Job Search
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The Politics of Unemployment: Jobsearch as a Case Study

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Following a BBC Panorama report on US ‘Workfare’ (i.e. compulsory work for welfare benefits) Programmes, the then Minister for Social Welfare, Ms Gemma Hussey, announced that she would visit the US to examine ‘Workfare’ at first hand. This visit took place in late May 1986. Commenting later on the visit, Ms Hussey told the Dáil, ‘One scheme which impressed me particularly and which is used in various forms in other countries was that of “job search”.’1 Immediately following the US visit, a working party was set up to prepare proposals for a pilot ‘Jobsearch programme’ for Ireland. The pilot programme ran from September 1986 to March 1987. A report evaluating the pilot scheme was prepared by the Irish Productivity Centre.2

According to Dr Michael Woods, the present Minister for Social Welfare, the results of this evaluation convinced the new Fianna Fáil government that Jobsearch should be extended throughout the country. In the Budget of March 1987 the government announced the launching of a national Jobsearch programme. Dr Woods has subsequently claimed that ‘the National Jobsearch Programme is a major success story for this Government’s initiatives for the long term unemployed’3 and ‘the success of Jobsearch in 1987 has convinced the Government that it should be continued in 1988 along broadly similar lines’.4

In this article we critically examine the claims made for the success of the Jobsearch Programme in 1987. We look at the actual contribution of the programme to state services for the unemployed, and in particular the long-term unemployed. We examine the claim that the programme has produced significant savings through the detection of social welfare fraud. Finally, we highlight the role of the Jobsearch programme in the political management of the problem of unemployment.
A programme addressing the needs of the long-term unemployed?

In April 1980, there were 32,180 people long-term unemployed, i.e. continuously on the live register for 53 weeks or more, in the Republic of Ireland. By April 1987, this had reached 111,000. Increasingly, the long-term unemployed have been identified as a group requiring particular attention in state manpower policy. The September 1986 White Paper on Manpower Policy stated that the government had decided to introduce a 'Direct Action Programme' for the long-term unemployed.

Under the first part of the Direct Action Programme those unemployed for over twelve months will be automatically contacted by the Social Welfare authorities and referred to the placement and guidance services for interview, assessment and advice. Under the second part they may then be offered a place on a manpower programme appropriate to their needs if they cannot get a job. The number of places provided under this programme for the long-term unemployed will be increased. The principal means will be the Social Employment Scheme, Enterprise Allowance Scheme and AnCO training courses.

It went on to say that ‘some elements’ of the Direct Action Programme are contained in the Job Search Scheme ... (which was then at the pilot stage). The Department of Social Welfare (DSW) has continued to present Jobsearch as a programme addressing the particular needs of the long-term unemployed. In June 1987, Dr Woods addressed this theme in detail in the Dáil:

The EEC Commission has recently suggested that it should be a target for all Member States that all those registered as unemployed for twelve months or more should be guaranteed a minimum level of counselling and assessment through a personal interview, ideally followed up by assistance in pursuing available jobs or a place on a training or employment programme. Against this background Deputies will appreciate that the Jobsearch programme is a positive measure...
How did Jobsearch rate as a programme addressing the needs of the long-term unemployed in 1987? Under the programme, to 31 December 1987:

141,542 people were interviewed  
31,437 (22.21 per cent of interviewees) were placed on schemes or programmes  
4,239 (2.99 per cent of interviewees) were placed in jobs  
10,320 (7.29 per cent of interviewees) were placed on Jobsearch courses

On examination the achievements are rather less impressive than might appear from these figures. There were 141,542 people interviewed. The Department has presented the Jobsearch interview as an opportunity for 'counselling' and guidance for the unemployed. The interview, we are told, 'had helped them [interviewees] assess their strengths as prospective employees and guided them in their search for work'. In practice, the interview is a standard National Manpower Service (NMS) interview generally lasting around fifteen minutes and part of this time is taken up with form filling. Jobsearch Guidelines issued in April 1987 state, 'The standard elements of the normal NMS Registration interview will suffice, with the inclusion of full details of options under the various schemes ...'. The claims about counselling and guidance are clearly overstated. Suggesting that the interview is, in itself, beneficial to those interviewed or that, in itself, it helps people in their search for work, as the Department has consistently done, in the absence of concrete evidence seems exaggerated.

Does attending a Jobsearch interview help people get jobs? According to the Department 4,239 people were placed in jobs and a further 31,437 were placed on state schemes, while 10,320 people were placed on Jobsearch courses. However, these placements (other than the Jobsearch course placements) were not net additions to the normal work of the NMS and AnCO (now FÁS) resulting from the Programme. They were simply a part of that work presented under a new heading - 'Jobsearch'. All of these course and scheme places existed independently of the Programme and would have been filled even if Jobsearch did not exist. Apart from 10,300 Jobsearch course places, the Jobsearch Programme simply redistributed
existing placements among the unemployed population. The Programme is principally a new allocation procedure.

The Department has identified the long-term unemployed as the 'target group' of Jobsearch. However, for a number of reasons, the extent to which Jobsearch has redistributed existing placements towards the long-term unemployed is unclear. The most obvious reason is that, in fact, the programme does not specifically target the long-term unemployed, i.e. those on the live register for more than a year. Jobsearch officially covers those who are unemployed for six months or more. Also some people who were on the register for even shorter periods of time were also called for interview. Therefore, the placements made through the Jobsearch programme cannot automatically be counted as provision for the long-term unemployed. To establish the extent of redistribution of placements towards the long-term unemployed would require a breakdown of placements according to duration of unemployment for the period Jobsearch was in operation and relevant comparisons with earlier periods. To date, the Department has not prepared such a breakdown.

Jobsearch may have had some limited impact on long-term unemployment. In the six months, April to October 1987, the total number of persons long-term unemployed declined by 2,359 to 108,641. It is likely that at least some of this turnaround must be attributed to the Jobsearch programme. However, even allowing for the possibility of some increase in the numbers of long-term unemployed had Jobsearch not been introduced, the decline is small, relative to the numbers supposedly placed through Jobsearch or removed from the live register as a result of the programme.

We should note too that redistribution to the long-term unemployed, by definition, means redistribution away from other sections of the unemployed — those on the live register for less than one year and/or the 'unregistered unemployed', people looking for work who, for some reason, are not entitled to sign on. Therefore, people placed through the Jobsearch programme displace other users of manpower services and this displacement represents a 'cost' which must be taken into account in evaluating the programme.
The 10,320 Jobsearch course places provided in 1987 were an addition to existing provision of state schemes. The course was run by AnCO (now FÁS). It is a four-week course, made up of two weeks full-time tuition which includes confidence-building exercises, CV preparation, interview techniques etc, and two weeks actual job-seeking, with guidance from an instructor and access to phones, photcopying, postage etc. Some unemployed people may find such training useful and the Jobsearch course may be of benefit to those people. Others may already be skilled in these areas and quite legitimately not be interested in the Jobsearch course. Obviously, the procedure for allocating placements on the course should reflect this fact. However, the criteria for sending people on a Jobsearch course have not always been clear. Are people sent because the course is considered relevant to their needs? Or is it because a certain number of course places must be filled? Or because there is nothing else for them? Or because they are suspected of fraud and having to do a course would test their claim? Of central importance is the question of who decides that the course is, or is not, relevant to an individual. At the moment it is, in effect, the Jobsearch interviewer, i.e. a FÁS staff member. A strong element of compulsion is involved. Refusing to take a ‘reasonable offer’ of a Jobsearch course, as defined by the interviewer, will lead to a review of welfare entitlement. The problems that have arisen as a result of the present procedure for allocating course places could be avoided in the future by making the course a voluntary option for those who want to take it.

Even if these difficulties were sorted out, we must be careful not to overstate the usefulness of Jobsearch courses as a way of addressing the needs of the long-term unemployed. The Department has not, to date, provided information on what actually happens to people who have completed the Jobsearch course. It is unlikely that the problems of motivation and loss of confidence which Jobsearch highlights as features of long-term unemployment can be addressed to lasting effect in a course of this length and nature. Also, it seems unlikely that a lack of jobseeking skills is a major reason why people remain unemployed. Other factors, such as the lack of relevant skills, and a general shortage of jobs, are probably far more important.
Detection of fraud?
The Minister has referred to fraud detection as 'an indirect consequence' of the Jobsearch programme. This may have been the case. However, another interpretation is certainly plausible, i.e. that from the outset the national programme was specifically designed to include measures whose primary aim was policing the social welfare system. A number of factors support the second interpretation.

As we have seen, the Jobsearch interview does not live up to the claims made for it as a guidance and counselling measure. What is new about the interviewing process introduced in the Jobsearch programme is the systematic and compulsory nature of the exercise. Almost 142,000 people on the live register were interviewed in 1987. Jobsearch adds to manpower placement interviews an element that has nothing to do with counselling. Department guidelines on Jobsearch state, 'it should be made clear to each interviewee that any refusal of a reasonable offer will be reported to DSW'. They specify that people who:

1. do not attend for a Jobsearch interview
2. do not accept the reasonable offer of an interview with a private sector employer
3. do not accept the reasonable offer of a place on a manpower scheme
4. do not attend for an employer interview or course, or
5. are dismissed from schemes or courses because they are unco-operative

should be reported to the Department of Social Welfare for a decision on their disallowance for unemployment benefit or assistance. Thus, the Jobsearch interview is also an investigation of the interviewee's entitlement to claim welfare. The inclusion of a massive, compulsory interviewing process in the Jobsearch programme is hard to justify in terms of benefit to the unemployed and is better understood as a control measure.

Jobsearch was piloted at a time of widespread allegations of social welfare fraud on a large scale. Such a wide-ranging control exercise as that introduced in the Jobsearch programme reinforces perceptions of claimants as actual or potential
defrauders of the system. But has it exposed significant fraud? Overall it is claimed that Jobsearch produced savings of £21.5 million in 1987 by removing almost 15,000 people from the live register. ¹⁴ Does this claim stand up to scrutiny?

In 1987, 1,951 (1.38 per cent) of the people who had been included in the Jobsearch programme were disallowed at some point. These were people whose entitlements were reviewed either because they failed to attend an interview or as a result of information which emerged in the course of the interview. Most of these cases would have produced savings, but not all. Of those disallowed, 806 subsequently appealed the decision and 257 of these appeals were successful. ¹⁵ Thus the net total of disallowances was 1,694 (1.2 per cent). Also some of those disallowed may have subsequently re-joined the register. One quarter of the 14,675 people who had left the register voluntarily or as a result of being disallowed had in fact returned to the register by the end of the year. ¹⁶

Apart from those actually disallowed, the Department has consistently claimed as giving rise to savings those people included in the programme who subsequently left the register voluntarily: 12,724 persons in 1987. ¹⁷ The Minister has suggested that these were people who should not have been on the live register, i.e. that these were fraudulent claims. This is a serious allegation. It is not at all clear that it is justified. People voluntarily leave the register all the time for obvious and perfectly good reasons:

changes in any month reflect underlying trends of loss or gain of full-time, seasonal or casual employment and in addition factors reflecting certain aspects of the Social Insurance system, such as: transfers to or from Disability Benefit, exhaustion of UB entitlement without qualifying for UA etc. ¹⁸

If people find work, if their insurance position changes, or if they emigrate, they voluntarily leave the register. There is no basis for automatically assuming such claims were fraudulent in the first place.

The Department has not shown that those it refers to as leaving the register voluntarily under Jobsearch are in addition...
to the normal legitimate outflow from the register. It has simply assumed this to be the case. When questioned on this issue in the Dáil, the Minister stated:

As the concentration in the programme is on the long-term unemployed it is reasonable to assume that, in the main, the figures for disallowances and for those who have left the live register voluntarily, which are derived from employment-exchange records, represent persons who had not been affected by other methods of detection. For this reason I am generally satisfied that both these figures are independent of other outflows from the live register and should be credited to the National Jobsearch Programme. Thus I am not convinced of the need for an adjustment of the type mentioned by the Deputy (i.e. an adjustment to take account of the normal outflow from the register of people who have got jobs, emigrated etc.).

The Minister's reply does not answer the case against the Department's calculations. Although it is reasonable to expect that outflows from among the long-term unemployed are less than those from among others on the live register, such flows do occur. In addition, as noted above, many people who were not among the long-term unemployed were included in the Jobsearch programme. We could reasonably expect that, if an additional 15,000 left the live register, and especially if they were long-term unemployed, as the Minister implies, we would see some significant impact on the figures. The numbers of long-term unemployed declined somewhat in the period April to October 1987. However, as noted above, the magnitude of the decline is not sufficient to justify the two claims, that of (1) redirecting schemes and job placements to the long-term unemployed and (2) removing significant numbers of long-term unemployed people from the register. The total seasonally adjusted live register increased by 4,900 in the first half of 1987, then declined by 5,100 in the second half of the year. As the most likely explanation for this decline is an accelerated rate of net emigration, there is little evidence here either to support the claims made for Jobsearch.

To date, the Department has failed to provide a satisfactory
response to criticism of its calculation of savings as a result of Jobsearch. Until such a response is forthcoming the claim of significant savings must be treated with caution.

Jobsearch and the politics of unemployment
The discussion so far has focussed on the actual operation of the Jobsearch programme. At least one other important aspect of the programme requires mention — its function as an instrument in the political management of the unemployment issue.

Unemployment is both an economic and a social problem. It is, in addition, a political problem for the government of the day. 'Once, by whatever mechanism, unemployment has been accepted as an issue on the political agenda, then Governments have to devise ways of managing the issue'.

The perceived success or failure of the government in handling the unemployment issue may have significant electoral consequences. Therefore, 'some policies may have a purely symbolic value, serving only the interests of elected politicians who must be seen to be 'doing something' however useless it might be'.

Of course, all state programmes in response to unemployment can be seen as contributing to the political management of the problem. Yet, it seems that Jobsearch is particularly open to being seen in this way. Much of the initiative for Jobsearch at pilot and national stages appears to have come directly from the respective Ministers for Social Welfare. From the outset the current Minister has sought a high public profile for the national Jobsearch programme, feeding monthly figures to the media, and consistently citing the programme in speeches and interviews. More generally, a look at the political context in which the programme was launched supports the suggestion that the government had particular reasons for wanting to be seen to be doing something for the unemployed at this time. In the lead up to the February 1987 general election, Fianna Fáil strongly attacked the Coalition government for introducing cutbacks which hit at the most vulnerable in society and which failed to tackle unemployment. However, immediately on taking office, they introduced a budget in
which they were seen to adopt much the same approach as the one they had previously criticised.

Even in the medium term, the economic direction adopted by the government offers little hope for a significant reduction in unemployment. According to the ESRI, total employment in the Republic of Ireland will only increase slightly in the period 1987 to 1992 (1,067,000 in 1992 against 1,060,000 in 1987). Unemployment is forecast to dip just below 1987 rate by 1992, to 238,000 or 18.3% per cent. Meanwhile, mass emigration will continue. We must conclude from all this that the present strategy of the government will not have any significant impact on unemployment in the medium term. Is it unreasonable to suggest that this situation might easily lead a government to 'engage in much manipulative and symbolic activity in order to reduce the political costs of failure' to solve the problem of unemployment in reality?

Conclusion
As a programme to address the needs of the unemployed, Jobsearch rates badly. It adds little to existing state services. It is not clear to what extent it has managed to redistribute existing services to the long-term unemployed and at best it is a blunt instrument for doing so. If addressing the needs of the unemployed is the primary goal of Jobsearch, one is forced to conclude that the programme is poorly designed and focused.

We reject the claim that policing the social welfare system is simply an indirect consequence of the programme. Rather it is the goal of policing welfare which best explains the design of the programme, in particular the inclusion of mass compulsory interviewing. However, the claims made for successful fraud detection have not been substantiated.

In addition, we have suggested that Jobsearch has played a role in the political management of the unemployment problem by the present government. Governments like to be seen to be doing something about unemployment and Jobsearch is a relatively cheap way to achieve this. It has the added advantage of presenting the government as 'tough' on the issue of welfare fraud.

Overall, the Jobsearch programme is a particularly worrying
development in state policy. Despite the obvious fact that the economy cannot at this time produce the number of jobs required, Jobsearch emphasises the inadequacies of the individuals who are unemployed as a cause of unemployment.

The Department's reporting of the operation of the programme has given quasi-official backing to perceptions of the unemployed as spongers or fraudsters. And, as we have seen, a strong element of compulsion, indeed coercion, runs throughout the Jobsearch programme. Taken together these developments suggest a hardening of official attitudes and the emergence of an increasingly punitive approach in official treatment of the unemployed.

Notes to article

1 Friday, 20 June 1986, Dáil Debates, Vol 368, No 4, Col 830.
2 This report is not publicly available.
8 Figures supplied by Department of Social Welfare.
10 These guidelines specifically related to the operation of the very first phase of the programme for 6 to 30 April 1987. Nevertheless there is no reason to believe that instructions regarding the Jobsearch interview process have changed since then.
11 The Department has confirmed that this is the case but suggests the numbers involved are small.
15 Figures supplied by Department of Social Welfare.
18 Central Statistics Office, Live register industrial analysis, including analysis of flows on and off — Note 3 on methodology, Dublin (monthly).
19 Reply to Dáil question from Priónsias De Rossa, TD, 17 November 1987.

20 See T. J. Baker and S. Scott, Quarterly Economic Commentary ESRI, April 1988, p. 22.


The recent decision of the British Attorney General not to initiate criminal proceedings against RUC officers suspected of perverting the course of justice provoked much comment in Ireland. Commentators linked this decision, announced by Sir Patrick Mayhew in the House of Commons on Monday, 25 January with other events related to law and security, most recently with the shooting of three suspected terrorists in Gibraltar. Irish reactions tended to draw a distinction between ‘concerns of the public interest’ on the one hand and the ‘demands of justice and the impartial application of the rule of law’ on the other. In terms of this distinction, the British government was accused of applying double standards in its suspension of the application of due process when that threatened to jeopardise the public interest.1 Presumably, this is a matter of the relative priorities of, on the one hand, the requirements of law and justice, and on the other hand, the requirements of national security and the public interest. To allow considerations of national security to override normal legal procedure, and to waive the demands of the law in such cases in which its application would jeopardize national interests, would seem to contradict the high moral tone in which adherence to the law is usually advocated. The accusation is then that the British government commits itself to uphold law and justice and requires the same of others, but will excuse itself from adherence to the law’s requirements whenever they seem to conflict with interests of national security.

Is there some point to this accusation? Is this a matter of double standards, verging on hypocrisy? In the following I will try to show that this accusation may not only appear unfounded, but might even seem meaningless to many of those to whom it is addressed. The charge presumes a distinction between the moral demands of justice and of the law on the
one hand, and public interest or national security on the other. This distinction has no place, however, in one major strand of English political thought on such issues. This tradition of English political and legal thought, stretching from Thomas Hobbes down to the present day, will argue that public morality, law and justice are instituted for the sake of security and for the public interest. Since it is the responsibility of government to determine what is the public interest, and to legislate and apply law accordingly, it is impossible by definition that the government’s action for the sake of the public interest could be criticised on the basis of law. In practical terms, it is inconceivable that the application of the law could be allowed to undermine its purpose. There is no realm of natural justice or moral law, to which those with the responsibilities of government must adhere, other than their obligation to provide security for the citizen.

Hobbes’s absolute sovereign
The background to Thomas Hobbes’s major work on political ideas, *Leviathan*, was the English civil war. The extent to which this context actually influenced or restricted his ideas is disputed. However, even if the total European canvas of the seventeenth century is taken as the backdrop to his argument, the English civil war is typical enough of the problem to which he addresses himself. The experience of chaos throughout the 1640s, when neither King nor Parliament was strong enough to guarantee peace and stable government, illustrates his fundamental question and the whole structure of his argument. His basic question can be reduced to the problem of how to establish peaceful and harmonious civil society, where the major threat to order is posed by the liberty of individuals, including religious fanatics. The prolonged struggle between King Charles I and Parliament had created a vacuum of authority, with the result that spontaneous riots and demonstrations on the streets of London became a commonplace, religious preachers proclaimed their own brands of truth and sought support in public places, and even the forces of Parliament, Cromwell’s New Model Army, finally split on religious and political issues. This condition of civil
war was precisely what was to be expected, on Hobbes’s view, whenever there was a collapse of authority in society.

Where there is no common power strong enough to keep ‘men’ in awe, as he would put it, people will relapse into their natural state, which is one of war of each against each. In the natural state, prior to their organisation in political society, people live in great insecurity and fear of one another. With no organised protection against those who would take advantage of them, but on the contrary plenty of reason and opportunity for one to attack or rob another, people must live in constant fear of their lives. Hobbes is quite detailed in listing the reasons for such insecurity. Firstly, competition for the goods of the earth and for the fruits of people’s work would make the equivalent of a cattle raid attractive; secondly, awareness of one’s own relative weakness would make a pre-emptive strike a plausible proposition; and thirdly, retaliation for a perceived threat or insult would seem necessary in order to discourage repetition or imitation (p. 63). Hobbes does not mince words in describing the horrors of life without ‘a common power able to over-awe them all’. It is ‘a war of every man against every man’, where each is enemy to every other. In his own famous words, life in such circumstances would be characterised by ‘continuall feare, and danger of violent death; And the life of man, solitary, poore, nasty, brutish and short’ (p. 64). Given the insecurity of these conditions, there would be none of the benefits now associated with life in society, agriculture, industry, trade, science and the arts. It is the institution of a civil authority capable of enforcing the peace which makes them possible.

All’s fair in love and war. In such a state of war, there can be no such thing as justice, or law. There is no moral code or requirement of practical rationality to regulate people’s actions other than considerations of their own advantage. Hobbes is blunt about it: ‘Force, and Fraud, are in warre the two Cardinall vertues’ (p. 66). The moral condition of the individual in the state of nature is one of total liberty ‘to use his own power, as he will himselfe, for the preservation of his own Nature; that is, to say, of his own Life; and consequently, of doing anything, which in his own Judgement; and Reason, hee shall conceive to be the aptest means thereunto’
Hobbes speaks of rights, but uses the term only in the sense of liberty, so that it becomes apparent that no one has any moral basis for a claim over against others. People have an unrestricted liberty to do anything which they judge necessary to preserving their lives against perceived threats.

Taxation had been a major issue in the struggle between King and Parliament. The right to property, its source and regulation, was central to the political debates of the seventeenth century. Hobbes' assertion therefore that there are no natural 'claim-rights' to property, or to anything else, in the state of nature, has enormous ideological implications. But this view is consistent with his description of that state. There is no moral law, there are no natural claim-rights, there is no such thing as justice, until such time as there is a lawmaker who determines property claims, and what is right and wrong, just and unjust.

The Desires, and other Passions of man, are in themselves no Sin. No more are the Actions, that proceed from those Passions, till they know a Law that forbids them: which till Lawes be made they cannot know: nor can any Law be made, till they have agreed upon the Person that shall make it ... To this warre of every man against every man, this also is consequent; that nothing can be Unjust. The notions of Right and Wrong, Justice and Injustice have there no place. Where there is no common Power, there is no law: where no Law, no Injustice. (p. 65, 66)

It is evident that Hobbes did not recognise any natural justice or moral order or natural claim-rights, prior to the making of positive law. But it might be objected that the current issue concerns a conflict between positive law and national interests, rather than between the latter and natural law or morality. However, here too Hobbes is quite explicit. Although the institution of law by the sovereign introduces the categories of right and wrong, just and unjust, into social life, this is understood in such a way that it is by definition impossible to speak of the sovereign committing an injustice against a subject. The sovereign gives the law, but by definition is incapable of breaking the law. The reasons behind this view of political authority are rooted in the understanding of the natural state of humanity and of the need for political society.
Hobbes's reconstruction of the origins of political society is well known, but it is worthwhile in the present context to remind ourselves of the rationality involved. The decision to form political society is motivated by the fear of death, which is a continual possibility in the state of nature. Where the neighbour is always a threat, and actual war offers no lasting solution, individuals would recognise the wisdom of giving up some of their liberty, if all others did so too, for the sake of peace and security. But the promise alone, which each would make to every other, not to attack them or take advantage of their weakness, on condition that they held themselves bound by the same agreement, would not offer any security. 'For nothing is more easily broken than a man's word' (p. 68), and 'Covenants, without the Sword, are but Words, and of no strength to secure a man at all' (p. 87). There is no security to be achieved by promises of good behaviour, unless there is some way in which those promises can be enforced. And so part of the commitment of the original covenants to give up some of one's liberty will be the agreement to establish a common power or sovereign to police the promises and to punish defaulters. This sovereign, so constituted, is not a party to the original covenants, but is created by the promises made one to another, to relinquish liberty and to abide by the directives of the common power distilled from the coalescence of their individual powers. Hobbes gives the text of this hypothetical covenant:

I Authorise and give up my Right of Governing my selfe, to this Man, or to this Assembly of men, on this condition, that thou give up thy Right to him, and Authoris e all his actions in like manner. (p. 89)

The sovereign instituted by these covenants, whether an individual or an assembly, is said to be the essence of the commonwealth. But the definition of commonwealth, presented later in this chapter (chapter 17), shows the strength of the meaning of the authorisation communicated in these covenants:

One Person, of whose Acts a great Multitude, by mutuall covenants one with another, have made themselves every one the Author, to the end he may use the strength and
means of them all, as he shall think expedient, for their Peace and Common Defence. (p. 90)

The subjects are said to authorise the sovereign and its activities, in the sense that they admit themselves to be the authors of whatever is done by the sovereign in their name, and with their power. The famous frontispiece of the first edition of *Leviathan* depicted the commonwealth as a mighty figure with crown and sceptre, composed of a great many tiny human figures; this image expressed well Hobbes's idea of the power of the sovereign as the coagulation of the relinquished powers of all the subjects. The consequences of this picturesque identification are enormous, however. For it follows from this all-encompassing authorisation that the subjects are obliged to own and stand over whatever is done by the sovereign for the sake of their peace and common defence. Again Hobbes doesn't put a tooth in it:

because every Subject is by this Institution Author of all the Actions, and Judgments of the Soveraigne Instituted; it followes, that whatsoever he doth, it can be no injury to any of his Subjects; nor ought he to be by any of them accused of Injustice. For he that doth any thing by authority from another, doth therein no injury to him by whose authority he acteth. (p. 92)

It is simply impossible that the sovereign could act unjustly in respect of any of the subjects. This follows logically from the understanding of the sovereign as constituted by the authorisation of the many that he should act with their power and in their name for their peace and common defence. The further elaboration of the rights of the sovereign in chapter 18 corroborates this opinion that subjects can have no grounds for criticising the sovereign's decisions or actions. The sovereign is said to have the whole power of making the rules to guide action, and to determine the distribution of goods. The power to legislate is concentrated in the hands of the sovereign, whether an individual or an assembly, so that there is no limitation either in regard to a moral law, or in regard to another instance, as, for example, consultation of the people by plebiscite. Similarly, there is no restriction on the rights
of the sovereign to do whatever he considers necessary in order to achieve the peace and security for which he was instituted. It is his task alone to determine what is necessary to secure this public peace, and he has the right to do anything whatsoever, which he has deemed necessary to secure this end. Hobbes's formulation is almost a quotation from Machiavelli: 'whosoever has right to the End, has right to the Means' (p. 92).

Hobbes has little sympathy for those who would say that life under the rule of any such sovereign must be a highly unpleasant affair. He notes how the subjects of a monarchy complain about the inconveniences of that form of rule, and how the subjects of a democracy attribute all the inconveniences of their form of life to the democratic form of government. But Hobbes scorns those supposed inconveniences. No matter how unpleasant submission to the rule of a sovereign might be, its disadvantages would be negligible in comparison with the total chaos which would ensue in the absence of an absolute, effective authority. No matter what complaints anyone might have against his sovereign, the grievance could not outweigh the advantages provided by a sovereign, namely in establishing a bulwark against the total chaos of civil war (p. 69).

I wouldn't dare suggest that Hobbes's ideas constitute the whole of English political thought. However, I think it plausible to argue that much of what is said and done in the context of contemporary security issues reflects Hobbes's model of political society and authority. It should be noted, however, that the 'sovereign' according to Hobbes can be an individual or an assembly: it is that power which is charged with enforcing the covenants of citizens and securing the public peace. Keeping this in mind, I suggest that the following elements of Hobbes's thought are reflected in contemporary security debates:

Firstly, the view that all morality and all justice is derived from institution by the sovereign, so that there is no concept of natural law or natural justice. Secondly, that the sovereign has undivided power and authorisation to give and implement the law, in such a way that the sovereign cannot be accused of breaking the law or of committing
injustice against its subjects. Thirdly, that the sovereign’s function in making law is to establish civil harmony and public order, so that the law itself, and its implementation are subordinate as means to the end of public security. Fourthly, that it is the sovereign alone who may determine what will facilitate national security. And fifthly, that no matter what inconveniences might be experienced by subjects, they are to be discounted in the balance with the disadvantages of civil war and total chaos which would result from the absence of an effective sovereign: ‘you may not like this, but remember that without this there would be civil war’. Accordingly, not only is there no moral law to restrict the sovereign’s exercise of power, but the positive law is the sovereign’s instrument rather than a limit on its range of action.

It may be objected that these ideas have their place in the seventeenth century, and that it is an anachronism to read the events of the twentieth century in their light. But I want to argue that Hobbes’s practical philosophy is very much alive today, and has its representatives in contemporary English moral thought. This could be argued in terms of the dominant positivist philosophy of law, derived from Bentham and Austin. This tradition understands law ultimately as ‘the command of the sovereign’, a view which is very much in harmony with Hobbes’s theory. But in the following I will argue the contemporary relevance of Hobbes’s ideas by reference to the moral philosophy of J. L. Mackie.

Mackie: right and wrong invented
John L. Mackie was born in Australia, and had spent some of his student years at Oxford, but from 1963 until his death in 1981 he taught at English universities, firstly at York and then at Oxford. His philosophical writings include studies of problems in the philosophy of knowledge, causation, theism, and political and moral philosophy. The subtitle of his popular book on ethics expresses well his fundamental position on morality: Ethics. Inventing right and wrong.5 A later book on Hume’s moral theory was presented as defending the theses proposed in that earlier work.6 I intend to focus on those central
theses, and to argue that they are consistent with Hobbes's position, as Mackie himself indicates.

According to Mackie, not only is positive law a human construct, but morality itself is a product of human invention. Morality is a device whose function is to make possible a minimum of security and peaceful co-existence: Some such device is necessary, because the spontaneous orientation towards competition and conflict and the tension of divergent interests in human relations would lead to social chaos, in the absence of some restraining order. Accordingly, his position can be expressed in two theses and a theory. Firstly, there is the negative thesis, that there are no objective values which might serve as the basis of an objective moral order; and secondly, there is the positive thesis that morality is a device for achieving coordination in human affairs which are characterised by a tendency to conflict. Thirdly, a theory of objectification is proposed to explain the widespread belief in the objectivity of morality; this belief is said to be the result of a process of objectification, whereby subjective sentiments are projected onto actions or institutions. These are the three pillars of Mackie's position.

Mackie interprets Hume as the culmination of a debate started by Hobbes, and is fundamentally in agreement with him on the negative and positive theses, namely in denying the existence of any objective moral qualities, and in seeing morality as a solution to social problems of partial conflict. Mackie's defence of the negative thesis relies on two arguments. Firstly, he maintains that the relativity to cultures and persons of moral systems and value judgments shows that they could not be objective, and secondly he points to the oddity which objective values must be among the whole range of objects of human knowledge. This latter argument from the 'queerness' of objective values asks both what sort of entity they might be, and what special kind of faculty must be supposed in humans in order to apprehend them. It is not my concern here to take issue with these arguments against the objectivity of values, but to highlight the negative thesis he wishes to defend. It is clear and without qualification: nothing of morality is objective. The positive thesis, that morality is a device for resolving and mitigating conflicts, no
less than the negative thesis, counts Hobbes among its ancestry. Mackie presents Hobbes as holding that there are forces in human nature which would produce a war of all against all, if it were not for the structure of civil society. These forces tend to be released and to push society in the direction of chaos, whenever the power or authority of a government is undermined. The structure of civil society, which is the safeguard against chaos, includes the institutions of government and law, and the law itself, but it also includes morality. Morality as a whole is a construct for the purpose of making social life possible, and specific elements of morality are to be interpreted in this way also. What Hume calls the artificial virtues: of respect for property, of recognition of rights, of loyalty to friends or allegiance to one's country, are to be understood as conventions which have the function of facilitating social life. Such practices are maintained and reinforced by the reciprocal pressures exerted by self-interested individuals who recognise their own advantage in others' adherence to these practices. The end to be secured by maintenance of these conventions is social security and public harmony. But since morality with its conventions is a construct, it is contingent on its purpose; and morality may be changed, and its demands can be different.

Mackie's argument that morality is merely a useful construct would seem to be at odds with the fact that it can only achieve its purpose when people attribute objective validity to its values or prescriptions. This widespread conviction that morality is more than a contingent device for achieving social peace and that its prescriptions have a validity beyond their social usefulness must be explained. What is required is an explanation of why moral statements are regularly treated as being capable of being true or false, and why they are taken to be intrinsically action-guiding, not only contingently upon the hearers having certain inclinations. Mackie's answer is a theory of objectification or projection. The moral features ascribed to actions or objects or institutions in moral statements are fictions. What are real are the moral sentiments of speakers although these can be understood as having social and cultural roots. Moral sentiments are projected onto the actions or institutions under consideration, and then spoken of as if they
were objective, and real features of the qualified objects.\textsuperscript{11} Mackie relies on Hume's description of 'the mind's propensity to spread itself on external objects'. The source of ascribed moral qualities is primarily internal, in the moral sentiment of the subject. But consistent with the positive thesis, there is an external source also.

We need morality to regulate interpersonal relations, to control some of the ways in which people behave towards one another, often in opposition to contrary inclinations. We therefore want our moral judgments to be authoritative for other agents as well as for ourselves: objective validity would give them the authority required.\textsuperscript{12}

Supposedly objective values do have an origin in something beyond the feelings of the individual, but it is not the objective source which they are thought to have. Mackie quotes Hobbes: 'whatsoever is the object of any man's appetite or desire, that is it, which he for his part calls good'.\textsuperscript{13} Whatever we desire or want, that we call good. Since it is desired that people conform to the practices of morality and of law, these things are called good, and the obligations of the relevant prescriptions are qualified as having objective validity. Such qualifications are fictions, but they are useful fictions, and no one could have a justifiable reason for undermining their acceptance. Because without such fictions, the stability and security of social life would be jeopardised.

In this brief presentation, I focused on three pillars of John L. Mackie's practical philosophy: the negative thesis that there are no objective values; the positive thesis that morality like law is a construct for the purpose of securing public peace; and the theory of objectification to explain how fictions are, and have to be, taken as real. Throughout the two books on these issues, Mackie sees himself in line with a tradition from Hobbes and Hume. He differs from Hobbes to some extent: he thinks that Hobbes attributes too great a role to government, that his notion of covenants over-emphasises the element of explicit agreement in the establishment of public peace, and that his concern with internal peace is less relevant today than the issue of international conflict.\textsuperscript{14} But on the three pillars
of his position, he finds himself in fundamental agreement with Hobbes.

Perhaps it might be argued that I have misrepresented John L. Mackie's views to the extent that I have coupled him, without qualification, with Hobbes's views of the rights of the sovereign. And indeed Hobbes is very explicit on the rights and powers of the sovereign, such that subjects are robbed of all grounds of complaint against it. Mackie, by contrast, has little to say on this issue apart from the suggestion that Hobbes attributes too great a role to the sovereign. But to the extent that he agrees on the securing of social life as the ultimate purpose of law as well as morality, he has left himself open to the question of who should determine what will secure the public peace in a conflict situation, and he has removed all objective standards for limiting or assessing the operations of such a function.

Conclusion: to uphold the law in order to maintain the peace

The starting point for these reflections was the allegation of the application of double standards in recent issues involving the security forces. I set out to show that this allegation might be incomprehensible to those to whom it is addressed. I have presented the thought of Thomas Hobbes and of John L. Mackie on the relevant questions, and I hope to have shown that for one major tradition of English political thought at least, this allegation is not only unfounded, but it makes no sense. Within this point of view, the establishment and maintenance of public peace and national security is the overriding purpose of both morality and the law. There is no natural law, or natural justice, or objective values, which public morality or the law of the land ought to incorporate and uphold. And so there is no moral standard in terms of which the operation of the law could be assessed and criticised, other than the criterion of effectiveness in securing the public peace against the ever present possibility of chaos and civil war. One might indeed assert that the interests of national security are given priority over the demands of law and justice, but if this assertion is intended as an allegation of misconduct, it will fail to make its point. For those addressed can reply, with confidence in the consistency of their position, that the
demands of law and justice have no objective validity other than as effective means to securing public peace.

Again, it might be objected that the point of view presented here could only be held and expressed in public from a profoundly cynical stance. To believe that morality is merely a contingent device constructed for the purpose of making social life possible, and at the same time to speak in high moral tones of the demands of law and the duties of upholding the law, seems to be either fundamentally inconsistent, or a cynical deception of others. But as we have seen from Mackie's stance, there is no inconsistency. On the contrary, the more one is convinced that the objective validity of morality and the law is a convenient fiction, the more one is committed to the maintenance of public trust in the law and the common conviction of its validity. The notion that moral statements have truth value is a fiction, but it is a convenient fiction, and it is required if these devices for securing social life are to function adequately. The fictional nature of the authority of moral claims and obligations makes them vulnerable to indifference or rejection if not ridicule, and so those responsible for securing the national interests will be committed to supporting confidence in the law. Hence, a high moral tone is to be expected. Perhaps Lord Denning's frequently quoted remarks on the importance of 'upholding our system of justice' can be interpreted in this light? His strongly voiced criticism of investigative journalism directed to publicising miscarriages of justice, gives a higher priority to maintaining confidence in the legal system, than to the correction of injustice in the application of that system.

I have presented an hypothesis which claims nothing more than plausibility. I do not dare assert that the people involved in these recent decisions either explicitly or implicitly espouse the ideas I have presented here. I merely suggest as a plausible hypothesis, that this tradition of political thought from Hobbes and Hume to the present day makes sense both of the actions of the present administration in regard to security issues, and of their responses to the criticism of their decisions.

My purpose in presenting this position has been to show how misdirected many criticisms of current British policy might be. Accusations of double standards, and of subordi-
nating the law’s demands to the interests of national security, miss their point. Similarly, allegations of inconsistency, or cynicism in demanding respect for what is known to be a fiction, cannot make sense to those to whom they are addressed. I do not deny that this tradition from Hobbes to its representatives in the present day is radically unsound. I do not deny the validity of these criticisms. On the contrary. The moral relativism and the practical absolutism of this position must be challenged. But the enormity of this task should not be underestimated. Arguments made in the heat of political debate and reaction to the day’s events are ineffectual in changing the habits of thought and choice of a culture. That kind of conversion requires a very different investment of effort.

Immediate political reaction to the day’s events is intended to effect a change of policy, to ensure that perceived wrongs be righted, and that past mistakes not be repeated. To be effective, such comment and reaction must be expressed in a language intelligible to those to whom it is addressed. It must enter to some extent into the value-system of its hearers, and present its argument in terms of goals which they espouse. Those reactions therefore which argue in terms of the ineffectiveness of present policy, for example because it undermines confidence in the rule of law, because it weakens the motivation of those called upon to cooperate with the security forces, because it gives moral plausibility to the terrorists’ rejection of the system, are more likely to be effective than even justified moral condemnation. Of course it is important to constantly express the values and requirements of an adequate moral position, but it is foolish to rely on that alone to effect change, when those addressed will interpret what is said through the filter of their own moral tradition.

Notes to article

1 Eg. the editorial of *The Irish Times*, Thursday, 28 January 1988; the *Sunday Tribune* in its editorial of 31 January asserted that the ‘blank refusal to institute prosecutions’ proved once more ‘the perfidiousness of the British’ in the minds of many Irish Nationalists. See also *The Tablet*, 12 March 1988, reporting the comments of Irish Bishops.

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8 Mackie (1977), pp. 36–42.


11 Mackie (1977), pp. 42–46; (1980), pp. 73, 147, 149.


15 As reported in the *Sunday Observer* 21 February 1988, p. 2; and the *Sunday Tribune* 21 February, p. 3.
Is Economics Necessary for an Efficient and Equitable Health Service?

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The application of economic analysis to health and health care has been left to economists outside the mainstream, who have battled, mostly unsuccessfully, to get health economics onto the academic and institutional agenda. It is not clear why this should be the case because the problems associated with health care markets in practically all developed economies invite economic analysis. Most developed economies, whatever their overall expenditure ratios or whatever the public-private mix of their financing arrangements, face much the same type of problems within their systems of health care.

The ubiquitous and intractable nature of these health care problems, and the similarity of policy responses in nations with very different funding arrangements, belies the perception that private health care is better than public or vice versa. The current debate about health care policy, wherever it takes place, is set against a background of severe expenditure constraints, little knowledge about the efficiency with which health care is produced, ill-defined and unevaluated input-output links and poorly specified, ambiguous distributional goals. There is, unfortunately, an increasing tendency in this country, to view the solution to health care problems as one of simply altering our position on the public-private financing continuum. The argument for an increased recourse to private financing is often buttressed by the use of conventional demand and supply economic analysis establishing the virtues of private markets in terms of conventional general equilibria criteria. There is no doubt that a movement towards privatisation will change the public-private mix! Whether efficiency or equity within the health care system is enhanced is quite a different matter. The evidence regarding the economic and health-enhancing superiority of either public or private systems does
not at all clearly favour one financing system over the other. All systems of health care are battling against cost escalation, inefficiencies, and inequities. Indeed there is a growing awareness that the policy responses of most health care systems would have been better served had there been an earlier application of economic analysis to improve resource-allocation decision-making at the microeconomic level rather than using conventional and often inappropriate economic principles to buttress ideological preferences for movement to the right or left of the financing continuum.

The major usefulness of economic analysis in health care, stems therefore, from the premise that resources are scarce and all choice involves an opportunity cost. Some of the choices in health care may be between broad objectives — institutional versus community care services. Other choices may be between different means of achieving a given health status, for example, treatment in coronary care units or treatment at home for patients with uncomplicated myocardial infarction; home dialysis, hospital dialysis or transplantation in cases of renal failure. Yet, even though we know so little about the efficiency and equity of so many health care programmes, we are satisfied that a change in the mix of financing will substantially improve resource allocation. Such myopia can only perpetuate inefficiencies and inequities, whatever financing mechanism exists.

Health care expenditure in this country is not based on any set of criteria or principles of allocation that have taken opportunity cost or value for resources into account. Economic analysis has not been used to any extent in the allocation process. Instead, ad hoc measures have developed, responding to the ‘noisiest and not necessarily the neediest’. Consequently spending has until recently increased incrementally, and has favoured the institutional care sector, owing to the preponderance of medical values in the allocation process.

Although spending on institutional care has grown, the return from this expenditure has not been evaluated by policymakers and administrators. There has been no evaluation on whether, for example, hospitals of a similar case mix have different levels of efficiency, or whether institutional or community care gives best value for certain categories of
patient. The demands of the institutional sector for high technology resources have not been evaluated either. Too much has been implicitly assumed about the value for resources in institutional spending. That is not to say that spending in other programme areas like community health services or the psychiatric services, should not be evaluated. Delivery of health care services requires answers to the following:

What services do we provide, when and at what level of provision?
Who should get the services?
How to treat, how much treatment to offer and where to treat?

Before attempting to answer these questions, one must define health. The nature of health and the complex relationship between health care and health will have important implications for even the most fundamental of economic analysis. Health and health care are different from the markets for goods and services in which economists usually apply their analytical techniques.

Defining health

The World Health Organisation (WHO) defines health as a state of complete physical, mental and social well-being and not merely the absence of disease or infirmity. Such a definition, though easy to agree with (if a little disconcerting), offers little help to the economist who is attempting to consider health as a commodity and to measure and value health in an evaluation process linking inputs to outputs.

Concepts of health and illness depend on the definitions and standpoint adopted. Physicians tend to favour a disease model; this is individualistic and functional in orientation in the sense that the focus is on cure and return to work. Health and illness are considered in clinical terms. This biological approach has been challenged by those who regard a national health policy to depend on a synthesis of the disease model with a more societal, preventative, behavioural and structuralist definition of health and illness. Some epidemiologists support the latter view, arguing that improvements in health status over the past three centuries have been mainly
due to nutritional, environmental and behavioural changes. Dr Thomas McKeown, a professor of social medicine, has traced the level of health in England and Wales back to the eighteenth century and evaluated the effect of the several influences on the health level. He concludes:

in order of importance the major contributions were from limitation of family size (a behavioural change), increase in food supplies and a healthier physical environment (environmental influences) and specific preventive and therapeutic measures ... [and] ... past improvement [in health status] has been due mainly to modification of behaviour and changes in the environment and it is to these same influences that we must look particularly for future advance.

This view contrasts sharply with the powerful image projected by medicine of its curative role in the control of infective and parasitic diseases, the advances in surgery, the lowered infant mortality rate and the development of new drugs. This image is often reinforced by powerful drug advertising and ill-informed media perceptions of the presumed benefits of medicine. Is it any wonder that our health care system is biased toward institutional care and the treatment of existing illness?

Economists often attempt to circumvent the above definitional problems by narrowing their analysis to focus on health care rather than health per se. Such an approach, while undeniably attractive, can lead to a misunderstanding of the real problems and, ultimately, flawed decision-making. Individuals’ effective demand is for health and not health care. The latter is a derived demand, arising out of a demand for the former and in any case is only one of the inputs into the production of good health. Economic modelling in health should involve examining the health production function and comparing the relative marginal productivities of inputs such as nutrition, housing, education, environment and health care.

An interesting attempt to distinguish the demand for health from the demand for health care is the Grossman model: this suggests that the way we view health ought to be as a durable capital asset — a fundamental commodity underlying many others. Health is produced by the household maximising an
inter-temporal utility function made up of flows of services from health and other goods. Consumers are assumed to have knowledge of their own health state, its rate of depreciation and the production function relating health improvements to input variables. Factors which might encourage individuals to choose more health capital include higher incomes, better nutrition, better housing, more education and positive own-behaviour activities. Some of these variables act to slow down an individual's rate of depreciation, while others, like higher income, make it financially more attractive to maintain or actually improve health capital stock.

There are, of course, huge informational requirements underlying such a human capital approach to the demand for health and the rationality imposed by the model is also obviously severe. For example, the model seems to imply that physicians acting as consumers, know more about the marginal productivities of health-promoting inputs, then they do acting as physicians. The assumption that all patients are at least as well-informed about medicine as their physicians, has rather blunt implications for physician licensure, more especially if the latter's behaviour is justified on the basis of protecting that patient from ignorance. Nevertheless the model does tend to highlight household decision-making; the formal health care sector only comes into play when the household demands it as part of its demand for health.

The policy conclusions of the demand for health model seems to suggest that a much broader approach to health policy is required. The health care services can no longer be expected to alleviate problems that are properly the domain of other social areas. Co-operation across many government departments is required, with the emphasis very much directed away from the curative and institutional approach to health.

The recent consultative statement from the Department of Health, *Health - the wider dimensions*, goes some way towards identifying the crucial importance of defining health and the variables that affect it. There is now a basic requirement to follow up on this document by initiating flows of information on the efficiency, equity and cost of the options outlined. If this is not done, the major interest groups in the health care market may buttress their positions by selective reading from
the document. This is the worst of all worlds because, given the diversity of interest groups within the health care market, it is generally impossible to find any form of policy that is not a threat to someone. The absence of information and empirical data on health-inducing programmes, whatever their origin, can quickly become an excuse for inaction and perpetuate entrenched positions.

**Values and need in health and health care**

Given that choices must be made within the health budget, upon what basis should this choice be exercised? At the core of this question is the notion of values: whose values are to count — consumers, physicians, society, government? There has never been an explicit discussion or appreciation of the valuation issues raised by current modes of health decision-making in this country. Almost all conflict within the health service relates to the basis on which decisions are made and in particular whose values determine the relative importance of different aspects of health and different forms of health care. *Health - the wider dimensions*, for example, is not explicit enough in its treatment of the significance of value domination in health care markets. A necessary condition for the movement towards health promotion must be the involvement of the consumer in making health decisions. It is not clear how the consumer is to be moved from his or her current position of abject passiveness to a new position of active consumerism, making dynamic own interventions to determine future health choices. Old habits are likely to be as intransigent as some of the non-healthy habits which the policy itself seeks to change.

In economics, it is frequently assumed under the concept of consumer sovereignty that the individual is the best judge of his own welfare. Underlying this assumption are at least three judgements which may not fully hold in the health care market.

1. The individual accepts that he is the best person to judge his own welfare.
2. The individual is able to judge his own welfare.
3. The individual wants to make the appropriate judgements.
The consumer, because of associated problems of uncertainty and ignorance in health care, may insist on guidance from the technical expert, the physician. In some cases, the consumer may be unable to make the required judgements, even if he would like to, due to an inability to evaluate the disutility associated with different illness states. In other cases the consumer may simply be too risk averse to make the appropriate judgements.

The alternative value position to consumer sovereignty in health is essentially the notion that the 'doctor knows best'. Health is considered too important to be left to the consumer alone — instead the doctor is assumed to be best placed to decide on what values should be placed on the various outputs of the health service. The doctor has not had it all his or her own way, however. The increasing professionalisation of the health service has meant an increased demand for resources by other provider groups (nurses, physiotherapists, radiographers, social workers, etc), each seeking to provide the most technically efficient treatment to the patient under their control. The most technically efficient output is usually taken up to the point where the marginal benefit for additional care to the patient is zero. Such a technically efficient solution may not be economically efficient and consequently resources may be allocated inefficiently in economic terms.

Economic efficiency in resource allocation is usually assumed to occur where marginal benefits (MB) are equalised with marginal costs (MC). Prices in a competitive market environment will be set equal to marginal costs giving an optimum allocation of resources at $Q^*$ in Figure 1. If, however, health care is provided free (either because of public provision or insurance provision), consumers and producers have no incentive to ration their use of health care resources to the optimal $Q^*$ and so utilise health care up to the point $Q_1$. At $Q_1$, the marginal benefit of additional care is equal to zero. The welfare loss to society of such decision-making is equal to the triangle $ABQ_1$ (marginal costs are greater than marginal benefits).

The existence of such inefficiency, and the expenditure increases identified earlier, have made it imperative that another set of values prevail in the health care system. Irish
Figure 1: Allocating resources in health care

society is not prepared to accept high marginal tax rates concomitant on high levels of expenditure and borrowing, especially for inefficient social purposes. Health is clearly not valued at any cost — lexicographic utility functions for health clearly do not exist in society. Governments are being forced to cut back on health care expenditures, leading to increasing conflict between budget holders (policy makers/administrations) and budget users (doctors, other health professionals). The situation is not dissimilar in private health care systems financed by insurance premiums. The dominance of medical values has contributed to escalating costs and the subsequent attempt by insurers to impose their own, primarily profit-orientated values on the system has caused conflict. Indeed private insurers have been at the forefront of research and experimentation with new cost-controlling procedures.

Efficiency in health care markets
The fact that patients are poorly informed about diagnostic techniques and treatments generates problems for conventional demand/supply analysis in health care markets. Although it is generally an individual’s decision to make first contact with the health care system, much of the subsequent responsibility for making decisions which may generate demands on the
health services is delegated by the patient to the doctor. A complex interdependence model in which the supplier of health care is also the demand agent thus replaces the conventional model where supply is independent of demand.

The structure of the health care market, and in particular the existence of an agency relationship between patient and doctor, has important implications for the use of prices in the market. Health care is usually provided free of money prices in public systems of health care. Similarly, insurance-based health care systems usually provide services free of charge at the point of use.

The introduction of charges in public health care systems and the application of deductibles and co-insurance rates in insurance-based systems have been advocated for efficiency reasons, especially by pro-marketeers. The argument for pricing in the health services can be illustrated by reference to Figure 1. When prices are zero, the consumption of health care will be at Q, with the consequent welfare loss of ABQ. The introduction of a price P will, in this case, move the consumption of health care to the optimal societal consumption Q*, where marginal costs are equal to marginal benefits.

There is little doubt in a purely competitive environment with independent demand and supply equations that prices could be used to allocate resources efficiently. If, however, patients do delegate demand responsibilities to their physicians, the introduction of charges may have minimal effects on the overall optimum use of resources. The physicians, who are the real gatekeepers to the use of resources, can simply generate compensating demand patterns in cases where prices have discouraged some utilisation of their services. Furthermore, unless prices are introduced selectively, those consumers who restrain their health care demands may be those who most need treatment. The postponement of needed care cannot continue indefinitely, and ultimately, the stored up costs of delayed treatment may prove a much larger burden on the health care system.

The assumption that a stable demand curve for health care exists independent of (non-price) supplier behaviour is very dubious. Its appeal has more to do with its analytical familiarity to general equilibrium economists rather than any
representation of actual market behaviour. Only in an ideal world of fully informed patients would one expect a close correlation between needs and demands and a separation of demand and supply. To manage the de facto asymmetry in information referred to earlier, institutions have evolved in every society to create and support agency relationships between providers and patients. The acceptance of the principal agent relationships in health care is to effectively undermine the 'demand curve' in both a normative and positive sense. Efficiency criteria must therefore focus less on consumer charges, cost sharing, and deductibles, each of which seek to ration consumption demand by patients and instead focus more on measures to affect supply-side behaviour.

Given the above theoretical and equity problems associated with the use of prices, the key to efficient use of resources may well lie on the supply-side, particularly in the allocation of budgets to 'responsible' professional managers within the health services. Budgets can be allocated on very different levels — the guiding principles are competence in judging opportunity cost, individual responsibility for the generation of costs within an agreed budget and an appropriate set of incentives to encourage efficient utilisation of resources. Budget holders who make savings in providing an agreed service plan must be allowed keep part or all of the savings and be given some discretion in the allocation of such free resources. Those who over-spend their budgets must be penalised in some agreed manner. Such discretion can actually lead to more and not less clinical freedom for physicians when operating under severe budgetary constraints.

The idea of giving doctors budgets, or at the very least cost and output information, either at an institutional or community level, is attractive. Allocating budgets by specialty in a hospital or by programme in the community must, however, be accompanied by responsibility for managing resources within that budget. Clinicians become aware of the opportunity costs of own and peer behaviour, while the information generated on costs and benefits (often through shadow accounting practices) provides the necessary managerial information required for improved efficiency in resource use. Although cost escalation problems are often associated
with physicians demanding more resources for high technology medicine, such a scenario is often incorrect. A major source of cost escalation in health care is low technology conventional diagnostic and therapeutic interventions repeated many times (for example, X-rays, pathology tests). Clinical budgeting information-generating mechanisms experiments can make these utilisation patterns explicit.

The use of Diagnostic Related Groups (DRG’s) to identify hospitals which have above average costs and lengths of stay with regard to the 467 diagnostic groups identified is also an important supply-side constraint on the inefficient use of resources. Diagnostic Related Groups are currently in use in the USA to identify and regulate standard costs and lengths of stay associated with each of the diagnostic groups identified. Any hospital which generates costs above the standard payments (allocated by insurers or government) for a particular diagnostic group incurs a loss; hospitals that manage to keep costs below the standard payments generate a profit. There are, of course, problems with DRG’s especially in relation to diagnostic classification and the adverse selection of patients who might tend to push costs above the standard payments reimbursed. DRG’s are also designed to limit the money paid for each admission but not the total paid which is the sum of admissions by DRG and costs allowed. However, if introduced in this country, DRG’s would make explicit the wide variation in costs and lengths of stay currently evident among hospitals for similar case work. Therefore even in cases where their use as a mechanism for controlling overall cost in the health service is open to question, DRG’s are an important indicator of performance, sharing the same information-generating properties as clinical budgeting techniques. Given the paucity of information, especially on hospital costs and benefits, any mechanism which improves the information-generating capacity of the system is to be welcomed. The absence of information on costs and benefits in health care is quite staggering. Information about the margin is, in particular, non-existent with all hospital statistics given in terms of averages.

Whatever sources of supply side constraints are envisaged, it is doubtful that the existing arbitrary implementation of
cash limits and cutbacks will have the desired effect on the attainment of a more efficient and effective health service. Positive mechanisms are required which will give clinicians a stake in their own future. Mechanisms which encourage physicians to manage their own resources within formally agreed budgets and service plans, provide the impetus for greater, not less, clinical involvement in decision-making. Of course clinicians must want to get involved in managing their own resources. The practical implications of non-involvement for clinicians is the acceptance of a passive role in the allocation of health care resources and a diminution, not enhancement, of clinical responsibility.

Of course, physicians should be trained to think in managerial terms. Mooney argues that physicians and other health professionals are really managers who have never been taught how to manage resources within their own discipline. Economists can hardly blame the people in the health care system for their lack of economic awareness if they have never been taught even the basics. Of course a basic prerequisite for instilling economic virtues into the health care system is for economists to educate themselves about the use of economic analysis in health.

Economic evaluation
The application of economic evaluation to health care programmes in the Irish health care system has not yet been attempted to any significant extent. For example, the debate on the efficiency and effectiveness of community care versus institutional care is conducted without recourse to empirical evidence. Broad generalisations and vested interest replace economic and medical evaluations. Neither has there been any formal evaluation on the relative costs and benefits of caring for the elderly at home or in institutions. Nor indeed has any study looked at the adequacy of our community care system to care for an increasing number of patients in the community. Yet, empirical evidence from other countries seems to suggest a considerable pay from economic evaluation of health care services.

Within the general framework of evaluation it is possible to define the two main techniques of appraisal. Cost Benefit
Analysis (CBA) seeks to quantify in money terms all the costs and benefits associated with a particular programme. Cost Effectiveness Analysis (CEA) is a limited form of CBA that takes output as given and seeks only to identify and value the costs of alternative ways of achieving the given objective.

It is obvious that CEA is less complex and certainly less contentious than the application of CBA. The costs of health care programmes are usually quantifiable in monetary terms. Some problems do exist however. Often economists will have to work with adjusted market prices and in some cases, shadow prices will have to be calculated for non-marketed resources. Patients and their families, for example, consume their own resources in obtaining health care treatment. Patients use up their own time in travelling to, or obtaining treatment at, health service facilities. In addition, relatives may have to spend time nursing patients confined at home. Sometimes the sacrifice made may be foregone leisure time; at other times patients and relatives may have to give up working time. Such changes in resource use represent costs to the community — to be included in CEA, especially in cases where hospital treatment is compared to care in the community.

The most obvious limitation of CEA is, of course, that treatment objectives are not questioned and no attempt is made to explicitly evaluate benefits. The CBA technique seeks to remedy this defect by expressing all unit costs and benefits in money terms. The monetary benefits expressed in CBA usually relate to the productive gains of the individual patient or his family associated with a return to work after illness. For example, in a comparison of a community psychiatric illness programme with an institutional based alternative, Weisbrod et al measure the costs to the health sector, other public agencies, the patient and family and monetary benefits in terms of the increased earning potential or productivity of those patients able to return to work.11

However, as is nearly always the case, there are categories of health consequence that are difficult to express in money terms. The main benefits associated with health care interventions are the diffuse and intangible outputs of reduced morbidity, lower mortality, improved social functioning, and so on. In essence these factors are non-quantifiable and therefore pose severe valuation problems for the economist.
In practice what is required is a means of measuring all possible health states and changes therein on some unidimensional measuring rod. The problem of output measurement stems, however, from the multi-dimensionality of health outputs and the choice of values used in ranking, ordinarily or cardinally, such outputs. Health status measurement is undergoing considerable research with more and more complex methodologies being applied. If the research is successful, the application of CBA will become much more meaningful, with the whole range of benefits being susceptible to measurement.

An example of the practical application of economic methodology to health care measurement is given by a form of economic evaluation known as Cost Utility Analysis. Health consequences are valued relative to one another rather than in money terms. Cost Utility Analysis measures the utility or quality of life gained as well as the quantity of life gained. For example, the quality of life afforded by kidney transplantation is likely to be higher than that under dialysis options. Furthermore, some treatments like chemotherapy for cancer, although they extend life, have associated morbidity. Options are compared in terms of their cost per quality adjusted life year (QALY) with quality assessments being made by either medical experts, patients, members of the general public, or some combination.¹²

Economic evaluation procedures form only one part of the decision-making process in health care. It is not a simple task to apply cost-benefit analysis. There are many methodological problems to be overcome. Very often either too much or too little is claimed for CBA. Its usefulness in health care is related to its ability to promote a more systematic and rational approach to decision-making; its recognition of scarcity and consequent opportunity costs; and its explicit unmasking of the implied value judgements guiding health care allocations. In short, as Drummond highlights, economic evaluation is an aid to decision-making and not a substitute for it.

Equality in health care
While the principle of equality is often espoused by policymakers, the pursuit of equality is often left to those on the fringes of policy-making, with the emphasis in government on measures to improve efficiency rather than on problems
of distribution. There are essentially two reasons why this might be the case. Firstly, the pursuit of equality does not attract many votes, especially in an ideologically convergent country like Ireland and consequently is very far from the top of the political agenda. Secondly, equality is a much more complex and elusive concept than either its advocates or detractors usually acknowledge. This is especially the case in health care. Essentially, efficiency is a much more quantifiable concept — equality is often vague and contradictory, more conducive to rhetoric than practical policy-making.

There are many possible concepts of equality. The simplest concept which tries to encompass need variables is that of equality of inputs for equal need. This concept explicitly recognises that age and sex differences matter and that the unhealthier a region the more resources it requires. Such a definition finds explicit recognition in the use of the Resource Allocation Working Party (RAWP) formula in Great Britain. There are, however, methodological problems in determining need. Who should determine need and under what value system? How is morbidity measured? If one uses Standard Mortality Ratios (SMR’s) as does the RAWP formula, can one be sure that there is a linear relationship between mortality and morbidity?

Resources may also be distributed regionally by formula and still not meet the criteria of equality of access for equal need. For example, to provide the same level of service can be more expensive in rural areas than in urban areas. Neither have time costs always been explicitly recognised in the context of equality formulae. The provision of a free health service to the lower income groups of society does not remove access inequalities. The distribution of cars and telephones is substantially skewed in favour of upper income groups. Not only may time spent travelling be greater, but distance travelled may also be greater, since it is often the case that health care facilities are built outside of disadvantaged areas.

Even if access problems can be overcome there is no guarantee that equality of utilisation for equal need will occur. Utilisation is a function of both supply and demand. Individuals may face the same supply schedule but differ in their perception of the benefits (private and social) of consumption of health
care. Certain groups may not utilise services because of ignorance regarding the benefits of utilisation. Health education programmes often do not reach their targeted groups because low income individuals cannot read, do not own a television, or are generally less risk averse than high income groups. There can also be real communication problems between less educated patients and their general practitioners. Some evidence exists which suggests a legacy of distrust resulting from feelings of inadequacy on the part of disadvantaged groups when confronted by their predominantly middle and upper class doctors. The use of an appropriate incentive mechanism can however often induce the desired utilisation pattern. For example, payment of the maternity grant in the French health care system is made dependent on take-up of ante-natal examinations.

The identification of need and the realisation that access and utilisation are different are important and necessary prerequisites for the attainment of equality of health status. They are ultimately, however, not sufficient conditions. Equality in final health status is probably the least understood of all equality concepts, partly due to the technical difficulty of actually measuring health status and more especially due to society’s unwillingness to look outside the health care sector for measures to improve equality. Policies to reduce inequalities in health status must reflect the nature of the health production function and seek to redress inequalities which may exist in health-producing activities.

However, the most pervasive form of inequality in the Irish health services is related, not to conventional regional and social class inequalities, but to the existence of a dual system for the delivery of health care services. Hospital accommodation in a public ward only is available free to everyone in this country, irrespective of income. For all but about the top 15 per cent of the income distribution this includes consultants’ bills as well as room charges. All patients, whether they belong to Category I (the income group comprising about 35 per cent of the total population who are eligible for all services free), Category II (the mid-income group comprising about 50 per cent of the population who have lesser eligibility), or Category III (the 15 per cent of the population who have least eligibility
for-free services), may choose semi-private or private care and accommodation and become private patients of a consultant, if they so wish to. opt out of the public system by joining the Voluntary Health Insurance (VHI) scheme.

The VHI is a state-sponsored body, organised by the state, and run by a board whose members are appointed by the Minister of Health. Although requiring a deductible for general practitioner coverage, the VHI pays, in all cases, the cost of accommodation in private or semi-private rooms in either public or private hospitals and also covers the cost of consultants' fees — usually the whole amount. The VHI has a virtual monopoly on private health insurance in Ireland.

The major inequality associated with VHI is the increasing community perception that there are differences in the standard of care between the public and private (VHI) funded system. Consultants are paid by salary for their private VHI patients. There is an obvious incentive for consultants to allocate more of their time towards caring for their private patients. Private patients of a consultant are almost always treated by the consultant personally, while public patients may well be treated by a non-consultant hospital doctor working under the

<table>
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<tr>
<th>Year</th>
<th>Number of persons insured</th>
<th>Subscription income</th>
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<tr>
<td>1975</td>
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<td>5,819</td>
</tr>
<tr>
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<td>843,509</td>
<td>25,208</td>
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<tr>
<td>1981</td>
<td>935,804</td>
<td>30,271</td>
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<td>995,284</td>
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</tr>
<tr>
<td>1986</td>
<td>1,032,709</td>
<td>99,751</td>
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</tbody>
</table>

consultant. Public patients will almost certainly have to wait longer for admission to hospital for non-emergency care, while private patients can queue jump. Once in hospital, the delivery of 'care' is undoubtedly better for private than public patients.

The market response to such inequality has been for increasing numbers to join the VHI over the last decade. The number of subscribing members to the VHI is now over one million, with subscription income close to one hundred million.\(^{13}\)

The state actually encourages membership of the VHI with an important form of indirect assistance. Subscribers are permitted to deduct premiums, in full, against taxable income. Such tax offsets especially benefit high income individuals with high marginal tax rates. The Revenue Commissioners have estimated that the tax foregone due to relief on medical insurance was over £30 million in 1985/86. The Report of the Joint Committee on State-Sponsored Bodies (1980) argued that at a conservative estimate income tax relief provides an indirect subvention to the VHI of at least one third its subscription income.

The Board of the VHI consider such tax relief to be a major advantage enjoyed by the VHI, justifiable on the basis that all citizens pay for public health care service through their health contributions and general taxation and that those who elect to pay for private health care should logically receive some reasonable rebate of tax. Presumably, this type of rebate should also apply to those low-income groups who publicly and regressively subsidise the private consumption of higher-income groups while at the same time not being in a position to avail of such consumption themselves. Tax relief also distorts consumption patterns towards the tax-offset commodity and therefore is inherently inefficient. Whatever the political advantage of such assistance, it has most importantly contributed to a dual system of health care, weakening the public service by encouraging exit and widening further the health care differential between rich and poor.\(^{14}\)

Conclusion
Economic analysis can be very useful in resource allocation decision-making in health care. There is no substitute for
rational economic and medical criteria for allocating resources. The health care services have not yet, however, been subject to economic evaluation — instead resources have been allocated on a 'shout loudest' basis, with rather subjective valuation of need underlying consumption choices. This paper has attempted to outline the possibilities for economic interventions in health care. It is clear that there is scope for analysis in many areas, ranging from the proper model of demand for health to the assessment of efficiency and equality principles in health and health care.

The real crux with regard to the application of economic principle is ignorance. Neither doctors, policy-makers nor administrators seem to be aware of the pay-offs from an increased application of economic concepts and techniques. The maximisation of a societal utility function, which includes health, subject to a budget constraint is not easy. Yet we are not looking for perfection — just an improvement along the way to improving society's resource allocation decision-making in health. Economic analysis can be a valuable aid to decision-making in that regard — if only all agents in the economy made some attempts to understand and perceive, if not the practice, then at least the discipline as a way of thinking. Further progress in improving societal welfare in health may well depend on such a perception.

Yet while economics is certainly a necessary condition for an efficient and equitable health service, it is not a sufficient condition. Economists must be aware that health and health care are unique commodities and that patient care can be the most individualistic of all acts of consumption. Not to take account of patient care and to myopically confuse economics with cost cutting can only give economics a bad name. Patient care at any cost must be eliminated, but not to take account of patient care seems the very antithesis of what a health service pertains to be about. There is room for economists and physicians, for economics and medicine in an efficient and equitable health care service.

Notes to article
6 *The welfare economics of public health insurance: theory and Canadian practice* Dept of Economics, University of British Columbia, Discussion Paper No 82.
11 B. A. Weisbrod et al., 'Alternative to mental hospital treatment', *Arch Gen Psychiatry* Vol 37 (April 1980).
13 Voluntary Health Insurance Board, Report and Accounts, various years.
Homelessness and Housing in Northern Ireland: An Assessment*

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Homeless persons in Northern Ireland have no statutory right to housing. Until recently the government considered it unnecessary to extend Britain's homelessness legislation to the province, denying that such legalism would improve the present framework of discretionary powers operated by housing and social services agencies. However, it would be wrong to regard the British legislation, radical though it was at the time, as conferring universal legal rights. It, too, is discretionary and limits rights to the 'deserving' homeless — to people who are judged to be 'unintentionally' without housing, in 'priority need' and who have a 'local connection'. Even these groups are treated as less eligible when housing is in short supply. Many local councils in Britain use 'deterrent' hostel and temporary accommodation, and make fewer and worse offers of permanent council housing to homeless applicants (Murie and Forrest 1987).

Increasingly, the homeless are the most marginalised sections of the population, with little political power to press demands for housing. In Northern Ireland the available evidence suggests a concentration of the problem among the young, male, single unemployed.1 Their cause has been taken up primarily by charities and voluntary organisations, and indeed it was such bodies which launched the campaign for homeless legislation in Britain. Arguably, one consequence of this has been to give the impression that homelessness is a gap in the welfare state rather than a symptom of fundamental problems in the welfare state, most notably the weakness of rights to security and health in conditions of high unemployment.

*I wish to thank Roger Courtney and Geraldine O'Donnell who helped with comments and data for this paper.
widespread low pay and more unequal distribution of good housing (Forrest and Murie 1986).

During the past few years homelessness has become a focus for the voluntary sector housing lobby in Northern Ireland. In 1983 various non-governmental housing groups were brought together under the umbrella of the Council for the Homeless (NI) and in December the Council employed a full-time officer to develop its work when the issue's profile was being raised by the 1987 International Year of Shelter for the Homeless.

In one of its recent publicity leaflets the Council claims that Northern Ireland is experiencing a 'rising tide of homelessness'. Is this a true picture of the situation? The British government has made much of its commitment since 1981 to maintaining public housing expenditure in the province at a level proportionately well above spending in Great Britain to avoid a deepening housing crisis. The output of private housing has grown to record levels during the 1980s, much of it accessible to aspiring home owners through shared ownership. Some areas have seen vacancies in public sector housing increase dramatically. But in recent years the ability of the Northern Ireland Housing Executive (NIHE) to meet the needs it identifies through its own surveys and analyses has been curtailed by the government's refusal to allocate sufficient funds. In November 1987 the government announced further cuts in subsidy to the NIHE over the next three years of £24 million, £46 million and £48 million respectively, forcing reductions in planned new build, improvement, maintenance and private sector renovation grant programmes.

Given this background, the present paper reviews the current state of knowledge about homelessness in Northern Ireland. Very little research in this field has yet been carried out and one of the aims of this paper is to consider whether this neglect can continue to be justified.

Does Northern Ireland have a homelessness problem?

On 25 November 1983 the then Under Secretary of State for the Environment and Health and Social Services in Northern Ireland, Chris Patten, announced the setting up of a working group of officials to examine homelessness in Northern Ireland.
The question of legislation was to be excluded from its remit. The initiative was presented as a response to the fact that ‘interest in homelessness has increased considerably in recent times’ (Joint Working Group 1984, p. 1). The Group’s report states:

While it is correct that no statutory definition of homelessness exists and there is no proven statutory obligation on any agency to provide for homeless people, the Working Group concluded that through the development of sensitive policies and agreement between the statutory agencies on their respective roles, Northern Ireland’s homelessness problem can be addressed. (p. 43)

Although the Housing (Homeless Persons) Act 1977 was not extended by the British government to Northern Ireland, the working group used the Act’s definition of homelessness, i.e. a person and anyone normally resident with him or her who has no accommodation or is likely to have no accommodation within 28 days. The definition was widely criticised by voluntary organisations in the province as too narrow. One of the most damning criticisms was that of Graham (1985) in a pamphlet published by the Council for Single Homeless to make the case for a Homeless Persons Act in Northern Ireland. He wrote:

The restricted and mis-construed approach adopted by the departments is perhaps illustrated by their failure to grasp even the most basic fact that someone ‘living in lodging houses, hostels and boarding houses, or “crash pads”’, is not regarded as homeless by the Housing Executive. (p. 19)

The Northern Ireland Assembly took up the issue and added its weight to calls for legislation (Northern Ireland Assembly 1984). An announcement was made in September 1984 that limited statutory rights for homeless persons to permanent housing would be introduced. The draft order appeared in March 1988.

Without homelessness legislation, which in Britain requires statistics on homelessness applications to local authorities and acceptances to be recorded and published, it is very difficult to estimate the scale of the problem in Northern Ireland.
Information is fragmented among many different agencies and the Simon Community, in attempting to research this area, found that record-keeping was often inadequate.2

A 'snapshot' estimate of the number of people without permanent housing was provided by the 1981 Census, which recorded 1,489 persons as living in temporary accommodation in hostels and common lodging houses in Northern Ireland. But clearly a better measure than this is needed. The Simon Community estimates from recent studies that the number of people likely to have experienced homelessness in the course of a year in the province is probably around 7,500.3 This is based on a rough extrapolation of figures collected in Belfast, Newry, Larne, Coleraine, Lisburn, Antrim and Ballymena. These were derived by adding together emergency status applicants on Housing Executive waiting lists (i.e. accepted as homeless or threatened with homelessness) and persons who had approached other agencies as homeless, such as statutory social services, advice centres and voluntary organisations. This estimate, however, does not allow for possible double-counting.

In Coleraine the Simon Community found that the number of emergency status applicants on the Housing Executive waiting list was half the number of homeless households which had approached all agencies (Simon Community Northern Ireland 1986a). The Housing Executive estimated in 1986 that in the province as a whole emergency status cases were running at some 2,400 per annum.4 Thus it is possible that doubling this figure would give an approximation of the number of homeless households in Northern Ireland. Although this does not take into account double-counting where persons contacted more than one agency, neither does it allow for homeless households that may have approached no agency. It is quite likely that many people would rely on informal rather than formal assistance networks.5

Why does the waiting list apparently under-estimate the scale of homelessness? Waiting lists are a means of rationing housing and are restricted to registered and officially recognised 'needs'. The Northern Ireland Housing Executive uses a housing selection scheme which divides applicants into four 'A' groups and three 'B' groups. The 'A' groups are housed on a priority basis without reference to points, and include homeless persons,
although what the applicant gets depends on what is available. It may mean moving to another district or accepting accommodation in an estate which is difficult to live in. However, homelessness does not result in an automatic priority classification: there have to be very specific causes and the applicant must not have made him/herself homeless intentionally. The Simon Community state that the majority of homeless persons they deal with are not successful in getting priority status.

Faced with these claims about the extent of homelessness in Northern Ireland, the Housing Executive has undertaken a census of homeless persons, the last stage of which is currently being completed (November 1987). Preliminary analysis shows about 2,000 persons homeless at any one point in time according to questionnaire returns from agencies throughout the province. The NIHE recognise that a ‘snapshot’ will underestimate the size of flows into and out of homelessness. They also acknowledge ‘hidden’ homelessness resulting from involuntary sharing, but discount it in their figures as they claim it cannot be quantified. Their report challenges estimates made by pressure groups, arguing that the consistency over time of its census counts validates the figures. This, however, could also arise from systematic bias due to a restrictive definition and reliance on responses to a postal questionnaire to agencies.

Defining the problem away?
The main reason why the state does not consider someone to be homeless whom many voluntary organisations would is because of the different definitions used. The Department of the Environment, which determines the broad policy framework for the Housing Executive, including rent levels and expenditure, has responded to the argument that large numbers of people in Northern Ireland had ‘no permanent roof over their heads’ by disputing this definition of the problem. The Department states that it:

makes no distinction between a person sleeping rough and a person sharing accommodation. The Department would not accept that persons in the latter category could be considered homeless...
This statement reflects the Conservative government's philosophy of restricting public services to those who have a clear basic need and no alternative way of meeting this need. Watson (1984) argues that having no roof (permanent or temporary) over one's head is more accurately taken as a definition of 'houselessness' and not homelessness. For example, living in a dwelling unfit for human habitation or lacking basic amenities might be considered as being housed, but hardly having a 'home'. According to the Housing Executive's *Northern Ireland House Condition Survey 1984* there were just under 58,000 dwellings that would fall into this category. A further 67,770 dwellings were estimated as in serious disrepair and in danger of becoming unfit for human habitation, a problem that is likely to increase (Northern Ireland Housing Executive, 1987a). Although unfitness is concentrated in owner-occupied and private rented housing, almost 20 per cent of dwellings in serious disrepair were in the public sector. The Executive's recent survey of its own stock revealed that almost 57,000 dwellings needed major improvements, 30,800 needed partial improvements and some 15,000 defective non-traditional dwellings needed remedial action.

Overcrowding might also be regarded as being without a 'home' in the sense of lacking a minimally adequate housing space. The 1981 Census recorded over 13,000 households as living at a density of more than 1.5 persons per room in Northern Ireland. The *Greater Belfast Area Household Survey 1985* records over 17,000 households as living below the 'bedroom standard' in Greater Belfast (Northern Ireland Housing Executive 1986a). In some areas of Northern Ireland this figure was very high — in West Belfast 17 per cent (almost 3,000) of households were found to be living without an acceptable number of bedrooms given household size and the age and sex of household members.

The Housing Executive used to define 'urgent housing need' as all priority 'A' groups plus those 'B' groups on the waiting list with points for sharing, overcrowding and lack of amenities. In 1986 it restricted its definition to the 'A' groups plus only households that are involuntarily sharing (Northern Ireland Housing Executive 1987b). The current *Housing Strategy Review* states that in September 1987 there were 6,842...
households on Housing Executive waiting lists with points for sharing (Northern Ireland Housing Executive, 1987a). Adding the 'A' groups on the waiting list gives a total of 11,184 households in urgent housing need.

Thus, there are various ways of defining 'homelessness'. In short, homelessness can be conceptualised in terms of a continuum, with sleeping rough at one end and occupation of a secure and satisfactory housing space at the other. Where the dividing line between being housed and being homeless falls depends on political choices about priorities. The British Labour Party, for example, has been willing to accept the taxation/borrowing implications of its commitment to introduce 'the right of every member of the community to a safe, secure and satisfactory home' through its proposed Housing Rights Act, while the Conservatives have accepted the large tax revenue losses generated by continuing subsidies to owner-occupation. The latter's current policies are strengthening the link between income and housing quality, with the latest policy statement, the White Paper Housing: the government's proposals, acknowledging only that those in need should have access to a tightly rationed stock of 'reasonable' housing.

The relativist approach to defining homelessness does not get us very far. Is there not an objective standard by which we can define being without a home as opposed just to lacking a roof over one's head? A possible answer lies in considering the nineteenth-century plastic health movement, which defined the purpose of state housing action to be to remove people from unhealthy housing conditions. This concept declined in importance during the post-war period of expanding health services and curative medicine, but there is growing evidence that bad housing conditions such as dampness, cold, overcrowding and even certain types of design cause ill-health among the occupants (Townsend and Davidson 1982; Byrne, Harrison, Keithley and McCarthy 1986; Whitehead 1987; Blackman, Evason, Melaugh and Woods 1987). Thus, campaigning for the introduction of a statutory right to 'healthful housing' for all may be a better way of progressing than pressing for a right to housing for the 'homeless'. Recent research makes it possible to lay down new standards for
healthful housing which could form the basis of a universal right to a home (Ormandy 1982).

This is a particularly important issue because many homeless persons are housed in conditions that have been linked to psychological and/or physical ill-health. This is an inference from the available research, and more work needs to be done to test the hypothesis. It seems reasonable in the present climate to expect that those in emergency need of housing in conditions of scarce supply will be housed where vacancies are most frequent, and this is often in difficult-to-let housing. Byrne, Harrisson, Keithley and McCarthy (1985) suggest that one reason why people move out of these unpopular difficult-to-let estates when they can is because they find the housing deleterious to their mental and/or physical health. This may not relate just to environmental conditions. The social/community aspect can also be a significant factor in mental health (Freeman, Dawson and Parker 1986). In Northern Ireland the government's attitude appears to be that the homeless should move to where the vacancies are; a Department of the Environment statement suggests: 'the point must be made that the waiting list in Belfast could be reduced if applicants were prepared to move to accommodation outside Belfast'.

There is no shortage of land or housing in Belfast — its distribution to different groups and uses is a political question. It is similarly a political question as to whether people should be expected to move to the unpopular empty housing of the depressed areas of Antrim or Craigavon built as part of an ambitious 'modernisation' strategy in the 1960s and early 1970s, but now the urban equivalent of beached whales.

The housing mismatch
Vacant housing may not be an answer to homelessness for another reason. In Northern Ireland there has developed a significant mismatch between household size and dwelling size. About 70 per cent of the Housing Executive's stock has three or more bedrooms, while about the same percentage of those on the waiting list are one or two person households (Northern Ireland Housing Executive 1986b). What appears to be happening is that vacant 'family houses' are allocated
selectively to small households. There is evidence to suggest that such underoccupation is associated with health problems as single people on low incomes find it difficult to keep such properties warm and free from damp (Blackman, Evason, Melaugh and Woods 1987).

The Housing Executive recently stated that:

Within the past three or four years single people under pensionable age have increased their proportion of the waiting list from 17 per cent to 23 per cent. With housing opportunities in the Private Rented Sector diminishing, a divorce/separation rate much higher than experienced in previous years and greater willingness among young people to form a separate household this trend is likely to continue. (Northern Ireland Housing Executive, 1986b)

This report identified young single homelessness as a growing problem. It estimated that 21 per cent of temporary hostel accommodation is occupied by 19-25 year olds, while this group represents only 15 per cent of the general population. There had been an increase of 15 per cent in the proportion of hostel residents in this age group between 1983 and 1986.

A number of factors may be contributing to young single homelessness. The proportion of the population aged between 16 and 30 has been rising in many areas. There is a very high rate of youth employment, and the new rules governing board and lodging payments to supplementary benefit claimants restricting the time they can spend in any one place may expose this group to homelessness (Simon Community 1986b). In April 1988 the restructuring of housing benefit will mean significant losses for pensioners, single parents and single people under 25, threatening to increase debt problems, overcrowding and involuntary sharing and to force these groups into worse housing and possibly homelessness (Walentowicz 1987). In addition, young single people living in the parental home are not eligible for sharing points under the Housing Executive's selection scheme. The Housing Executive's own research, based on an analysis of records from their advice centre in Belfast, indicates the growing extent of the problem:

The number (of single person households under retirement
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Some action has been taken about this problem by the Housing Executive which has planned more small units in new developments, but in future years it estimates that demographic trends will ease the problem, as expressed through the composition of its waiting lists (Northern Ireland Housing Executive 1987a). The Executive is taking a very cautious approach, leaving large numbers of single people without a home of their own. The waiting list is a poor indicator of this need, but even so the proportion of applicants who are single has risen from 17 per cent in 1981 to 35 per cent in 1987. However, this seems to have peaked and couples are now increasing their proportion of the waiting list.¹⁰

The possible extent of pent-up demand for housing has been illustrated by the Northern Ireland Economic Council (1981), which has suggested that only 50 per cent of three adult households and 25 per cent of four or more adult households prefer to share the same dwelling. Courtney (1984) applied this formula to the 1981 Northern Ireland Census data and calculated that on this basis 62,800 adults were involuntary sharers. This may even have underestimated the numbers involved. As Courtney quotes the results of the Office of Population Censuses and Surveys in England — 'Sharers Survey' (unpublished) — which found that as many as 66 per cent of single people sharing a dwelling wished to have independent self-contained accommodation.

The Housing Executive's (1986b) analysis of enquiries at its housing advice centre in Belfast indicated that 'persons currently sharing accommodation represent the key enquiry group' and that 'the largest single subject of enquiry related to seeking alternative accommodation'. In August 1986, of the 8,412 single people who were on the Housing Executive...
waiting list, just over 5,700 (68 per cent) were sharing some form of accommodation. If the figure of 62,800 involuntary sharing adults in Northern Ireland quoted above is correct, then only one in eleven single people in this situation appear to apply for Housing Executive housing. There is clearly a need for more research to investigate why such an apparently small proportion of single people in housing need apply to the Executive.

Care in the community
In January 1986 the Department of Health and Social Services published its Regional Strategic Plan for Northern Ireland, setting out the direction in which health and social services would develop up to 1992. The Plan places great emphasis on the deinstitutionalisation of care and ‘care in the community’ policies. However, the fact that it assumes no additional funds for growth over the next five years led a number of voluntary organisations to question whether there will be sufficient funding for the provision of care and supporting housing ‘in the community’ as institutional care is reduced (Acheson 1986). Once again there has been little research on this, but the voluntary agencies are concerned. The Salvation Army informed the author quite categorically that ‘the deinstitutionalisation of care is already contributing to homelessness’. When the author put this to the Northern Ireland Association of Mental Health they replied that the Association ‘would share your concern … that the deinstitutionalisation of care policies of the present government are likely to contribute to homelessness’. The most specific evidence was received from Belfast Housing Aid Society who stated:

Centenary House, the Salvation Army hostel for single homeless men, currently has 20 mentally handicapped adults living there who have been discharged directly from Muckamore Abbey hospital … It is believed (through reliable sources) that the hospital has asked the hostel to agree to take around 50 such people per year.

The Housing Executive’s (1986c) Survey of Hostel Residents reinforces these concerns. It found that discharge from
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institutional care accounted for 20 per cent of single persons in hostel accommodation in 1986 compared with 9 per cent in 1983.

Despite the new emphasis on care in the community, some community care services are being cut back in Northern Ireland. Acheson (1986) reports that in North and West Belfast recent decisions include the closure of a number of day centres, the termination of grants to pay the telephone rentals of housebound persons and reductions in wardens and caretakers. The most controversial cut was to the home help budget in order to release money for 'essential' services.

Homelessness and housing policy
It will be apparent from the above discussion that the Housing Executive and some voluntary agencies have undertaken small-scale research on homelessness which indicates a problem in this area. However, it is by no means certain that central government will respond and given the narrow concept it has of the problem any response seems likely to be piecemeal (such as funding small voluntary projects). At the time of writing there is still no legal right to housing for any category of homeless person in Northern Ireland and, as reported above, some voluntary agencies are claiming that the majority of homeless persons are excluded from the Housing Executive's priority category. The present legislative situation (November 1987) is that 'persons in need' may be housed by social services departments under the 1972 Health and Personal Social Services Order, but these are enabling powers and not mandatory requirements. Only one of Northern Ireland's four Health and Social Services Boards provides its own temporary hostel accommodation for 'persons in need'. Most homeless persons who approach agencies for help are housed in bed and breakfast establishments or very basic voluntary sector hostels, largely staffed by ACE workers (a Government temporary employment scheme). Only 100 emergency beds for homeless families exist in the province. The Boards' lists show large differences between Board areas in what is available; the Northern Board lists only one hostel for the homeless in its area — which extends from Antrim and Ballymena to Ballycastle and Coleraine — the women's refuge in Portrush. In the Housing
Executive’s Belfast Region, the 1987/88 District Housing Plan reports not only a very fragmented pattern of provision by statutory and voluntary agencies but also an uneven distribution with, for example, hostels located mainly in North and South Belfast but in short supply in the East and West of the city (Northern Ireland Housing Executive 1987b).

Although the British government is presently working on legislation for Northern Ireland which will mirror the homelessness provisions now contained in the 1985 Housing Act in England, there is relatively little evidence of a commitment to a housing policy solution. This type of solution was what many housing activists regarded as the main victory in the campaign for homeless legislation in England, which clearly located homelessness as a housing need to be met by local councils as part of their housing duties rather than as a social problem to be responded to by piecemeal voluntary and statutory initiatives (Richards 1981). The Department of the Environment for Northern Ireland does not appear to be convinced. It states that:

The principle that those with special needs should have a certain ‘quality of life’ is not disputed and public sector policy is determined with that in view. What is less clear, however, is that housing policy and practice is the solution to a ‘homelessness’ issue which is the product of complex and constantly changing social interactions.16

While there is strong evidence showing that the English Homeless Persons Act is failing to tackle the problem, with many applicants excluded because of ‘intentional homelessness’ or because they are single and without children (Shelter 1982), it still underpins the important principle that homelessness is a problem for housing policy and practice, and may be seen as a failure of such policy and practice. As Holmes (1986 p. 210) states:

Contrary to many traditional assumptions, the explanations for homelessness are not to be found in pathological failures of individuals but in a housing system which limits access to satisfactory secure housing, especially for people on low incomes. The difficulties are compounded for those who
experience additional handicaps, such as recent discharge from prison.

It is tempting to suggest that British housing policy under recent Conservative administrations has not been a housing policy, in the sense of meeting needs, improving standards and reducing inequalities, but a tenure policy, with the central objective of expanding owner-occupation (Lundqvist 1986). In Northern Ireland owner-occupation increased from an estimated 48 per cent in 1974 to just over 60 per cent in 1985 (Central Statistical Office 1987). This has been paralleled by reductions in general government subsidies to Housing Executive new build, with an overall fall in housing starts of almost 50 per cent since 1980/81. Privatisation is dividing Northern Ireland by tenure as strongly as in Britain. As Singleton (1986, p. 7) states:

The large increases in public sector rents in Northern Ireland have made a major contribution to the increase in gross expenditure on housing in the Province [but an increasing burden of expenditure has been transferred to tenants ... Rent increases have ... had the effect of ‘pushing’ an increasing number of ‘better off’ public sector tenants, who do not qualify for housing benefit, towards owner-occupation ... However, many of the home ownership initiatives have been significantly underpinned by public expenditure.

The extension of owner-occupation into lower income groups has been associated with increasing debt problems, although still on a fairly small scale. The situation is recognised by the Housing Executive. It has taken steps to minimise the likelihood of homelessness as a result of mortgage default by giving priority status for rehousing in cases where the defaulter’s housing costs are 30 per cent or more of gross income. In addition, the shared ownership scheme run by the Co-Ownership Housing Association to reduce the initial costs of purchasing a home for low income buyers has encountered a growing problem of arrears. A more serious consequence of the expansion of owner-occupation appears to be a failure to keep the housing stock up to standard. The Housing
Executive's *Northern Ireland House Condition Survey 1984* estimated that owner-occupied housing increased its share of unfit dwellings from 44 per cent in 1979 to 47 per cent in 1984, and its share of dwellings needing more than £7,000 of repairs from 51 per cent in 1979 to 57 per cent in 1984. Over the same period the number of dwellings needing major repairs rose from an estimated 119,714 to 131,242. Although this problem is mainly associated with old properties, the new 'low cost' private housing which has been built in effect to replace Housing Executive provision for moderate income households carries with it a number of potential problems. Built and planned to very basic standards, such housing seems unlikely to last for the 120 years or more which new housing will have to last at current rates of replacement.\(^{17}\) In depressed housing markets, many households also find themselves trapped in housing they cannot readily sell.

The main reason for the expansion of owner-occupation since 1980 has been the Housing Executive's implementation of the 'right to buy'. Sales of Executive houses to tenants increased from 473 in 1980 (excluding the first quarter for which data are not available) to 6,622 in 1981, falling back to 4,301 by 1985 (Policy, Planning and Research Unit 1987). Between 1981 and 1985 this generated over £197 million to add to the Executive's income from central government grant and rents. On 16 June 1986 the Executive announced the sale of its 30,000th house to a tenant (Housing Executive *News release*). This number represents almost 17 per cent of the Executive's total housing stock in 1979.

Paradoxically the 'right to buy' has seen Housing Executive re-lets increase — from 6,200 in 1979 to 9,500 in 1986.\(^{18}\) The promotion and subsidisation of down-market owner-occupation while Housing Executive rents have been increased has accounted for much of this growth in vacancies as households have moved out of the public sector. Although the number of re-lets has recently stabilised, it seems likely that many of the remaining waged Housing Executive tenants will be 'pushed' out into owner-occupation with the government's announcement in November 1987 of an average rent increase of 9.2 per cent from April 1988, double what the Executive and tenants had been anticipating. This follows
several years of rises in line with inflation after the big increases of 40 per cent and 19 per cent in 1981/82 and 1982/83 respectively.

After four years of decline, the NIHE waiting list increased in 1985 and 1986, although fell back again in 1987 to 24,260 at 31 March last year. Group 'A' (priority) applicants continued to rise slightly. Transfer requests, after steep rises during the first half of the 1980s to a peak of 23,933 in 1985/86, fell back to 23,074 in 1986/87. The Executive's Housing Strategy Review, however, states that the waiting list shows 'a slight underlying trend upwards' (Northern Ireland Housing Executive, 1987a). This is likely to intensify as the government is making less money available than that which the Housing Executive considers necessary to cater for new households and replacement after supply from the private sector and housing associations is taken into account. In addition, it is assumed that the private sector contribution will continue at the present high level, and this now seems unlikely. There are also marked local variations in housing need which aggregate figures mask. In Belfast sales have been greatest in District 1 in the West of the city. Here, the waiting list has remained high despite a relatively large number of new build completions (Northern Ireland Housing Executive 1987b).

Given the above discussion about the mismatch between family houses, where vacancies tend to be, and one/two person households, where more and more of the need is, sales present an opportunity to correct this imbalance by generating funds to build new small units, even though the average discounted selling price to a tenant is about £7,500, which means about three houses have to be sold to finance the construction of one new one. The Housing Executive has been favoured in comparison with British local authorities in that it has been able to retain 100 per cent of the proceeds of house sales to add to its building and improvement programmes.

However, it has not escaped cuts. In 1986 the government announced a substantial real reduction in the Executive's budget which meant reducing new build starts from a planned total of 2,500 dwellings in 1986/87 to 1,500, and reducing the scale of general improvement from a planned level of 7,100 dwellings in 1986/87 to 2,360 (Northern Ireland Housing
Executive 1986d). Although some of these funds were later reinstated, a further reduction was made to the 1987/88 budget — in the form, for the first time, of the government’s refusal to allow the Executive to use all of its receipts from house sales (Housing Executive News release 19 May 1987). The effect of this was to reduce new build starts from a planned 1,750 to 1,675. As mentioned in the introduction, the government announced further significant real cuts in funds for public sector housing in November 1987. This volatility of funding has become a marked feature of the public sector programme in recent years.

It is clear that the Conservative government’s priority is to support the private sector, and cuts in the Housing Executive’s budget have since the early 1980s reflected a strategy of not ‘crowding out’ private investment (Northern Ireland Housing Executive 1983). However, how far is a strategy of prime emphasis on private enterprise appropriate for Northern Ireland? There are strong arguments that such a depressed economy needs a public sector led recovery rather than a residualisation of the public sector (Gaffikin and Morrissey 1987).

Conclusion: housing production for housing rights
Investment in housing meets clear social objectives. It reduces housing needs, raises standards and creates employment. In Northern Ireland it can contribute to reducing inequalities between Protestant and Catholic. These remain particularly marked in employment (Smith 1987; Osborne and Cormack 1987). In housing, considerable progress has been made since the establishment of the Housing Executive in reducing inequalities, but overcrowding remains concentrated among Catholic households. The 1981 Census recorded 19 per cent of Catholic households living at a density of more than 1 person per room, with 6 per cent living at more than 1.5 persons per room. This compares with equivalent figures for Protestant households of 6 per cent and 1 per cent respectively. The difference is likely to be under-estimated because of the under-enumeration of Catholic households in the 1981 Census.

Although the private sector has been making an increasing contribution to total housing output in the province, there
has been a concomitant reduction in Housing Executive building and the level of housing need remains high. In addition, the increased private sector output has been of relatively low standard and low cost housing, with few local facilities, in marked contrast to the relatively high quality of Housing Executive building.

A concerted housing effort aimed at universal improvements in conditions and improved access to housing of the right type and in the right place could play a major role in a broader strategy of economic regeneration in Northern Ireland. The economic strategy of the present Conservative administration does not appear to take this positive attitude to housing investment. Yet it has been estimated that for every 10 jobs created by tax cuts, the same spending on housing improvement would create 64 jobs (Housing Rights Campaign 1987). Some 50 per cent of the initial expenditure would be recovered through savings in benefit payments. Much of the rest could be generated by restructuring the housing finance system to make sure that resources go directly to production and are not absorbed in costly and unproductive exchange and financing processes. The details of such a strategy are beyond the scope of this paper, but it is not possible to consider a topic such as 'homelessness' without reference to the quite radical reforms needed to tackle not only this particular issue but deeper structural problems in the system of housing provision. For housing is one of only a few mass consumption products for which large increases in price have not been matched by equally large improvements in quality. There are illuminating comparisons to be made with other countries, particularly Sweden where a modern, efficient building industry and state controls over land prices have meant that the Swedes have enjoyed big improvements in housing quality while housing costs have consumed less and less of their incomes (Dickens, Duncan, Goodwin and Gray 1985, pp. 32-118).

In conclusion, there is little basis for being complacent about Northern Ireland's homelessness problem, and even less so with regard to its general level of housing needs, especially when set against the depressed state of the economy. Housing investment could achieve major social and economic
improvements, but this demands a radical overhaul of the existing structures of housing provision. Much more research is required to investigate the nature of housing needs, including homelessness. The problem suggests a research strategy which examines existing data for recent trends and looks in more detail through survey research and locality studies at what people's housing experiences and housing needs actually are. As indicated earlier, a concentration on the relationship between housing environments and physical and mental health offers a way of investigating housing inequalities. There is considerable scope for more co-operation in information sharing and co-ordinated research between statutory agencies, voluntary organisations and the universities on this and other areas.

Whatever the scale of particular housing problems, the paper has also suggested that universal improvements could be attainable if we looked at alternative ways of organising housing provision, but this has not been developed in any detail as it is a major topic in itself. The type of controls necessary to plan production, financing and distribution in the most equitable and efficient way imply a leading role for the public sector in areas such as land policy, modernising the building industry, maximising employment and lessening the 'leakage' of funds into non-productive activities. Certainly the fact that the present Government is committed to reducing public expenditure further, while receipts from Housing Executive sales are declining, new types of housing need are emerging, disrepair in the private sector is growing, and problems at the lower end of the market in new 'low cost' housing are developing, indicates that a housing crisis could be on the horizon as the gap between provision and needs widens.

Notes to article
1 'Northern Ireland: Census of Homeless Persons - An Appraisal of Mid Point Results' unpublished Housing Executive/Housing and Planning Division paper for Chief Executive's Management Committee Meeting.
2 Brenda Kent, 'Researching homelessness at local level', paper presented to the 'Housing and Homelessness Seminar'.
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3 Correspondence from the Housing Executive Housing and Planning Central Unit, 1 August 1986.
4 See note 3.
5 Interview with Roger Courtney, Director, Simon Community Northern Ireland, 23 December 1986.
6 See note 5.
7 See note 1.
8 Correspondence from Ministerial Private Secretary, Department of the Environment for Northern Ireland, 21 October 1986.
9 See note 5.
11 See note 4.
12 Correspondence from Captain Alan Hart, District Officer, Salvation Army Social Services, Belfast, 16 July 1986.
13 Correspondence from Alan Ferguson, Director, Northern Ireland Association for Mental Health, 30 July 1986.
14 Correspondence from Joan McCrum, Manager, Belfast Housing Aid Society, 22 July 1986.
15 Commons Parliamentary Debates, Written Answer, 18 July 1984, Col. 206.
16 See note 8.
17 See note 10.
18 See note 8.

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An Oireachtas Innovation: Backbench Committees

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Parliament is a much admired institution which has been converted from a collegial law-making body into an elitist one. Today, a strong political party system ensures that this governmental system in the Republic of Ireland is dominated by the executive with parliament appearing to be little more than an appendage to the executive and playing primarily a symbolic role to give legitimacy to the government. To a large extent, parliament is a nineteenth-century debating forum in which ministers and 'shadow' ministers joust with each other and backbenchers are minor actors in the political drama with the exception of the influence they are able to exercise through their party caucuses.

Playing a miniscule role in the law-making process, the back-bencher's principal function is to vote according to the party whip. With a policy-making role closed, it is only natural that the backbencher would devote his energies to constituency work and one can hypothesise that the nature of the system attracts chiefly candidates for office who are disposed toward constituency work.¹

Although parliaments historically have employed select committees, their role generally has been minor, such as annually examining audited public accounts. The major exception to this statement is the Joint Oireachtas Committee on State-Sponsored Bodies in the period 1978-81.²

In 1983, the parliament of the Republic of Ireland initiated a new, expanded committee system specifically for the purpose of according backbench members the opportunity to participate, albeit in a minor way, in policy-making. These committees — single house and joint — are not standing-bill reference committees of the American type, but are similar
to American legislative study committees which research major policy areas and issue reports with recommendations for legislative and/or executive action.

This article traces the origin and early development of the Irish select parliamentary committees, and offers conclusions and cautious predictions on the future of the new committee system.

The movement for parliamentary reform

The Constitution of Ireland vests the 'sole and exclusive power of making laws for the State in the Oireachtas' (parliament and President). This constitutional declaration, however, does not reflect the reality of the statute-making process.

Observers are in general agreement that the Oireachtas is relatively ineffective in performing its primary constitutional charge as most major bills are prepared by departments of state and often are not amended during parliamentary debates. Members lack adequate sources of information for rational decision-making; estimates and appropriation bills are not debated until the bulk of the funds are expended; question time until recently was of little value because of the long wait for ministerial replies; 'adjournment' debate (prior to daily recess) is very brief; and backbenchers in the main are required to vote as directed by party whips. The extraordinary strong system of political parties permeates the national and local planes of government, and limits the decision-making independence of the typical public representative.

On the national plane, the government exercises, de facto, the power to enact statutes and is accountable to the Dáil (Lower House) but only ex post facto. A 1980 Fine Gael report on the Dáil maintained:

Most of its [government's] decisions are taken as a result of confidential bargaining with representatives of the major interest groups in the Community — Trade Unions, Employers, Farmers' Organisations, etc. Thus, in contrast to the democratic theory that decisions be taken in the open in a popularly elected parliament, they nowadays are being taken in private consultation with groups whose mandate is limited and not governed by law. Our modern political
The report stressed that an Oireachtas with more power could serve the government as a ‘counterweight’ to pressure groups in negotiations between the government and the groups.5

In calling for the government to share power with the Dáil and the Seanad, Fine Gael recommended the establishment of a system of select committees which would conduct public hearings similar to the ones held by congressional committees in the United States.6 Committees, under the Fine Gael plan, would issue minority as well as majority reports and provisions would be made for Dáil debates on the reports.7

In debating proposed legislative reforms on 27 January 1983, Gay Mitchell, TD (Fine Gael) said that ‘some relatively junior civil servants have taken control of many matters which the Legislature should monitor closely’.8 And Ivan Yates, TD (also Fine Gael) had been convinced in 1983 that:

The memoranda circulated with Bills being introduced in the Dáil are not sufficiently explanatory or helpful to Deputies to enable them to make an effective contribution to debates. They are usually too complex and need to be simplified. A proper memorandum, along the lines of the Minister’s briefing from civil servants, should be circulated to all Deputies.9

The committee system
After discussions between the leaders of the then three largest political parties and extensive debate in the Dáil, nine committees were established — two Dáil committees and seven joint Oireachtas committees. These committees are of two types. One type automatically dissolves upon issuing its report (the Joint Committee on Marriage Breakdown is an example). The second type has the same life as the parliament and may or may not be revived by a future parliament.

The agreement between the Coalition government (Fine Gael and Labour) and Fianna Fáil for establishing the new committee system included an understanding that the chairing
of the committees would be divided among the members of the then three largest political parties in the Oireachtas.

To promote structural and procedural changes in the Dáil, the Coalition government established a Leader of the House position with responsibility for Dáil reform. The first occupant of this position was the Minister for Industry and Energy, John Bruton, who must be given most of the credit for establishing the new committee system and for initiating changes in the Dáil’s organisation and procedures.

A deliberate decision was made by the government that the new committees would not mirror departments in their structure and objectives; this is the system employed in the United Kingdom and New Zealand. The government feared that such committees would become pressure or advocacy groups seeking additional funds for their mirror departments; this is a common occurrence in the United States. Departments were not consulted by the government prior to the establishment of the new committees.

Each committee is served by a clerk and, in some cases, by a full-time or part-time consultant. Some committee clerks are permanent staff of the parliamentary secretariat and others have been seconded from government departments or, in one instance, from a state-sponsored body, to service with the committees. Since the clerks do not necessarily have expertise in the subjects being examined by their respective committees, the latter are authorised to employ consultants.

Although the Fine Gael report urged that committees be permitted to issue minority as well as majority reports, no provision has been made for the publication of minority reports. However, a member of the Joint Oireachtas Committee on Commercial State-Sponsored Bodies issued a dissent from the Committee’s fourth report on 22 May 1986.

In moving the formation of the Joint Committee on Legislation in 1983, the then Minister John Bruton expressed the hope that within ‘the next year or so’, the Committee would ‘prove to be of such value that the selection of bills for public examination ultimately will devolve to the Committee itself’. This hope has not been realised as the Committee may examine only bills referred to it by the Government.

When he was Opposition leader in 1983, Charles Haughey
expressed reservations about the proposed committee system; he stated that in his experience ‘it is not an easy matter to get these committees to function ... the problem is to get Deputies to man [sic] these committees once they are established’. He also expressed doubt as to whether there would be adequate media coverage of committee activities. His major concern, however, was the possibility that debate by backbench Opposition and government deputies would be restricted.

I could very easily envisage a situation developing where Ministers being questioned will take refuge in the answer that that matter being discussed, has been referred to such and such a committee ... I would go so far as to say that I might have been guilty on the Government benches of resorting to that device from time to time. Unless we are very careful, it could very seriously restrict the scope of debate and Question Time in this house.

Fine Gael TD, Maurice Manning has outlined obstacles to establishing an effective committee system; he placed particular emphasis upon the reluctance of governments to have their activities examined minutely by committees and of ministers to appear in the house and answer questions raised by their backbenchers.

Committee procedures
Committee members are briefed in private by the clerk and/or consultant(s) prior to public meetings held to take testimony to supplement other sources of information. These hearings are similar to American legislative hearings with witnesses being accorded the opportunity to read prepared statements and committee members questioning the witnesses. In contrast to the practice of a number of American legislative committees, clerks and consultants do not question the witnesses as this function is reserved to committee members.

All meetings of committees, including private ones, are tape recorded. A stenographer is present only at public committee meetings and the stenographic record is the official record.

The Fourth Joint Committee on Commercial State
Sponsored Bodies decided to adopt the same procedures for the conduct of enquiries that had been adopted by its predecessor — the Joint Committee on State-Sponsored Bodies.

1. The state-sponsored body involved was asked to submit a memorandum by a specified date. The body was also asked to supply copies of its reports and accounts in respect of the previous five years.
2. The relevant government department was asked to submit a memorandum by a specified date.
3. When it was likely that certain other organisations/individuals would have views which would be of interest to the committee, they were invited by letter to make submissions by a specified date (e.g. about 25 local authorities were invited to make submissions in relation to the one state-sponsored body).
4. Notice of the enquiry was published in the daily newspapers; a deadline for the receipt of submissions being specified.
5. Each member of the Dáil and of the Seanad was notified of the enquiry by circular letter, a deadline for the receipt of submissions being specified.
6. When it was considered worthwhile, members visited the headquarters or other centre of operation of the state-sponsored body under examination.
7. When the committee became aware of earlier consultancy reports in relation to the subject of enquiry, copies of them were obtained on a confidential basis.
8. Relevant statutes, parliamentary debates, publications of various official organisations (e.g. Central Statistics Office, Central Bank, ESRI and NESC) and reports in various newspapers and periodicals were obtained.
9. The aforementioned documentation having been evaluated, briefing papers for members were prepared (such papers included views as to the key issues involved and lists of suggested questions for members to put to witnesses).
10. Witnesses were examined. On a number of occasions witnesses from organisations other than the state-sponsored body under review were called.
11. Supplementary written evidence was sought when necessary.
12. Successive drafts of the committee's report and recommendations were prepared.\(^{18}\)

The terms of reference of the Joint Committee on Legislation provide that the government may refer a bill to the committee which can only report findings and cannot make recommendations. The government feared that there would be party divisions on the committee if it could make recommendations. A knowledgeable observer commented in 1986 that 'a sensible committee can structure a report so that it is clear where the Committee stands on the bill'. This statement accords with the practice of the first Director of the New York State Legislative Commission on Expenditure Review, a joint committee, of presenting the findings in such a manner that a reader could infer recommended solutions for problems uncovered.

The Dáil Committee on Public Expenditure had access to an advisory panel of 35 academic and business persons which brought expert advice to bear upon subjects under investigation at no cost to the Committee.\(^{19}\)

Particularly surprising is the absence of party divisions on the committees. To avoid such divisions, one chairman assigned seats by placing name tags around the committee table to ensure that members of the government side did not sit on one side of the table and members of the Opposition on the other side. The topics selected for investigations by the committees have facilitated a consensus approach as they have not been topics included in party manifestos.

**Subcommittees** A United Kingdom House of Commons report contains a straight-forward statement that 'there is only very limited scope for the establishment of subcommittees of select committees mirroring departments.\(^{20}\) Only the Foreign Affairs, Home Affairs, and Treasury and Civil Service Committees are authorised each to appoint one subcommittee, and each has done so.

In the Republic of Ireland, a number of committees appointed subcommittees which perform a very useful function
in dealing with specific issues assigned to them by the main committees.

Publicity Deputies freely admit that they seek publicity. Alan Shatter, TD stated in the Dáil in 1983 that ‘what most deputies are doing in this House is role playing. This House is very much like a stage ... we play to the gallery’.21 *The Irish Times* commented editorially in 1985 that ‘while some useful work has been done by the Oireachtas committees, they have been used as much for publicity-hunting as for investigation’.22

The select committees provide members in general, and the chairpersons in particular, with ample opportunities to obtain personal publicity. Members evince great interest in obtaining media coverage; one committee times the release of its reports for the quiet periods of the Dáil’s week to maximise media coverage. Members of a second committee view it as giving them a profile they otherwise would not have and are particularly interested in public meetings with witnesses and the press in attendance.

The media coverage of committee reports and the debates of the reports in both houses generally have been good. Nevertheless, two complaints have been directed against the committee system, i.e. leaking information to the media and seeking publicity for purposes of personal political advancement. These types of charges commonly are levied against committee chairpersons, and occasionally ordinary members, of legislative committees in the United States, and may be viewed as inherent in the political process if a committee system is employed.

Committee reports
Dáil Éireann since independence has had a Committee on Public Accounts patterned after the Public Accounts Committee of the House of Commons which examines the reports of the Comptroller and Auditor General, a constitutional officer. The twelve-member committee has a chairman elected by its members who is a senior member of the Opposition. The committee avoids issues of public policy and only examines public accounts to determine whether funds have been authorised and efficiently expended.23 In practice,
the committee typically limits its activities to an examination of the report of the Comptroller and Auditor General, and members seldom raise questions in examining departmental accounting officers other than ones raised in the Comptroller's report.

Eunan O'Halpin concluded that only two Chairmen 'since the mid-1950s had a good grasp of the issues involved' and added that most deputies 'come unprepared to meetings, and few appear to have a definite idea of what it is they should be doing'.

In establishing a new system of select committees in 1979, the United Kingdom government included no specific provisions in the terms of reference for each committee to have its reports debated in the House of Commons although the Leader of the House declared that the government planned to increase the priority for debates on such reports.

Relative to the new Oireachtas committees, a Dáil motion for only the Committee on Public Expenditure originally provided for its reports to be debated in the Dáil — three hours must be set aside for debate within twelve sitting days after the Committee have laid the report before the Dáil. This specific arrangement was rescinded in November 1986 though all committee reports now may be debated in private members' time under revised procedures. Reports of some committees, however, have been debated in the Seanad.

**A preliminary evaluation**

As noted in an earlier section, Fianna Fáil leader Charles Haughey had reservations about the committee system when the proposal to establish it was debated in the Dáil in 1983. He expressed particular concern relative to the staffing of the proposed committees in view of the small size of the Dáil. Absences have been a problem on some committees. As the novelty of the new committees began to wear off, there has been a decline in member attendance at meetings.

The second Leader of the House, Minister Sean Barrett, indicated in May 1986, that he wanted to reduce the number of committees by merger and make greater use of subcommittees. In addition, he expressed the view that the number of deputies serving on more than one committee should
be reduced and Dáil debates on reports of the Committee of Public Expenditure should be terminated with ministers meeting with committees to discuss their reports. This change was incorporated and the new arrangements made in the Order of the Dáil of 20 November 1986.

Deputy Haughey also feared that there would be a lack of media coverage of committee activities and debate by backbench deputies would be restricted because ministers might refuse to answer questions on the ground the issues were being considered by committees. To date, these fears have not materialised.

**Relations with senior executive officials**

Establishment of the new committee system was an initial shock to a number of senior executive officials invited to testify before the committees. Secretaries and Assistant Secretaries of departments of state and senior officials of state-sponsored bodies (SSBs) were not accustomed to being questioned in public by skillful interrogators, i.e. deputies and senators. As a consequence, senior executive officials had to undergo a learning process to develop competence in responding effectively to questions raised by deputies.

The initial complaint raised by senior executive officials was that there were no ground rules for the witnesses. The chief executive of a state-sponsored body interviewed in 1985 said he was convinced that civil servants were treated better by the Joint Committee on Commercial State-Sponsored Bodies than were senior officials of SSBs. On the other hand, a knowledgeable observer stated in 1986 that SSB chief executives have been more forceful than senior civil servants in testifying before committees and in protecting SSB 'turf'.

Senior executive officials, in particular, believe they are going to be pilloried by the committees which will place the officials in a position where they cannot defend themselves. On two occasions, the Department of Energy did not allow its officials to attend a meeting of the Joint Oireachtas Committee on Commercial State-Sponsored Bodies to discuss Bord Gais and in effect informed the committee, 'you already have spoken to Bord Gais officials and you have learned all you can from the Bord. All that is left is policy and we do not intend to
discuss matters of policy with the Committee'. Similarly, the Department of Communications and the Department of Finance refused to send officials to give oral evidence to the committee relative to the appointment of a liquidator for Irish Shipping Limited.

Although civil servants were cooperative, one civil servant thought it would be inappropriate for him to attend a committee meeting and he notified the committee of his decision. The civil servant was informed by the chairman that he would send for the Secretary if the civil servant did not attend the meeting and the chairman would send for the minister if the Secretary did not come to the meeting.

Deputies are aware of the problems created by the new committee system for senior civil servants. Hugh G. Coveney, TD (Fine Gael) stated in 1984:

The work of the Committee could easily be described as some kind of a witch-hunt against the Civil Service but it should not be so described. Sometimes we are so concerned to get the message across that is not what we are at, we forget it cannot be a bed of roses for the Civil Service at times. Our terms of reference are so probing that no civil servant can feel completely happy at times about the nature of our inquiries. We sent a circular to all Departments emphasising that the purpose of the inquiry was not to fault ... Civil servants know that the purpose of the Committee is to find fault, not in personal but in a constructive way ... 29

A senior civil servant interviewed in 1986 stated, ‘civil servants believe that the Committee on Public Expenditure wants them to indicate who took the decision. Many civil servants believe the Committee knows who took the decisions but want the civil servant to publicly state “the minister directed that I take the decision”.’ A second senior civil servant reported that civil servants ‘feel that committees want to question policy not facts’. A third official stated that many civil servants resent being blamed for problems resulting from decisions made out of political expediency.

Operating under the ‘corporation sole’ concept, civil servants are not allowed to express personal views and they may be
pilloried in the media for a departmental decision which they oppose. They are confined to defending the minister’s decisions on various controversial material.

The Department of the Public Service on 14 November 1983, and 24 February 1984, issued circular letters containing ‘Guidelines for civil servants appearing before or providing information to Oireachtas committees’. The latter superseded the interim guidelines contained in the former. The introduction to the guidelines stresses that ‘a civil servant who appears before, or provides information to, an Oireachtas Committee does so on behalf of his Minister who, as a corporation sole, is legally responsible for the official acts of servants ...’

Civil servants are warned that oral or written evidence given to a committee may be published and ‘regard should be had to the provisions of the Officials Secrets Acts’.

The circular letter contains the following guidelines for the giving of oral evidence:

5.1 When a Department receives a request from a committee to supply oral evidence, it should first clarify with the Clerk the likely area of questioning and whether the examination is to be conducted in public or private session. Where feasible, and as considered necessary, a position paper, outlining the official view on the subject involved, should be prepared for issue to the committee prior to its examination of the witness. The agreement of the responsible Minister should, as appropriate, be obtained on:

- the nomination of the civil servant(s) to represent the Department;
- the general lines of any evidence proposed;
- the contents of the position paper;
- the withholding of any relevant information (see 7 below).

5.2 During his examination, the civil servant should use the position paper as his main source of reference. If asked to elaborate on a point in the paper, he should respond appropriately in accordance with the general lines of his proposed evidence. The same approach should be adopted if information is sought on points not covered by the paper.
While it is the duty of civil servants to be as thoroughly briefed as possible on the subject matter of the examination, circumstances may arise where the witness may deem it injudicious to answer a question where he:

(a) does not possess the required information; or
(b) may consider that the information he has is not sufficiently accurate; or
(c) may judge that in answering he would infringe on the terms of 7 below.

In such cases, the witness should offer to check the matter further and to supply a note on it subject, where appropriate, to the agreement of his Minister (which, in the case of (c), may indicate that the information cannot be supplied).

The guidelines contain severe restrictions on the provision of evidence relating to the collective responsibility of the government, secret or confidential information, legal matters, and policy matters. An executive official may not provide an Oireachtas committee with evidence that would not otherwise be provided in response to parliamentary questions and specifically may not provide evidence with respect to:

- the advice given to ministers by their departments;
- inter-departmental exchanges on policy issues, including advice contained in proposals submitted to government;
- the level at which decisions were taken;
- the manner in which a minister consulted his colleagues.
- government decisions not previously made public except with specific ministerial authorisation;
- government procedures not previously made public;
- the existence or work of government sub-committees not previously made public.

In the area of policy, a senior civil servant is limited to 'explaining existing policies as outlined by Ministers/ Government'.

With respect to state-sponsored bodies under its jurisdiction, each department is advised to keep in close contact with an
SSB requested by a committee to supply information and the SSB is directed to provide its department with advance copies of written evidence and discuss with the department the evidence. Departments also are advised to prepare guidelines for SSBs under their respective jurisdictions and make them ‘available on an informal basis to State bodies under their aegis’. Several departments held mock committee meetings for senior civil servants to prepare them for appearances before the committees. Nevertheless, interviews with senior civil servants revealed a consensus that the guidelines are inadequate and that there is a great need for a more ‘open’ system of governance. The guidelines do not prepare senior civil servants fully for the types of questions raised by members of Oireachtas committees. A senior civil servant reported in 1986 that ‘if you gave a reasonable answer, you are into personal opinion and you must give factual information’. He added ‘you cannot say “that was not my decision” or “it was the Government’s decision”’.

Open governance
The new investigatory system is generating pressures within the civil service for opening up the governance system by repealing the Official Secrets Act and modifying significantly the ‘corporation sole’ concept. Anonymity is essential for the protection of civil servants under the concept. Any modification of this concept will necessitate a new mechanism for holding civil servants accountable.

The government naturally desires to withhold information from parliament and the public in order to weaken and/or prevent attack on government policies and practices by the opposition party. A senior civil servant interviewed in 1986 opined that ministers want to maintain an aura of infallibility or near infallibility and removal of secrecy would reveal that ministers are subject to human faults.

Concern also is expressed about the health of the democracy in a period when powerful organised interest groups — labour and business — deal directly with the government and ministers who make decisions outside the Dáil. The exclusion of citizens and parliament from full knowledge of and participation in
the process of reaching important public decisions suggests that a democratic system is being converted to some extent into a non-hereditary aristocratic system.

In proposing the reform of the Dáil in 1980, Fine Gael stressed that it desired to make 'the process of Government decision making more public' and noted that 'at present much material which could be made public is unnecessarily kept secret by Government departments'. The Fine Gael report acknowledged that opening to public inspection all government documents prepared in the expectation that they would be confidential would create problems as 'certain internal communications of the Government and Civil Service must always remain private. Therefore, the retrospective release of files would be very costly because it would involve re-opening of tons of files to decide whether or not they were in whole or in part suitable for publication'.

The Report proposed:

that a code of practice of access to official information, solely to be applied to Government documents of the future, be drafted. The enforcement of the code would be the responsibility of the Ombudsman who is to be appointed in the near future. The drafting of the code would be the responsibility of a select committee of the Dail and Senate, which would take evidence from Government Departments and outside interests. The code, so drafted, would have to receive final Government approval before taking effect.

Although an Ombudsman has been appointed, a code of practice of access to official information has not been drafted.

A senior civil servant stated in 1986 that ‘everyone has to be in favour of opening up the system’ because ‘an open system imposes discipline on civil servants and Ministers’. He added that civil servants currently write ‘loose memoranda’ knowing that the memoranda can be polished at a later date and, fear that with an open government such memoranda might appear in The Irish Times and be attributed to the authors. In the interviewee's opinion, an open system has an in-built incentive for civil servants to ensure that records are accurate and available. Ministers also will face a new discipline as an open
system, will ensure that public policy decisions are made on the basis of proper information.

The same interviewee predicted that civil servants would be more careful and take more time in preparing memoranda, and also would not write as often for the files as in the past. Instead, he anticipated that civil servants will carry on their functions by speaking to other civil servants rather than preparing memoranda.

The 1974 New York State 'Freedom of Information Law' initially had the type of impact predicted by the interviewee as civil servants either wrote fewer memoranda or maintained two sets of files, i.e. a set of official files and a set of private files. Civil servants feared that media representatives, candidates for political office, and citizens would rush to inspect the files. The fear did not materialise and civil servants returned to their custom of writing memoranda.

It is impossible to draw a precise dividing line between confidential and public information. Since confidentiality can be employed as a shield to hide unethical actions or unwise policy decisions, a mechanism is needed to resolve disputes regarding the disclosure of official information marked confidential. The 1977 New York state legislature established a Committee on Public Access to Records charged with developing guidelines for the release of official information by state and local government agencies, and providing advice in the event of a dispute.

To prevent undue encroachment on personal privacy, the New York State Committee on Public Access to Records may promulgate guidelines for the deletion of identifying details for specified records that are to be made available to the public. Examples of the invasion of personal privacy include disclosure of medical or credit histories, and personal references of applicants for employment containing information confidentially disclosed to a state agency or municipality and parts of investigatory files compiled for law enforcement purposes.

Writing in the *Ohio State Law Journal* in 1984, Professor Robert G. Vaughn recommended that Congress establish an agency similar to the New York State Committee on Open Government, as such an agency 'would prudently begin the
development of the administrative alternatives necessary to preserve the concept of freedom of information'.

In a 1985 White Paper on the public service, the government announced its decision to establish Executive Offices to which ministers will be authorised by law to transfer work by ministerial order with the consent of the Minister for Finance and the Minister for the Public Service, 'subject to affirmative resolution of each House ...' As a result of the transfer of work, the Minister will no longer be accountable to the Dáil for the daily operations of the Offices.

If the decision to establish executive offices is implemented by legislation, senior civil servants in charge of the offices will be freed of the 'corporation sole' concept and will be able to answer committee questions more freely. The government's proposals, however, do not include the repeal of the Official Secrets Acts and the accompanying Circular on Official Secrecy and Integrity. As a consequence, senior civil servants in charge of the Executive Offices will be inhibited in responding fully to questions raised by members of Oireachtas committees.

Committee overlap
Concern has been expressed about the number of committees and the time demands placed upon committee members. Committees sit during Dáil and Seanad sessions, thereby reducing attendance in the chambers while committee meetings are in progress. Furthermore, some deputies serve on more than one committee, which complicates the setting of times for committee meetings, and a large percentage of the approximately one hundred and eighty available members of the Dáil and Seanad sit on one or more local authorities, which limits the time the members can devote to committee work.

The early operations of the 'Committee on Public Expenditure led to charges that it was encroaching upon the remit of the Committee on Public Accounts. A senior civil servant commented on this charge by pointing out 'it is up to the Committee on Public Accounts to resist encroachment by the Committee on Public Expenditure'. Chairman Michael Keating of the Committee on Public Expenditure responded in the Dáil on 25 October 1984 to reports of friction between the two committees in the following terms:
there has been a growing and good liaison with the Committee on Public Accounts. In the beginning there were obviously some difficulties in clearly delineating the terms of reference and ensuring that there was no overlapping or duplication in our work ... we have established a liaison with that Committee on a regular basis. Regular meetings of an informational nature take place between the Chairman of the Committee and myself. The earlier difficulties have been eradicated.48

Deputy Gay Mitchell, however, in the same debate expressed disappointment with the Committee on Public Expenditure and added:

In his introduction the Chairman said that the work of the Committee was to review and assess virtually all the moneys spent. That is not the work of the Committee. It is the work of the Committee of Public Accounts. This Committee has failed to come to terms with its own terms of reference ... They are doing what their report criticises the Civil Service for doing: duplicating, overlapping, and thereby wasting public money.49

In debating the establishment of the Committee on Public Expenditure, Opposition Leader Charles Haughey in 1983 questioned the wisdom of having two committees with a similar remit:

Apparently the Secretary of a Department and his panoply of officials will go to the Committee of Public Accounts and give all the explanations and justifications for items of historic expenditure. The same set of officials will go to another committee where they will be asked to justify and elaborate on current expenditure. I am not too sure that this division needs to be made, because even the expenditure which is examined by the Committee of Public Accounts in a historic context is still ongoing. Perhaps that is something that could be looked at: whether or not this new Committee on Expenditure should not be merged with the Committee of Public Accounts, with one committee being given a mandate to review all expenditure, historic, ongoing, and future.50
An interviewed senior civil servant stated that the Committee on Public Expenditure deals with on-going expenditures but must go back into the history of current expenditures in order to write good reports. This civil servant reported in 1986 there was 'no real friction between the two committees today'.

The White Paper on the Public Service referred to the traditional role of the Committee of Public Accounts as being confined typically to an ‘examination of possible waste or misuses of public moneys. Certainly, the Committee does not go into questions of effectiveness, that is, whether programmes achieve their objectives’. The White Paper announced that the government would propose the establishment of a new Committee of Public Management of six or fewer members drawn from the two existing committees that would be charged as follows:

The new Committee would have the remit of examining and reporting on the adequacy of the systems used to ensure the efficient management of departments including the extent to which aims and objectives are clearly defined, staff and other resources cost-effectively deployed, and the outcomes monitored. The Comptroller and Auditor-General would be given additional staff with the necessary skills to enable him to assist the new Committee.

To date, the proposed new Committee has not been created.

**Committee impact**

Few observers of the Oireachtas would quarrel with Basil Chubb’s comments relative to the quality of debate:

debates are often discursive, uninformed, and sometimes, except perhaps to the speaker concerned, irrelevant to the major issues of the topic under discussion. In any case, the quality of debate depends inevitably upon the quality of the information available. Too often, Ministers briefed by their civil servants are the only well-informed participants. The Opposition and ordinary members generally have no comparable resources for acquiring and appraising information.

The new committee system was designed in part to remedy
the problem of lack of information for ordinary members of the Oireachtas. The government in its National Plan (1984) indicated satisfaction with the new system.

The most visible reform has been the establishment of an extensive range of Oireachtas Committees ... Most of the Members of the Oireachtas have an opportunity to participate in the work of these Committees and the evidence to date is that the public have taken a close interest in their proceedings.

In a less complex society, public representatives generally were competent to judge the quality of proposed solutions to public problems and ensure the interests of the citizenry were served and protected. Today's public problems and solutions often are of a technologically sophisticated nature beyond the comprehension of the typical public representative. Consequently, expert technical advice on proposed legislation and current government programmes is essential and a mechanism is needed for identifying and channelling needed expertise into the legislative process. The public meetings of the Committees are important mechanisms to bring expert advice, often free of charge, to bear on public problems.

The division of labour, by means of committees, allows members to develop a degree of expertise on particular subjects. Service on committees, especially as chairman, may be viewed as apprenticeships or training grounds for future ministers and ministers of state. Maurice Manning, TD stated in the Dáil in 1983:

Ministers are very often chosen without any specialist preparation for the enormous portfolios they must administer and we can see in this system an amateurish approach. Committees will at least allow members to specialize so that when they show expertise in a particular area they will be serving their apprenticeship for a Ministry at a later date and will be better prepared than would otherwise be the case.

Although the Minister for Finance, Alan Dukes, TD, quarrelled with the Committee on Public Expenditure over its remit, he agreed in general with a report issued by the Committee.
The Committee discussed aspects of the Public Capital Programme with the Minister and he agreed generally with the Committee’s findings on lack of control in some areas of capital expenditure. The Minister stated that the present system of payment of fees to professional consultants would be changed following discussion with those bodies.\textsuperscript{56}

Minister for Labour, Liam Kavanagh, TD, speaking for the absent Minister for the Public Service in the Dáil in 1985, expressed satisfaction with the Committee on Public Expenditure’s report on the Department of the Public Service.

Many of the report’s findings mirror the Minister’s thinking and, indeed, that of the Government. Others represent the view from a slightly different angle and provide an additional insight into the problems of the public service today...

The Minister commends the report to the House therefore as a valuable input to the process of public service renewal.\textsuperscript{57}

Commenting on the report by the Committee on Public Expenditure on the control of capital projects, the Minister of State at the Department of Finance, Joseph Bermingham, TD, said:

It is a pity that what could have been an excellent report should have been spoiled by some instances of what I can only describe as less than fair and less than objective reasoning and comment. Lest I should be accused of being only critical, I want to assure the House that I support much that is in the report.\textsuperscript{58}

Referring to the same report, the then Minister for Finance Alan Dukes stated, ‘I agree with the Committee that the state of affairs existing before the implementation of Circular 1/83 [appraisal of capital projects] was in many regards most unsatisfactory’.\textsuperscript{59}

The above ministerial comments indicate that the reports of the Committee on Public Expenditure are having some impact upon executive policies. Nevertheless, there is no evidence that fundamental change is occurring in the governance system as the result of the activities of this Committee and other committees.
The new committee system is forcing senior executive officials to justify their positions with facts and explain alternative courses of action, thereby improving executive accountability. Committee probing, while increasing work for senior executive officials, can sharpen and increase administrative efficiency. In spite of the negative experience of a few senior executives in their early appearances before committees, the committees serve as contact points for members to gain a better understanding and appreciation of the role played by the officials and the problems they encounter in carrying out their duties. Michael O'Kennedy, Vice Chairman of the Committee on Public Expenditure, stated in 1985:

It is not just a question of our having the opportunity of criticising the public service. Equally, what we must encourage . . . is that public servants would, in a very healthy and outspoken way, also tell us where we . . . create conditions that they find incur extra public expenditure.60

Establishment of Executive Offices free of day-to-day ministerial supervision should result in senior officials of these Offices being more forthright in responding to committee questions. They should find the committees to be useful vehicles for allowing the officials to offer explanations and views in public that previously they were unable to present because of the 'corporation sole' concept. SSBs quickly learned that the Joint Oireachtas Committee was an asset for SSBs. They were enabled to give information to a committee that otherwise would not have been allowed by the parent department to be presented publicly.61 Nevertheless, the senior officials of Executive Offices and chief executives of SSBs will have to be extra careful in the future because a program audit may, like the Sword of Damocles, be hanging over their heads.

Conclusions
A review of the new Oireachtas committees, their reports, and parliamentary debates on the reports reveal that the committees have been successful to an extent in obtaining information needed to make useful recommendations for improving the system of control. Full information, however, has not been provided to the committees, particularly where departments
have refused to allow officials to testify at committee meetings. The difficulties experienced in obtaining desired information in part are traceable partially to the lack of committee specialist staff.

A number of state legislatures in the United States, operating under the principle of separation of powers, decided to establish legislative reference or research bureau as the most effective mechanisms for gathering facts. The New York state legislature created such a bureau as a branch of the state library in 1890, but the first full-fledged bureau was established by the Wisconsin legislature in 1901. At the request of a member of the legislature or a committee, the professional researchers on the bureau’s staff prepare digests of information on simple and complex subjects. The services of these bureaux have reduced substantially the fact-gathering burden of legislators and have permitted them to function more effectively as lawmakers.

Backbench legislative committees with minimal staff resources can play only a miniscule role in policy-making. Only if fortified by an adequate staff of professional researchers can the committees play a greater role in the governance system. Whether any government will be willing to provide the committees with such a staff is questionable. The Oireachtas operates in a political culture in which traditions are deep-rooted. Hence, it is more probable that change within the Oireachtas will continue to be gradualist in nature.

How long the committees will be able to operate on an all-party consensus basis remains questionable in view of the establishment of the Progressive Democrats party and the greater significance of The Workers’ Party. Initially, there are many subjects that are ripe for investigation and merit an all-party approach. In time, however, committees may begin to probe divisive areas.

In sum, the new committees expand slightly the perimeters of the decision-making process, yet the committees apparently will continue to be very minor change agents in the foreseeable future and will not cause a government to fall. From the government’s standpoint, the committee system provides them with an opportunity to reward backbenchers by asking them to chair committees.
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41.
Dr Tom Walsh: An Obituary

Tom Walsh was a man of many parts and a man for all seasons. The diversity of his involvement and the scope and content of his contribution reflected the rich bounty of his talents. But talents are not always applied, or used to best effect. In Tom's case, they were harnessed by his character and exploited by his indomitable commitment to his fellow-man and woman and to this country.

Tom was a man of high intellect as witnessed by his academic, research, and administrative achievements. He was also a leader and motivator; ambitious for his organisation and his people; a 'doer' — ever concerned with the 'job of work to be done'.

He was a man of no personal conceit, carrying his distinctions so lightly as almost to dissemble the intellectual and other qualities which secured them. He was, in truth, a man of the people. He was, however, also a formidable protagonist, with a highly developed political sense and sensitivity. He appeared equally at home in the realms of scientific and academic discourse and in political and administrative negotiation.

On another plane, he readily accommodated the positive virtues of practical patriotism with a passionate international interest and commitment. And these were but some of the facets of his protean personality.

Tribute has already deservedly been paid elsewhere to Tom's innovative and developmental role in the fields of agriculture and education; to his work as the first director of An Foras Taluntais and of ACOT; to his role as chairman of the NCEA. Reference has also been made to his involvements as chairman of DEVCO and of the Advisory Council on Development Cooperation, not to mention his role in the Royal Irish Academy and sundry other bodies.

We, in the Institute of Public Administration, also took advantage of his lavish generosity of spirit and other gifts. At our invitation he delivered the third of the series of Kane lectures in the Royal Dublin Society in May 1970 on what was then — and, indeed, continues to be — a very apposite
theme: research institutes and public policy. The paper was subsequently published in this journal (Autumn 1970, 18/3). His thinking on the subject; his emphasis on the need for a mission-oriented programme of research to meet the needs of public policy; and his distinction of 'mission-oriented' from 'applied' research were all particularly relevant to the circumstances of the time and undoubtedly influential in a developing dialogue about research policy and the management of research.

Tom again contributed to Administration a few years later when he provided an introductory article on 'Administering a Research Organisation in Changing Times' in a specially commissioned issue (Summer 1973, 21/2) to mark the fifteenth anniversary of the establishment of An Foras Talúntais. The confidence born of progress and achievement over that period was reflected in such statements as 'There is little need to argue here the case for research. It is now fully accepted that knowledge is a production resource as well as land, labour and capital, and in fact it is the vital component which enables us to maximise the benefits arising from the other factors.'

Tom was a vice-president of the Institute of Public Administration from 1972 to 1985. Not surprisingly, he was a member of a Vice-Presidents' Working Party in 1972-73 on the development of administrative research which recommended that a research function and presence should be provided in the Institute. The working party was instrumental in helping to secure support from the Department of Finance for this purpose.

Tom was supportive not only of research, but also of training. He introduced a systematic training programme for research and other staff in An Foras Talúntais and commissioned an extensive input to this programme from the Institute — with particular emphasis initially on the development of personal skills and later on the management of research.

He was later to provide support to another Institute activity when, as chairman of the NCEA, he presided over the process which led to that body recognising the Institute's diploma course in public administration as having degree status.

His contacts with the Institute were, indeed, manifold. The
Institute, by reason of its involvement in development cooperation, was a founder-member of DEVCO — the consortium of state bodies and institutes working in and with developing countries. Tom succeeded Brendan O'Regan, the first chairman of DEVCO, in 1978 and continued to lead it with vigour until his demise. Because of the Institute’s involvement in training for officers of An Garda Síochána we encountered Tom again in his role as chairman of the Garda Training Review Body, and of an ad-hoc committee on research under that body.

In all of his manifestations, Tom was fearless and forthright, leading, driving and energising his colleagues. Such was the life force in the man that it is all the more difficult to comprehend his departure.

In his article on An Foras Talúntais, to which I have already referred, Tom commented ‘To a certain degree, it has become autocatalytic, creating its own momentum and thrust, while reacting positively with other organisations and contributing to national advance.’ Surely the comment was no less applicable to himself. Ar dheis De go raibh a anam.

CON
7. If illustrations such as line graphs are included in an article, they should be submitted in finished form.

8. Other points to note in preparing typescripts are as follows.

- Spell out %, eg. 51 per cent of the population, 33 per cent of GNP.
- Use single quotation marks, eg. 'The splendour falls on castle walls'.
- Treat acronyms as a block without full stops, eg. EC, USA, OECD.
- Indent each paragraph in the typescript by three letter spaces, except after the title of the article, subheadings or after indented matter such as long quotes.
- Use 's' spelling rather than 'z', eg. realise, economise, professionalise.
- Treat dates as a unit without punctuation, eg. 1 August, 30 July 1957, 10 April 1916.
- Put reference numbers in the text in superior numbers, eg. 'This allowed for a greater degree of concentration of studies.'