2005; 80). For Dryzek, the only way to learn civility was through the process of deliberation (2000; 41-42). Aughey argue that Dryzek’s reflection

> “did not answer the Northern Ireland question but raised further ones. Was inclusion of fundamentally opposed political parties in government a practical strategy? Could functioning decision-making procedures endure a conflictual dialogue? If the space for dissension about outcomes remained wide would there ever develop the trust required for agreement about outcomes? Could historic compromise on such a basis be anything other than a fragile and unstable one"(2005; 80).

Northern Ireland’s peace process and power sharing government have become much celebrated examples of patient and careful peacekeeping which has underpinned over a decade of relative peace where widespread violence has at least diminished. Additionally, the future of politics has increasingly become a question of stabilised political institutions. Yet, this political process is still fragile and there are significant structural and psychological barriers which still persist. Smithey argues that:

> “Polarised ethnopolitical identities remain among the most significant obstacles to building a healthy multicultural civil society in Northern Ireland…Subjective interpretations of the conflict and intercommunity and intracommunity relations among Protestants and Catholics are all subject to change, and yet, they are not easily changed, especially while the trauma of thirty years of recent violent conflict remains fresh. However, subjectively dimensions of the conflict have been shifting in ways that have made space for much of the political progress to date

> and have in turn been facilitated by political development, such as, the cease-fires and powers sharing governance (2011;10).

Hayes (1990; 4) suggests that ethno-political or in the case of Northern Ireland ethno-national identities deserve particular attention during peace building processes. Mainly due to the political changes which take place under such peace building processes (Hayes, 1990). Here each group:

> "defining themselves and each other primarily in terms of their mutual antagonism, they collude with each other in perpetuating the psychological bases for destructive conflict. Political struggles such as, those in Northern Ireland…have centred around core group identities…[which]…are known to be particularly contentious and susceptible to intractability" (Smithey, 2011; 12).

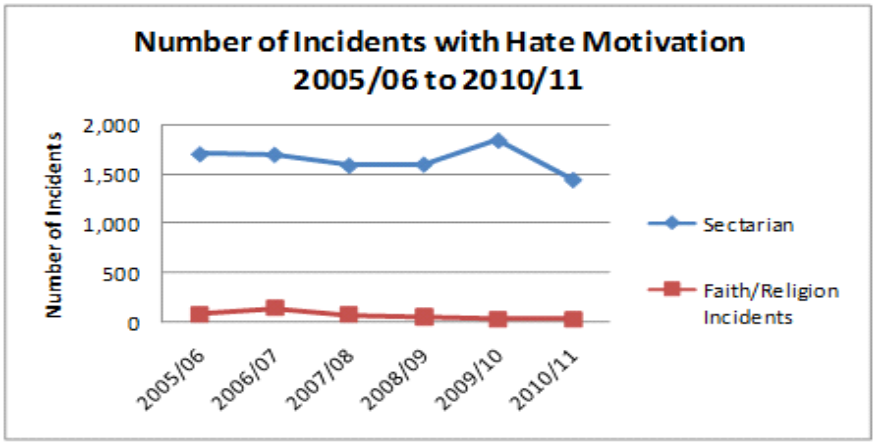
It has been well over a decade now since the signing of the Good Friday Agreement (1998) and Northern Ireland remains significantly divided society despite continuing progress in developing a pluralist agenda (Hughes et al, 2003; MacGinty et al, 2007). Alarm about this ongoing (ethno-political) division is voiced in the consultation paper *A Shared Futures* (2006-2009) published by the Northern Ireland Office of the First Minister and Deputy First Minister. Here a number of concerns are highlighted:

- the violence at interfaces between communities,
- decreased levels of tolerance and respect,
- increasing segregation in housing,
- 95% of children attend separated schools,
- high levels of racial prejudice,
- little change in the extent of inter-community friendship patterns,
- emerging divisions in local communities linked to paramilitary influence, especially at interfaces,

- people's lives still shaped by community division,
- "Northern Ireland remains a deeply segregated society with little indication of progress towards becoming more tolerant or inclusive" (2006-2009; 1-2)

A Shared Future (2006-2009) also related concerns reported by the Police Service of Northern Ireland (PSNI) of sectarian incidents although, decreasing in overall terms still remained high. Figure 4.3 below outlines a progressive reduction in such hate crimes in Northern Ireland.

Figure 4.3: Number of Incident with Hate Motivation 2005/06 to 2010/1

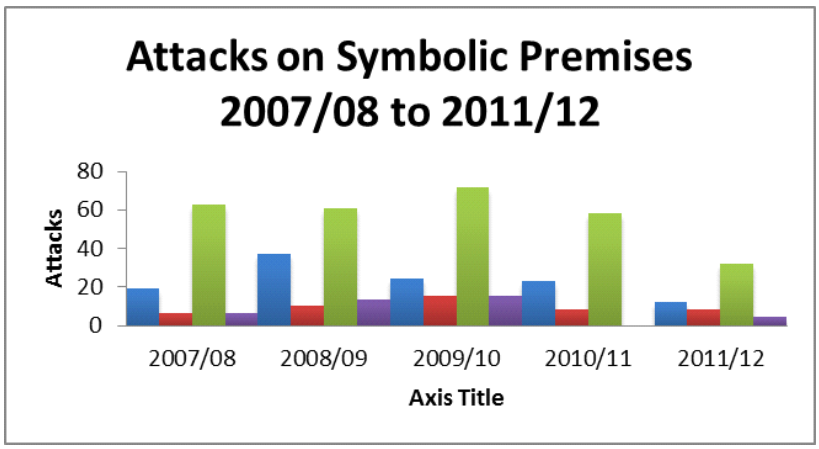


Source: Trends in Hate Motivated Incidents and Crimes Recorded by the Police in Northern Ireland 2004/05 to 2011/1[22]

Additionally the number of attacks on symbolic premises (Churches/Chapels; GAA/AOH property; Orange Halls; Schools etc) increased since 2004 with 251 attacks in total for 2007 alone.

[22] Figures are available at http://www.psni.police.uk/directory/updates/updates_statistics/updates_domestic_and_hate_motivation_statistics.htm

Figure 4.4: Attacks on Symbolic Premises 2007/08 to 2011/12



Source: Trends in Hate Motivated Incidents and Crimes Recorded by the Police in Northern Ireland 2004/05 to 2011/12[23]

Similarly according to Smithey (2011) who cites other survey research reports that only 1 percent Protestants and 3 percent Catholics definitely feel that Northern Ireland is a place free from displays of sectarian aggression (Northern Ireland Life and Times Survey, 2010; cited in Smithey, 2011). The Northern Ireland Life and Times Survey (NILTS) (2010) also indicated that 61 percent of Catholics are less willing to shop in areas that have loyalist displays of flags and wall murals. Equally 58 percent of Protestants are less willing to shop in areas displaying republican flags and wall murals. However according to NILTS survey data, in the decades leading up to and after the Good Friday Agreement (1998) attitudes about community relations improved, especially among Catholic respondents (Smithey, 2011). This trend has continued in the wake of renewed devolution in 2008. The "NILTS results indicate rising optimism among adults, but the potential for polarisation remains, especially considering youth preferences to maintain structural divides along traditional ethnopolitical line" (Smithey, 2011; 17). Sometimes the fault line appears dormant; at other times it lies wide open and raw. Whatever its state, it is always present" (Eyben, Morrow and Wilson, 1997; 1). Smithey convincingly argues that intractable conflicts are not resolved in the short term, "it takes on new forms" as the democratisation processes progresses and occurs (2011; 187). As such the post-conflict culture of Northern

[23] Figures are available at http://www.psni.police.uk/directory/updates/updates_statistics/updates_domestic_and_hate_motivation_statistics.htm

Ireland is inter-subjectively constructed among social movement activists (Smithey, 2011). Additionally according to Smithey, Unionism in this transforming civil society is been subjected to forces which have become based on "a strategy of public persuasion" (2011; 34-35 and 138).

Northern Ireland's conflict transformation process has an emphasis of widening the scope of actors involved in governance. It's a process which rejects the traditional aim of conflict management of restoring the status quo ante (Cochrane, 2012). In fact Cochrane (2012) suggests that Northern Ireland is at a crucial transitional stage in the conflict transformation process. "It is likely to be some time before conflict relationships transform to the point that people can embrace their less violent society more enthusiastically" (Cochrane, 2012; 200). As such "conflict resolution means solving the problem that led to the conflict and transformation means changing the relationship between the parties to the conflict" (Cochrane, 2012; 186).

4.9: In Conclusion

Northern Ireland is still dealing with the past. Investigations are ongoing into the crimes of the 1970s, 1980s and 90s. Sectarian violence still occurs, although not on the same level as it once did, an of course the question still remains; will the Troubles return to Northern Ireland? Only time will answer such questions. While the stipulations of the Good Friday Agreement (1998) is not perfect, similarly too the Patten Report (1999) is not perfect in terms of policing. But they represent a commitment by both sides of the conflict to work together and even integrate in the interest of security, economic development and peace; which are all crucial to preventing the (re)growth of conflict. The objective of this chapter has been to provide a robust examination of Northern Ireland's conflict and its policing. Therefore this fourth chapter has outlined the complexity of policing in Northern Ireland and at the same time developed a concrete understanding of Northern Ireland's contemporary policing structures of governance. The description set-out here, draws heavily on a broad historical, political, social/cultural and conflict literature in order to give a context to Northern Ireland's contemporary policing.

Chapter 5: Research Methodology

5.1: Introduction

The analytical framework used by this research can be seen as a bridge between the theoretical and conceptual discussions featured in chapter three and the empirical exploration of the quality of deliberation within the DPPs meetings in public. Clearly this study emphases real-world deliberation; such an approach has greater relevance because it acknowledges that communication can vary according to the issue, the experience, the abilities, and the circumstances of individuals participating. The ultimate objective of this research is to empirically evaluate the quality of deliberation within 29 DPPs meetings in public. One of the primary aims of this research is the creation of an updated quality of deliberation measurement instrument which tackles the different generational understandings of deliberation. The creation of this deliberation measurement instrument will be developed in order to establish a generational unified analytical framework capable of providing comparable measures of the quality of deliberation within Northern Ireland's DPPs meetings in public settings. Thus the first objective of this chapter will therefore provide a vocabulary for the development of a quantitative device which can measure the quality of deliberation, in the form of different theoretical based indicators.

As such this form the framework upon which a Discourse Quality Index (Steiner, et al, 2004) is redeveloped, and augmented to include three complimentary indicators based on Young's (2000) modes of expression. This Augmented Discourse Quality Index allows for a quantitative analysis of coded individual speeches found within these meetings in public. To begin with the world-view of this research is outlined. Next this chapter outlines this research theoretical framework. It also outlines Rosenberg' (2004) Discourse Types to help aggregative the level of deliberation found within these 29 DPP meetings in public. The chapter then turns to providing a methodological overview of the study. It begins with a brief outline of this study's world-view. Second, the chapter specifies the hypotheses used. This chapter will, move onto a detailed discussion of the methodology used in this research. Specifically, the research design will be discussed and the procedures for data collection (non-participation observation). Finally, this chapter explains the Augmented DQI coding and briefly reviews the methods of statistical analysis used to address the research question.

5.2: The World-View of this Research

One world-view approach which was considered was that of interpretivism also termed as the interpretivist tradition or interpretive sociology, used mainly in the qualitative field of research. As a methodological paradigm, interpretivism explores social life when the meaning of human actions is assumed to be inherent to their actions. This interpretive approach is one which is focused on these interactions of human action moreover its focus is to unearth the meaning of how people interact with each other. In other words what is the object in their world and what meaning do they attach to those objects. According to Blumer (1969) there are three premises of interpretive approaches: first, human actions towards things are based on the meanings those things have for them; second the meaning of things comes from social interactions and the third are meanings created or changed in the process of interpretation. However, it rejects formulating substantive hypotheses before actually beginning the research (Glaser and Strauss, 1967).

The research has a positivist methodological focus rather than an interpretivist one. Although both world-views seek details about preferences, motivations and actions; interpretivism seeks only to combine these details whose manifestations are for a specific case. To gain such an interpretivist perspective it is thought to gain it from the point of view of those involved. As such to describe a phenomenon under an interpretivist research paradigm it is best to be directly involved in the phenomenon. An interpretivist methodology leans towards the collection of qualitative data, and uses methods such as unstructured interviews and participant observation to provide the data. Then, the interpretation of this data reflects the fact that people consciously and unconsciously construct their own sense of social reality. Whilst positivism seeks to identify those details which can then be tested or identified in other cases. Since this research attempts to identify facts about how and why people behave as they do within DPP meetings in public in terms of their speech acts. Connecting the deliberative democratic theory to the facts found. This research rejects the interpretivist approach. Instead this research will engage a positivist approach, arguing that non-participant observation of the DPP meetings in public create reliable knowledge that is then, organised and tested.

This research has theoretical framework in which there is a fusing of inclusive democratic

communication and deliberative discourse theory. Epistemologically and ontologically speaking, these views do not stand opposed to one another. Positivism created by August Comte as a term which indicates a philosophy of strict empiricism, makes it a very traditional approach to social and political research. Positivist ontology perceives social reality as existing outside that of the individual. Accordingly positivism is a theory of historical development in which improvements in knowledge are both the motor of historical progress and the source of social stability. As a methodological paradigm it seeks to establish causal explanations for human actions or to search for the fundamental laws of human actions or historical change; or to insist on the objective empirical information which can be systematically organized to generate or test hypotheses (Halfpenny, 1982). In brief, the paradigm of positivism assumes that the social world is inherently knowable and has an order in which social scientists can discover and people can agree on the nature of the social reality. From this positivist point of view, knowledge is based upon the foundation that the goal of all social research is to discover a set of causal laws within society that can help predict how human behavior will change or react to certain changes (Esterberg, 2002). Conceptualised social realities should be derived from objective observations leading to universal generalisation, thus reality lies in what can be objectively observed and measured. Hence political scientists can only gain knowledge of social/political reality through observation and through their senses. The data collected under such positivist epistemological assumptions is used in this research to validate and test a number of hypotheses. By linking the social phenomena of DPPs meetings in public to this world-view the goal is to establish universal and general causal explanations.

5.3: Evaluating the Quality of Deliberation

The analysis of deliberative processes has been marked in recent years by a number of empirical studies, with various authors offering different coding schemes for measuring the quality of deliberation (e.g. Stromer-Galley, 2007; Steiner et al, 2004; Bächtiger et al 2010). A number of these coding schemes attempt to make operative the Habermasian model of ideal speech. Likewise these coding schemes have a fundamental idea of content analysis i.e. deducing speech or text is seen as most suitable. Both the frequencies of the different categorisations, as well as how they are connected to particular actors and the issues which emerge (Krippendorf, 2003; Bryman, 2004; Sarantakos, 2005), are also seen as appropriate.

Two examples of such instruments for analysing deliberative quality content are the speech act

analysis by Holzinger, (2001), and Stromer-Galley's (2007) coding scheme. Holzinger's (2001, 2004) investigation and Stromer-Galley's (2007) analysis of deliberative processes are based heavily on developed content analytical measures. These "[m]icro-analytical approaches study the quality of deliberation through closely analysing the content of participants' during the deliberative process" (Bächtiger, et al., 2010; 2). Similarly instruments such as these have been applied across a wide variety of settings, such as, deliberative polling, expert and citizen fora, as well as other experimental communication decision-making processes (Siu, 2009). For internet communication Janssen and Kies (2004) developed a similar content text-based instrument. It is argued here, however, that the Discourse Quality Index (DQI) constructed by Steiner et al, (2004) is perhaps the finest example of these, quality of deliberation measuring instruments. Steiner et al's (2004) DQI is oriented exclusively towards a Habermasian model of deliberation in which their coding scheme is based on the measurement of the extent to which participants are capable of deliberating. Within this model of deliberation the scrutiny is both normative and instructive, and the consideration of the common good is the only concern of the participants. These normative instructions are categorised into the nominated rudiments of participation, justification of rationality, common good orientation, respect, agreement with claims and counterarguments, and constructive politics towards consensus' in parliamentary debates. Participants are expected to advance sincere rational claims, provide evidence, develop counterarguments to the claims of others and demonstrate deliberation in a continuum—from no deliberation at one extreme to ideal deliberation at the other extreme (Steiner et al, 2004). Individual speech acts (e.g. the speaker explicitly frames his/her arguments in terms of the common good) are firstly unpacked before scores are aggregated to summarise deliberative quality.

Steiner et al's (2004) analysis has met with considerable support from deliberative theorists such as Habermas, (2005) and Thompson, (2008). Similarly Steenbergen et al understand how significant Habermas' theory is to the DQI, claiming that the "DQI is a very good fit to discourse ethics" (2003; 43). Despite the validity of the DQI as a measurement tool of deliberative quality, the fact that it is rooted in the Habermasian logic of communicative action—or what Bächtiger et al., (2010) calls type 1 deliberation, also gives it a certain weakness. For example the DQI is seemingly distinctively shaped to analyse parliamentary debate (Steiner et al, 2004) and

conference committees (Spörndli, 2003).[24] Another weakness is noted by Steenbergen et al (2003), who contend that the DQI is limited by the omission of authenticity; although they go on to declare that this omission does not distract from DQI applicability in evaluating parliamentary debates on women's issues (Steenbergen et al, 2003).

The key point here is that communications between citizens goes beyond the Habermasian or Type 1 deliberation (Bächtiger et al., 2010) settings. These broader communications trends are more dialogical, in that interactions are less structured and monological. Therefore other theorists and scholars (e.g. Sander's 1997; Dryzek, 2000, 2010; Young, 2000) have come to understand that deliberation distinctly departs from the Habermasian deliberative paradigm. It can be argued that deliberative settings are grounded in what Mansbridge outlines as "[e]veryday talk, if not always deliberative, is nevertheless a crucial part of the full deliberative system" (1999; 211). This echoes Mutz's (2006) suggestion that emotion is part of all political discussion, which indicates that more informal communication styles such as narrative, testimony and rhetoric are also more likely to be exhibited during political discussion and deliberation.

5.3.1: The Theoretical Framework

One of the major aims of this research is to find measures that have both the Habermasian discourse ethics and the informal communication features of everyday communication used in deliberation. The approach taken here is that conceptual criteria which define deliberation not only have to be based on rational speech acts but also must be based on public acts or modes of expression in the contexts of agreement and disagreement. This research proposes that empirical encoding of deliberation should be based on Habermasian discourse theory and Young' (2000) modes of expression. These additional indicators added to Steiner et al's (2004) DQI are based on Young's (2000) modes of expression are greeting, rhetoric, and storytelling. Here these indicators measure the quality of deliberation by participants' which is ultimately the discourse as argued by second generation deliberative theorist. Therefore the encoding of these modes of expressions takes into account personal expression, which goes beyond the restrictive approach to equality and evaluates the inclusion of populations. In other words, echoing Polletta and Lee's findings "narrative's conventional openness to interpretation—in essence, its ambiguity—proved a surprising deliberative resource for people with marginalised points of

[24] See Steiner (2012) The Foundation of Deliberative Democracy for more recent version of a DQI

view" (2006; 701). This broader deliberative approach to the quality of deliberation dilutes the Habermasian inspired standards based solely on rational speech acts, and as such it makes it possible to measure the greater or lesser quality of deliberation within the DPPs meetings in public. Habermasian ideal speech situations are thus, not the only standards that should be expected within deliberation. By adding Young's (2004) modes of expression to Steiner et al's (2004) DQI, the measurement instrument employed by this research; known form this point on as an Augmented DQI. Similar to what Bächtiger, (2010) calls for this Augmented DQI to employ indicators from Type 1 and Type 2 deliberation. This re-reading also proposes that the criteria used to measure the quality of deliberation should firstly distinguish and then, secondly recognise the difference between Type 1 and Type 2 deliberation. This Augmented DQI employs a similar coding scheme to that of Steiner et al (2004) DQI.

Augmented DQI will therefore contain seven criteria, which stem directly from Steiner et al's (2004) original DQI, and three based on Young's (2000) understandings.

- participation,
- levels of justification,
- content of justification,
- respect toward other groups
- respect towards demand, of others
- respect towards the counterargument of others
- consensus
- storytelling
- rhetoric
- greeting

The first seven specifically represent an attempt to measure the quality of deliberation drawn heavily upon Habermasian discourse ethics, in which a relevant part of a speech act contains a demand, (i.e. proposing what should and should not be done) and consensus. Likewise, due to

the criticisms brought forward by Type 2 deliberative theorists (Bächtiger, 2010), the Augmented DQI also incorporates criteria drawn directly from Young's (2000) democratic communication namely storytelling, rhetoric and greeting. These three criteria are added to capture the less-formal forms of communication that occur within DPPs meetings in public deliberations. They constitute the main forms of expression which are alternative and complementary to rational argument (Young, 2000).

Composed of a total of ten indicators, the Augmented DQI is summarised in Table 5.1 below. This Augmented DQI sets-out, it is argued here that this is a more appropriate and more relevant approach to the categorisation of standards for the quality of deliberation within the DPPs meetings in public. In the left hand column are the categories which closely follow Habermas' (1996) discourse (ethics) theory for participation in political engagement. Finally, the right hand column provides a summary of criteria which directly stem from Young's (2000) modes of expression. These criteria supplement the rational criteria in the left hand column.

Table 5.1: The Augmented DQI (Quality of Deliberation Criteria)

Habermas' (1996) Discourse Theory:	**Young's (2000) democratic communication; modes of expression**
Participation	Narrative
Levels of Justification	Rhetoric
Content of Justification	Greetings
Respect towards groups	
Respect Demand and Respect of Counterargument	
Consensus	

Source: On the left hand side see Steiner's et al. (2004) Discourse Quality Index. The right hand side stems from Young's (2000) normative accounts of democratic communication in deliberative democracy

Fusing Habermas' (1996) discourse theory and Young's (2000) democratic communication is at the heart of this research theoretical framework. These two deliberative conceptions offer an appropriate balance between rational and other inclusive forms of communication. Ultimately this framework, defined as an Augmented DQI, is an attempt not to concept stretch (Steiner, 2008) but to capture accurate measurements for the quality of deliberation. It is tailored for a

more realistic form of deliberation in non-parliamentary real-world settings. Essentially this Augmented DQI appreciates the need for more inclusive deliberative standards to be included in the analysis of the quality of deliberation in democratic processes. It also parallels, Dryzek's (2000) justification that deliberative democracy normative ideals should be orientated towards those that is of an actual real-world setting in that:

> "Some deliberative democrats, especially those who traffic in 'public reason', want to impose narrow limits on what constitutes authentic deliberation, restricting it to arguments in particular kinds of terms. A more tolerant position, which I favour, would allow argument, rhetoric…testimony or storytelling" (Dryzek, 2000; 1).

5.4: The Theoretical Framework's Benchmarks/Standards

The modifications within this Augmented DQI make it more amenable to less formal deliberative protocols. Predominantly its focus is on two types of deliberative benchmarks/standards (rational and complimentary inclusive non-rational forms of communications). Firstly there is a focus on Type 1 deliberation to capture rational discourses. Secondly, there is a focus on Type 2 deliberation and what Bächtiger et al., (2010) terms sequential approach which can be seen as yardsticks for alternative forms of communication.

5.4.1: Rational Communication Indicators

Beginning with those benchmarks/standards derived from Steiner's et al. (2004), these criterions are complementary dimensions which cover equality in access to speech and justification (Chambers, 2003). They are also elaborations of Type 1 deliberation (Bächtiger et al, 2010), where equality in access to speech is measured by the interruptions during a speech. Therefore evaluation of the equality in access to speech is conditioned by equal opportunity for access to speak and social status or other marks of domination should not authorize a monopolisation of public speaking. Justification here means that rational arguments and the positions that participants hold are justified. The evaluation of this criterion has aspects such as the presence or not of justification in the argumentation. There is link made by the participants between justifications that are invoked and the conclusions which are drawn from them (Bächtiger et al, 2010). Hence the force of the better argument can be apprehended by examining the diversity of the principles of justification put forward in the course of discussion

(Kies, 2009). The expression of respect is the manifestation of empathy, in that there is a necessary spirit needed for the construction of a legitimate agreement which characterises high-quality deliberation. For Bohman (1997), this manifestation of respect corresponds to another understanding of equality between individuals. Here arguments should be considered with equal care and attention by all participants in a deliberative process. What follows is based on Steiner et al's (2004; 56-61) DQI construction

- **Participation**: or equal participation is the extent to which individual's views are counted or weighed equally with those of others in a decision-making process. The speaker's ability to participate freely..
- **Levels of justification**: Refers to the nature and the extent a speaker gives complete justification and thus makes his speech accessible to rational critique.
- **Content of Justification**: is where arguments are cast in terms of narrow group interests or whether there is a reference to the common good. Steiner et al, (2004) see this concept in terms of a utilitarian concept i.e. of the best solution for the greatest number of people. Or it is expressed through the difference principle (Rawls, 1971).
- **Respect towards groups:** refers to speech acts that "contain respect for groups that are to be help through a particular policy (Steiner et al, 2004; 58)
- **Respect towards Demands;** refers to the criticism and the support shown towards the demand of others
- **Respect towards Counterarguments:** this refers to the counterargument raised by others that contradicts a conclusion with regard to a demand
- **Constructive politics (Consensus):** Building consensus

5.4.2: Inclusivity Indicators

The inclusivity criterion constitutes an account of personal expression and evaluates the inclusion of population. Inclusivity indicators mean that participants engage with one another, similar to the way Goodin suggests that "[t]here must be uptake and engagement—other people must hear or read, internalise and respond" (2000; 91). Inequalities of various kinds will shift how people engage and where different, distinctive, and non-rationality may be

articulated. Greeting, narrative, and rhetoric are therefore added here as extra indicators to Steiner et al's (2004) original DQI. The reason for this is that this research is analysing a real-world setting that is not in the shape of a parliamentary debate, where citizens or participants' interactions are non-structured and multi-logical and where there is a greater degree of non-sequences rationality before commonalities can be set. As a result the Augmented DQI attends and acknowledges the real quality of deliberation.

- **Narrative or story-telling**: is one way that members of a group manifests and constructs aspects of their identities, because it fosters and "understanding among members of a polity with very different experience or assumptions about what is important" (Young, 2000; 71). Narratives hold great potential for illuminating how groups in deliberative processes negotiate their identities during moments of difference or common interests.

- **Rhetoric:** Young's (2000) argument is that rhetoric can be a very positive force in discourse and deliberation. In trying to persuade a particular audience, rhetoric can be attentive to the needs and interests of the audience in a way that a detached, for "rhetoric provides contextual and motivational grounds for choosing between rationally acceptable position" (Young, 2000: 70). This research employs figure of speech (such as metaphors, puns idioms) and commisive speech as indicators. Just to note that commissive speech acts are understood here as speech acts that have a promise or threat in them. As such they confirm to the audience that speaker would perform some action in the future. Or that some future action/lack of action might carry a risk. Also Emotive speech in terms of a speak saying that they are happy, sad, angry or fearful is also noted in a speech act.

- **Greeting:** this relates to the recognising others outside the issue, to which the purpose of greeting, when linked to inclusion in a deliberative process, and "are to assert discursive equality and…[to]…establish or re-establish the trust necessary for discussion to proceed in good faith" (Young, 2000; 60).

Shifting away from the idea of purely rational discourse towards broader conceptions, which include these alternative forms of communication that are outlined above as inclusivity indicators, makes for a more realistic perspective of political communication. Since deliberation is often quite erratic in nature, a greater deal of both misunderstandings and cooperation would

seem to be the norm. This echoes Young's (2000) argument that for maintaining a healthy democracy articulated instances of diversity are important for social unity. Political theorists such as Weinstock (1999) and Eisenberg (2007) have argued along similar lines that in order for a society to achieve the unity required for stability, there must be sufficient trust between the disparate groups; whereby these groups remain committed to the polity despite situations of deep diversity.

5.5: Criteria: Coding-Scheme

It should also be noted first that those indicators of the Augmented DQI based upon Steiner et al (2004) DQI follow almost an identical coding strategy to that of Steiner et al (2004). With one difference, in that an extra code was added to level of justification, content justification, respect towards the demand of others, respect towards the counterargument of others and constructive politics indicators. These codes designate a Not Applicable (N/A) result. This N/A code was added due to the nature of the DPP meetings in public. As for the Augmented DQI indicators based upon Young's (2004) modes of expression; rhetoric, storytelling and greeting, the coding strategy, draws upon Steiner's et al (2004) DQI coding scheme. In order to keep the overall measurement instrument consistent in terms of coding.

(Habermasian) Rational Indicators

Participation: refers to a speaker's ability to participate freely in the public meeting

(0) Interruption of a speaker; a speaker feels explicitly disturbed, or interruption occurs through a formal decision

(1) Normal participation is possible, (Steiner et al, 2004).

Levels of justification: refers to the nature of the justification of demand, i.e. to what extent a speech gives complete justification for demands. This variable is to capture a (unit of) speech act use of reasoning in support of its claim.

(0) No Justification; speaker only says that X should or should not be done, but no reason I given

(1) Inferior justification; Here a linkage is made as to Y is given as to why X, should or should not be done, but no linkage is made between X and Y (inference is incomplete). This code also applies if a conclusion is merely supported with illustrations

(2) Qualified justification; A linkage is made as to why one should expect that X contributes to or detracts from Y; a single such complete inference already qualifies for code 2.

(3) Sophisticated justification; Here at least two complete justification are given, either two complete

justification for the same demand or complete justification for two different demands, (Steiner et al, 2004).

(88) N/A

Content of Justifications

(0) Explicit statement concerning constituency or group interests; if one more groups or constituencies are mentioned in a speech act

(1) Neutral statement; no reference to constituency or group interests or to common good; an explicit mention of the common good is mentioned

(2a) Explicit, statement in utilitarian or collective terms…the greatest good for the greatest number of people (Mill, 1998)

(2b) Explicit, statement in terms of the difference principle…reference to helping the least advantaged in a society (Rawls, 1971), (Steiner et al, 2004)

(77) N/A

Respect: the ADQI contains two indicators of respect. There is respect or disrespect for the groups within views discussed. Respect or disrespect towards demands and counter-arguments of others

Towards group in general ("empathy")

(0) No respect; explicitly negative statement concerning the group which would be helped

(1) Implicit respect; no explicitly negative statement concerning the group which would be helped

(2) Explicit respect; explicitly positive statement concerning the group which would be helped, (Steiner et al, 2004)

(66) N/A

Toward Demands

(0)No respect; explicitly negative statement concerning the demand

(1) Implicit respect; no explicitly negative statement concerning the demand

(2) Explicit respect; explicitly positive statement concerning the demand, (Steiner et al, 2004).

(55) N/A

Toward counterarguments

(0) Ignoring; Counter-Arguments

(1) No respect; Included and degraded negative statement concerning the demand

(2) Implicit respect; no explicitly negative statement concerning the demand

(3) Respect; explicitly positive statement concerning the demand (Steiner et al, 2004)

(44) Factual Information on the topic: No Counter-Argument Offered

Constructive Politics;

"(0) Positional Politics: Speakers sit on their position. There is no attempt at compromise, reconciliation, or consensus building

(1) Alternative proposal: A speaker makes a mediating proposal that does not fit the current agenda but belongs to another agenda. In such cases the proposal is really not relevant to the current debate, although it may be taken up in a different debate.

(2) Mediation proposal: A speaker makes a mediating proposal that fits the current agenda" (Steiner et al, 2004: 59-60)

(33) N/A: Factual Information on the topic: No Consensus Formulated

Inclusivity Indicators

7. Narrative—Story –telling

(0) No story telling

(1) The speech act contains one or more stories: Reflection on Experiences and Local knowledge

8. Rhetoric: the various ways discourse can be said to be coloured and where its content can be conditioned in a substantive way.

(0) No Rhetoric

(1a) Rhetoric is used: The use, in the discourse of figure of speech, such as simile, metaphor, puns figures of speech and commissive speech (such as a promise or a threat)

(1b) Emotive Speech

6. Greeting:

Literal Greetings (Include, such as "hello" "how are you?" and addressing people by name included in moments of leave-taking)

(0) No greetings made; no hellos are addressing people

(1) Greetings are made

5.6: Stages of Discourse in a Deliberative Process

Drawing explicitly on the work of Rosenberg (2007), Bächtiger et al (2010) outlined a method which can cope with the complexity of the multi-dimensional aspects of deliberative processes. Rosenberg notes that there are four discourse types; a theoretically grounded description of how individuals engage with one another when they are asked to deliberate is offered by Bächtiger et al (2010). Similar to Rosenberg (2007) the intent here is not to offer a more elaborated description of the discourse, but rather to characterise the different types of discussion practices that emerge in deliberative settings. Rather the typology offered should function's as a guide to the different stages of discussions within these DPPs meetings in public. The four types of discourse are outlined in the section below.

The first is *proto-discourse*, which is everyday communication (or talk) which provides information and social comfort to others. "Proto-discourse features low justification rationality and constructivity, medium levels of respect and interactivity, and high levels of story-telling" (Bächtiger 2010; 10). Secondly is *conventional discourse*, which is geared towards problem definition and problem solving. This type of discussion "will consist of a succession of concrete contributions that are intended…to describe, to explain or to evaluate an aspect of the topic at hand" (Rosenberg, 2007; 11). Thirdly is *cooperative discourse* which is geared towards common understanding (Bächtiger, et al., 2010), in that communication is aimed at problem-solving and understanding. In this type of discourse medium to high justification rationality, a high common good orientation, high respect, and a high interactivity and equality are all very much characterised. "Cooperative discourse can also involve story telling so that positions and arguments can be conveyed in a comprehensible fashion" (Bächtiger, 2010; 11-12). Greeting and rhetoric as counterparts of story-telling are also involved in cooperative discourse. The final type is rational/collaborative discourses which are the most demanding form of exchange (Bächtiger, et al., 2010). They have very strong Type 1 deliberation characteristics including: expression of ideal forms of deliberative communication that entails rational justification, common good orientation, high respect, high interactivity, high equality, and a degree of constructive politics. Finally Bächtiger et al. (2010) added the category of competitive discourse to Rosenberg existing four type of discourse.

Table 5.2: Stages of Discourse and Augmented DQI Criteria

	Rational Discourse	Cooperative Discourse	Conventional Discourse	Proto Discourse
Participation Equality	Full	Full	Partial	None
Justification Rationality	Medium to High	Medium to High	Low to Medium	Low
Common Good Orientation	High	High	Medium	Low
Respect	Very High	High	Medium	Low to Medium
Consensus	Very High	High	Medium	Medium
Greeting	Low	Medium	Low to Medium	Medium to High
Rhetoric	Low	Medium	Low to Medium	High
Story-telling	Low	Medium	Medium to High	High

Source: Adapted from Bächtiger et al. (2011; 13)

In Table 5.2, the four discourse stages are outlined. The left hand column represents the quality of deliberation characteristics or the communicative style that may occur in each discourse type (in the rows). The quality of deliberation is therefore the variable which captures the extent to which deliberations range from low-levels to high-levels of occurrence across the four discourse types which occurs during a deliberative process. An example of this would be everyday talk and everyday communication with the aim of providing information and social comfort, this would be characterised as proto-discourse (Rosenberg, 2007). Quality of deliberation criteria such as greetings, story-telling and rhetoric are all entailed in proto-discourse. Unlike the other types of discourse proto-discourse "lacks the preconditions of focusing on disagreements over validity of claims" (Bächtiger, 2010; 10). As such one would expect to see and hear higher levels of such occurrences of greeting, storytelling and rhetoric. These would be more frequent during the proto-discourse phases of a DPP meeting in public.

Furthermore standards, norms, and shared cultural definitions of objective experience allow the discourse to centre on the issue at hand (Rosenberg, 2007). As such participants in conventional discourse address each other according to societal norms which in turn depends on status, social and cultural norms and roles (Rosenberg, 2007). This "delimits the causal or categorical

connection among speech acts" (Rosenberg, 2007; 132). Bächtiger et al (2010) notes that conventional discourses are intended to describe, to explain, or to evaluate aspects of the topic at hand, and as a consequence rational justification and orientation towards a common good is low (Bächtiger, 2010). Criteria such as story-telling, greeting and rhetoric are key features of this type of discourse. One would also expect to find criteria such as respect, participation and consensus low.

In above sections, there was an overt emphasis to link theoretical normative benchmarks/standards to a research theoretical framework. At the same time to look forward to the empirical application, namely the analysis of the quality of deliberation within the DPPs meetings in public. The argument here is that the "empirical turn in deliberative democracy has generated a need for measuring the extent and the quality of deliberation by social science methodology" (Bächtiger et al, 2010; 2). In this perspective, as Stromer-Galley and Muhlberger (2009) put it, deliberative arrangements should be analyzed as a communication process, in which the context and the communication channels made available to participants' play an essential role. These first sections of chapter 5 also provided a detailed account of the theoretical framework which will guide this study going forward. Central to this empirical analysis is the evaluation of which speech acts and/or mode of expression can most successfully hold to the core values of first and second generation deliberative democracy.

Since this research involves the employment of an Augmented DQI which entails the indicators outlined above to be repeated in twenty nine events across Northern Ireland's District Policing Partnerships meeting in public model of deliberation. It provides an opportunity to evaluate communication from these face-to-face events and permits the examination of Type 1 and Type 2 benchmarks/standards of deliberation. Additionally these events permit the comparison of their communication content across all twenty six DPPs meetings in public. Secondly it classifies communication within DPPs meetings in public into qualitatively distinct levels of discourse from lowest to highest—proto-discourse (everyday talk, including the communication of greeting, story-telling and rhetoric); conventional discourse (problem solving but no shared understandings among all participants); cooperative discourse (problem solving and shared understandings); and rational/ collaborative discourses (ideal forms of Type 1 deliberation).

5.7: Overview of Research Questions and Hypotheses

Through an Augmented DQI the quality of deliberation can be captured. So too can the extent that deliberations range from low levels to high levels as well as the types of deliberation (i.e. Type 1 and Type 2 deliberation). For this research the Augmented DQI is employed both as the independent and the dependent variable. The Augmented DQI allows for a quantitative content analysis at both the level of speech and modes of expression. These indicators are found within the researchers recorded/field-notes and transcribed notes of DPPs meetings in public attended. Thus, further allowing the researcher to measure the quality of deliberation, by employing the ten indicators which are anchored to both Habermasian discourse theory (ethics) and Young's democratic communication. The Augmented DQI does two things. First as the independent variable it evaluates whether DPP meetings in public are sufficiently deliberative.

Ho: DPP meetings in public are not deliberative

Ha: DPP meetings in public are deliberative

In this light, for a DPP meeting in public to be considered deliberative it is expected that the levels of justification, respect for groups, demands and counterargument, storytelling, greeting and rhetoric should be high (in terms of their coding).

This research also takes into consideration the impact of institutional characteristic and ethno-nationalist factors on these DPP meetings in public. Firstly does group dynamics within these meetings impact deliberation. Secondly does the polarised versus partisan nature of the DPP meetings in public impact deliberation. Finally is deliberation impacted by whether a DPP is dominated by either Unionist or Nationalist political members? Here the Augmented DQI is employed as the dependent variable in order to evaluate the possible variations in the quality of deliberation within these DPP meetings in public. As such the study is interested in the distinctiveness of the quality of deliberation patterns among the four interacting groups that represent all the participants (the political, the Independent members of the partnerships, the police and the attending public), in a sense trying to assess if there is a difference in the quality levels of deliberation between each of these groups.

Ho: Participants in the four distinct groups have similar quality levels of deliberation

Ha: Participants in the four distinct groups have different quality levels of deliberation

Goodin (2000) points out the fact that the processes of deliberation depends on the composition of the specific group of people deliberating. For example, peoples initial, knowledge, personalities and preferences are path dependent on group dynamics (Goodin, 2000). Hence changes in respect, justification and any convergence in the valuing the legitimate values of others and peoples modes of expression can be affected by mechanisms, related to group social pressures. Sustein (2005; 1004-1006) also mentions (group) polarisation as a potential consequence of social pressures.

With a population of slightly over 1.5 million very few people in Northern Ireland were left untouched by the violence, instability, and what can be termed as social polarisation characterised the era known as the "troubles". Given that Northern Ireland has two very distinct political-ethnic-religious communities, endogenous interactions between them about policing may still be an issue. This study will also empirically examine the impact of political–ethnic-religious polarisation to distinguish if this had any effect on the quality of deliberation patterns within the DPPs meetings in public. This political and religious polarisation can be identified by the fact that the DPP's political and independent memberships must broadly represent the district ethno-religious composition. This is similar to Sunstein (2000) suggestion of "enclave deliberation" in that if people interact only with like-minded others; this is polarisation. While interactions between two distinct political-ethnic-religious communities during DPP meetings in public can be understood as partisan and should provide fertile deliberative ground for intense discourse.

Ho: Participants in polarised DPPs (no domination by one ethnic-religious group) have similar quality levels of deliberation than those participants in non-polarized/partisan DPPs (domination by on ethnic-religious group)

Ha: Participants in polarized partisan DPPs (no domination by one ethnic-religious group) have different quality levels of deliberation with those participants in non-polarized/partisan DPPs (domination by on ethnic-religious group)

In the Northern Irish context the conception of partisanship is characterised by political-ethnical-religious identification by an individual which tallies with a citizen's agreement on a certain social-psychological perspectives. Partisan attachments form relatively early in adulthood. Hence when people feel a sense of belonging to a given social group, they absorb certain political-ethnical-religious doctrines that the group advocates. Thus there is a need to examine if this impacts the quality of deliberation within DPP meetings in public.

Ho: There is no difference in the quality of deliberation levels between Unionist partisan DPPs and Nationalist partisan DPPs

Ha: There is a difference in the quality of deliberation levels between Unionist partisan DPPs and Nationalists DPPs

Rea et al (2010) note that historically, policing in Northern Ireland has not received the support of the whole community, hence it was not considered to be representative of, or accountable to, the community. These hypotheses get to the heart of the fact that the Good Friday Agreement (1998) "was in the long run instrumental in facilitating eventual dialogue between the two sides in the divided society of Northern Ireland" (Dryzek, 2010; 83).

5.8: Research Method: Non-Participation Observation

Non-participant observation and a quantitative analysis of the quality of deliberation within Northern Ireland' DPPs are the key features of this research's positivism methodological approach to recording of the DPPs meetings in public. The non-participant observation of these DPPs meetings in public allows an access to quality of deliberation aspects. These meetings are democratic arenas which are the most visible, constant, forms of community/policing public engagements. Memberships of these DPPs were limited to elected councillors and independent members co-opted from local residents. These DPPs meetings in public were open to the public. According to Moug (2007) non-participant observation is rarely used in political research. However for this research the non-participant observation method of collecting data was valuable when it was used in conjunction with a structured observational approach. This structured approach was preferred because of its in-built preciseness. It allowed the non-participant observer to gather data on specific occurrences within the 29 DPP meetings in public and their possible deliberative developments. This research method-strategy is similar to Bryman's "*total research*, which entail observation without involvement in the situation, as in

attendance at a public meeting…watching what is going on…when in this role, the research does not participate in the flows of events" (2004; 302-303). In particular the research is interested in recording the speeches and modes of expression expressed within these meetings in public. In addition the research was also interested in the visual expressions displayed at these meetings, such shaking of hands, flags, religious or sectarian bunting, venues of the meetings (church hall or orange hall) because they are seen to have influence the quality of deliberation. Young (1996, 2000) argues on the ground of 'difference' that there are persistent differences between social groups which lays down a number of challenges to deliberative democracy and that discourse promotes arguments.

Following the ideal-types noted by Bryman (2004; 167), this research can be categorised as having an approach to observation which tends towards being 'structured and a non-participant observer or as a "*[c]omplete observer.* The researcher does not interact with people…people do not have to take the researcher into account. It can be found in studies using forms of observation that are unobtrusive in character" (Bryman, 2004; 301). "In non-participant observation, investigators study their subjects 'from the outside'. Their position is clearly defined and different from that of the subjects. Ideally, they are 'invisible', and remain unnoticed by the members of the group they observe" (Sarantakos, 2005; 221). "Structured observation employs a formal and strictly organised procedure with a set of well-defined observation categories, and is subjected to high levels of control and standardisation. It is also organised and planned before the study begins. Here the researcher specifies accurately what is to be observed and by what means, and how the results of observation will be recorded" (Sarantakos, 2005; 221-222). The Augmented DQI is a key to this research. The structured non-participant observation was also tempered by an observational schedule (see Appendix 1). Allowing for the visual information at these meetings to be broken down into distinct categories where specific deliberative benchmarks were likely to be observed.

5.8.1: Observation of the Case(s)

The non-participant observation (empirical analysis) involved attending 29 DPP meetings in public held between April 2011 and April 2012. These DPPs were selected along similar lines to purposive sampling, or that of judgement sampling (Sarantakos, 2005). In contrast to random sampling, a purposive sampling begins with cases being chosen which, are relevant to research. Hence to explore the quality of deliberation, 29 DPP meetings in public were chosen because in

this researcher's view they offered adequate and useful information that gave an overall picture of all the DPP meetings in public. Therefore each of these 29 DPP meetings in public represents one district and sub-district in which DPP meetings are held. The goal of the statistical approach adopted by this research is not to produce general inferences (since this would require selection through random sampling), rather to use statistics to summarize information, to describe and to determine the levels of discourse quality within these 29 DPP. Clearly these DPP meetings in public do not claim to be deliberative. Hence the purposive sampling employed here, generates critical cases in which this research seeks to determine what are the deliberative quality or if these DPP meetings in public are indeed deliberative in nature.

5.9: Sources of Data: (Time/Duration/Place/Type of Event/Observer)

The sources of data were therefore structured upon the non-participative observation of 29 District Policing Partnerships. These DPP meetings extended from between one hour to two hours in length. Most meetings began at 7.30pm although during the winter months a small number of meetings in public began at 4pm in the afternoon. DPP meetings in public were held in local council hall rooms, church halls, community halls (that in some areas acted as orange halls) and on a few occasions, hotel conference rooms. These meetings in public pursued a schedule of a brief introduction by a chairperson, followed by the District Police Commander's presentation outlining the district policing plan. Afterwards DPP members both political and independent could question the police and then the public had a chance to question both the police and the DPP members on policing issues. The research observer was positioned within the public section of the meeting rooms/venues of each of the twenty-nine DPPs meetings in public, in order to see and hear everything but remained as unobtrusive as possible. In some cases an audio recording was made. Early on this practice was discontinued because it involved asking permission of the DPP manager. This asking permission was deemed to interfere with the non-participation observation. However, in most cases field-notes were taking during (and immediately before/after) each meeting. Since visual aspects were also an interest these were also noted and recorded. Complementing the observational field-notes, photographs were also taken of some of the meeting venues and buildings. Minutes of these 29 DPP meetings in public were also collected. These official minutes of the meetings aided in transcriptions. They allowed for more accuracy, but essentially recordings/field-notes where the main source for

transcriptions.

As a non-participative observer a position of invisibility rather than familiarity was worked towards, in order for the observer to limit their presence of influence. Reducing their affect on what DPP members, the police or the public do and say during these meetings. Once inside the meetings there was a need to be able to observe and to record, all the various features of the meetings relevant to the research. Although occasionally, for example this invisibility presence was broken, for example when a neighbouring public participant engaged in conversation or when DPP member or a police officer engaged in conversation and greetings before these meetings. Such moments were fleeting and overall very rare and no great affect could be attributed to the conduct of the individual DPP members, the police and the public during the following meetings in any significant way.

In sum the data was gathered by the research technique was of a simple, covert, non-participant observation, which had a structured schedule. The dimensions o entailed were of an uninvolved and unobtrusive observation. The structured non-participation observation followed a pre-prepared, detailed and fixed observation schedule outlined in the Observation Schedule (See Appendix 1). Importantly the non-participant observations were guided by or shaped by the Augmented DQI framework. The Observation Schedule acted as a tool for capturing visual data, while the Augmented DQI acted as a tool and directed what was to be observed and how these observations were recorded. These DPPs meetings provided a mass of data.

5.10: Observation Problems and Ethical Considerations

All research methods have their limitations, for instance political science research does not take place in a laboratory environment and researchers cannot manipulate variables in controlled experimental conditions. King et al. note that “it is the responsibility of all researchers to make the substantive implications of this weak spot in their research designs extremely clear and visible to reader” (1994; 91). Mackie and Marsh argue that “it is impossible to produce a flawless research design; the trick is to acknowledge, and cope with, as many of the problems as possible” (1995; 180). “Some of these are caused by the observers, others by the nature and purpose of observation as well as by methodological arrangements” (Sarantakos, 2005; 234). Sarantakos, (2005; 234-235) cites both Becker (1989) and Pfeifer (2000) to highlight other errors in practice associated with observation, such as lack of ability, observer inconsistency,

observers' non-verbal communication, observer bias, deviation, deception, lack of knowledge, problems in recording and analysing data, lack of familiarity with the observed group, observer distortion and expectations. To overcome such errors from occurring, this research included clear study objectives and goals (capturing the quality of deliberation through an Augmented DQI). The Augmented DQI provided an effective tool with easy to understand specific categories for recording data. This structured non-participant observation of these DPP meetings in public offered an environment which gave the least possible "negative effect on the research process as well as on the quality and quantity of the data" (Sarantakos, 2005; 236).

Adopting a covert role by seeking permission or gaining entry to these social settings was not an issue. Access to the DPPs meetings in public was not an issue since they were open to the public. Using this covert role also "reduced reactivity…because participants do not know the person conducting the study is a researcher. Therefore, they are less likely to adjust their behaviour because of the researcher's presence" (Bryman, 2004; 296). Difficulties with reactivity was also nullified by the fact that the media were often in attendance at these meeting, hence there was little problem taking notes. According to Bryman "[c]overt observation transgresses two important ethical tenets; it does not provide participants with the opportunity for 'informed consent' (whereby they can agree or disagree to participate on the basis of information supplied to them) and it entails deception" (2004; 296). On several occasions, early on in the fieldwork period, a number of DPPs managers were contacted by phone prior to these meetings in public. Here permission was sought for the recording of meetings by Dictaphone. Most DPP managers however, objected to this request. As a consequence, field-notes became the only sources of data recording. Outside these early contacts with DPP managers, no informed consent was sought; this was in order to avoid reactivity problems. Likewise the identification of participants is kept secret and confidentiality is assured. Subsequent information and analysis is disseminated in such a manner so that no personal identification of participants could be ascertained only specific groups identification is determined. Ethical problems such as harming participants and invading the privacy of participation were therefore surmounted. All meetings were open to the public and likewise this research had no real or perceived conflict of interest with any of the participants.

5.11: Unit of Analysis:

The unit of analysis is a speech act and verbal mode of expression made during a DPP meeting in public by a particular participant delivered at a particular moment of the meeting. This approach is similar to Steiner et al's (2004) examination of parliamentary deliberation. As such each of the 29 DPP meetings in public is broken up into separate speech acts, based on the idea that each individual speech act can be evaluated on a continuum between ideally deliberative and completely non-deliberative in character. As stated earlier, 2188 speech acts were encoded. Thus, each entire debate which took place within these DPP meetings in public was broken down into smaller units. Each speech act was coded according to the criteria set out in the Augmented DQI. Clearly these DPP meetings in public provided a large amount of data. The 2188 speech acts certainly allowed for the testing of the hypotheses set out by this study. Similarly the DPP meetings in public brought together people from all across Northern Ireland to discuss the issue of policing and as such they constitute micro-publics of Northern Ireland society. They represented a cross-cut of the discussion on policing in the region. Hence the 2188 speech acts recorded approximately 37 hours of observations. Providing both the necessary and a substantial amount of data to understand what indeed was taking place within these DPP meetings in public. Certainly these 2188 speech acts are consider here to be more that enough to demonstrate the textual visualization of the discourses which occurred within the 29 DPPs meetings in public observed by this study. Furthermore these 2188 speech acts represent a more than adequate amount of data suitable to establish the quality of deliberation within DPP meetings in public.

5.12: Predictors: Independent & Dependent Variables

In the first hypothesis, the Augmented DQI was employed as an independent variable, in an attempt to determine if these DPP meetings in public were deliberative. In contrast it was employed as the dependent variable, when testing the institutional characteristic (of group dynamics) and ethno-nationalist factors (polarisation versus partisanship and Unionist partisanship versus Nationalist partisanship) impacts the quality of discourse within DPP meetings in public.

The institutional characteristics and ethno-nationalists factors as independent variables are as follows. First, the institutional characteristic of group dynamics; there are the four distinct

groups which participate at these meetings. The DPP political members, the DPP independent members, the police and the public participants, hence do each group have distinct levels of deliberative quality? The Second independent variable regards polarisation and partisanship. A DPP meeting in public is termed as polarised when its political membership represents a fifty-fifty split. In other words there are just as many Unionist as there are Nationalist (or Alliance) political members of the DPP. A partisan DPP is one where its political membership is dominated by either Unionist or Nationalist politicians. Generally is the deliberative quality different between polarised and partisan DPPs? The third independent variable regards whether the DPP is dominated by Unionist political members or National political members and if so are their deliberative quality levels different? Hence each DPP meeting in public was coded separately.

5.13: Analysis

The main purpose of this study was to investigate the relationship between the quality of discourse and DPP meetings in public. Frequency distributions of the 8 Augmented DQI indicators exhibited within the 29 DPP meetings in public are the primary analytical tool used to present this research results. This research used an ANOVA test to determine significance of the difference between, the quality of deliberation scores for each of the four groups; for the scores between polarised and partisan DPPs. Additionally ANOVA was used to determine differences between Nationalist and Unionist DPPs. In other words a one-way analysis of variance (ANOVA) test was used to analyze these results. One-way analysis of variance is employed when one of the factors (for example the institutional characteristic of group dynamics of the DPP meetings in public) acts as an independent variable on the dependent variable (the quality of discourse). Similar to Steiner et al (2004) these ANOVA test compared the variance in the discourse across levels of the (independent) predictor variables with the variance within each of those levels. In general ANOVA determines if the variance across the institutional characteristics and the ethno-nationalist factors of the DPP meetings in public are sufficiently large compared to the variance inside these DPP meetings in public with the same characteristics and factors. Hence conclusions can be drawn that this variance did not occur by chance. In this way; do the DPP meetings with these characteristics and factors have statistically significant effects on the quality of discourse?

5.14: Coding Reliabilities

As Steiner et al (2004) notes coding indicators requires some subjective judgement. Hence two coders, (the researcher and researcher's supervisor), coded 84 speech acts from a recorded DPP meeting in public. Inter-coder reliability refers to levels of agreement among independent coders who code the same content using the same coding. Inter-coder reliability was assessed using the ratio of coding agreement, which consist of the percentage of agreements observed between two coders. Cohen's Kappa, which controls for inter-coder agreements by chance, was also employed. The inter-coder reliability for the Augmented DQI is reported below in table 5.3 below.

Table 5.3: Inter-coder reliability for DPP meetings in public in the analysis

Category	RCA	Cohen Kappa (κ)
Participation	1.000	.
Levels of Justification	1.000	
Content Justification	1.000	
Respect for Demand	1.000	
Respect for Counterargument	1.000	
Constructive Politic	1.000	
Respect for Groups	0.880	0.750***
Storytelling	0.970	0.868***
Rhetoric	0.980	0.929***
Greeting	0.990	0.968***
Total	0.958	

Note RCA = rate of coder agreement; κ = Cohen Kappa: ***= P<.001 N=84

Here the coders agreed 95.8% of the time. The inter-coder reliability ranged from .880 for respect towards other groups to as high of 1 for participation (levels of justification, content justification, respect towards demand, respect towards counterarguments, constructive politics). Cohen's Kappa ranged from .750 for respect towards groups to .968 for greetings.

Table 5.4: Inter-coder reliability for the UK House of Commons debate on women (Coded by Steenbergen and Steiner, 2004)

Category	RCA	Cohen Kappa (k)
Participation	1.000	
Levels of Justification	0.732	0.615**
1st Content of Justification	1.000	
2nd Content of Justification	0.875	0.775**
3rd Content of Justification	0.964	0.837**
Respect towards Groups	0.875	0.746**
Respect towards demands	0.893	0.844**
Respect towards counterarguments	0.893	0.559**
Constructive Politics	1.000	
Overall	0.915	

Adapted from Steiner et al (2004)

Above in table 5.4, is Steiner et al's (2004) DQI inter-coder reliability for UK House of Commons debate on women. According to Steiner et al (2004) these figures indicates excellent inter-coder reliability. In general when table 5.4 is compared to table 5.3 the Augmented DQI inter-coder reliability figures for DPP meetings in public, are comparable to those of Steiner et al (2004) with a total rate of agreement among coders of 95.8% for the Augmented DQI, while Steiner et al's (2004) DQI stood at 91.5%. Thus the figures outlined in table 5.3 must also be considered as being very good and must also be highly regarded as excellent inter-coder reliability figures.

Chapter 6: Results and Findings

6.1: Introduction

This chapter engages in an empirical analysis of 29 Northern Ireland's DPP meetings in public. The central questions of this research are answered here in this chapter: (1) Are DPP meetings in public deliberative nature? (2) In terms of participative Group discourse; are there differences in the quality of discourse between the four groups which participate in these DPP meetings? (3) Polarisation versus Partisanship; is the quality of discourse different between polarised and partisan DPPs? (4) Unionist versus Nationalist Partisanship; here again is the quality of discourse different? The figures presented in this chapter show how the discussions within these DPP meetings in public rate against each of our indicators of discourse quality outlined in the Augmented DQI. The figures presented below will broadly show how discussions within these DPP meetings broadly indicate none-to-low levels of quality of deliberation compared with those levels recorded by Steiner et al (2004), Bächtiger and Steenbergen (2004) and Lord and Tamvaki (2013).

It most be stated at the outset that the DPP meetings in public are more akin to a series of questions and answers between the police and the political members, the independent members as well as the public participants. They do not require their participants to reach consensus. In this context discourse within these DPP meetings in public should be understood. Additionally statements within these DPP meetings in public refer mainly to police policy, police functions and local policing in general. As such they contain factual information about these issues and topics. In other words the rationale within DPP meetings in public is for the police to answer a series of questions put to them on issues of localised (district) policing matters and then move on to the next set of questions. All speech acts were tested using the Augmented DQI. Speech acts were not pruned or disregarded because of their factual nature or the fact that they were questions. In order to establish if these DPP meetings in public have deliberative credentials then the frequency of the Augmented DQI categories within these DPP meetings in

public are scrutinised.

6.2 DPP meetings in public: Participation

It is perhaps best to start with Participation. The focus here is specifically on participation by the public in DPP meetings in public. As can be observed from table 6.1 below; 240 public participants were present at these 29 DPP meetings in public and 125 speech acts were made by these public participants. This makes it apparent that participation by the public in terms of attending DPP meetings in public is not tied to public participants making speech acts.

Table 6.1: Participation

Participation in 29 Observed DPP meetings in public	**Public Participation by Speech Act**	**Public Participants Attendance**	Participation by Speech Act of Public/ Independent Members and The Police	Participation by Attendance of Public/ Independent Members and The Police	Total Number of Speech Acts	Total Attendance
Number of People	**125**	**240**	2063	302	2188	542

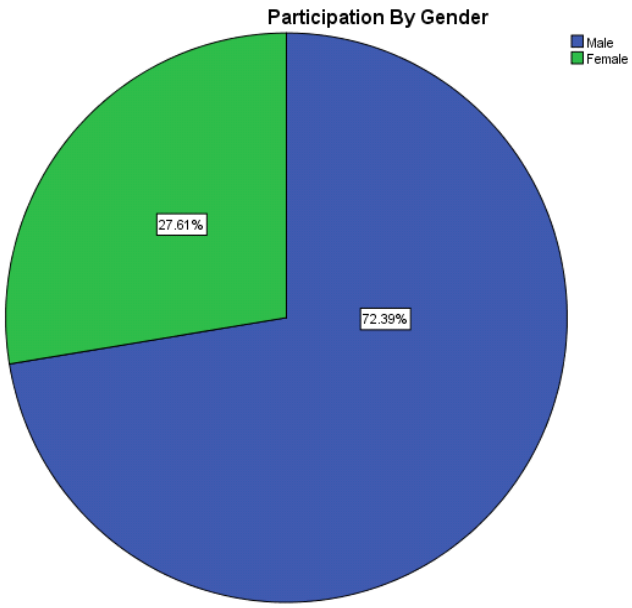


Figure 6.1: Gender Participation by Speech Act

The average attendance by public participants to these 29 DPP meeting in public was 12 with a range from 3 to 20 people. Public participation within these DPPs meetings in public is encouraged. In that they are asked to make contributions to the policing in their local communities. That being said, public participants' attendance at these DPP meetings in public is less than encouraging.

What is most disappointing is the low number of speech acts. Although the public have an opportunity to speak, in many cases they choose not to at these meetings.

In terms of gender participation, figure 6.1 indicates the total amount of speech-acts by gender. There is gender diversity in terms of speech acts, i.e. 72.4% of speech act were made by male participants (the police, political members, independent members, public participants) and 27.6% of speech acts were made by females (the police, political members, independent members, public participants).[25] Table 6.2 below highlights both the attendance by gender and speech acts within the 29 DPP meetings in public. Approximately 60% of female public participants who attended these DPP meetings in public chose not to speak in public. In contrast 40% of male public participants chose not to speak in public.

Table 6.2: Public Participant Attendance by Gender

Gender	Female	Male
Number Attendance	122	118
Number of Speech Acts	50	73
Speech Act by Gender in Percentage	40%	60%

In quality of participation terms across all participants (the police, political members, independent members, public participants); only on nine occasions was the speaker constrained in speaking. Very few of these interruption were due to, other participants interjecting into the speech. Most interruptions were as a consequence of other participants leaving or entering the venue or mobiles phones being answered. The DPP meeting in public illustrated that there were high levels of the formal correctness; of having people participate without being interrupted. Indeed it was very high at 99%. As such there was a high degree of equality of participation. This suggests that within the 29 DPP meetings in public observed, all participants had an equal

[25] Gender differences were muted in the contexts of respect toward groups and rhetoric. On the other hand gender differences did have an affect, story-telling (at 0.01 ANOVA level) and greeting in term of recognition (at 0.05 ANOVA level).

chance to participate.

6.3: Are DPP meetings in public deliberative?

Despite no claim to be deliberative the first question of this research inquired if the DPP meetings in public may have a deliberative nature. A deliberative process should have discourse of high quality; that is a process is expected to demonstrate proper reasoning, high listening and replying levels, and orientation towards common ground or common good. To begin it must be noted that all speech acts were measured using the strict guidelines set out in the Augmented DQI. It was found that there were no incidents of level of justification, content justification, of respect for demand of other, of respect for counter-argument of others or of constructive politics. There were speech acts within DPP meetings which did comprise of respect towards other groups, storytelling, rhetoric and greeting. Clearly then this limited the analysis to the remaining indicators (respect towards other groups, storytelling, rhetoric and greeting) which were observed. What follows is the analysis of these indicators

Table 6.3: Discourse Quality within DPP Meetings in Public (Respect towards Other Groups)

Categories (Indicators)	**Respect Toward Other Groups Frequency Percentage Scores (n=2203)**	**29 DPP meeting in public: Indicator Average**	**Deliberative Quality Levels**
Respect towards groups	N/A= 47.3% No Respect = 1.1% Implicit Respect (no explicitly negative statements) = 29.3% Respect Explicit Positive Statement = 21.7%	**Median = (1) Implicit Respect**	Overall Medium Levels of Respect towards groups in terms of Explicit Respect towards groups. (Higher levels in terms of no explicitly negative statement spoken**)**

The descriptive statistics for the dimensions of the Augmented DQI revealed in table 6.3 above; illustrates that 21.7% of speech acts were explicitly respectful towards groups. As well as that 29.3% of speech acts were implicitly respectful towards groups, whilst only 1.1% of speech acts exhibited disrespect towards groups. 47.3% of speech acts were not applicable (N/A) for this code.

Table 6.4: Discourse Quality within DPP Meetings in Public (Storytelling)

Categories (Indicators)	Storytelling Frequency Percentage Scores (n=2203)	29 DPP meeting in public: Indicator Averages	Deliberative Quality Levels
Storytelling	No Storytelling = 84% Stories (Reflecting Local Knowledge and Experience) = 16.4%	**Median = (0) No Storytelling**	**Overall Low to medium Levels of Storytelling** (specifically high in terms of No Storytelling)

In terms of modes of expression, table 6.4 reveals that storytelling had a creditably score. In that 16.4% of statements reflected a telling of a story, while 84% of speech acts had no storytelling.

Table 6.5: Discourse Quality within DPP Meetings in Public (Rhetoric)

Categories (Indicators)	Rhetoric Frequency Percentage Scores (n=2203)	29 DPP meeting in public: Indicator Averages	Deliberative Quality Levels
Rhetoric	No Rhetoric = 76.5% Rhetoric Figure of Speech = 20% Emotive Speech= 2.8%	**Median = (0) No Rhetoric**	**Overall Low to medium Levels of Rhetoric** (specifically high in terms of No Rhetoric)

Similarly there was a creditable score in terms of the number of speech acts which contained rhetoric. Table 6.5 illustrates that 20% of speech acts contained elements of rhetoric which included figure of speech, such as puns, metaphors as well as commissive speech such as promises and threats. There were also a small number of speech acts, just 2.5% which contained elements of emotive speech.

Table 6.6: Discourse Quality within DPP Meetings in Public (Greeting)

Categories (Indicators)	Greeting Frequency Percentage Scores (n=2203)	29 DPP meeting in public: Indicator Averages	Deliberative Quality Levels
Greeting	No Greeting = 90% Greeting = 10%	**Median = (0) No Greeting**	**Overall Low Levels of Greeting** (specifically high in terms of No Greeting)

However, statements which contained the mode of expression understood as greeting had lower levels compared to the other mode of expression categories. That is as shown in table 6.6; 10% of speech acts contained greeting.

Participants within these DPP meetings in public did take the opportunity to listen and to respond to each. For instance there were high levels of implicit respect towards groups and 99% of speakers were able to participate without interruptions. There were also instances of greetings (10% of speech acts) in terms of thanking a participant for their contribution, welcoming participants as well as acknowledging others. Through this lens the DPP meetings in public had a tendency towards reciprocity among its participants. In that the discourse within these DPP meetings in public was open and informative. They also provided participants with information and the space to engage with others, to consider questions and to reflect on their own and on the views of others. The DPP meetings in public did indicate a very limited active exchange of views. Taken together with the creditable levels of storytelling and rhetoric the DPP meetings in public add to policing legitimisation in Northern Ireland.

Nevertheless providing information and a space to ask and answer questions is not deliberation. It therefore seems that the role of the DPP meetings in public is one that feed or frame participants' views into the policy-making process. But from a deliberative democratic perspective their role here must be seen as being negligible at best. The overall Augmented DQI score highlighted a very low level of discourse within these DPP meetings in public. The lack of demand noted in participants' speech acts and the distinct lack for the necessity to therefore respect other peoples' demands, certainly meant that any high levels of discourse were not evident within DPP meetings in public. This goes to the heart of the key concern confronting the

legitimisation of policing through these partnerships in Northern Ireland. In that participants only got to communicate at very low levels of discourse and the process was disconnected from real policy-making. Moments of mutual acceptable justification of peoples' arguments and positions were all noticeably absent within these DPP meetings in public. As such the overall Augmented DQI analysis found that these DPP meetings in public did not offer meaningful deliberative participation, and they were distant from the Habermasian sense of public deliberation and equally they were also somewhat distant from Young's (2000) understanding of democratic communication.

The Augmented DQI also offered a means to classify the deliberative quality levels, which occur within these 29 DPP meetings in public into a continuum of low, medium and high deliberation. In that it aids the construct of a communication framework with a number of distinct levels of discourse from lowest to highest (Rosenberg, 2007 and added to by Bächtiger, et al 2010). As such the discourse within DPP meetings in public is that of the lowest level, i.e. proto-discourse. That is everyday communication that provides information and social reassurance to others. The communication which occurred within these 29 meetings in public can be described as proto-discourse; that is communication which provided information and social reassurance. Discourse within these DPP meetings in public also failed to reach the second level of conventional discourse or in other words communication which attempts to solve problems effectively. Within the DPP meetings in public there were no attempts to share common understandings among the participants.[26] Clearly then, the 29 DPP meetings in public can be placed at the very end of the deliberative continuum where a process is not deliberative.

Although the 29 DPP meetings in public had levels of respect towards group, storytelling, rhetoric and greeting these indicators were firmly fixed within the lower and lower medium deliberative quality domain. Quite disappointedly for deliberative enthusiasts, these empirical results confirm that deliberation regarding policing in Northern Ireland within these DPP meetings in public indicated that despite the high quality of participation levels the views of participants are left relatively untouched. The exchange of reason and other deeper indications of deliberative democracy are not present. Clearly then in terms of the only focus of the participants' within the 29 DPP meetings in public is that of determining the correct course of

[26] Cooperative discourse is the next level; here communication is aimed at problem solving and understanding. The final level is rational/collaborative discourse. This form of discourse is the ideal form of deliberative communication this entails high levels of justification, respect and a high degree of constructive politics.

action, in that they explain or evaluate aspects of the topic at hand (Bächtiger, et al, 2010), then this is clearly not the case here within these DPP meetings in public. Hence the Null Hypothesis is accepted; that DPP meetings in public are not deliberative.

As stated earlier Steiner et al's (2004) DQI is the backbone to this research Augmented DQI and since it is a relatively new and emergent method for measuring the quality of deliberation. In that is has not yet been employed broadly enough, to establish what might constitute high or low levels of deliberative quality. Then there is a necessity to establish the relevance of above statistical scores for the DPP meetings in public with other empirical results already established by research into the quality of deliberation levels. Taking Steiner et al (2004) study as a standard in other words the quality of deliberation that was found within the Swiss (consensus) parliament and the British (competitive) parliament can be employed as benchmarks for what constitutes high or low quality of deliberation. Steiner et al (2004) found that the discourse quality was low in the British parliament, in that there were no consensus appeals or mediating proposal offered. Similarly according to Steiner, et al (2004) levels of justification, respect, respect for demand and counterargument all scored low. In contrast the Swiss parliament did have instances of consensus appeals and mediating proposals. It is noted that sophisticated justifications were the norm; constituting the majority of speech acts (Steiner, et al (2004). Table 6.7 below outlines the scores which Steiner et al (2004) claim which indicates that there was a higher quality of deliberation found within the Swiss parliament to that of the British parliament. By adding the DPP meetings in public quality of deliberation scores to their findings, then, this puts the quality of deliberation found within the DPP meetings in public into a broader quality of deliberation context.

Table 6.7: DPPs Quality of Deliberation Compared to Steiner et al (2004) Findings

DQI Quality Dimensions	Consensus (Switzerland)	Competitive (British)	Augmented DQI Dimensions	DPP meetings in public
No Justification	10.80	12.90	No Justification	N/E (No Reference)
Inferior Justification	8.10	29.00	Inferior Justification	N/R
Qualified Justification	13.50	12.90	Qualified Justification	N/R
Sophisticated Justification	67.60	45.20	Sophisticated Justification	N/R
Overall Respect	3.54	2.27	Respect towards Group	Implicit 29.7% Explicit 21.7%
Respect towards demands/counterarguments	2.41	1.24	Respect towards demands/counterarguments	0.00%
Positional Politics	86.50	93.50	Positional Politics	N/R
Alternative Proposals	2.70	6.50	Alternative Proposals	N/R
Consensus Appeal	8.10	0.00	Consensus Appeal	N/R
Mediating Appeal	2.70	0.00	Mediating Appeal	N/R
			Greeting	10%
			Storytelling	16.4%
			Rhetoric	22.8%

Note: There are differences between how Steiner et al (2004) coded and how this research coded regarding the DPP meetings in public. And these differences must be taken into account when scrutinizing the above table. For instance Steiner et al (2004) constructed an indicator which they termed "overall respect". As such this recoding ranged from 0 to 9, with higher scores indicating a greater level of respect and therefore a better level of discourse (Steiner et al, 2004). While this research relied upon coding outlined above in chapter 5. Additionally the Augmented DQI had the added dimensions of greeting, storytelling and rhetoric, which not part of Steiner et al's (2004) DQI. Finally the quality of deliberation scores for the DPP meetings in public are in percentages.

Thus when contrasted with Steiner et al's (2004) findings, it is clear from table 6.7 that the DPP meetings in public, quality of deliberation levels are extremely poor when compared to those levels found within the Swiss and British Parliaments. For instance there were no instances of justification dimensions and no evidence of constructive politics found within the DPP meetings in public. Clearly these facts alone would suggest that DPP meetings in public were significantly lower in terms of quality of deliberation levels when compared, with the quality of deliberation levels found by Steiner et al (2004) for both the British parliament and Swiss parliament. Moreover the nature of speech acts within DPP meetings in public were nearly always in the shape of questions or answers as such nearly all speech acts within them became redundant for Habermasian criteria being found. The only caveat to this was that there was evidence of the dimension respect towards groups found within the DPP meetings in public speech acts. Despite this, the DPP meetings in public quality of deliberation levels must be deemed to be substantially below what Steiner et al (2004) considered to be low levels quality of deliberation. Similarly when the quality of deliberation levels of DPP meetings in public were compared to Lord and Tamvaki (2013), study of European Parliament debates, it again becomes clear how the DPP meetings in public quality of deliberation levels can be generally understood to be not deliberative in nature or indeed particularly and abysmally low. For instances Lord and Tamvaki (2013) found that more that 50% of speeches within their selected European Parliament debates had respect. That is, speeches within these European Parliament debates when coded for the respect criteria had implicit respect of 13.7% and explicit respect of 38.1%. These figures are slightly comparable to the fact that 50% of speech acts within DPP meetings in public also showed evidence of respect. Although unlike Lord and Tamvaki (2013) findings, the DPP meetings in public speech acts, when coded, contained implicit 29.3% and explicit respect of 21.7%. As such the level of respect exhibited within DPP meetings in public are not totally comparable with the respect figures outlined by Lord and Tamvaki (2013). By and large when compared to Lord and Tamvaki (2013) study the lack of or the absence of justification and constructive politics found within DPP meetings in public again mark them as having none-to-low quality of deliberation. Again when compared to Lord and Tamvaki (2013) recent study it is right to argue that indeed the DPP meetings in public were not deliberative.

6.4: Who Deliberates: Groups' Deliberative Quality Levels?

The next hypothesis concerns the level of discourse between the four groups within the DPPs meetings i.e. the political members, the independent members, the public participants and the police. Again all speech acts were measured using the Augmented DQI. It was found that five of the ten indicators did not register in that there was no indication of them been contained in any speech acts made by any of the members of the four groups. Equality of participation, of respect for other groups, storytelling, rhetoric and greeting were all evidenced within speech acts made within DPP meetings in public.

Figure 6.2: Speech Acts by Group

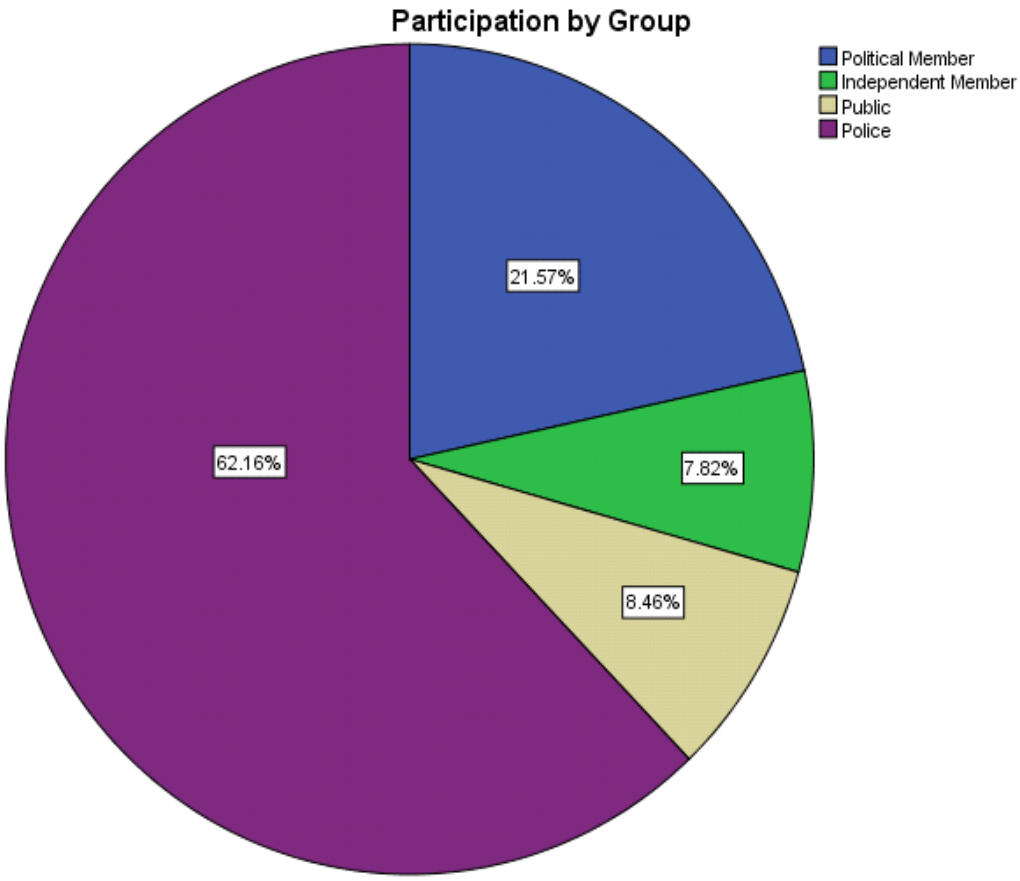


Figure 6.2 provides the breakdown of speech act by groups. Across all 29 DPP meeting in public observed, 62.16% of speech acts were made by the police. The political

members of the DPPs were next with 21.57% of speech act. Public participants spoke 8.46% and the Independent members of the DPPs spoke 7.82% of speech acts.

Table 6.8: DPP Groups (Respect)

Discourse Quality Respect toward Other Group Dimensions	Political DPP Members	Independent DPP Members	Public Participants	Police
Respect Towards Groups				
N/A	55%	57.3%	59.58%	49%
No Respect	1.69%	2.92%	5.43%	0.07%
Implicit respect	22.3%	26.3%	26.88%	23.64%
Explicit Respect	14.6%	13.4%	8.13%	27.27%
Total Number of Speech Act for each Group	472 (100%)	171 (100%)	185(100%)	1360(100%)
Total Number of Speech Acts = 2203 (100%)				

Note: Table entries are percentages (which add up to 100%). The analysis is based on 29 District Policing Partnerships Meetings in Public (2011-2012)

Regarding the groups within the DPP, table 6.8 above shows the frequency for the respect for other groups amongst the four groups which participated in DPP meetings in public. Here a large proportion of the speech acts spoken by the respective groups (political, independent, public and the police) were implicit in their nature towards other groups. Essentially, they offered neither positive nor negative statements about other groups. That is of the speech act made by all groups a number of them had high frequency levels of implicit respect regarding other groups. Of the public participants speech acts containing implicit respect towards other groups, they had a frequency of 22.3%. Statements with no respect from public participants had a frequency of 5.43%, which was the highest level amongst the groups which participate in DPP meetings in public. Political members had frequency levels of 1.69%, while independent members had frequency levels of 2.92% of no respect towards other groups. The police had the lowest frequency of no respect towards other groups with 0.07%. In general speech acts comprising of no respect towards other groups was low in frequency. The frequency of explicit respect in speech acts amongst the groups was as follows; the police had 27.27%, members of the political group had 14.6%, the independent members had 13.4% and the public participants had the lowest frequency with 8.10%. By-passing non-applicable (N/A) speech acts. In general implicit respect towards other groups was the most frequent. Perhaps it was to be expected that the police showed only minimal amounts of no respect towards other groups while also showing admirable frequency levels of explicit respect towards other groups in their speech

acts.

A typical statement with no respect towards groups was as follows. During a DPP meeting in public the police were answering questions on anti-social behaviour and a number interface incidents which had occurred over the previous weeks. A male public participant commented that;

> *"what is slightly more worrying is the upsurge in Republican activity, such as the blowing to smithereens of the Officer, there recently…and I think the interface incidents are part of this upsurge and we can all see it on our estate"*
>
> (Public Participant: DPP 26 Meeting in Public)

Here the male public participant's remarks are clear examples of no respect to other groups, as it was a Republican dissident group who murdered that police officer not Republicans. It could be that public participants' are not accustomed to speaking in public and as such they are less careful with their terminology. In contrast there were higher frequencies of speech acts which contain explicit respect for other groups. Such as;

> *"Neighbourhood Officers complete follow-up calls with every burglary victim within their Beat Area; offering additional support and advice and also to establish a personal contact with the victim. These victim's of burglaries have worked hard for what they have and we must make sure they get all our support when they get burgled."*
>
> (Area Commander: DPP 12 Meeting in Public)

Clearly, this speech act comprises of explicit respect for victims of burglary. As Bohman (1998; 410) has put it, deliberative democracy cannot ignore different styles of (political) communication. This may well threaten social co-operation in deliberation itself. Adopting Dryzek's (2000) formulation of deliberation, communication that includes reflection on preferences in a non-coercive fashion, then there should be room for a wide variety of modes of communication. The DPP meetings in public have an inclusive nature but there is an expectation that the discourse should have high levels of instances of story-telling, rhetoric and greeting.

What was observed was that there were instances among the four groups in which they expressed stories during meetings, in that speech acts contained rhetoric and greeting but that these were low in terms of their frequencies.

Table 6.9: DPP Groups (Storytelling)

Discourse Quality Modes of Expression Dimensions	Political Members	Independent Members	Public Participant	Police
Frequency of Story-Telling				
No Story-Telling	88.55%	81.28%	71.35%	84.33%
Story-Telling	11.55%	18.72%	28.64%	16.66%
Total Number of Speech Act for each Group	472 (100%)	171 (100%)	185(100%)	1360(100%)
Total Number of Speech Acts = 2203 (100%)				

Illustrated in table 6.9 above, the speech acts of the police had a frequency of 16.66% for storytelling. Speech acts of the political members had a storytelling frequency of 11.55%, independent members' speech acts containing storytelling had a frequency of 18.72% and public participants speech acts comprising of storytelling was the highest frequency of 28.64%. Overall the majority of speech acts for the four groups contained no storytelling. One example of this storytelling is where an Area Commander commented on an incident of a drugs find:

> "Last weekend, a package was found near the river by a passerby walking her dog, luckily for us… she acted promptly and contacted us [the PSNI]. Late on during the week we found that the package contained Methadone with an approx street value of 24,000 thousand pounds. Luckier still… no child found the package first. This walk way along the river is a popular area for walks and picnics, kids cycle the path…we'd be certainly looking at a more serious incident if a child found the package first and digested some of that stuff"
>
> (Area Commander: DPP 3 Meeting in Public)

The above speech act is a clear example of a story being told. Here the focus is on the narrative of the incident.

Table 6.10: DPP Groups (Rhetoric)

Discourse Quality Modes of Expression Dimensions	Political Members	Independent Members	Public Participant	Police
Rhetoric				
No Rhetoric Expressed	79%	66%	62.1%	79.7%
Rhetoric Expressed	17%	29%	32.5%	18.3%
Emotive Speech	3%	5%	5.4%	2%
Total Number of Speech Act for each Group	472 (100%)	171 (100%)	185(100%)	1360(100%)
Total Number of Speech Acts = 2203 (100%)				

In table 6.10 the frequency of rhetoric used in police speech acts in terms of their use of figure of speech and commissive speech was 18.3%. Their frequency of emotive speech in their statements was 2% whereas independent members had a frequency level of 29% for rhetoric in terms of figure of speech and commisive speech. Speech acts of public participants had a frequency of 32.5% for rhetoric in terms of figure of speech and commissive speech. This was the highest frequency of rhetoric in this form among the four groups within DPP meetings in public. Additionally public participants' speech act containing emotive speech had a frequency of 5.4%. Table 6.10 above clearly illustrates however, that most speech acts among the four groups contained no rhetoric. The following is an example of the type of rhetoric used in speech acts within DPP meetings in public;

> "There's been a number of speeding boy-racers flying about the area lately, in particular along the back roads around the town…there will be blood on those roads yet…if there is no action taken to slow them down or to get them off the roads

altogether…"

(Female Public Participant: DPP 5 Meeting in Public)

This speech act showed the typical type of rhetoric used within a DPP meeting in public. Here the female public participant used the threat of "there will be blood on the roads yet"; this is clearly commisive speech and as such is rhetoric. An example of rhetoric is;

"I am very pleased with the work done it is clear that the police are being so proactive in helping the community…"

(Male Political Member: DPP 11 Meeting in Public)

This is rhetoric in terms of emotive speech; here the male political member declares that he is pleased with the work of the police. Other speech acts contained expressions of emotion such as "I am very happy" or "I'm not happy with", these are declarations of emotion. These frequencies of rhetoric illustrate that public participants were more prone to the use of rhetoric in their speech acts. In contrast the police and the political members were less likely to use rhetoric.

Table 6.11: DPP Groups (Greeting)

Discourse Quality Modes of Expression Dimensions	Political Members	Independent Members	Public Participant	Police
Greeting				
No Greeting	80%	88.8%	94.6%	92.6%
Greeting Offered	20%	11.2%	5.4%	7.4%
Total Number of Speech Act for each Group	472 (100%)	171 (100%)	185(100%)	1360(100%)
Total Number of Speech Acts = 2203 (100%)				

Table 6.11 reveals that on a number of occasions throughout these meetings individuals from all groups expressed gratitude and "thanks" as well as recognising other people by naming them. These types of expressions are seen as explicit forms of recognition and the bases for the

greeting indicator of the Augmented DQI. In such instances, the political members led the way with a frequency score of 20%. The independent members had a frequency of 11.2% and the police had a frequency score of 7.4%. However, in general the frequency of speech acts comprising of greeting, for public participants was low; standing at 5.4%. Apparently the public participants were far less likely to offer greetings in their speech act. It would seem that outside welcoming the participants to the meetings members of the political groups also employed greeting in terms of thanking participants for their contribution. This may stem from the members of the political group being trained or well practiced in public speaking. Greeting generally came in the following shape where a (male) political member remarked that he;

> *"would like to congratulate officers who contributed towards the success of reaching the targets on reporting the number of confirmed incidents of underage drinking and to the referrals made…via the Youth Division Officer."*
>
> *(DPP 25 Meeting in Public)*

Amongst the four groups which participated in DPP meetings in public, there were clear instances of explicit respect for other groups. The majority of these concerned young people and how best to help young people avoid criminality. It certainly seems that there were only moderate frequency levels of discourse in the shape of story-telling or expressing narratives of either personal and local experiences. Much of this was done by the police to describe incidents of crime. Rhetoric was observed from all groups in terms of employing simile, metaphors, puns and commissive speech. But again these instances were low across all groups. There was also some degree of greeting (in terms of recognition of others), speech acts did comprise of thanking or welcoming a person, during the meetings. However levels of explicit greeting in speech acts among all participating within these DPP meetings in public were limited. Among the four groups, the police illustrated good quality of deliberation; that is their speech acts contained higher levels of respect for groups, and creditable frequency levels of storytelling, rhetoric and greeting. Clearly the police had more information and spoke more. The police in general seemed well-disposed towards sharing information and did not see the DPP meetings in public as a threat to their traditional role. The political group was next in terms of their quality of discourse followed by the independent members. On the other hand outside of some favourable frequency levels for storytelling and rhetoric in their speech acts, public participants

within DPP meetings in public had lower quality of deliberation. In particular, it was found that no groups' speech acts contained level of justification, context justification, respect for demand of others, respect for counter-arguments of others are constructive politics. This can be seen as a set back in terms of deliberative democratic theory

In general, it does seem that the police and the members of the political group are more practiced in public debate and are well accustomed to speaking in public, while the independent members' may be less so. It is clear that the public participants are less familiarized or even less comfortable about speaking in public. Table 6.12 suggests that institutional group differences did matter for some of the remaining quality discourse dimensions. There was high significant difference found at an ANOVA level of 0.01, between the groups in terms of levels of respect for other groups and greeting. Group difference regarding rhetoric was significant at a .05 ANOVA level. Table 6.12 indicates that only story telling was raised above 0.05 level of statistical significance. Hence, among the four groups there was no significant difference in their use of storytelling. Overall this confirmed that there was variance between the four groups in terms of respect, greeting and rhetoric. In that when it came to these Augmented DQI criteria there was significantly greater variance between the groups rather than variance within each group.

Table 6.12: ANOVA Group Dynamic Analysis

Augmented Discourse Quality Index Dimensions	ANOVA (at a .05 level)
Refers of Respect Towards Groups	.000
Refers to Story-Telling	.117
Refers to Rhetoric	.027
Refers to Greeting (Recognition)	.000

Importantly these set of ANOVA score at 0.01 outlined above in 6.12 are broadly comparable with those ANOVA scores recorded by Steiner et al (2004), Bächtiger and Steenbergen (2004) and Lord and Tamvaki (2013). According to Steiner et al (2004) and Bächtiger and Steenbergen (2004) the idea behind this test is to access if a predictor (here group membership) exerts a systematic effect on the quality of deliberation. It is not so much to generalize the research results. For instance Steiner et al (2004) found that differences were statistically significant at an ANOVA level of 0.01 between the Swiss parliament (consensus parliament) and British parliament (competitive parliament) in terms of their DQI respect and justification dimensions. Similarly Bächtiger and Steenbergen (2004) recorded that for all their DQI dimensions, differences between Swiss parliamentary debates and German parliamentary debates turned

out to be highly statistically significant (ANOVA at a 0.01 level). Additionally Lord and Tamvaki found that a number of their DQI dimensions including respect, difference between groups in the European Parliament were highly significant at ANOVA level of 0.01.

In concert with Steiner et al (2004), Bächtiger and Steenbergen (2004) and Lord and Tamvaki (2012) ANOVA findings for their studies. The ANOVA results here (in terms of respect for other groups, rhetoric and greeting), also makes it clear that membership of the four groups which participate within a DPP meeting does effect these Augmented DQI indicators. In other words being a political or an independent member or a member of the police or a public participant did impact on discourse qualities. This suggests that the issue of group dynamics did matter for these deliberative quality dimensions found within a DPP meeting in public. In other words it is reasonable to assume that the differences in discourse quality for these indicators were impacted by the group dynamics within DPP meetings in public. Group dynamics did not however, impact on storytelling within DPP meetings in public. When however, the lack of evidence for the other Augmented DQI criteria is taken into consideration, then, collectively, this research accepts the Null Hypothesis. That is, it cannot be establish if group dynamics impacts the quality of discourse within DPP meetings in public.

6.5: Comparing Deliberative Quality: Polarised versus Partisan

To examine politically polarised and politically partisan DPP meetings in public; this research follows the understanding put forward by Fishkin et al (2010) and to a lesser extent the design argued by Sustein (2002). As such this research understands the DPP which are termed politically partisan to mean that when or if a sharp disagreement occurs in a partisan DPP meeting it should be easier to engage in open minded deliberation. Partisan DPPs represents that its political membership is dominated by people of the same religious and political background. Fishkin (2009) and Sunstein (2002) note that argumentation are bound to please the majority. However when polarisation is high that is where the political membership of a DPP is equal in terms of Unionists and Nationalist. It is difficult to find concurrence on policing issues; instead what would be expected is a deep antagonism and extremes views between Unionists and Nationalists. Additionally the intergroup reciprocity and respect crucial for conflict resolution on a deliberative basis (O'Flynn, 2006) should also be limited.

No levels of justification, content justification, of respect for demand of other, of respect for

counter-arguments of other and constructive politics were found. There were levels of explicit respect towards groups, storytelling, rhetoric and greeting found. Table 6.13 below reveals that speech acts in polarised DPP meetings in public which had implicit respect contained within them had a frequency of 35.3%. Partisan DPP meetings in public speech acts containing implicit respect had frequency levels of 29.4%. In terms of speech acts containing explicit respect towards other groups; partisan DPP meetings in public had levels of 24.7%, while in polarised DPP meeting in public had by comparison a lower level of 15.2%. Both partisan and polarised DPP meetings in public had low levels of speech acts containing no respect of 0.6% and 2.3% respectfully. In general it can be argued from these frequency levels that partisan DPP meetings in public had higher levels of respect towards groups in their speech acts.

Table 6.13: Polarised/Partisan (Respect)

Discourse Quality Respect Dimensions	**Polarisation**	**Partisan**
Respect Towards Groups		
N/A	47.2%	45.3%
No Respect	2.3%	0.6%
Implicit Respect Towards Groups	35.3%	29.4%
Explicit Respect Towards Groups	15.2%	24.7%
Total Number of Speech Acts by Polarisation/Partisanship	658(100%)	1530(100%)
Total Number of Speech Acts = 2188 (100%)		

Table 6.14 below conveys the frequency of storytelling in polarised DPP meeting in public speech acts to be 17.4%. While the frequency of storytelling in partisan DPP meetings in public speech acts was 15.5%. Speech acts containing no storytelling was 82.6% for polarised DPP meeting in public and 84.5% for partisan DPP meetings in public. Contrasting the speech acts in polarisation DPP meetings in public with speech acts in partisan DPP meetings in public. It becomes clear that there was little difference in the frequency of the use storytelling.

Table 6.14: Polarised/Partisan (Storytelling)

Discourse Quality Modes of Expression Dimensions	Polarisation	Partisan
Story-Telling		
No Story-Telling	82.6%	84.5%
Story-Telling	17.4%	15.5%
Total Number of Speech Acts by Polarisation/Partisanship	658(100%)	1530(100%)
Total Number of Speech Acts = 2188 (100%)		

In terms of rhetoric, table 6.15 below, illustrates that speech acts containing rhetoric in terms of figure of speech and commissive speech had a frequency of 22% in partisan DPP meeting in public. The frequency for these similar types of speech acts in polarised DPP meetings in public was 15.6%. Speech acts containing emotive speech had a frequency of 3% in partisan and 3.9% in polarised DPP meetings in public. However, speech acts containing no rhetoric was largely the norm across both polarised and partisan DPP meetings in public.

Table 6.15: Rhetoric: Polarised/Partisan

Discourse Quality Modes of Expression Dimensions	Polarisation	Partisan
Rhetoric		
No Rhetoric	81.5%	75%
Rhetoric	15.6%	22%
Emotive Speech	2.9%	3%
Total Number of Speech Acts by Polarisation/Partisanship	658(100%)	1530(100%)
Total Number of Speech Acts = 2188 (100%)		

Table 6.16 below reveals that polarised DPP meeting in public levels of greeting were higher (12.8%) than they were in partisan DPPs (8.2%). These higher instances of greeting in polarised DPPs suggest that there was a stronger or a greater need to recognise others in polarised DPPs. But again in general most speech acts in both polarised and partisan DPP meetings in public

contained no greeting. .

Table 6.16: Greeting: Polarised/Partisan

Discourse Quality Modes of Expression Dimensions	Polarisation	Partisan
Greeting		
No Greeting	87.2%	91.2%
Greeting	12.8%	8.2%
Total Number of Speech Acts by Polarisation/Partisanship	658(100%)	1530(100%)
Total Number of Speech Acts = 2188 (100%)		

Table 6.17 below report's that the four Augmented DQI indicators were significant at an ANOVA level of 0.05. Given these results this research establishes that there was a significant difference between polarised and partisan DPP meeting in public speech acts in terms of levels of respect, storytelling, rhetoric and greeting (ANOVA at a .05 level).

Table 6.17: ANOVA: Polarised/Partisan Analysis

Augmented Discourse Quality Index Dimensions	ANOVA (at a .05 level)
Refers of Respect Towards Groups	.000
Refers to Story-Telling	.013
Refers to Rhetoric	.019
Refers to Greeting (Recognition)	.001

Again these set of ANOVA scores at 0.01 outlined above in 6.17 are broadly comparable with those of the ANOVA scores recorded by Steiner et al (2004), Bächtiger and Steenbergen (2004) and Lord and Tamvaki (2013). Hence a DPP being polarised or partisan systematically affects respect, greeting, rhetoric and storytelling at an ANOVA level of 0.05. Generally, and again owing to the fact that no speech acts contained levels of justification, content justification, respect for demands of others, respect for counter arguments and consensus, this research accepts the Null Hypothesis. In that there is no difference between polarised and partisan DPP meetings in public in terms of their very low quality of discourse.

6.6: Comparing Deliberative Quality (Unionist/Nationalist) Partisanship

The next hypothesis suggests that Nationalist and the Unionist partisan DPP meetings in public will differ in terms of their quality of discourse. As with the previous hypothesis it must be stated that the research found no incidents of level of justification, content justification, respect for demand of other, of respect for counter-arguments and consensus. That being said there was evidence of respect for other groups, storytelling, rhetoric and greeting. The results from this analysis are shown in the following tables.

Table 6.18: Unionist/Nationalist (Respect)

Discourse Quality Respect Dimensions	Partisan Unionist	Partisan Nationalist
Respect Towards Groups		
N/A	42%	41.2%
No Respect	0.1%	1.2%
Implicit Respect Towards Groups	32.3%	34.2%
Explicit Respect Towards Groups	25.6%	23.4%
Total Number of Speech Acts by Unionist Partisanship/Nationalist Partisanship	904(100%)	626(100%)
Total Number of Speech Acts = 1530 (100%)		

Table 6.18 reveals that statements with explicit respect towards groups were at a higher level in Unionist partisan DPPs (25.6%) than they were in Nationalist partisan DPPs (23.4%). In both partisan DPPs no respect levels were relatively low (Unionists 0.1%; Nationalist 1.2%), whilst high levels of implicit respect towards groups was generally the norm no matter what the DPPs partisan status. Here Unionist Partisan DPPs had frequency levels of 32.3%, whilst Nationalist partisan DPPs had slightly higher frequency levels of 34.2%.

Table 6.19: Unionist/Nationalist (Storytelling)

Discourse Quality Modes of Expression Dimensions	Partisan Unionist	Partisan Nationalist
Storytelling		
No Story-Telling	86.1%	82.1%
Story-Telling	13.9%	17.9%
Total Number of Speech Acts by Unionist Partisanship/Nationalist Partisanship	904(100%)	626(100%)
Total Number of Speech Acts = 1530 (100%)		

From table 6.19 it is clear that in both Unionist and Nationalist partisan DPP meetings in public, story-telling was included as part of their discourse. Both had frequency scores of 13.9% and 17.9% respectively. This indicates that Nationalist partisan DPP meetings in public had higher frequency levels of storytelling than their Unionists counterparts. Speech acts containing no storytelling were by and large the most frequent within both Unionist and Nationalist DPP meetings in public.

Table 6.20: Unionist/Nationalist (Rhetoric)

Discourse Quality Modes of Expression Dimensions	Partisan Unionist	Partisan Nationalist
Rhetoric		
No Rhetoric	77.4%	71.8%
Rhetoric	20%	25.2%
Emotive Speech	2.6%	3%
Total Number of Speech Acts by Unionist Partisanship/Nationalist Partisanship	904(100%)	626(100%)
Total Number of Speech Acts = 1530 (100%)		

Table 6.20 reveals that speech acts containing rhetoric in the form of figure of speech and commissive speech had frequency levels of 25.2% for Nationalist and 20% for Unionists partisan DPP meetings in public. Speech acts with emotive speech were low in comparison, (Unionists at

2.6% and Nationalist at 3%). Again it clearly seems that no rhetoric was norm for speech acts in DPP meetings in public; whether they were dominated by Unionist or Nationalist.

Table 6.21: Unionist/Nationalist (Greeting)

Discourse Quality Modes of Expression Dimensions	Partisan Unionist	Partisan Nationalist
Greeting		
No Greeting	91%	91.3%
Greeting	9%	8.7%
Total Number of Speech Acts by Unionist Partisanship/Nationalist Partisanship	904(100%)	626(100%)
Total Number of Speech Acts = 1530 (100%)		

With regard to greeting, table 6.21 above notes that greeting in speech act within both Unionist and Nationalist partisan DPP meetings in public were low in frequency. In that Unionist partisan DPP meetings in public had 9% frequency level, whilst the Nationalist partisan DPP meetings in public had a similar frequency level of 8.7%. In most cases speech acts contained no greeting. Both Unionist and Nationalist DPP meetings in public had frequency levels of 91% and 91.3% respectfully in terms of no greeting in speech acts. Table 6.22 shows significant difference in terms of respect towards other groups, rhetoric and greeting (at an ANOVA level of .05) for the Unionist Nationalist DPP meetings in public comparison. ANOVA failed to show a significant effect on storytelling

Table 6.22: ANOVA: Unionist/Nationalist Analysis

Augmented Discourse Quality Index Dimensions	ANOVA (at a .05 level)
Refers of Respect Towards Groups	.000
Refers to Story-Telling	.811
Refers to Rhetoric	.000
Refers to Greeting (Recognition)	.013

Once again these set of ANOVA scores at 0.01 outlined above in 6.22 are broadly comparable with those of the ANOVA scores recorded by Steiner et al (2004), Bächtiger and Steenbergen (2004) and Lord and Tamvaki (2013). Here, DPP meetings in public being Unionist partisan or National partisan does have systematically affects on respect, greeting, and rhetoric at an ANOVA level of 0.05. Table 6.22, illustrates that there are differences in the levels of respect

towards other groups, the use of rhetoric and the use of greeting in terms of DPP meetings in public being Unionist or National partisan. Similarly with all of the above results, it is clear from the failure to find any levels of justification, content justification, respect for demand of other, of respect for counter-arguments and the lack of constructive politics means that there is little choice but to accept the Null Hypothesis. That is, there is no difference between the levels of discourse for Unionist s or Nationalist partisan DPP meetings in public.

6.7: In Conclusion

It would seem that these DPPs meetings in public fail to promote deliberation on the issue of policing. It certainly seems that Northern Ireland DPPs do not provide appropriate deliberative environments, or any opportunities for higher levels of discourse quality. Therefore as an effort to (re)engage citizens in Northern Ireland in policing governance, the DPPs can be broadly understood to be mechanisms of proto discourse. In that they only provide spaces for the exchange of information on policing. As reported in the results above, these DPP meetings in public did not focus on identifying interests that were shared or compatible. They did not carve out a public sphere to develop consensus. They failed to prompt people to work together, and to work through crime solutions issues in a deliberative fashion.

DPPs meetings in public should only be seen as infrastructures for the diffusion of information on policing. Disappointedly this result, clearly mark the DPP meetings in public as non deliberative bodies in policing governance. There is little obligation for participants to enter into rational deliberation i.e. voice opinions or emerge with a proposal from within. As a consequence this research argues that (1) DPP meetings in public have no or very low deliberative qualities and only in terms of respect for other groups, storytelling, rhetoric and greeting, as such they are not deliberative. Outside of the ANOVA results reported above, this research established (2) that group difference had no predictive value for the quality of discourse found within DPP meetings in public. (3) That the DPPs ethno-nationalist factors of polarisation versus partisan DPPs also had little predictive value for the quality of deliberation levels found within DPPs. Similarly (4) that the difference between Unionist partisan and Nationalists partisan DPPs lent no support for difference in the quality of deliberation.

The deliberative dimensions of participation, justification, common good, respect, story-telling, rhetoric and greeting were all tested for their quality levels. The overall result of this research

analysis is shown in table 6.23 below:

Table 6.23: Discourse Quality of Northern Ireland's DPP meetings in public

Categories (Indicators)	Augmented DQI Dimensions: Frequency Percentage Scores (n=2203)	29 DPP meeting in public: Indicator Averages	Deliberative Quality Levels
Level of Justification	None	**None**	**None**
Content Justification	None	**None**	**None**
Respect towards Demand of Others	None	**None**	**None**
Respect towards the Counter-argument of Others	None	**None**	**None**
Constructive politics	None	**None**	**None**
Participation Measure Peoples levels of Participation	Speaker Interrupted = 1% Normal Participation = 99%	**Mode = (1) Normal Participation**	**Overall High Levels of Equality of Participation**
Respect towards groups Measures Explicit Respect and Disrespect and Implicit Respect Levels	N/A= 47.3% No Respect = 1.1% Implicit Respect (no explicitly negative statements) = 29.3% Respect Explicit Positive Statement = 21.7%	**Median = (1) Implicit Respect**	Overall Medium Levels of Respect towards groups in terms of Explicit Respect towards groups. (Higher levels in terms of no explicitly negative statement spoken**)**
Storytelling Speech-Act which included or did not include narrative	No Storytelling = 84% Stories (Reflecting Local Knowledge and Experience) = 16.4%	**Median = (0) No Storytelling**	**Overall Low to medium Levels of Storytelling** (specifically high in terms of No Storytelling)
Rhetoric Speech-Act which include Commissives Speech (promise and treats) and Emotive	No Rhetoric = 76.5% Rhetoric = 20.0% Emotive Speech= 2.8%	**Median = (0) No Rhetoric**	**Overall Low to medium Levels of Rhetoric** (specifically high in terms of No Rhetoric)

Speech			
Greeting Expressive Speech (Speaker thanks, apologies to, or welcomes the listener)	No Greeting = 90% Greeting = 10%	**Median = (0) No Greeting**	**Overall Low Levels of Greeting** (specifically high in terms of No Greeting)

Turning now to what extent does this result means for the type of policing governance in Northern Ireland? In a sense what is being asked is does the very low quality discourse and the non deliberative nature found within DPP meetings in public have on the potential of informing and coordinating participants' input into policing governance. This study would argue that these DPP meetings in public are less designed spaces' which provide opportunities for people to interact with one another. Within such spaces Habermas (1984) developed his theory of communicative action, through which an emphasis on the possibility of attaining consensus through rational exchange in public. It is clear that DPP meetings in public are a long way short of being public spaces of this nature. DPP meetings have only one purpose and that is the exchange of information. As such they are epistemic in nature; that is collecting and coordinating information. Through the lens of deliberative democracy, the legitimacy of policing discourse produced from these DPP meetings in public remains very much under question. Northern Ireland's DPPs and their meeting in public processes are no exemplar for the advocates of deliberation. This is a pessimistic conclusion, however since deliberative democratic theory is a theory of legitimacy and the legitimacy of Northern Ireland policing is questioned in divided society. Concerns must be raised. Legitimacy is not just about who participate are how many people are present, but also what a process/meeting/forum produces. As Parkinson (2003) points out, legitimacy is shaped by a sense that people consider institutions to be acting in their interests.[27] So the discourse emerging from the DPP meetings in public may carry more or less legitimacy depending on how they serve people's interests, and resonate with the prevailing discourses. According to deliberative democratic theory it can therefore be argued that because of the very low deliberation levels/ non deliberative nature of these DPP meetings in public the discourse shaped by them, carry less legitimacy than a process which had

[27] See also Chambers (1996)

higher levels of deliberation.

Another analysis which emerged from these findings is that of the nature of participation within DPP meetings in public. Under the label of deliberative democracy people can effectively participate in and influence policies which affect their lives. Similarly for deliberative democrats, inclusiveness is both presence and voice. By comparing between public participants' attendance and their activity in terms of speech act, this further reveals that there was a capacity deficit. In that not all public participants' spoke at the meetings. This deficit impacts the building of relationships, in that of building trust between the police and the public. It is difficult to see evidence of deeper inclusion. It is hard to see the potential influence of communities on policing decisions. Outside respect towards others groups and the high levels of equality of participation within DPP meetings in public. DPP meetings in public tend not to be conducive to the fostering of deeper Habermasian discourse qualities (levels of justification, content justification, of respect for demand, of respect for counter-argument and consensus).

The forms of participation within the 29 DPP meetings in public do share a number of commonalities. In that in any given DPP meeting in public, there were many different domains for participation; from active to passive. These domains are not separable; what happens in one impinges on what happens in others. As such when someone speaks, then someone listens. In terms of Young's (2000) ideals of political communication the DPP meetings in public still fall short, but not as much as they did for the Habermasian ideals. Political communication within the DPP meetings in public have characteristics' of storytelling, rhetoric and greeting in them, although, at low levels. This "everyday" communication, (understood here as proto-discourse) echoes the broadly inclusive tendencies towards participation within DPP meetings in public. The creditable levels of respect and willingness to listen as evidenced by the high degree of equality of participation underlines this and a tenuous link between DPP meetings in public and reciprocity. In that participants listened and responded to each other in a similar way to what Goodin, suggest that "[t]here must be uptake and engagement…other people must hear…read, internalise and respond" (2000; 91) to each other. But not in the sense where Gutmann and Thompson (2004) suggest that reciprocity holds that citizen owe each other mutual acceptable reasons to justify their arguments and positions. Hence a caveat must be placed on the suggestion that DPP meetings in public had an effect on the individual involved.

A difficulty encountered in the operation of participative mechanisms in public has been that of

ensuring that marginalised groups take part (Beetham, 1996). At least these DPP meetings in public are conscious efforts by the state, the local authorities, the police and communities to make DPP meetings in public inclusive forums through their high equality of participation levels. Similarly the regularity of the DPP meetings in public and the diversity of meeting venues (such as schools, community halls, church halls, libraries and etc) across the districts meant that public participants could attend on a regular basis. This offered a fertile ground for the cross-fertilization of ideas and learning. The involvement of the public meant that they gained knowledge and a degree of policing literacy (and political literacy) concerning the practice of policing. As such any increase in the understanding of policing which is gained from attending DPP meetings in public secures some benefits for the community. However, the nature of the DPP meetings in public structures means that this knowledge was limited owing to the availability of proto discourse. Of the ten categories of the Augmented DQI only five were evidenced within DPP meetings in public. This suggest that despite the participative nature and the respective nature in terms of creditable respect levels shown towards other groups, these DPP meetings in public failed to facilitate any sense of deliberative democracy.

Chapter 7: Conclusions

7.1: Introduction

To the best possible knowledge, this research is the first attempt to submit a public/police partnership to a measure of deliberative quality. Specifically this research provided an empirical test of what happens within DPP meetings in public processes through the lens of deliberative democracy. Secondly, this analysis of the DPP meetings in public illustrates how Northern Ireland engages its public on the issues of policing in a divided society. Importantly this research illustrated that the Augmented DQI as an extension to the original DQI instrument is a powerful research tool that can be applied to bodies and arenas that do not claim to be deliberative.

In other words this research has sought to evaluate the quality of deliberation within Northern Ireland's District Policing Partnership meetings in public using an Augmented DQI (a modified and redeveloped version of Steiner et al's (2004) DQI). Although, this Augmented DQI employed similar indicators to the original DQI, i.e. Habermasian indicators; the DPP meetings in public deliberative quality levels displayed very little or no comparison with the quality of deliberation levels found within those national legislatures studied by Steiner et al (2004), and Bächtiger and Steenbergen (2004). Nor did the DPP meetings in public have any real comparable score deliberation levels found within European Parliament debates (Lord and Tamvaki, 2013). The only slight exception being that of the respect toward group indicator; this Habermasian indicator did register low to moderate levels within a number DPP meetings in public speech acts. In terms of the additional indicators such as greeting, rhetoric and storytelling, designed to evaluated what Young (2000) termed as inclusiveness. Here this research found that there was evidence of inclusiveness in so far as DPP meetings in public allowed people to participate beyond Habermasian rational discourse. Clearly this research demonstrated that other than that of the low to moderate levels of respect for other groups, Type 1 Habermasian inspired deliberation did not flourish within DPP meetings in public. Evidence for more open and broader forms of communication within DPP meetings in public was found. Additionally the explanatory factors such as group dynamics, polarised versus partisan DPPs and Unionist versus National DPPs, made little difference in impacting DPP meetings in public quality of deliberation.

In sum, this research makes it is clear that policing governance in Northern Ireland does not

totally hinge on the prospects of these DPPs having high deliberative qualities. Yet, arguably from a deliberative democratic perspective the lack of deliberative quality found within these meetings severely limits the prospect for a more deliberative form of community policing to emerge. Despite the non deliberative natures of these DPP meetings in public, at the uppermost these DPP meetings in public are still an achievement in a divided society such as Northern Ireland and in its transition towards peace. Since these DPP meetings in public allow citizens from all strata of Northern Ireland's society to engage in a process of discourse, increasing their knowledge and attitudes on policing. This, it can be argued to be especially salient in a divided society such as Northern Ireland, where policing is such a contentious issue. In a sense these DPP meetings in public offer opportunities to voice questions, engage in respect dialogue and raise awareness and policing legitimacy. In short DPP meetings public provide a microcosmic Northern Ireland public; microcosmic engagements which are part of a deliberative system (Parkinson and Mansbridge, 2012) in a divided society (O'Flynn, 2006). However, as this research argued that policing legitimacy is ultimately dependent on the public trust and confidence.

7.2: Overview of Study

The study aimed to provide a discussion of the drive towards recasting deliberative democracy in terms of second and third generation principles (Esltub, 2010). This was done, in order to demonstrate the most significant accounts of first, second and third generations of deliberative democracy. Hence a more accurate quality of deliberation measurement instrument was constructed. This research also explored if the quality of deliberation within these DPP meetings in public shifted between four distinct groups (the political members, independent members, the police and public participants). It additionally examined if the quality of deliberation in terms of the possible shift of deliberation between polarised and partisan DPP meetings in public. Similarly it explored if there were possibility of shifts in the quality of deliberation between Unionist and Nationalist partisan DPP meetings in public.

Prior to what Bächtiger et al, (2010) termed as the deliberative democratic empirical turn, deliberative democracy was seen primarily through the lens of normative theoretical debate and deliberative experimental decision-making process. It could be argued that it was somewhat unimaginable to form, accurate identifiable deliberative dimensions in real world settings. This focus changed with the development of discourse quality indexes and other deliberative

measuring tools, (Steenbergen et al, 2003; Steiner et al., 2004; Stromer-Galley's, 2007). Since then the role played by deliberation in real-world settings have certainly received more attention. However, much of these real world settings are of the parliamentary nature and of on-line internet discussion processes. Although many public/governmental policy decisions engagement processes have been studied for deliberation qualitatively, (Parkinson, 2006) very few have been studied empirically regarding their quality of deliberation. The first chapter of this study took the form of the general introduction. The second chapter then focused on discussing the continual development of public policing in western societies and in particular the British model. The third chapter developed an in-depth discussions and the analysis of deliberative democracy. Chapter four discusses Northern Ireland and its policing in terms of its history, its reform, its contemporary institutional characteristics and its ethno-nationalism symbolic representations. Through the discussion and analysis outlined in chapter three a framework of indicators was created which was then applied to the development of an Augmented Discourse Quality Index (DQI). This was presented in chapter five. Chapter five also outlines the methodology employed by this research while the sixth chapter presented the finding of this empirical analysis. The concern of this research, were as follows;

- What was the quality of deliberation of DPP meetings in public?
- To what extent is the deliberative quality within these DPPs meetings in public, impacted by institutional characteristic of group diversity and by what extent is their deliberative quality is impacted by the ethno-nationalist factors of DPPs being polarised or partisan and by DPPs being Unionist or Nationalist partisan?

As well as the questions listed above, this study also aimed to address the research into policing and deliberative democracy. In that there is little, if any, in-depth empirical analysis within the deliberative literature with regard to its connection with policing governance and with community policing in particular. The non-participation observation carried out by this research was carried out to understand the DPP meetings in public both in terms of their institutional community policing characteristics and Northern Ireland's ethno-nationalism factors. To understand if these factor had an impact on DPP meetings in public. Having carried out the non-participation observation, the next step was to begin the process of transcribing these field-notes, aided by the DPP meetings in public minutes of meetings. After careful transcription, of

all 2188 speech act captures during the 29 DPP meetings. There was a need to code then according to the Augmented DQI. These DPP meetings in public were further coded according to the observation schedule (Appendix 1).

Yet, much more remains to be explored. First, this research was not in a position to fully distinguish why there was a lack of and indeed the low quality of deliberation within DPP meetings in public. To understand these reasons, there is a need for a qualitative component to be added. Telling the story of how discussions within DPP meetings in public evolved. For example, to understand where the turning points in the discussions were, and where did these discussions became less or more deliberative Moreover what were the participants' turning points? As such what were the dynamics of each participant, exploring if they would like to extend the discussions within DPP meetings in public towards Habermasian rational inspired deliberation.

7.3: Northern Ireland's, Policing

It seems that policing usually only relies upon the most basic democratic understanding. Policing has experienced a number of different eras (political, reform and community) through which different philosophies have governed the management of local policing forces/departments. In general this history has greatly influenced the kind of relationship that the police have with the community. The contemporary concept of policing is the practice of community policing. This is a very broad paradigm indeed, yet this study establishes that community policing has three primary features that are of significance: community partnerships, organisational transformation, and problem solving. However, there is no one-size fits-all strategy which can be adopted to make community policing work, thus every community must define for itself what community policing involves and denotes. As such community policing comes in many different forms and involves numerous approaches. These approaches must be integrated with each other and constructed into a comprehensive plan placing the community policing at the heart of such a plan. Similarly crime cannot be addressed by the police alone; the involvement of local people, agencies, and representatives are also specifically needed to address such problems.

This study understands that in Northern Ireland, the DPPs provide a fixed point of contact between the local community representatives, the police and the public. It was also clear that in Northern Ireland these DPP meetings in public seemingly did form a central part of the ideology

of Northern Ireland's police governance. That outwardly they did play a role in the ideology of community policing. Furthermore, that these DPP meetings in public placed an emphasis on bringing a working partnership into the governance of a public service delivery of policing. In this sense the DPPs represented the new beginning to the governance of policing in Northern Ireland. Since they illustrate how policing in Northern Ireland is much more transparent and more accountable, which in contrast to it's policing in the past. These DPPs provide an example of efforts by the PSNI to embed the pivotal concept of policing with the community into Northern Ireland policing and its governance. In doing so, they promote more nodal approaches to local policing by engaging with a more diverse range of groups and, by harnessing local knowledge for crime solutions. The study also found that the Police Service of Northern Ireland (PSNI) is today a completely different governance organisation than they were over a decade ago. They are now more religiously diverse, more educated, and less insular. This makes them much more hospitable environments than they were over a decade ago. From which deliberative processes can emerge, thus giving voice to citizens and communities.

The DPPs meetings in public are processes of a kind which may give plausible versions of community policing, with the idea of promoting a more deliberative approach to police decisions-making. It could be argued then that these DPPs meetings in public are a clear attempt to shift the emphasis away from conflict related priorities and towards normalisation of policing. In fact they can be seen to be mechanisms for broadening the public engagement in policing with local communities and extending the issue of police accountability to the communities in Northern Ireland.

Measuring the deliberative nature of community policing for the purpose of this research was not a simple task; it required defining specific, measurable, and attainable deliberative concepts to be taken from the given DPP meetings in public. Still the measurement of deliberation, or at least the measurement of the quality of deliberation, is needed if partnerships are to be considered as successful over the long term. These policing partnerships are important features of the community policing paradigm, in that they build stronger bonds with communities. The adoption of DPPs meant that Northern Ireland's community policing involved rethinking the police-community relationship, in that it meant proactively and collaboratively addressing citizens' concerns, and taking incremental steps together to improve Northern Ireland's community's a sense of security, safety and belonging. These changes not only modified the

culture of the police but also modified the ethno-nationalism of communities towards each other and towards the police. Changing the culture in this sense is understood as both communities begin to value the legitimate set of values, morals, beliefs, traditions, and social understandings of the other. Since this culture is derived by a group of people to understand and respond to a common set of real and perceived problems.

7.4: The Conceptual Framework

Throughout history deliberation has been an important part of many political thinkers' concerns and viewpoints in relation to democratic vistas specifically regarding legitimacy. Deliberative democracy is the idea that public decisions should be made by discussions that are carried out among equal and free citizens. In a sense deliberation is an unconstrained exchange of ideas, opinions, and arguments which involves reasonable discourse and potentially leads to a transformation of preferences or at least an acceptance of the legitimate values of others. One of the main goals of deliberative democracy is to infuse governance with practices of accountability, empowered citizenship and the communication about rather the aggregation of preferences. It also aims to instill and impart government with reasonable discussion among citizens and to permeate government with citizens' collective judgements (Chambers, 2003; Elster, 1998; Gutmann and Thompson, 2004). In a sense, deliberative democrats see public deliberation as a source of legitimate policymaking, and view it in contrast to the traditional (economic) aggregative-based theories of democracy; in which the use of voting and marketing techniques are central features for identifying aggregative preferences (Mansbridge, 1980; Young, 2000). Critics charge that deliberation may actually undermine democracy by producing a false consensus that submerges the interests and the voices of the less well established. Thus deliberative processes are just another set of power domination vehicles (Mansbridge, 1983; Barber, 1984; Cohen, 1989; Benhabib, 1996; Bohman, 1996; Chambers, 1996; Gutmann and Thompson, 1996). Despite this criticism and as noted throughout this thesis, the resurgence and popularity of deliberative democracy has taken on new meanings in developed nations, especially in the European Union, the United States and Australia. Hence, advocates of deliberative democracy claim that it is an antidote for the ills of democratic deficits and citizenship participation deficits exhibited throughout these nations and elsewhere (Putnam, 2000). Deliberative democrats also advocate that it can ensure accountability, transparency, and policy quality, thus hindering the declining trends in political participation and the erosion of

civil society (Putnam, 2000). The basic argument is that the nature and characteristics of deliberative democracy have both influential and essential values. The influential value of deliberative democracy enables it to deal better with modern governance problems, whilst its essential value enables it to produce better and more efficacious citizens.

According to this study, the centrality of the focus that is placed on Habermasian discourse ethics and ideal consensus in deliberation is fundamentally flawed and may be detrimental to the study of public/governmental policy decision-making engagement processes. Approaches taken when both discussing and assessing the role of deliberation played in these engagement processes need to be broader in scope regarding the type of communication which occurs within them. Hence for the purpose of this research, deliberative democracy can be understood as being a practice by which people engage in reflective discussion on (police) policy issues with an institution that is intended to have ancillary impacts on (police) policy by aiming towards free and reasoned consensus among citizens. As such public deliberation is the engine of democracy that deepens citizens' knowledge, participation and moral self-development (Jacobs, et al, 2009)

7.5: Data Analysis

An Augmented DQI was developed as the appropriate method to use in the context of this research because it was the most effective tool to evaluate the (possibility of) different deliberative dimensions within the DPP meetings in public because, these meetings to discuss issues surrounding police policy. Hence the Augmented DQI employed by this research, outlined the deliberative quality patterns within the 29 DPPs meetings in public; categorising the quality of deliberation and then, made inference on them. In addition, ANOVA tests were employed and declared whether the institutional characteristics and ethno-nationalist factors were either similar or different in quality of deliberation.

7.6: Main Findings of the Research

This research began with a conjecture that DPP meetings in public could be deliberative in nature. As such the discourse (in terms of advice on crime and policing) produced would be of a good quality. This conjecture was due to the fact that those involved; the police, the political members, the independent members and the public participants would share ownership of this discourse. The first analysis laid out the disappointing result that the quality of deliberation within these DPP meetings in public was non deliberative (or at least very low). This meant that

the DPP meetings in public had clear shortcomings in terms of their legitimacy capacity. Wider still, as Northern Ireland has moved from conflict to peace, policing has remained close to the top of the political agenda; therefore there is no denying the significance of policing in Northern Ireland. Despite the fundamental changes in the makeup of Northern Ireland's police force over the last number of years (since the Good Friday Agreement, 1998), and in its governance philosophy, deliberative democracy has remained largely absent from discussions of this police reform. This finding is curious because, deliberative democratic theory is a theory of legitimacy and since one of the core aims of policing in Northern Ireland is to achieve legitimacy. Then why are these DPP meetings in public seemingly devoid of deliberative democratic procedures.

These DPP meetings in public are not about the transferal of policing governance through deliberative processes to a local community. The empirical analysis carried out here revealed that five out of the ten deliberative quality dimensions of the Augmented DQI, had no frequency levels within these DPP meetings in public. In that the deliberative dimensions of level of justification, justification of demand, respect towards demands of others, respect towards counter arguments of others and consensus were not evidenced at all within the 29 DPP meetings observed. As such Northern Ireland's policing, community policing and crime problem solving through these DPP meetings in public are not brought about by any strong adherence to deliberative procedures. Neither do these DPP meetings in public enforce the exchange of reasonableness or the argumentation of opinions and ideas on Northern Ireland's policing and its policy.

The remaining five indicators, i.e. equality of participation, respect towards other groups, storytelling, rhetoric and greeting were all demonstrated. Equality of participation had a very high frequency, while respect towards other groups had creditable frequency levels of low-medium. Storytelling, rhetoric and greeting had low frequencies. Hence with the exception of the findings of high equality of participation and creditable respect towards other groups it is hard to be optimistic. Based upon this research, it is clear that the very low deliberative quality found meant that the DPP meetings in public were not contingent on their group dynamics within them or whether they were polarised or partisan or whether they were politically dominated by Unionists or Nationalist politicians. Rather the very low level quality of deliberation found within DPP meetings in public depended on their basic organisation, i.e. their participation strategy and their orientation towards a collective questioning of the police and

DPP members which were present and upon the answers.

Despite this very low deliberative quality/ non deliberation found within DPP meetings in public. It must be noted, that in there was a high equality of participation levels and a creditable level of respect towards other groups. These are a benefit to community policing relationship in a divided society such as Northern Ireland. As they allow for a more favourable political environment to be created. Drawing upon Mansbridge's (1999) and Parkinson and Mansbridge (2012) understandings of the deliberative system, in particular from the equality of participation and respect toward other group perspectives, these DPP meetings in public can be seen as part of a more integrated system of public deliberation best conceptualised as an activity occurring in overlapping discursive spheres—some structured, some loose, some mixed—(some of low deliberative levels, some of high deliberative levels)—each acting differently in a civil society. There in this light this gives DPP meetings in public legitimacy as low discursive sphere in that they are venues of proto-discourse. Hence they can be seen as legitimate because they provide a crucial component of Mansbridge's (1999) and Parkinson and Mansbridge (2012) proposals because they encourage diverse actors to come together in public conversations.

7.7 Relevancy: Beyond Deliberative Democracy in Northern Ireland's DPPs

Northern Ireland's DPP meetings in public; as processes of policing governance fell far short of deliberative ideals. Hence the most obvious finding to be taken from this research is that the deliberative turn has not yet been translated into practice, particularly regarding policing in a divided society such as Northern Ireland.

But these DPP meetings in public did have some merit in terms of respect, and providing information on policing. On the whole, participants within these DPP meetings in public were respectful, and arguably they became more knowledgeable for having participated in these DPP meetings. Based on these results, an important question is raised; what role might deliberation play in Northern Ireland's deeply divided society? It would seem under the preconditions of mutual distrust among the two communities. What ought to be done in deliberative terms about policing may be seen as being naïve and an inapplicable view. One view is that the differences between Unionist and Nationalist communities on what shape Northern Ireland's police should take and what the police should do are so intense that deliberation among the

public on the issue is seen to be not practical or useful. In Northern Ireland, deliberation is limited to elite discussions and that deliberation among the two communities at local level may seem to be abandoned. The role of the public is apparently restricted to periodic elections of competing teams of people experienced in political arts. Another view is that disagreement may be less intensive at the community level than that at the political elite level, and that this discounting of public deliberation maybe as a direct result of Northern Ireland's consociationalism governance.

Clearly Northern Ireland's top leaderships are involved in deliberation, because there is an emphasis on achieving political accommodation and maintaining an end to political violence. Of course central to this process are democratic elections. However, in between elections, ordinary citizens do not remain passive (being administered but not contributing to administration). Cross community deliberation among ordinary citizens, offer an opportunity for openness and pragmatic benefits of establishing mutual respectful dialogues. Deliberative democratic forums in a divided society such as Northern Ireland could give a voice to those who have been traditionally excluded from decision-making in the more traditional forms of government and, in that sense, could contribute to a notion of an organic approach to peace-building. Or, at the very least, prevent politicians, through challenge and oversight roles, from reverting to sectarian-type. It is argued here that only by bringing people together who have direct knowledge of a problem can they help in avoiding mistaken solutions. Importantly, it is more likely that people will accept (policing) institutions and policies if they have a hand in the making of them or feel that solutions have been devised reasonably and fairly. Consequently, meaningful and inclusive deliberation among Northern Ireland's ordinary citizens calls for wider social, political and cultural changes.

There is also a need to provide funding and a promotion of change, which include addressing structural barriers to involvement, such as lack of resources and/or time, and changing long-standing experiences of marginalisation, exclusion and disrespect. There is a need to encourage more societal ways of thinking and acting that would help both communities to live together. Perhaps most importantly, these changes should include attempts to foster a culture that values integrity, and dignity and genuine engagement of understanding. Where the perspective of others even where there is real disagreement are still very much valued. The state (including both the British and Irish governments) clearly has a role to play here, both in relation to

material barriers and with regard to political culture. Fostering deliberative democracy in Northern Ireland also has far-reaching implications for the media, for education and its civil society associations. Deliberative democratic aspirations must be reflected in how all these bodies engage with one another; commitment to deliberative democracy is critical for constructing and developing what Parkinson and Mansbridge (2012) termed deliberative systems.

7.7.1 Deliberative Democracy in General

In many countries across the globe civic and political innovators have successfully sponsored and incorporated deliberative practices into the ways that public decisions are made and public actions are taken. In doing so, the deliberative democrats often begin with the aim of using methods of public reflection to address particular, identifiable community problems. Deliberative democracy has tremendous value and promise for improving contemporary democracy. There are many settings in which deliberative democracy would be appropriate to engage in both dialogue and deliberation in pursuit of accommodation. This work is not easy. Success requires mobilising citizens to engage in deliberation and often to take action following deliberation. It requires building civic organisations that can sponsor and facilitate public deliberation over controversial issues and community problems as they arise over time. Success, also often requires deliberative democrats to persuade reluctant policy-makers and political representatives to become supporters of deliberative engagements, or at least allies that would respond constructively to these initiatives. These efforts and challenges are all the more complicated because, there is no general recipe for embedding deliberation. Difference contexts and differences in community issues matter.

For instance there is every reason to believe that the differences between the communities in Northern Ireland's divided society are more than political, they reflect deeper cultural divisions. The point here is that deliberation should be more modest in its aims. These differences between the communities in Northern Ireland require different deliberative practices, organisational strategies, and forms of embeddedness. A simply goal could be to accommodate; to make room for both communities within a shared public sphere, to co-exist peaceably without crowding out one another. At a maximum DPP meetings in public could be considered cultural accommodation dialogues around the issue of policing. In that they are attempting to define by contrasting the two communities' different understandings, and aspirations in terms

of policing. Arguably then, these DPP meetings in public involve neither competitive negotiation nor the pressing for reasoned consensus. Although this may happen later, during higher quality deliberative processes, which may follow this initial period of cultural accommodating dialogue on policing in Northern Ireland. The most likely tangible outcomes are therefore modicums of understanding between the two communities, and pragmatic commitments of tolerance and accord. Conceivably too they may produce loosely defined values (e.g. on policing) but a shared framework that both communities will enter into a deliberative phase in the future. As such it may perhaps be too early in Northern Ireland's transition toward peace and too much to ask deliberative democracy to address issues such as policing. Since Northern Ireland is a divided societies with a long histories of violence and miss-trust. Without first, allowing for a period of time, where mutual trust and understanding are developed between citizens, in less deliberative settings. Hence there is optimism, in that at least there is dialogue amongst the citizens of Northern Ireland on the contentious issue of policing.

Clearly, the many successful deliberative practices in evidence across the world suggest that deliberative democracy is not about sweeping changes but of small successes. Similarly it can be argued that these successes are also based upon broader changes in the relationships among governments, media and citizens. Therefore deliberative democrats can look forward with bright anticipation, that deliberative practitioners working together can one day incorporate deliberation into the similar dialogues accommodations emerging in the contexts of policing and policing in a divided society such as Northern Ireland. In general deliberative democratic terms, most participative and deliberative practice will always deviate from its theoretical ideals. Hence it is best to see deliberative ideal as a vital and an essential vantage point from which public engagement can be evaluated Dryzek (2007). In that approaches to deliberative democracy are not be set up as hypotheses that can be falsified, but as 'a project', to which theorists, researchers, citizens and activists alike can all make contributions (Dryzek, 2007).

7.7.2 Deliberative Democracy and Policing

Turning now to policing more broadly; here it is clear that the community policing models reflect the slow shift away from policing pluralism and towards theories of participatory democracy and perhaps eventually deliberative democracy. Today's community policing models are marked by a return to the original intent of policing; i.e. renewed appreciation for order, decorum, safety and policing with the community. In that the police, along with everyone else should participate

as much as possible in collective policing self-governance. In contemporary policing there is also an increasing prominence on policing legitimacy. This similar to deliberative democracy overriding emphasis on legitimacy, hence it would seem that it is only a matter of time where community policing models in terms of policing partnerships and deliberative democracy truly interact.

For instance, Fung (2001), through an empowered democratic lens argued that Chicago policing is a fruitful place for deliberative democracy. Though the evidence is not definitive, there is good reason to believe that community policing in the shape of police/public partnerships improve the knowledge of participants about policing issues. These police/public partnerships are intentionally interactive and where the public which attend, are not selected on their interest or qualifications. The clearly these policing partnerships allow citizens to analyze their community, identify concerns and priorities, and formulate plans of actions in terms of policing. It is obvious that micro discursive events on policing can give citizens the capacity to decide on certain aspect on how they are to be policed. However, there is an important point which needs to made, in that the very nature of community policing will prevent citizens from having an opportunity to debate on broader policing policy debates. Any such community policing/micro discursive process will indeed only seek local solutions for local problems. Importantly then, it can be argued that even these local solution seeking community policing/micro discursive processes should be seen as part of the way different institutions feed into one another over time; acting as gateways to what Parkinson and Mansbridge, (2012) understand to be a deliberative system. Indeed they play a role in providing focal points for wider macro-deliberative policing processes.

7.7.3: DPPs as part of the Deliberative System

In the light of this study into DPP meetings in public and policing in a divided society, the deliberative turn has failed to materialize. In fact there were very clear deliberative shortcomings in terms of Habermasian ideals. Nurturing deliberative democracy among Northern Ireland two communities at least in situations of microcosm of the general public, clearly require that participants get pass their initial miss-trust and lack of respect that applies to deeply divided societies. This was demonstrated within DPP meetings in public, in that there were levels of respect, greeting, rhetoric and storytelling. As such perhaps these DPP meetings in public chart a possible way forward for a shared future, where the point of departure is building upon respect and understanding between both communities. These DPP meetings in

public also illustrated that the public could engage in constructive ways despite a legacy of violent conflict and mutual suspicion. Furthermore these DPP meetings in public must be seen as part of an interconnected macro and micro mixture of discursive spheres (Hendriks, 2006). Or what Parkinson (2006) identifies as the informal, the intermediate and formal realms of deliberation; bringing together government and public. Mansbridge's (1999) similarly envisaged a system comprised of numerous discursive arenas in which varying modes of communication are employed. Hence the deliberative system is not bound to Habermas' (1996) concept of the centre/periphery metaphor; which is centred on being a place of binding decisions and where the periphery is a place of less formal deliberation. It goes beyond the nation state to include international, transnational, and supranational institutions (Parkinson and Mansbridge, 2012). Therefore there are multiple nodes, where multiple constructs of communication revealed and take shape in a deliberative system. It can be argued then that deliberative democracy is more than its sum of deliberative moments. There is indeed, clearly some value (or disvalue) in non-deliberative practices in a society that is divided. A deliberative system means that there can be many processes which may indeed be both beneficial and not so beneficial. Where processes have deliberative quality which is low or indeed are at a proto level but are still essential to the system. Here then, in a deliberative system deliberative and discursive democracy occurs in many places and at different times.

According to Mansbridge (1999) deliberative standards should be loosened or tightened depending upon the location and time of these discursive processes. Through these perspectives, DPP meetings in public are in the range of formal settings with very much loosened deliberative standard. As such the work the participants accomplished within these DPP meetings in public in terms of respect, learning about policing issues and listening to others cannot be replicated in mass publics. Rather there is a need to think about DPP meetings in public as being integrated into the broader public debate on policing in Northern Ireland. Where their role are identified as dialogues or discussions which help accommodate the differences between Northern Ireland's two communities on the issue of policing; lending to the legitimacy of Northern Ireland's current policing model.

Importantly since these DPP meetings in public "involve matters of common concern and have a practical orientation. By a practical orientation…the discussion is not purely theoretical but involves an element of question 'what is to be done" (Mansbridge et al, 2013; 9) they can be

seen as part of the deliberative system. In other words as bridging gaps between the government, the police and the public, these DPP meetings in public should be accepted by deliberative theorists as genuine components of democracy which are complementary to deliberation.

Drawing upon Dryzek (2006) it can be argued that the most important divisions in Northern Ireland are grounded in competing discourses and that these divisions cannot readily be governed by a top-down basis. But divisions across discourse can be engaged through discursive means; as such dialogues of accommodations can be the essence of deliberative democracy. Arguably, DPP meetings in public are ingredients or constituents of a deliberative system. The questions become one of how are these DPP meetings in public positioned in relation to the other elements of the deliberative system? As well as that, there is also a need to understand the effects, if any, which go beyond these DPP meetings in public themselves?

7.7.4: Further Development of this Research

Deliberation is inherently democratic. Some disputes can be settled behind closed doors, with limited participation or public scrutiny. Indeed, this is often necessary. But deliberative democracy has an irreducible democratic quality in that—at least indirectly—it must account for the interests of all those affected by the decisions. This matters not only in terms of effectiveness but also matters for legitimacy. As such policing in Northern Ireland must have reason-giving, public justification and public scrutiny. These serve the purpose of allowing people to listen, to understand, to respect and value others (and their voices). In Northern Ireland policing context these are ways of accounting for the interests all those affected by a decision and arguably lead to legitimate mechanisms for consensus formation.

Clearly there was no attempt to empirically examine the conditions under which these DPP meetings in public may produce or impede the goals of the deliberative system as it is understood by Parkinson and Mansbridge (2012). Nor did this study explore in detail the ways in which these DPP meetings in public function or may interact with other processes in a deliberative system. Because these questions are so complex, this study is unable to address them here. In terms of this research, the focus was entirely based on measuring the quality of deliberation within these DPP meetings in public. Hence what may be needed from future research is what Parkinson and Mansbridge call for. That is a wide-ranging systemic approach

which may serve as a framework for fruitful normative and empirical research; from a deliberative democratic perspective. Likewise, future research will need to examine if non-deliberative processes such as DPP meetings in public complement or hinder the deliberative system. It therefore remains to be seen how DPP meetings in public or for that matter policing partnerships in general might function within a deliberative system.

Addressing such problems will require further development of the concept of deliberative systems. Clearly there will never be a single overarching definitive definition of deliberative democracy. In a sense there is a need for a warning to be state here. In that such systemic study may bring deliberative democracy to a featureless praxis of complexity. Hence the practical realities of accommodating an entire deliberative system could take deliberation further away from the norms and the ideal which at presents anchors it. Thus on one hand this warning mirrors Steiner et al's (2004) concerns about concept stretching. On the other hand, deliberative democracy continues to come of age (Bohman, 1998). Hence researchers will want to investigate further ways in which specific forms of policy, decision-making, governmental/public engagements and civil engagements on issues are compatible or incompatible with deliberative ideals. This study provided valuable experiences in how to take into consideration non-deliberative qualities levels found within Northern Ireland's (divided society) DPP meetings in public. However this result was based solely on particular places and particular moments of time. Hence much more research is needed.

This research identified deliberative theoretical literature is being routinely employed to compare and contrast public participation methods to illustrate their similarities and differences. It does not offer any guidance on which methods should and should not be used, given the particular decision-making context. This research also identified that there are limited studies on policing from a deliberative democratic perspective. It is, reasonable to consider that future research into policing will proceed through a deliberative lens. Yet, certain challenges must be considered before research is undertaken into comparing and contrasting of Northern Ireland policing/public bodies with similar policing/public bodies in other countries. First, the comparison or contrasting of police/public partnerships is complicated by the different contexts within which deliberation is undertaken and expressed. Second, disentangling the effects that these policing partnerships have from other policing governance effects is also very complicated making it difficult to determine the true outcomes upon which to access these processes. For

example a police partnerships implemented in one country to address one set of issues may not be comparable to another country with a different set of issues; raising serious challenges to conducting cross-country comparative evaluations. Furthermore, since this study was very much an empirical investigation, there is a great need to approach Northern Ireland policing/public bodies with more diverse methods research. Clearly investigative methods such as interviews, surveys and chronological examinations will lend themselves to giving researchers' deeper meaning. Building upon the work already started here, there is the strongest case for future study is that learning more about what participants do within these police/public bodies, what the participants want and expect from such processes will be important inputs into the deliberative democratic research agenda and community policing agenda.

7.4: Research Outlook and Observations

Having concluded its main tasks, this thesis turns for its final, and hoped valuable discussion; listing the areas for future research. By the very nature of this thesis, a number of questions were raised, that went beyond its scope. Many of these questions, however, are deemed worthy of brief mention in this final section. It is felt that research into these areas would further contribute significantly to understanding discourse quality in divided societies and towards deeper empirical and philosophical examination of policing from a deliberative democratic perspective.

Understanding the relationship between policing, deliberative democracy is of significant importance to any future research into this area, in particular regarding the outcomes of such policing/public partnerships. The consequences of community policing and policing governance are areas which are far too important for them not to be studied from a deliberative democratic perspective. For instance regarding the new beginning in policing in Northern Ireland where policing with the community is the goal. Then it is almost certain that in future we are looking forward to a successful normalisation of policing. Nevertheless events such as the recent "flag issue riots" is evidence that Northern Ireland's policing is still being questioned by large sections of its society. The police clearly play a role in Northern Ireland, as such it would be interesting to determine from a deliberative democratic perspective if there are points of similarities or divergence with their version of community policing and other divided or unstable societies.

Despite the very low to non-deliberative quality found with these DPPs meetings in public, a

community's needs should be taken into consideration in the context of policing. In the democratic world, the "raison d'état" must be determined according to the best interests of the public, not according to the interests of the police or a few political elites. Policing must be for the community and with the community. No actions of policing can be legitimate unless they are in harmony with the community's needs and interest. Since community policing lacks solid theoretical or agreed upon measures, then perhaps it is possible to establish such aspects based upon deliberative democratic theory. Measuring an integral part of Northern Ireland's community policing thoroughly by utilising an Augmented DQI gives one possible way forward, in determining a more holistic understanding of community policing.

In a similar hope to that of Steiner et al's (2004) this research purposes a desire that the deliberative frameworks and empirical research on policing engagement will help stimulate further philosophical and empirical work on policing through deliberation. The concepts of community policing and deliberation are linked. Hence future research should engage in seeing how best to design police/public engagement process that are capable of reaching these higher and deeper levels of deliberative quality. Future research should also take a more chronological pattern, in order to establish if indeed, trust and deliberation are being engendered within policing partnerships as McLaverty and Halpin (2008) have suggested in their study. Generally, future research must explore if it is the case that over time trust and therefore deliberative democracy is being established within Northern Ireland policing partnerships? If so then divisions within Northern Ireland society may well be on a path of narrowing.

Overall this study has shown that, even though there may be certain features of low level deliberation in Northern Ireland's DPP meetings in public which makes them attractive to the community policing paradigm in a divided society. Yet the very low and non-deliberative qualities found suggests that it is more likely that Northern Ireland's policing with the community model has further to travel in order to gain key legitimacy values set down by deliberative democratic theory.

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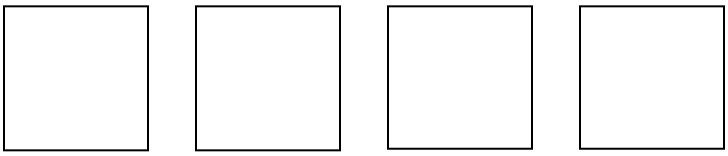
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APPRNDIX 1

Observation Schedule
Independent Variable (Predictors)

A). Take Photograph of Venue Buildings



B). Draw a Plan of the Meeting Venue

C). Type of Building

Town Hall…….. ☐
Catholic Religious Hall……. ☐
Protestant/Presbyterian Religious Hall……. ☐
Hotel (Hostel)……... ☐
Community Hall…….. ☐
Others (Library, Schools, etc)…….. ☐

D). Amount of People Present ☐

E). Group Break Down Political ☐ Independent ☐

Police ☐ Public ☐

F). Gender Break Down Male ☐ Female ☐

Note: For Field Notes of the Speech Acts. Each speech act unit should be identified as either uttered by

PM= Political Member IM= Independent Member

POL= Police Person PP= Public Participation

F). Did you Observe Symbolism at the Venue (in visual eyesight from the entrance)?

Yes ☐

No ☐

G). If Yes: was this symbolism

British Symbolism …….. ☐

Nationalist (Republican) Symbolism…….. ☐

Catholic Religious Symbolism……... ☐

Protestant/Presbyterian Religious Symbolism…….. ☐

H). Pre/Post Meeting--Visual Greeting (Did you Observe such instances)

Handshakes (Hugs, etc)…… ☐

Small-Talk…… ☐

Offer of Food (Tea/Coffee/Biscuits, etc)…… ☐

I). Give an overall Scale level of Pre/Post Meeting Greeting
(Overall greeting was positive good, neutral or negative poor)

1	2	3	4	5
Very Poor	Poor	Neutral	Good	Very Good

