

# **Citizen attitudes to popular engagement in the process of constitutional reform**

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### **Abstract**

This paper examines the attitudes of university students to popular engagement in constitutional reform. It suggests that their levels of interest and knowledge on constitutional reform are influenced by a perception that constitutional issues are of remote importance to everyday lives, a desire to discharge one's civic duty, and access to information. It further suggests that the way in which future opportunities to engage in constitutional reform are received will depend upon an interplay of individual interests in one's free time and personal concerns, and a wish to contribute meaningfully to constitutional debates. In addressing these questions, this paper draws on conceptual approaches in political participation literature, in particular a delineation between ability, motivation and opportunity as explanatory components. This paper, which is one component of a larger study on popular engagement in the process of constitutional reform, draws primarily on focus group data collected by the author, supplemented by survey data and documentary material related to constitutional debates in the period 1989-2000.

## I INTRODUCTION

Popular engagement in the process of constitutional reform is one of the hallmarks of Australia's constitutional system. The Constitution itself was approved by members of the general public in popular referendums, and section 128 of the document entrenches the role of Australian voters in endorsing amendments to it. Indeed, it has been argued that the movement towards federation itself was revived by a proposal to enhance public involvement through the mechanism of popularly elected constitutional conventions (Irving 1997, Chapter 8; Quick and Garran 1901, 154).

In recent decades, however, there has been growing concern that the level of popular engagement in the process of constitutional reform is inadequate. It has been observed that lay citizens have no formal role to play in the long process that precedes a referendum, during which the reform proposal is framed and debated upon (Saunders 1998, 869). There has been concern that Australians are insufficiently informed about referendum proposals when they enter the ballot box, and criticism of public education campaigns for failing to convey civics information effectively (Williams 2008; Uhr 2002). Numerous surveys have found that Australians possess low levels of knowledge about their Constitution and system of government; among them are a 1994 survey which found that just 18 per cent of Australians showed some degree of understanding of the Constitution (CEG 1994). The poor success rate of referendums – just eight of 44 proposals have passed since Federation – has led some to wonder whether voters are suspicious of politicians' attempts to alter the constitutional text (Saunders 1998, 869; for an opposing view, see Galligan 2007). There is also a more general feeling that Australians have little interest in their Constitution or attempts at constitutional reform. Greg Craven (2004, 9), for example, has written that '[s]aying the Australian Constitution does not have a strong hold upon our popular imagination is like saying fish

survive better in water than on land... Our Constitution is regarded as, in a word, dull: in three words, very, very dull'. Indeed, a 2004 inquiry into the merits of amending section 57 of the Constitution (on resolving Senate deadlocks), initiated by the Howard government, did nothing to contradict this impression. The inquiry's report expressed disappointment at the lack of public interest, observing that '[a]ttendance at the public meetings was minimal and the lack of any positive community response suggests that there is at least widespread public indifference to the government's proposals' and, further, that there is 'substantial public indifference to constitutional reform generally' (CGCC 2004, 9, 29).

Concern about popular disengagement from the process of constitutional reform has prompted increasing calls to address it. In the 1990s, the Constitutional Centenary Foundation was formed to help address public indifference to constitutional reform; while it proved effective in many respects, it lacked sufficient resources to reach a large percentage of the population (CCF 2000; Saunders 2007). More recently, a Senate Committee inquiry into the republic issue referred to 'the crucial importance of engaging the Australian people and giving them ownership of their Constitution', and recommended renewed efforts to educate and actively involve Australians in the process of constitutional reform. (SCLRC 2004, 136). George Williams (2008, 37) has urged that future constitutional change be led from the 'ground up', arguing that 'we need a forward-looking agenda that educates people and encourages them to be involved'. In response to criticism that previous debates on constitutional reform have not provided the general public with enough opportunities to get involved, it has been suggested that future debates include more such opportunities, including through the use of the internet, deliberative conferences and regular constitutional conventions (see, eg, views expressed in HRSC/LCA 2008).<sup>1</sup>

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<sup>1</sup> The desirability of having more popular engagement in the process of constitutional reform is, of course, open to dispute. The purported benefits advanced by advocates include increased civics-related knowledge, more legitimate referendum outcomes, and increased public ownership of the Constitution and system of government

One of the weaknesses of this debate is that it has proceeded with a mostly unreflective approach to the factors that might be influencing existing levels of popular engagement in the process of constitutional reform. If Australians are indifferent to issues of constitutional reform, why is this case, and how feasible is it to call for the public to participate more actively in it? These are some of the questions which I explore in this paper. It is with respect to these sorts of questions that the literature on political participation offers conceptual tools that assist in providing valuable insights.

One of the main explanatory models of political participation views it as the product of a complex interplay of ability, motivation and opportunity (Luskin 1990; Verba et al. 1995; applied to knowledge, Delli Carpini and Keeter 1996). This is a useful model to apply to the question of engagement in constitutional reform because it helps to delineate the different components of participation, and fosters understanding of how they relate to each other. Under this model, political interest and knowledge (and information) are understood as attitudinal or motivational factors that contribute to an individual's likelihood of participating in political life. Along with other factors such as political efficacy and civic duty, they are seen to contribute to a *predisposition* to participate (Verba et al. 1995, 334). The other explanatory factors are, of course, needed to provide a complete picture of political participation. An individual's ability or capacity to participate is seen to rest on the availability of resources such as time, money and civic skills, and these in turn are understood to be more concentrated in individuals of higher socio-economic status. The availability of opportunities to participate is also considered significant for its effect on mobilisation, and will likely vary across socioeconomic classes (Leighley 1995, 188).<sup>2</sup> It is generally accepted that each of the different components of participation influences the other in complex causal

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(Williams 2008). A broader consideration of this topic arguably requires an examination of the theoretical literature on political participation and deliberative democracy, and is beyond the scope of this paper.

<sup>2</sup> Under the Civic Voluntarism model, the mobilisation component of participation is expressed as networks of recruitment, rather than opportunities: Verba et al. 1995.

relationships (Verba et al. 1995, 16), and the nature of those relationships continues to be a source of debate (eg, on the link between factual knowledge and participation in Australia, see Tranter 2007; for an opposing view, see McAllister 1998).

The literature on political participation assists inquiry into popular engagement in constitutional reform in several ways. First, it frames concerns about interest in and knowledge of constitutional issues as questions of motivation or attitude that can be distinguished from more structural factors such as education. Second, it affirms the availability of opportunities as an important component of participation. And third, in apparent contradiction with my first point, the literature encourages an appreciation of the interconnectedness of ability, motivation and opportunity. Taken as a whole, the literature communicates the message that the various factors contributing to political participation, whether with respect to constitutional issues or more generally, are highly complex, but that the right conceptual tools help to make it more understandable.

In this paper I seek to use this basic framework to develop a deeper understanding of the factors that contribute to popular engagement in the process of constitutional reform. In doing so, I draw on focus group interviews I conducted with university students in August 2008; consistent with the data which was generated in those interviews, I mostly confine my focus to factors relating to motivation and opportunity. After discussing the recruitment of my focus groups (Part II), I devote Part III to exploring student attitudes towards issues of constitutional reform and constitutional learning, in an attempt to better understand the reasons behind existing levels of interest and knowledge with respect to constitutional reform. In Part IV, I explore student attitudes towards the possibility of there being a greater

availability of opportunities to engage in future processes of constitutional reform. I offer some concluding observations in Part V.<sup>3</sup>

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<sup>3</sup> This paper is one component of a larger study on popular engagement in the process of constitutional reform. This broader study explores general citizen engagement in constitutional change, drawing on documentary material and survey data collected during constitutional debates in the 1990s.

## II RECRUITMENT OF FOCUS GROUPS

The analysis in this paper is based on data I collected during interviews with four focus groups I conducted in August 2008. In total, the discussions involved 24 people (14 men and 10 women). I recruited participants from the general student population at the University of New South Wales, limiting my selection to Australian citizens. They were recruited through notices displayed on campus and in student publications, and distributed through student email lists. Recruiting in this way achieved my objective of attracting a diverse range of opinions, while avoiding the high financial cost of recruiting from the wider community. Participants were paid \$20.00 for taking part in the 90-minute focus group, to compensate them for their time and travel costs.

Although this paper is focused only on student attitudes, it is worth remarking on the extent to which the study's participants were representative (or unrepresentative) of the broader population. The participants were, on average, younger than the general population, and had completed more years of tertiary education. They were also more likely to have participated recently in political activities. They were, however, broadly representative in other respects, including with respect to ethnicity and household income. Most importantly, the participants' levels of interest, knowledge and trust with respect to politics and constitutional issues were not dissimilar from the general population. The level of interest in constitutional issues varied between participants: some expressed an interest in several issues, others had no interest in them at all, while the majority fell somewhere in the middle. The depth of interest varied, too: some indicated that they followed issues 'extensively', others professed nothing more than a 'vague' interest. Some participants echoed the words of Greg Craven, describing the Constitution as 'very dry', 'dry and confusing' and 'boring'. With respect to knowledge, the focus group participants mirrored the general population in holding significant

misconceptions about the Constitution. Given a list of subjects and asked to indicate which ones they thought were covered by the Constitution, a large proportion of the participants made errors; these included the common misconceptions that the Constitution contains a bill of rights, and mentions the national flag. Given that most Australians do not possess legal expertise, I had deliberately limited my recruitment of law students to four participants, and only one had undertaken studies in constitutional law.

Thus, while I confine my analysis in this paper to student attitudes, it is noteworthy that the constitutional interest and knowledge of the focus group participants was not dissimilar to that of members of the wider population.

### **III ATTITUDES TO CONSTITUTIONAL REFORM AND CONSTITUTIONAL LEARNING**

The focus group discussions presented an ideal opportunity to explore the types of attitudes that might influence existing levels of interest and knowledge with respect to issues of constitutional reform. These discussions revealed a complex array of factors, including a perception of constitutional reform as remote to everyday concerns, civic duty, and ease of access to information.

Before discussing these factors, I will describe the exercise that I conducted to initiate discussion on these issues. First, I asked participants to identify those political issues which were most important to them – this solicited a range of responses, but the issues volunteered across at least three of the groups included the economy, taxation, health, education, the environment, international relations and public transport. I then presented them with a list of six constitutional issues which had appeared in the news in the preceding six months, along with an explanation of each: the republic, the introduction of a charter of rights, federalism, a new constitutional preamble, recognition of indigenous peoples, and the introduction of four-year terms for the federal House of Representatives. As noted in the previous section, most participants indicated only limited interest in them. To better understand the attitudes behind the participants' own levels of interest in constitutional issues, I asked them to indicate how important the six constitutional issues were compared to the other issues which they had previously identified as being important to them.

#### **Constitutional reform as remote to everyday concerns**

The focus group discussions revealed a strong perception that issues of constitutional reform, when compared to other policy issues, are of only remote importance. This was true in two respects: first, that constitutional reform was considered to have little direct impact on their everyday lives; and secondly, that it was thought to be a low priority relative to other policy

concerns. This perception might be understood as capturing the ‘peculiar remoteness’ of constitutional reform, in that it can be viewed as being especially distant from the needs and concerns of everyday lives. As I will explain further below, however, this perception does not necessarily match reality.

It was common across all four focus groups for participants to perceive constitutional issues as have little bearing on their own lives, or on the lives of people generally. Unprompted, participants repeatedly framed constitutional issues as having little ‘direct effect’ on their lives. For example, Martine thought that the political issues which the group had volunteered were ‘a lot more important’ than the constitutional issues because they ‘affect us directly’, and Yasmin agreed, saying that the list of volunteered political issues ‘affects us more directly’ (Focus Group 1 (‘FG1’)). Neil thought that most of the constitutional issues were ‘like little tiny details that aren’t really going to affect anyone really at all’ (FG2). Sean put it this way, as he compared the six constitutional issues with the group’s list of volunteered political issues (FG1):

I’d say that the ones we came up with are more significant just because they really do affect the day to day lives of people, I mean directly, whereas most of the ones you’ve come up with are more moral concepts which can be used to define the nation.

Gemma framed this view in a personal way, saying that: ‘Except maybe for the charter of rights, I would say the [volunteered political issues] are more important because they have a direct impact on me.’ (FG3) This sense of constitutional issues being of remote concern for most Australians was also captured by Kelly, who described the constitutional issue that most interested her – the recognition of indigenous peoples – as ‘an interest to debate about, [but] it doesn’t affect me directly.’ (FG1)

Alongside this belief was a related perception that constitutional issues are abstract by nature, and so have only an indirect application to real-world problems. Several participants, for example, framed constitutional questions as ‘philosophical’ or ‘theoretical’ in nature, while describing other political issues as ‘practical’. Arthur (FG1) thought that ‘the [political issues] are more practical issues on a day to day basis. By far the [constitutional issues] are much more theoretical, it’s more questions that you can’t find any answers to’. Similarly, Naomi said that the list of constitutional issues was ‘more philosophical, it sets the tone for a country’ (FG1). And, as I have noted above, other participants conceived of constitutional issues as debating points or as ‘moral concepts which can be used to define the nation’. The moral or philosophical character of the six constitutional issues was contrasted to the ‘practical’ nature of the volunteered political issues, such as health and education (Waleed, FG3). These issues were considered practical in the sense of having an observable and measurable effect on people’s lives. Questions of constitutional change, for many participants, would struggle to meet such a standard; as one participant put it, the introduction of four-year terms would not ‘make the economy work better or anything like that’ (Duncan, FG2).

Given that numerous focus group participants considered constitutional issues to be of only peripheral relevance to their own lives, it is perhaps not surprising that several participants also viewed constitutional change as a relatively low priority compared to other political issues. For example, while Liz did not think that constitutional issues were unimportant, she thought many of the volunteered political issues ‘need to be addressed immediately whereas something like the republic, I think it’s important but if that happens in six years I’m not too fussed.’ (FG4) Duncan thought that his group’s list of political issues ‘would have far more bearing and effect on the population and how Australia sat in the international community’ than the constitutional issues (FG2). Martine, who expressed support for a charter of rights,

nonetheless accorded it a low priority, saying ‘we don’t have one at the moment but as you can see, there’s not that many human rights being violated and what not so we’re kind of safe’ (FG1). Other participants were reluctant to make a definitive judgment on whether the political or constitutional issues were more important, but settled on the list of political issues as being of higher priority because they were more ‘fundamental’ or more important on an ‘everyday basis’ (Tim, FG3; Ashani, FG4). One participant felt very strongly that most constitutional issues were of no immediate concern to Australia, singling out the republic and preamble as ‘a pointless exercise, as in we could probably do it but we wouldn’t gain anything, if we didn’t do it we wouldn’t lose anything’ (Neil, FG2).

The need to prioritise constitutional reform against other policy issues was also considered necessary with respect to the participants’ motivation to acquire knowledge about the Constitution or a specific issue of constitutional reform. As I discuss below under ‘civic duty’, the dominant view among focus group participants was that possessing knowledge of the Constitution and system of government was important to being a good citizen. By their own admission, however, many of the same participants had significant gaps in their own knowledge of the Constitution and system of government. In other words, the focus groups pointed to an *aspiration* to be knowledgeable about such matters, in recognition of a perceived ideal of responsible citizenship, but there remained a separate question as to the extent to which the participants would be sufficiently motivated to actually go out and acquire that knowledge. This might be interpreted as an openness to learning more about the republic and preamble issues, while falling short of evidence of actual motivation to acquire that knowledge.

The focus group participants queried whether being knowledgeable about other matters was a greater priority than having knowledge of the Constitution and system of government.

Having a general understanding of day-to-day political events, for example, was considered by one participant to be more important than knowledge of the Constitution (Liz, FG4):

I guess I'm not too familiar with the Constitution – I'm not sure that's where I'd be directing my energy so much, but it's very important to me to know about politics, but I don't know whether the Constitution falls under that category because it's not something that evolves but politics does.

Similarly, Ruben considered education important but not a high priority: 'Would I like to know more about it? Sure, but it's not a burning need to learn more about the Constitution. Not a big priority.' (FG2) It was also suggested that some parts of the Constitution are more important to know about than others. For example, Luke thought it essential to learn about those parts of the Constitution which could enhance one's political participation, but less important to learn about the rest: 'There's a lot in the Constitution that people don't really need to know. There's a lot of fluff that's not really important to be able to participate meaningfully in elections.' (FG1) Another participant thought that Australia's relative political stability rendered civics education a much lower priority than other matters, saying that (Arthur, FG2):

I think education about our political system hasn't been too important even in the last century, mainly because Australia hasn't really had much political instability so it doesn't really have to worry about these issues. Not that it's not important, but in terms of priorities it hasn't been too high on the list.

In summary, knowledge about the Constitution and system of government is viewed as important but, when compared with knowledge of other matters, it remains vulnerable to a calculation that its importance is secondary. This finding coalesces with some of the qualitative data collected by the Civics Expert Group in their 1994 study. There, it was found

that a barrier to people acquiring more knowledge was a perception that the issues were not interesting or relevant, and that to overcome this perception the issues needed to be given some ‘real life relevance and “sugar coating”’ (CEG 1994, 135, 137).

So far, I have outlined the dominant view among the focus group participants that their interest in, and desire to learn about, constitutional reform is affected by a perception that such reform is of remote importance to their lives. Without doubting the sincerity of this perception, it might be observed that its accuracy is highly questionable – arguably, it is in fact a misperception. Constitutional issues *do* have a demonstrable ‘direct effect’ on peoples’ everyday lives, even if that effect is not always clearly visible. High Court determinations on constitutional questions regularly affect the lives of individuals and, as the Court’s decision on the validity of the Howard government’s *WorkChoices* legislation showed, sometimes those determinations affect large numbers of Australians.<sup>4</sup> Indeed, Michael Coper (1988, 2) devoted an entire chapter in one of his books to High Court cases that represented ‘graphic illustration[s] of the impact of the Constitution on the lives of individual Australians and on the life of the Australian nation’.

The perceived ‘remoteness’ of constitutional issues might also be questioned from the viewpoint that there in fact exists an interrelationship between constitutional issues and other policy issues, with the Constitution providing an overall framework for the advancement of policy goals in areas such as health, education and so on. This viewpoint constituted a minority opinion in the focus groups discussions. For example, Stephen (FG3) thought that: ‘The constitutional issues on the right are important because they feed into the political issues on the left. Those constitutional issues help set the tone and once you do that you will see the impact of that on the other political issues.’ Ruben expressed a similar view, saying of the constitutional issues (FG2):

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<sup>4</sup> *New South Wales v Commonwealth* (2006) 229 CLR 1.

Some of them seem to sort of flow into those issues, for example, political process, self-regulation, government affairs, that sort of comes into federalism, who should do what, and how you should do it. Four-year terms, [that] also comes into political process.

Luke thought of the Constitution as ‘like a framework, it’s meant to facilitate all of those things happening in government’ (FG1). Federalism, in particular, was seen to be a constitutional issue that affected the advancement of a range of other policy goals. In the words of one participant, ‘federalism affects the delivery of all of those [other] services’; in another discussion, health and education were identified as being inextricably linked with the division of power between the federal and State governments (Luke, FG1; Ashani, FG4). The introduction of four-year terms, also, was seen as a constitutional issue that would influence the effectiveness of government in a range of policy areas. (Liz, FG4; Luke, FG1) When constitutional issues are perceived in this way, the notion of their ‘remoteness’ dissolves because they are seen to have an inextricable connection with other matters of public concern.

The notion of the remoteness of issues of constitutional reform was also challenged within the focus groups by the admission by some individual participants of a special interest in specific constitutional issues. Delli Carpini and Keeter (1996, 187) have noted this capacity of individuals to take a special interest in certain political issues, observing that ‘[a]lthough they lack a more general interest in and understanding of the political world, some citizens may find particular aspects of politics especially relevant and so pay closer attention to them’. In this vein, Luke remarked that (FG1):

A factor for me is what the actual issue is, what the referendum is about because if it’s about the preamble I couldn’t really give a stuff but if it’s about federalism then I’d be much more inclined to participate in a full day debate.

Neil, who had previously expressed little interest in the republic and some other constitutional issues, said that he was willing to be involved in a variety of activities preceding a referendum where ‘it was something that I felt was really important’ (FG2). Similarly, Greg said that ‘for me it would just depend on how strongly I felt about the issue’ (FG4). These responses remind us that any discussion of engagement in ‘the Constitution’ or ‘constitutional reform’ *in general* risks obscuring the special interest that some people might take in *particular* constitutional issues. It may be the case that some individuals are disengaged from most constitutional issues, but have a special interest in others, and this might help provide motivation to engage more deeply.

Thus, it can be ventured that the perception of constitutional reform as remote to everyday concerns is factually inaccurate, and inconsistent with the professed interest of some focus group participants in specific constitutional issues. It is worth noting, however, that objections over accuracy or consistency do not alter the fact that those perceptions were expressed sincerely. This observation is especially pertinent given that the notion of the ‘remoteness’ of constitutional issues is a characteristic feature of Australian debates about constitutional reform. In the public debate surrounding the republic in the 1990s, for example, the letters pages to metropolitan and regional newspapers were filled with statements that other policy issues – such as health, education, crime, unemployment and infrastructure – were more ‘urgent’, ‘constructive’ and ‘important’ than any constitutional change (eg, Drane 1997; Stephens 1999; Reiner and Neische 1999; Rothwell 1999). Similarly, qualitative research conducted for the Referendum Taskforce also found that citizens were far more likely to volunteer an interest in news and current affairs issues they perceived as having relevance to them, including health, education, drugs and local community issues (DPMC 1999, 73).

It seems fair to conclude that the significance and application of issues of constitutional reform are not comprehended as readily as they are with respect to other issues, such as health, education and unemployment. While the importance of being healthy, going to school or having a job is easily understood, the perceived value of constitutional issues remains, for many, abstract or philosophical. This would appear to pose a significant challenge for those who hope individuals will take greater interest in, or learn more about, issues of reform.

### Civic duty

If a perception of remoteness was identified as a factor that would largely depress motivation to take in interest in, or learn about, constitutional reform, a different factor – civic duty – was highlighted as something that might increase motivation to engage.

This came through most strongly in a discussion about the importance of acquiring knowledge about constitutional issues. Some participants, for example, thought that the compulsory nature of voting obliged citizens to learn about those issues. Naomi put this view most directly: ‘Most Australians vote so therefore they should have some understanding of the system.’ (FG1) Greg expressed frustration at people who, in his view, cast votes in the 1999 referendum without sufficient understanding of the issues; he said of constitutional referenda that, ‘Especially if you’re proposing fundamental change, and you’re putting the question to the people, they should have some idea of what they’re voting about.’ (FG4) Others thought that knowledge of federalism was important so that voters could go into federal and State elections with an understanding of the different roles of the respective levels of government. Sean (FG1) said that

federalism should have a greater focus just so people understand when they’re voting for a State government what that’s going to do, and when they’re voting for a federal government what that’s going to do, so they know what can be changed.

Kelly thought that it was important for school students to be educated about the constitutional system, but suggested occasional revision in the years after school to aid people in the process of voting. (FG1)

Others saw knowledge as central to civic activity more generally. Russell tied knowledge to the notion of civic responsibility, saying: ‘Well, the Constitution lays out the whole system of government on federal, state and local levels, and we should know that as responsible citizens.’ (FG4) Liz agreed, saying that ‘I think it’s our responsibility to be educated’. (FG4) Ashani expressed her disbelief at the ignorance of her friends on political matters, and suggested that knowledge was central to being an active citizen (FG4):

[M]y friends have even said, ‘Do you mean we have a Constitution?’, they’re completely unaware about it and I was quite shocked about that and I think it’s really important that they know about these things because it affects them on an everyday basis, and we’re lucky to have these rights. And putting input into what goes on in our country, we need to be actively knowledgeable about what’s going on.

Norman put his views just as strongly, saying: ‘I think that’s our common and mutual responsibility to really be seeking out and sharing the information as much as we can.’ (FG4) Other participants also tied the importance of knowledge to the capacity to take action.

The view that civic duty might be an important motivating factor with respect to constitutional learning was reinforced by an exercise in which participants gave a numerical assessment of the importance of possessing knowledge about the Constitution and system of government. Asked to rate the importance of such knowledge on a scale of 1 (not important) to 5 (very important), roughly two-thirds of respondents rated its importance at 4 or higher, with fewer than one-in-five rating its importance below 3.

Given the participants' own sketchy knowledge about constitutional issues, and the dominant perception that they are of remote concern, it is perhaps surprising that such an emphasis should be placed on the 'duty' element of constitutional learning. This finding ties in with that of Delli Carpini and Keeter who, in their study of political knowledge in the United States, observed that 'there is a unique influence on political learning that sometimes provides motivation unaccompanied by interest: a citizen's sense that paying attention to politics is an obligation or duty' (1996, 185). However, in weighting civic duty as a factor in constitutional learning, it is important to recall that many participants thought that the impetus to undertake such learning might decline when prioritised against the desire to learn about other policy issues.

### Access to information

The focus group discussions revealed a belief among participants that, in addition to perceptions of importance and civic duty, the availability of information on constitutional reform would also affect their engagement with it. In particular, the availability of information that was expressed in plain language, and was reliable, was considered important.

There was a widespread belief that constitutional education, if not the constitutional text itself, should be available in plain language. Liz said of constitutional education that 'the way it is taught is vital... Also, just how accessible it is, it's got to be accessible to all citizens'. (FG4) Norman and Ashani agreed that it must be accessible, even suggesting that the Constitution be simplified into the form of a comic book if that would help Australians understand it better. (FG4) One group thought that the Constitution should be short, and written in easy-to-understand language. (FG3) It was widely remarked that a hurdle to learning about the Constitution is that it is written in 'dry' language, and cannot be easily

understood simply by reading it. It was also observed that, by itself, it is ‘difficult to connect with’ (Ashani, FG4).

The importance of reliable information also came through in the focus group discussions, in the participants’ concerns about media bias and party agendas (FG3). For example, one participant was concerned that any proposal for constitutional change ‘should be debated on the issues’, and not be hijacked by ‘media saturation’ and ‘propaganda’ (Ruben, FG2). Impartiality was also raised as an important factor in deciding whether or not to participate in structured activities preceding a referendum (FG2). Neil wondered whether any process of civics education was worthwhile, given that absolute impartiality was, in his view, unattainable: ‘[Y]ou’re never going to get an impartial view. You’re going to be skewing the person’s views one way or the other.’ (FG2)

Citizens’ preference for plain language, reliable information, and its importance for helping to advance learning, has been noted both in academic studies (eg, Delli Carpini and Keeter 1996) and in Australian practice. For example, in a study commissioned by the Referendum Taskforce, it was found that Australians wanted written information that was brief and clearly expressed (DPMC 1999, 56). Similarly, the final report of the Constitutional Centenary Foundation noted the demand among Australian citizens ‘for clear, impartial information on the meaning and intent of referendum proposals’ (CCF 2000, 27). What is less certain is the extent to which levels of constitutional knowledge, and interest, might be influenced by such information. It is worth remembering that ‘clear, impartial’ information was widely available in the lead-up to the 1999 referendum, whether in the form produced by the federal government, or by organisations such as the Constitutional Centenary Federation (Uhr 2002; Steketee 1998). Notwithstanding this, large numbers of voters took significant

misconceptions into the ballot box.<sup>5</sup> This evidence does not suggest that information delivery is unimportant, but it does caution against giving it too much weight when considering the various factors that might influence levels of interest and knowledge with respect to constitutional reform.

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<sup>5</sup> A major survey undertaken in the weeks following the referendum found that thirty per cent of Australians voted without being able to identify correctly the role the President was to play under the proposed model. Similarly, only a third of Australians entered the ballot box with an understanding of how a President could be dismissed under the proposed model: Gow, Bean and McAllister 2000. For a critical view of the federal government public education campaign that preceded the referendum, see Uhr 2002.

#### **IV ATTITUDES TO OPPORTUNITIES FOR ENGAGEMENT IN CONSTITUTIONAL REFORM**

As I mentioned earlier in this paper, constitutional observers are making increasing calls for the Australian public to be more involved in constitutional reform. In this section, I explore student attitudes towards the prospect of there being a greater availability of opportunities to engage in future process of constitutional reform. More specifically, I explore the types of factors that might influence how receptive they would be to such opportunities.

I began this phase of the focus group interviews by giving participants a list of 12 activities, and asking them to indicate which of them they would be willing to participate in in the weeks and months preceding a future referendum. The list of activities is set out below, alongside the number of focus participants (out of 24) that indicated a willingness to participate in them:

- 24** Follow news coverage in newspapers / television / radio
- 24** Discuss with friends and family
- 19** Attend an information session at a local town hall
- 15** Sign online petition
- 14** Join a group that is actively supporting/opposing the issue
- 11** Attend a demonstration
- 11** Take part in government consultation at a local town hall
- 9** Post a comment on an online discussion board
- 8** Take part in a full-day of debate and discussion at a local town hall
- 7** Take part in a full-day of debate and discussion via the internet
- 5** Contribute money to a group that is actively supporting/opposing the issue
- 4** Write a letter to a local MP

The subsequent group discussions helped to illuminate some of the factors which participants considered important in assessing their enthusiasm for each of these activities. These included the amount of time each activity required, the reform's impact on one's own life, the degree to which the activity allowed 'meaningful' participation and an expression of civic duty, and self-confidence about one's level of constitutional knowledge.

## Time

When focus group participants were asked to identify the greatest potential barrier to their involvement in debates about constitutional reform, the factors identified most often were time or other matters of practical convenience. This is reflected in the list set out above: in general, the most popular activities are those that take up the least time; conversely, some of the least popular activities take up a few hours or more. In a world of competing priorities, other matters might be seen to take precedence over a time-consuming activity related to constitutional reform. Kelly expressed it this way (FG1):

Time. People have a lot of other stuff to do that they're more passionate about. Like work, or play, that sort of thing. So they'd rather do that than do something that seems like a chore, like for me it feels like a chore.

For another participant, taking part in more time-consuming political activities prior to a referendum was impractical: 'What if you work on the weekend and you go to uni all week, you don't have time to do that.' (Yasmin, FG1)

As mentioned earlier in this paper, the amount of time a person has to commit to political activities is considered an important resource affecting that person's capacity to participate. It is not surprising, therefore, that it was identified as an important factor likely to influence their participation in a future process of constitutional reform. However, despite the weight given to it by focus group participants, the subsequent discussions revealed a more

complicated picture – far from being simply a calculus of ‘free time’, the inclination to participate was expressed as the consequence of additional contributing factors.

### Effect on own life

One of these additional factors was the likely impact that the proposed reform would have on one’s own life. Yasmin said ‘if it was relevant to me and I thought that it would affect me then I would get more involved in it’ (FG1). Similarly, Sean said that ‘if it’s not something I find to be relevant and it won’t have any effect on me in the end, I’m not really going to want to be involved’ (FG1). ‘I guess it’s kind of a selfish thing,’ remarked Kelly, but for her, too, how the issue would affect her was also something to consider before getting involved (FG1). And one participant remarked that sometimes ‘it would be all about self-interest’ (Russell, FG4). These perceptions recall those discussed earlier in this paper in relation to levels of interest being affected by whether or not constitutional reform was seen to have a direct impact on one’s everyday life. They also reinforce the significance of this factor to the possibility of enhanced popular engagement in the process of constitutional reform.

### Meaningful participation and civic duty

While considerations of ‘time’ and ‘effect on own life’ might be understood as factors rooted in preserving private interests, a third factor – a desire to contribute ‘meaningfully’ to constitutional debate – might be seen as more akin to the impulse of ‘civic duty’ discussed earlier in this paper. Many focus group participants expressed greater enthusiasm about taking part in activities related to constitutional reform where those activities promised opportunities to participate ‘meaningfully’ in the process. Conversely, focus group participants were non-plussed about any mode of participation which would be ignored easily, or have no real impact on the outcome. Consistent with these attitudes, participants singled out certain activities for praise and criticism. In particular, participants viewed

activities involving face-to-face deliberation as presenting strong opportunities for meaningful contributions to the process of constitutional reform.

There was an expressed reluctance to get involved in activities related to constitutional debates where those activities were unlikely to have any real effect on the shape of the reform or other important decisions. Arthur (FG2), for example, said the greatest barrier to his participating in constitutional debates was ‘whether my participation would have an impact’; Waleed said his was ‘effectiveness’ (FG3). Just four participants said they would be willing to write a letter to a local MP in the lead-up to a referendum, despite the small amount of time this would take, because it was seen as unlikely to shift long-standing positions of political parties (eg, Ruben, FG2). The value of online participation was queried, with several participants viewing online discussion boards as useless unless they fed into decision-making processes further up the line (eg, Sean, FG1). These remarks capture a cynicism that was common across the focus groups, and which expressed itself in skepticism about the extent to which politicians would really be interested in hearing their input. Norman, for example, thought that: ‘[A big factor is] lack of faith in one’s influence. If you see that you cannot make a difference, then why take the first step in the first place? ...[There’s] that feeling of when you participate and they’re just humouring you.’ (FG4)

Conversely, there was general agreement that, if more opportunities were available for people to participate in activities where their views were taken seriously, this would at least prompt them to consider being more active in the lead-up to a referendum. ‘Meaningful’ participation was generally understood among participants as applying to activities that allowed individuals to express their views, have them respectfully listened to, and for some process to be in place to ensure they would be taken into account. Luke thought that, in the context of a referendum, the potential for meaningful participation would be enhanced if people were able

to get involved early in the process; in particular, he thought it essential that people be given the chance to influence the question that would be put on the referendum ballot (FG1):

So I mean there might be issues that we think are really important but we're relying on the government to put it to a vote. And so I think that a lot of the debate has to take place before they've even agreed to a referendum, because otherwise they may never agree to it.

Others emphasised the importance of verbal interaction with others, as long as it was not for its own sake. Sean, for example, suggested that, 'if it is a series of debates within a small area then flows up to a large area and aggregates up to an overall thing then if nothing else you would feel like you were having more of an influence' (FG1). Naomi was also attracted to the idea of small group discussions as a means of giving people an opportunity to have their voice heard (FG1):

I think a really well organized and coordinated sort of focus group... I guess would be, so that everyone has easy access, like it's all localized, you don't have to travel very far, you go there, you drop in, you pick up information, and then decide whether to participate or not, I think would encourage me... Smaller discussions rather than, like... These huge big town hall meetings, I'm not really that interested in, but if it's a small group like this, I would be interested.

Several other participants also looked upon the idea of localised information sessions and debates favourably.

Consistent with these findings, some focus group participants also identified 'civic duty' as a factor that might influence their level of participation. Here, participants expressed the view that a proposal to change the Constitution created an obligation for them to be informed and get involved as much as possible. This was variously described as 'civic duty', 'good citizenship', 'the greater good' and 'sense of responsibility'. Naomi expressed it this way:

‘[I]f it’s a change to the Constitution it would be fairly significant so I would probably get more involved than I would for a general election.’ (FG1) The significance of a referendum was also a key factor for Mark: ‘This might sound idealistic, but I think civic duty is a factor. I think if something important like a referendum vote comes along, we have a duty to take it seriously and get involved.’ (FG3) For two participants who had grown up in countries with fewer freedoms than Australia, the very availability of opportunities to participate in the democratic process was sufficient motivation to get involved. Ashani said that taking advantage of the freedoms available ‘does motivate me because my parents come from a country where they don’t get these things’. (FG4) Norman described this impulse as one of fulfilling a ‘debt of gratitude’. (FG4)

This expressed wish for a greater say in decisions surrounding constitutional reform, and the impulse towards civic duty, resonates with some larger studies about making contributions to broader political decision-making. For example, when respondents to the Australian Constitutional Referendum Study (Gow, Bean and McAllister 2000) were asked to prioritise four aims for Australia for the next decade, 29.8 per cent of them rated ‘giv[ing] people more say in important government decisions’ as the top priority. A further 26.9 per cent of respondents ranked it as their second preference.<sup>6</sup> The expressed enthusiasm for activities involving interaction and deliberation is also significant, as these sorts of activities were held on a small-scale in the lead-up to the 1999 referendum and will likely feature in future debates about constitutional reform (CCF 2000; IDA 1999). The focus group discussions suggest that the prospect of engaging in those debates will be more attractive if they are

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<sup>6</sup> The only item that was more popular was that of maintaining order in the nation, attracting 39.1 per cent of first preferences. The other two aims were fighting rising prices, and protecting freedom of speech. These responses have remained consistent over the course of the last decade, with other election studies recording similar results. See Australian Electoral Studies, 1998-2007. The 2007 study recorded a slight shift, with ‘giving people more say’ receiving fewer first preferences than both maintaining order and fighting rising prices.

structured in a manner which allows a genuine, as opposed to token, contribution to decision-making.

### Self-confidence about constitutional knowledge

Finally, many of the focus group participants thought that their willingness to take part in activities relating to constitutional reform would also be affected by their own confidence in the knowledge they possessed. This factor was not considered relevant to activities like signing a petition or attending an information session, but rather to those involving some measure of participant deliberation. For example, some participants spoke about their insecurities about expressing their opinions in a public forum. Ruben said that, faced with an opportunity to take part in such a forum, he would have to consider ‘the limitations of what I know about the issue’ (FG2). Similarly, Gemma said that a potential barrier would be her ‘own interests and ability’ (FG3). The idea that uncertainty about one’s capacity to deliberate might act as a deterrent, was articulated at greater length by Luke (FG1):

Another issue is how much I know about what [the issue] is and the process is and what the Constitution says now and what the proposed changes are because if I don’t know anything about it then it’s kind of pointless taking part in a debate... It just makes you look like a fool if you don’t know anything. So I think I’d go and listen, for sure, but [you don’t want to get up and argue] a point you don’t fully understand.

Recently, some authors have framed the notion that an individual’s confidence in their political knowledge might impact on their engagement in the political process as a measure of ‘political information efficacy’ (Kaid, McKinney and Tedesco 2007). Although this measure has tended to be applied to voting behaviour, it resonates with the participants’ reflections on the demands of deliberative forms of participation. It resonates, too, with the feedback of

student participants in deliberative constitutional forums held by the Constitutional Centenary Foundation through the 1990s.<sup>7</sup>

The focus group discussions, then, captured an apprehension about participating in deliberative forums where participants felt they might not possess enough knowledge to make an adequate contribution. To some extent, this fear is already accounted for within the very concept of ‘deliberation’, for the act of deliberation itself will, ideally, involve an exchange of information (Chambers 2003, 309; Sunstein 1988, 1549). Some deliberative forums, moreover, will provide participants with targeted educational materials (CCF 2000). Nonetheless, it is arguable that this apprehension about deliberative forms of participation is especially relevant to the process of constitutional reform. This is for two reasons. First, numerous studies have indicated that Australians’ knowledge of their constitutional system is poor, and this could be expected to translate to low confidence in individuals’ self-perceptions of how knowledgeable they are. Secondly, issues of constitutional reform commonly involve technical details that are difficult to master – even the republic question, sometimes reduced to a debate over national identity, involves technical matters relating to appointment and dismissal mechanisms. Thus, if future constitutional reform processes are to include the holding of deliberative public forums, their success as a participatory activity could be expected to depend in part on Australians’ self-confidence about the knowledge they possess on the constitutional issues under discussion.

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<sup>7</sup> At a regional schools constitutional convention in Victoria, for instance, one student remarked that it was ‘[d]ifficult to discuss the issue of federalism and the Constitution when we don’t know what is in it’, while a teacher in attendance noted that many students ‘do not have any background knowledge of the issues on the programme and so may not feel they *can* contribute fully to the discussion’. See, generally, *Records of the Constitutional Centenary Foundation*, National Library of Australia, MS Acc01/64 (unprocessed collection), 6.2 (Schools Constitutional Conventions).

## V CONCLUSION

The factors that impact on levels of popular engagement in the process of constitutional reform are complex and multifaceted. My analysis of these factors with respect to student engagement, based on focus group data I collected, has sought to move beyond existing commentary on the supposed importance or likelihood of such engagement, by developing a deeper understanding of the attitudes and perceptions which contribute to existing levels of engagement, as well as the attitudes and perceptions which might influence the reception of future, expanded opportunities for engagement. On the one hand, my findings affirm some existing assumptions. For example, my discussion of the perceived remoteness of constitutional issues would seem to strengthen Greg Craven's assessment that the Constitution 'does not have a strong hold upon our popular imagination' (2004, 9). The difficulty which many focus group participants had in connecting questions of constitutional reform to their everyday lives is something of a roadblock to improved interest and knowledge, and presents a significant obstacle to advocates of more popular engagement. On the other hand, my research also cautions those who are pessimistic about engagement in constitutional reform. As the political participation literature makes clear, the various contributing factors are complex, and this is no different with respect to constitutional matters. Alongside the obstacles to increased interest and knowledge are factors which might conceivably enhance motivation to engage, including the capacity of individuals to take interest in specific issues, and a perception that constitutional reform ignites feelings of civic duty. Similarly, my research suggests that the way in which future opportunities to engage in constitutional reform are received by students will depend upon an interplay of individual interests in one's free time and personal concerns, and a desire among some to contribute meaningfully to constitutional debates.

## REFERENCES

- CGCC [Consultative Group on Constitutional Change]. 2004. *Resolving Deadlocks: The Public Response*. Report prepared for the Commonwealth. Canberra.
- CEG [Civics Expert Group]. 1994. *Whereas the People: Civics and Citizenship Education*. (Report of the Civics Expert Group). Canberra.
- CCF [Constitutional Centenary Foundation]. 2000. *Report on a Decade of Experience*.
- Chambers, S. 2003. 'Deliberative Democratic Theory.' *Annual Review of Political Science* 6:307-326.
- Coper, M. 1988. *Encounters with the Australian Constitution*. North Ryde, NSW: CCH.
- Craven, G. 2004. *Conversations with the Constitution : not just a piece of paper*. Sydney: UNSW Press.
- Delli Carpini, M.X. and S. Keeter. 1996. *What Americans Know about Politics and Why it Matters*. Yale University Press.
- DPMC [Department of the Prime Minister and Cabinet]. 1999. *Referendum Public Education Research*.
- Drane, T. 1997. 'Debate is money wasted.' *Oakleigh/Monash Times*. 26 November: 2.
- Dryzek, J. 2000. *Deliberative democracy and beyond : liberals, critics, contestations*.
- Galligan, B. 2007. 'Referendums.' *The Oxford Companion to Australian Politics*, eds B. Galligan and W. Roberts. South Melbourne: Oxford University Press.
- Goot, M. 1995. 'Civics, Survey Research and the Republic.' *Australian Quarterly* 67:25-39.
- Gow, D., Bean, C. McAllister, I. 2000. *Australian constitutional referendum study, 1999*. Canberra : Social Science Data Archives.
- Hardwick, D.A. 1998. Submission 213. *Submissions to Constitutional Convention*. Records of the 1998 Constitutional Convention, National Library of Australia, MS 9214.
- HRSC/LCA [House of Representatives Standing Committee on Legal and Constitutional Affairs]. 2008. *Reforming our Constitution: A Roundtable Discussion*. Canberra.
- IDA [Issues Deliberation Australia]. 1999. *Australia Deliberates: Final Report*.
- Irving, H. 1997. *To constitute a nation : a cultural history of Australia's constitution*. Studies in Australian history. Cambridge, U.K. ; New York, NY, USA: Cambridge University Press.
- Kaid, L. M.S. McKinney and J.C. Tedesco. 2007. 'Political Information Efficacy and Young Voters.' *American Behavioral Scientist* 50(9): 1093-1111.
- Leighley, J.E. 1995. 'Attitudes, Opportunities and Incentives: A Field Essay on Political Participation.' *Political Research Quarterly* 48:181-209.
- Luskin, R.C. 1990. 'Explaining Political Sophistication.' *Political Behavior* 12(4): 331-61.
- McAllister, I. 1998. 'Civic Education and Political Knowledge in Australia.' *Australian Journal of Political Science* 33: 7-24.
- Pateman, C. 1970. *Participation and democratic theory*. Cambridge: The University Press.
- Quick, J. and R. Garran. 1976 [1901]. *The annotated constitution of the Australian Commonwealth*. Sydney: Legal Books.
- Records of the Constitutional Centenary Foundation*, National Library of Australia, MS Acc01/64 (unprocessed collection), 6.2 (Schools Constitutional Conventions).
- Reiner, V. and C. Niesche. 1999. 'Men divided, but women wear the Crown.' *The Australian*. 2 November: 6.
- Rothwell, N. 1999. 'Pauline brings both barrels to bear.' *The Australian*. 11 October: 5.
- Saunders, C. 1998. 'How important was the Convention?' *UNSW Law Journal Forum - The 1998 Constitutional Convention* 21:868-874.
- Saunders, C. 2007. 'Chair of the Constitutional Centenary Foundation.' In *Sir Ninian Stephen: A Tribute*, eds T. McCormack and C. Saunders. Carlton, Vic: Miegunyah Press.
- SLCRC [Senate Legal and Constitutional References Committee]. 2004. *The road to a republic*. Canberra: Senate Printing Unit, Department of the Senate.
- Steketee, M. 1998. 'The Politics of the Constitutional Convention.' *UNSW Law Journal Forum - The 1998 Constitutional Convention* 21:922-26.
- Stephens, F. 1999. 'No appeal in 'cosmetic' republic.' *The Australian*. 12 October 1999: 14.
- Sunstein, C. 1988. 'Beyond the Republican Revival.' *Yale Law Journal* 97: 1539-1590.
- Tranter, B. 2007. 'Political Knowledge and its Partisan Consequences.' *Australian Journal of Political Science* 42: 73-88.
- Uhr, J. 2002. 'Rewriting the Referendum Rules.' In *Constitutional Politics: The Republic Referendum and the Future*, eds J. Warhurst and M. Mackerras. St Lucia, Qld: University of Queensland Press.
- Verba, S., K. Lehman Schlozman and H.E. Brady. 1995. *Voice and Equality: Civic Voluntarism in American Politics*. Cambridge, MA: Harvard University Press.
- Williams, G. 2008. 'Thawing the frozen continent.' *Griffith Review: Re-imagining Australia*. Autumn. 11-37.