CRITERIA OF RATIONALITY FOR EVALUATING DEMOCRATIC PUBLIC RHETORIC

How can criteria of rationality be devised that could provide a basis for evaluating argumentation used in democratic political rhetoric? What is the worth of public opinion as a rational grounding for a proposed action or policy in such argumentation? These questions are not often asked, or considered very seriously, because of the conventionally accepted view that rationality does not really matter in democratic politics. A commonly accepted view is that in a democracy, policy should be decided by majority opinion, right or wrong. But recent exponents of deliberative democracy have expressed doubts about this view (Fishkin, 1991; 1995), arguing that arguments based merely on popular opinion can go badly wrong unless based on some kind of prior rational deliberation. But if so, these questions raise even more fundamental ones. Is there a normative structure of rational deliberation that can be used as a model to evaluate democratic political argumentation? Can such arguments, based as they are on public opinion, be judged stronger or weaker using evidential criteria? Answering these questions requires a consideration of the type of argument traditionally called the *argumentum ad populum* (appeal to popular opinion) in the logic textbooks. The so-called argumentation scheme (form of argument) for the *argumentum ad populum* has to be identified in order to evaluate democratic political rhetoric. This form of argument needs to be seen as one that can default, and that can even be fallacious in some instances, but that can sometimes carry evidential weight in a deliberation process.[1]

Analyzing such forms of argument takes us back to the pre-Enlightenment model of argumentation in Aristotle's writings on rhetoric, practical logic and ethics. Aristotle's writings on practical reasoning, deliberation and rhetorical argument provide foundations for a structure of rational argument that can be built into a new model of reason-based policy formation and decision-making in a democratic system. The other necessary components are new models of deliberative polling, models of dialogue in argumentation theory, and recent work on defeasible reasoning in computer science. A defeasible argument is one that can be tentatively acceptable, but that can default or fail, as new information comes in. Getting a proper grasp of defeasible argumentation takes us again back to Aristotle, to rethink the old notion of enthymeme that has always been recognized as important for rhetoric, but that appears to have been misunderstood. Once these components are assembled, a model of deliberation is built up in this chapter that provides criteria of rationality for evaluating democratic political rhetoric. The model is one of rational deliberation as an intelligent and orderly process of thinking that leads through several stages to an informed decision on what to do in a situation requiring agents to make a choice between options. It provides a normative model of what political thinking and deliberation in a democracy should ideally be like in a set of given conditions. The new model is applied to the typical kinds of argumentation used in the technical activities of policy formation and decision-making in democratic politics.

1. Appeal to Popular Opinion in American Democracy

Appeal to popular opinion, on first appearances, does seem to be a reasonable kind of argument in the context of democratic politics. As noted by Hamblin (1970, p. 44), only an "anti-democrat" could "unhesitatingly" assume that the *argumentum ad populum* is anything other than "the purest valid reasoning". After all, the ultimate decision-making in a democratic political system is carried out by the majority of voters. Whatever the majority decides is the policy that should be adopted in a democracy. In some cases, public referenda are even used to decide whether to implement a policy or not. Here, it would seem, is an arena in which the *argumentum ad populum* is a reasonable form of inference. But is it? What if the majority is wrong? What about the overwhelming popular vote for the Nazi party in pre-war Germany? This suggests that the *argumentum ad populum* could be a weak form of argument that is sometimes badly wrong. Can it be argued that justifying the worth of the democratic system of government rests on the assumption that the *argumentum ad populum* is a rational form of argumentation? If majority vote in a democratic system is based on competing interest groups who maximize their own interests, the possibility is there of coming to decisions that are not good for the majority. But suppose the interest groups try to persuade others to support their interests. At least some discussion among the groups is taking place. That is one form of argumentation that could support the worth of the *argumentum ad populum* in a democracy. But there is another option that needs to be considered. Instead of negotiation or persuasion, another type of argumentation could be involved. Suppose that argumentation in a democratic system is based on intelligent and informed deliberations in which the voters examine the choices and decide on the prudent course of action that is best to take for everyone. Then the *argumentum ad populum* could be seen as a much stronger reasonable argument. Its strength comes from its use in the context of intelligent deliberation. This argument is the strongest defense of the worth of the democratic system of political decision-making, of the three possibilities considered above. It strongly supports the principle of reason-based deliberation. It is begins to seem that the *argumentum ad populum*, although an inherently weak and fallible form of argument, can be judged in the right political context as a form of argument that is reason-based. It can carry weight as evidence in the context of an intelligent deliberation using the relevant facts to look to examine all sides of an issue.

On the other hand, doubts about the rationality of the *argumentum ad populum* have often been expressed, most notably and emphatically by the French writer Alexis de Tocqueville. He coined the phrase "tyranny of the majority." Tocqueville, as an outside observer of the American cultural and political scene during his time, made some astute comments about American practices of political decision-making that are often quite rightly taken as showing some of the dangers and potential slipperiness of the *argumentum ad populum* in democratic rhetoric. His book *Democracy in America* (1835), is of lasting importance because it expressed these reservations about the use of the *argumentum ad populum* in democratic politics in the form of such a precise and clear hypothesis that it could be tested by later events.

Tocqueville (1966, p. 235) described a certain ambivalence as characteristic of American political argumentation. On the one hand, there is great stress in American political rhetoric on freedom of speech, while on the other, there are sharp boundaries on political speech, and penalties for anyone who transgresses these boundaries.

Tocqueville's thesis has been reconfirmed in the twentieth century by the controversies about so-called "political correctness". The perception of some is that "action groups" of various kinds try to enforce a political rectitude on speech that appears to contravene what they put forth as expressing moral boundaries on what is right or wrong. Tocqueville would no doubt seen this development as confirming his thesis about the boundaries on free speech he saw as typical of American democratic politics.

Tocqueville also observed that popular opinion as a driving force of political argumentation is subject to a certain kind of speed and instability. He wrote (1966, p. 230): "All of the projects (of the majority) are taken up with great ardor; but as soon as its attention is turned elsewhere, all these efforts cease." This comment is quite astute, and one can easily see how the phenomenon Tocqueville observed has been magnified under the influence of the modern media. Something instantly becomes a public issue as all the media sources compete to give central attention to it. Then as some other "story" commands public attention, and has more immediate emotional impact, the previous "story" is dropped, and the public hears no more about it. The result is a kind of disjointed sequence of public thinking that lurches from one attention-grabbing story to another. This disjointed thinking is now characteristic of the way the media jump from one "crisis" to another in reporting world news. The public gets a snapshot of the event, but not enough detail to follow through on resolving the problem. This disjointed way of thinking was later sharply criticized by Yankelovich, and Fishkin, who saw public opinion polls as encouraging it. If this kind of thinking is the basis of the *argumentum ad populum*, then certainly it is from of argument that is inherently faulty.

Tocqueville's insights are quite significant on the question of trying to arrive at some sort of balanced approach to evaluating appeal to public opinion as a form of argument in the context of democratic politics. On the one hand, the *argumentum ad populum* is the central type of argumentation that drives political rhetoric, thinking and decision making in a democratic system. This form of argument simply cannot be condemned as fallacious or as inherently erroneous. On the other hand, as Tocqueville's critique right pointed out, this form of argument is subject to misuse and distortion of a kind that should make it highly suspect in some cases. Apparently, it is powerful instrument of public thinking that can be used deceptively, to make a bad argument look good. The kind of shallowness and faults of the *argumentum ad populum* cited by Tocqueville have been magnified in the context of twentieth century political argumentation. We now have such institutions as media conglomerates, massive media coverage of political events, constant public opinion polls on what are perceived as the major issues as reported in these media. Tabloid journalism concentrates on sensational stories, driven by the public appetite for news about spectacular events or celebrities. Media campaigns are directed by public relations firms. They have learned very well how to exploit and manipulate the *argumentum ad populum* for profit. All these things may seem rather obvious to us, because we are surrounded with them constantly. But probably the reason that Tocqueville's critical insight on the dangers in the use of the *argumentum ad populum* in American democratic politics remains so important, and is so often referred to in political science, is that his hypothesis has been proved over and over again by events.

Tocqueville's argument, as a testable empirical prediction about American democratic politics, has been highly confirmed by the modern uses of public opinion polling techniques to drive public opinion by the use of subtly slanted questions. Consider the

recent phenomenon of "push polling", using a loaded question in a poll to attack an opposing candidate, or to push for a vote for one's candidate. This tactic represents a calculated misuse of appeal to popular opinion that could rightly be classified as fallacious. Once the tactic is recognized as a technique that can be used over and again quite effectively to manipulate public opinion in democratic politics, it becomes virtually irresistible to keep using it over and over again. If you don't use it, your opponents will use it to beat you. From a practical perspective, you can't afford not to use it. But isn't it a perversion of the kind of *argumentum ad populum* that should properly be used in democratic politics? Doesn't its continued use distort the kind of rational thinking that should properly constitute public deliberations on important matters of national policies? The answer to both questions is quite clearly 'yes'. Tocqueville, it is clear, was really onto something fundamentally important to rhetoric in democratic politics. The *argumentum ad populum* used in democratic political rhetoric can be a deceptive tactic of argumentation used to make political argumentation appear to be reason-based, when really it is not. It can be used as a sophistical tactic to subvert and undermine reason-based deliberation in democratic political argumentation.

The problem with the usual public opinion polls is that the numbers are tabulated independently of the social context that allow for real deliberation on a complex issue (Fishkin, 1995, p. 25). The respondents may be ignorant of the issue, but they will be pressed to give an opinion anyway, because of the way the poll is designed. Thus an appeal to popular opinion, if based on the traditional public opinion poll, is rightly judged to be often weak, or even fallacious. But appeal to popular opinion, while it is an inherently weak form of argument, can be strengthened by additional assumptions. Among the most important are the assumptions that the poll respondents have relevant information about the about the question they were asked and have deliberated about it, examining arguments on both sides. Another assumption is that these deliberations went through several stages. Another is that relevant information about the issue entered into the deliberation at the right stages. By joining these assumptions, a new model of rational (and irrational) thinking in democratic decision-making can presented by taking a new approach to argumentation.

2. The Principle of Reason-Based Deliberation

As Tocqueville showed, the appeal to popular opinion has its negative side in democratic political argumentation. Poll-driven political argumentation is too often antithetical to intelligent political deliberation of a kind that would meet a requirement of the principle of reason-based deliberation (Fishkin, 1995). Appeal to popular opinion is often used by interest groups to try to solidify public opinion into "political correctness", and get the upper hand politically by suppressing arguments that should properly heard in a reasoned deliberation. More than anyone, Tocqueville warned of this danger of the appeal to popular opinion in American democracy. Tocqueville's warning showed the negative side of the *argumentum ad populum* in the setting of democratic politics. Given such possibilities of the fallacious use of appeal to popular opinion, a problem is then posed. How can a model of reason-based deliberation be set up that would enable an argument evaluator to deal critically with it by (a) proving that it is fallacious when it is, and (b) proving that it is reasonable when it is?

Deliberative democracy rests on the assumption that when a group of people get together and deliberate, the conclusion they arrive at, if their deliberations were good, is reason-based. For lack of a better name, let's call this assumption the principle of reason-based deliberation. It does not mean that deliberation always comes to the right conclusion. What it means is that if the deliberation is a good one, that considers all the relevant arguments on both sides of an issue or choice, and weighs their relative merits thoughtfully and with the use of careful thinking, then the conclusion arrived at by the deliberation can be properly said to be "supported by evidence". Even though such evidence should not generally be regarded as conclusive, the principle of reason-based deliberation requires that the argumentation in the deliberation should give some evidential supporting weight to the conclusion.

Historically, there appears to be a strong philosophical presumption against the principle of reason-based deliberation in western culture. Logical empiricism is the view that argumentation is only reason-based evidence if it is derived by logical inferences (deductive or inductive) from "the facts" (empirical premises). Logical empiricism sets great store by empirical evidence. Collection of "facts" or empirical data is regarded as the most important kind of evidence to rationally resolve a conflict of opinions. Statistical collection of data is regarded as decisive. Thus when it comes to determining pubic opinion on an issue, the method of choice for the logical empiricist is the public opinion poll, conducted by statistical sampling methods. On the other hand, the logical empiricism is very skeptical about reason-based deliberation as a way to rationally resolve a conflict of opinions. For after all, just because a group of people get together and deliberate, and then decide by majority that a particular statement is true, it does not follow that this statement is true. Just because everybody believes a statement, it doesn't follow that the statement is true. Indeed, this form of argument is well known in traditional logic as a fallacy, the *argumentum ad populum*. In western culture, the dominant philosophical view about evidence and rational argument since the Enlightenment has been the logical empiricist view. On this view, even though the *argumentum ad populum* is a fallacy, determining public opinion is central to political decision-making. On this view, the way to determine public opinion is the public opinion poll, conducted in the usual way, with measures of statistical accuracy.

But if the principle of reason-based deliberation is right, there are grounds for taking a different view of the *argumentum ad populum*. The form of argument traditionally called *argumentum ad populum* (argument to the people) is usually known in logic by the expression "appeal to popular opinion".[2] In modern political terms, in a context of democratic government, the expression 'public opinion' would most likely be used instead of 'popular opinion'. The expression 'popular opinion' implies an attitude of distrust about this kind of argumentation, suggesting it may even consist, in mob oratory. But form the point of view of the principle of reason-based deliberation, the *argumentum ad populum* can be reasonable, under the right conditions. If based on intelligent deliberation that is, in turn, based on knowledge of an issue, this form of argument could be reasonable. On the other hand, if only based on the usual kind of poll, where the respondents may be ignorant about the issue, the argument could be fallacious. From this

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[2] Hamblin (970, p. 44) described appeal to popular opinion as an emotional "appeal to popular favor". But he added (p. 44) that "it is not clear from its name that it does not consist of the purest valid reasoning, and only an anti-democrat could unhesitatingly assume the contrary."

point of view there is much justifiable suspicion about "poll-driven" decision-making in democratic politics, again suggesting that *argumentum ad populum* should be classified as a fallacy. One basic problem is that respondents may lack knowledge on a question asked in poll, but do not want to reveal their ignorance. They may just want to get rid of the pollster by offering a rapid answer. Even if the respondent has not thought about an issue, he or she will give an answer. Fishkin (1991, p. 83) pinpointed the key problem with current public opinion polling, by noting that " most opinions are invented on the spot". Although polls can be very useful, and they are sometimes accurate indicators of public opinion, their basic fault is that they just give a "snapshot" of how the public feels at one point of time. They may answer 'yes' or 'no' to a question, but that may not reveal how they real feel about an issue. Public opinion polls can also be highly misleading (Best, 2001). They are widely used by advocates to "puff up" a politician or a cause.

To be reasonable as a basis for political action, surely a public opinion must be informed by the relevant facts, and must proceed through a proper process of group deliberation based on the information about these facts. Deliberative polls could overcome the deficiencies due to the public lacking information on an issue, or lacking reflection on it. In a deliberative poll, the respondents could engage in a dialogue, instead of just answering "yes' or 'no' to a single question. Deliberation could strengthen the appeal to popular opinion as a guide to prudent action. Typical political decision-making concerns complex issues based on factual information and on plausible scenarios of what might (or might not) happen in the future. Based in setting of intelligent deliberation, the *argumentum ad populum,* while inherently fallible, might not be entirely worthless. In short, the principle of reason-based deliberation is closely tied to the *argumentum ad populum* as a form of argument. It stands or falls on the issue of whether this form of argument can be reason-based in some instances, or whether it is entirely fallacious.

Deliberation is supposed to seek out a prudent course of action by dealing with apparent inconsistencies. One unsettling observation is that popular opinion, even on matters of fundamental policy deliberation, can appear to be inconsistent. Polls may show that the public strongly professes to have a certain belief or value, but the actions actually carried out by the public may present even more compelling evidence that in reality the opposite view is accepted. A CBS poll (Samuelson, 2100, p. 6) showed that Americans favor increased energy conservation over higher energy production by a 60 to 26 percent margin. But Samuelson (p. 6), notes a contradiction here: "by deed, we crave energy-draining comforts – from sports-utility vehicles to bigger homes." Since 1986, energy demand has been steadily up. The contradiction is most apparent in the ads for gas-guzzling sports-utility vehicles that typically base the appeal on environmental values. Another interesting apparent contradiction of this sort is that many wealthy people profess a belief in equality but spend very little of their high incomes to remove inequality. (Cohen, 2000) has discussed this apparent contradiction at length, and articulated several arguments that could possibly be used to resolve it. Such apparent contradictions in popular opinions that are fundamental to national political deliberations suggest that it might be wise to be cautious about basing political deliberations on standard public opinion polls. Poll-driven politics is a reality, however. The problem is that basing national decisions on public opinion polls may be illogical. It should be no surprise then that it sometimes leads to contradictions. Although such contradictions can be clarified, or perhaps even be resolved in some cases, they suggest that arguments

based on public opinion might be lot more complex and subtle than they have often appeared to be.

When we look to the history of the subject, the balance of intellectual opinion in western culture has tilted heavily in recent years against the principle of reason-based deliberation. As noted above, the modern viewpoint is to discount any form of argument other than objective scientific evidence. This viewpoint has legitimated empirical public opinion polls, and made deliberation seem subjective. In the ancient world however, deliberation was seen as representing an important framework of argumentation in its own right, as a way of giving evidence to support a conclusion. Logic has long ignored deliberation. But there are valuable insights about deliberation to be found in ancient works on rhetorical argumentation. In his *Rhetoric*, Aristotle classified not only deliberative rhetoric as an important kind of public argumentation but classified and analyzed many common forms of argument used in this kind of rhetoric. In fact, other of Aristotle's writing would also seem to provide some materials that support the principle of reason-based deliberation. Aristotle is especially notable as a philosopher who saw rhetoric as based on logical forms of argument. In the *Nicomachean Ethics* he presented a very clear description of deliberation as a process of reasoning in uncertain and changeable conditions. The Aristotelian model is still very influential in the accounts of deliberation one finds in modern argumentation theory.

3. Deliberation as a Model of Rational Argumentation

The problem with appeal to popular opinion as a type of argument is that it falls between extremes. At one extreme, the argument seems very weak, almost worthless. Indeed, as Tocqueville showed, it can be fallacious in political argumentation. Just because a lot of people, or even a majority, or even everybody think that a particular proposition is true, it does not follow that this proposition is true. In fact, by itself majority opinion is not very good evidence, or even much evidence at all, to really support the conclusion that the proposition is true. For this reason, polls generally don't tell us what is really true or false. They only tell us what people believe is true or false. At the other extreme, suppose that the group polled is a majority of experts in a domain of knowledge. For example, suppose that all physicians say that a certain drug is the best treatment for some disease. This argument, though an appeal to majority opinion, is quite strong. Why? Presumably because physicians are experts, and are in a position to know about medical issues. We presume that scientific tests on this drug have been done, that the physicians know about the results of these tests, and perhaps even that they, as a group, have reached a consensus that this drug is the appropriate form of treatment for this disease. In short, the appeal to popular opinion can vacillate between being very weak and very strong.

Now what about the kind of appeal to popular opinion that falls in between these two extremes? This kind of appeal to popular opinion is not so well recognized, or so easy to either categorically dismiss or accept. How to evaluate it depends on deliberation as a type of framework in which rational argumentation in a discussion can go forward through various stages. Deliberation characteristically passes through four stages. At the first stage, some sort of practical problem that requires action is encountered. This first stage could be called the problem recognition stage. Typically, at this stage a dilemma is

posed for an agent or group of agents. The problem can be posed in the form of a question. Should we build a new sewer system? Should I take this job offer? Should we send a peacekeeping force to Bosnia? There can be multiple options considered, but in the simplest kind of case, there are two choices that are mutually exclusive and exhaustive. Of course, in real deliberations, as the deliberation proceeds, the choices often will need to be restructured, and other alternatives will need to be considered as well. But the need for a choice sets up the deliberation process at the first stage. Often the choice is between doing something and doing nothing. The second stage is that of taking on a commitment to going ahead with a serious deliberation that will look at the relevant issues and will take into account the information relevant to these issues that can be found within the time and resources available. The third stage is the argumentation stage. In this stage, all the relevant arguments on both sides are expressed, criticized, and considered on their merits. A good method at the argumentation stage is often to list all the arguments on both sides, weighing one side against the other. The fourth stage is the concluding stage. At this stage, a decision is arrived at, on the balance of considerations, to take action or do nothing, in line with the conclusion indicated by the mass of evidence collected at the argumentation stage.

Argumentation typically used in the deliberation is of the kind called practical reasoning, often associated with Aristotelian practical syllogism. Sometimes it is also called means-end reasoning. It is based on a form of inference that has two premises. First, an agent has a goal. Second the agent reasonably judges that carrying out a particular action is the means to achieve this goal. Based on these two premises, the agent arrives at the conclusion that to be practically reasonable, it should carry out this particular action. The pronoun 'it' is used to describe the agent, because an agent can be a human being or a machine (or an animal, for that matter). Much recent research in computer science is on multi-agent systems (Weiss, 2000) in which the agent is a software entity. In the field of artificial intelligence practical reasoning is so common that it has virtually come to be equated with reasoning.

Practical reasoning in the above two-premise form seems very simple. And it is. But in realistic deliberations various complications need to be taken into account. These complications can be expressed in the form of five critical questions (Compare Walton, 1998, p. 155).
1. Is it realistically possible to achieve the goal?
2. Are there positive or negative consequences of either of the courses of action that should be taken into account?
3. Are there other means of carrying out the goal that should be considered?
4. Which is the best of the various means available?
5. Are there other goals (possibly even conflicting with the goal at issue) that should be considered?
As deliberations move forward, these questions are continually asked and answered in a question-reply format of discussion. As new relevant information comes into the discussion, new questions are asked and answered. One side will take the role of proponent of a proposed action or policy. The other side, called the respondent, asks critical questions that relate to the practical reasoning used by the proponent to defend her policy or recommended action. Deliberation is a dynamic model of argumentation. This dynamic aspect of deliberation is clearly revealed in the seven-step sequence of coming

to public judgment through deliberation exhibited by the analysis of Yankelovich. The argumentation used in the context of a deliberation will be stronger and stronger depending on how far along the argumentation stage the deliberation has proceeded. Evaluating depends on how far the argument the deliberation has proceeded, on how much evidence on both sides of the issue that has been considered through the use of practical reasoning, and on the critical questions that have been asked and answered (or not).

Argumentation represents a different model of rational decision making from the cost-benefit model[3] that has become so widely entrenched in the social sciences. According to the cost-benefit model, a rational decision should be made by judging it by two factors. One factor is degree of probability of occurrence assigned to each of mutually exclusive possible outcomes. The other factor is the estimated value or desirability that can be assigned the outcome. In financial decision-making, this second factor is presumably measured in monetary numbers, like dollars. The cost-benefit method depends on the Bayesian assumption numerical values can be assigned to both factors. Thus the axioms of the probability calculus can be applied to compute the best outcome among the alternatives. The argumentation model is different from the cost-benefit model, in that it does require assigning numbers, and then calculating probabilities to decide what to do. To use the argumentation model, you list all the relevant arguments on both sides of the decision that have been collected and discussed in deliberation. Each argument has a probative weight. Each is relatively weak or strong, dubious or convincing. The all the arguments on each side are networked together so that there is a mass of evidence on each side. At the closure of deliberations, the mass of arguments on each side is evaluated holistically as plausible or not. Then a comparative judgment is arrived at on which argument of the two meets the burden of proof appropriate for the deliberation. The form of argument that holds each of the parts of the mass of evidence together on each side is that of practical reasoning. In this form of reasoning, as indicated above, an agent has some goal in mind, perhaps a task or action she wants to carry out. The deliberation occurs as the agent scans around and tries to find some available means to carry out the task. Typically she will find several means. She must then select one from among the various means that can be carried out, as far as she can tell. But the method of argumentation is not based on the probability of the outcomes, or even on agent's intentions. It is based on the agent's commitments. The commitments can be added or retracted as the deliberation proceeds. They are often based, for example, on *endoxa* that might later be shown to be erroneous, or even inconsistent. So the agent moves forward to try to find the most prudent course of action, based on premises that are commitments, but that may later need to be retracted.

4. Deliberative Polling

Daniel Yankelovich, a well-known pollster for many years, had long been aware that public opinion polls can be very misleading, because people are inclined to answer a poll question even though their knowledge of the issue posed by the question could be superficial. For example, a person may be for against a policy, and yet not be not be aware of the consequences of the policy. Yankelovich (1991, pp. 38-44) gave as an

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[3] I will use this term for it, even though many other terms, like "maximizing" or "utilitarian" are also used.

example a poll in which more than 70 per cent of respondents believed that the U.S. should have protectionist legislation. When the poll was run again, with respondents who were informed that protection might have consequences like less choice of products or higher cost of products, support for protectionism dropped to around 28 per cent. Examples like this one can be multiplied to show how public opinion polls can be misleading. Recent abuses of polls, like the use of political "push polls" that use loaded questions to try to influence voters, have made some of the shortcomings of polling so obvious that there is growing suspicion about the superficialty of polling as a method of measuring real public opinion, especially on complex issues where the public may lack relevant information. Yankelovich astutely pinpointed a key problem posed by polling methodology. On issues of public importance in a democracy, the way the public arrives at decision on how to take action to deal with issue is to go through a process of deliberation. Deliberation is a sequential process that needs to go through several stages as new information comes in, and is processed. Polls too often oversimplify or distort a hypothesis about what or how the public is really thinking about an issue because the poll takes a "snapshot" of just one stage in the process of deliberation. This negative or crtical point about polls made by Yankelovich is interesting, but by itself, it is not too novel. Many others have often criticized the shortcomings of public opinion polls.

Yankelovich went further than just negative critique, however. He worked out an analysis of the process of deliberation as a sequential form of reasoning. Yankelovich (1992, p. 24) cited the following seven stages as characteristic of the process of public deliberation on an issue of public policy. First, the public becomes aware of the existence of a problem, and it is stated as an explicit problem. Second, the public develops a sense of urgency about doing something to solve the problem. Third, policy makers begin to offer proposals for change. Fourth, resistance to change arises as people become aware of the possible consequences of the proposals, and there arises a realization that her will be difficult tradeoffs. Fifth, people begin to "wrestle" with the tradeoffs, trying to reconcile conflicting values. This fifth stage could be called an argumentation stage of the deliberation. Arguments on both sides are brought forth and their weaknesses and strengths explored. When this fifth stage is ended, a sixth stage is reached where people reach an "intellectual resolution" on what action should be taken to deal with the issue. The seventh stage is the public acceptance, personally, emotionally, and morally, of the resolution of the issue. The problem with public opinion polls, according to Yankelovich (1992, p. 25) is that the public does not get the information they need in order to go through this procedure of rational deliberation in a productive way. The media see their job as making people aware of new issues, but they typically do not follow up on an issue, it consequences, and its developing though the various stages. They tend to emphasize stages one and two. They report on a new controversy, but then lose interest when some new controversy seems more exciting. Reporting lurches on, presenting a disjointed series of snapshots that fails to match up with the requirements of a rational deliberation process on the part of an informed public.

What is most important about Yankelovich's analysis of polling in democratic decision-making is not his negative critique of public opinion polling, or his empirical observations about public deliberations. What is most fundamentally important is that Yankelovich can be seen as setting out normative requirements for a rational process of deliberation. This process represents a rational method of thinking by the public in a

setting of democratic politics. Yankelovich sees the public as a group who are thinking together in a way that is comparable in its structure to the way that a rational individual should think when making a decisions on how to take action when confronted with a problem or issue. Accordingly, the sequence of seven steps of thinking in the Yankelovich model can be seen as setting out requirements for a distinctive type of reasoning, or use of reasoning in a special context of use. The reasoning could be analyzed as goal-directed practical reasoning by an agent, leading to a practical decision. But how is the reasoning being used for some purpose? The answer is that it is being used in a process called deliberation that characteristically should go through seven steps before arriving at a conclusion.

What then does the Yankelovich model suggest as a method of evaluating argumentation based on appeal to public opinion in a democratic setting? The answer is that deliberation should be seen as a kind of conversational interaction in which the public as a group decision-maker is getting information through the media, and at the same time voicing their own opinions, often through public opinion polls. The process is a circular and dynamic sequence of argumentation. It is conversational in nature because questions are asked and answered at each stage of the unfolding conversation. The conversation is not only goal-directed. It has an order of the sequence of conversational moves. This order sets out a normative framework that can be used to apply to particular cases. In a given case, using the normative criteria, an evaluation can be made on how good or deficient the deliberation in the issue was. How should such an evaluation be made? The answer is that critical questions can be asked at each stage of the deliberation. The deliberation is only good or productive at that stage if the appropriate critical questions are satisfactorily answered before the argumentation proceeds to the next stage. For example, suppose the public is polled on its opinion on the issue. Critical questions about the questions used in the poll should be asked. For example, the public's knowledge of the consequences of the policy at issue should be considered, in judging the worth of a conclusion derived by inference from a public opinion poll.

The format of the ordinary public opinion poll is designed to get a public opinion on an issue at a point of time, even thought the public may lack information about the issue at that time. But there is another kind of poll, called a deliberative poll. The deliberative poll is designed to get the thoughtful opinion of the public after they have received the relevant information on an issue, and had a chance to think through its implications. Fishkin (1995, p. 162) has succinctly summarized how a deliberative poll works.

Take a national random sample of the electorate and transport those people from all over the country to a single place. Immerse the sample in the issues, with carefully balanced briefing materials, with intensive discussions in small groups, and with the chance to question competing experts and politicians. At the end of several days of working through the issues face to face, poll the participants in detail. The resulting survey offers a representation of the considered judgments of the public – the views the entire country would come to if it had the same experience of behaving more like ideal citizens immersed in the issues for an extended period.

The deliberative poll is designed as a dialogue in which an issue is discussed. Such a dialogue can be seen having to pass through four stages. There has to be an opening stage, in which the issue is formulated. Next their has to be an argumentation stage in which arguments on both sides of the issue are discussed. At this stage, there should be an interjection of relevant information on the issue from experts. By this means the

deliberations can be made intelligent, and the ignorance of the participants can be overcome. The traditional poll only collects information about the opinion the public accepts, even if they have not thought about the issue, or are ignorant about it. The deliberative poll captures the opinion the public would hold if they were informed about the issue and had deliberated about it.

The traditional public opinion poll fails to take account of account of the reasons a respondent has for holding an opinion. The probable or possible consequences of a policy may not even be considered. Fortunately, the ordinary poll is not the only method of judging public opinion on an issue. A deliberative poll can be based on an examination of the reasons why the public holds a particular opinion on an issue. But here we come back to models of rationality. The traditional public opinion poll has seemed like rational evidence in the past because it is empirical evidence, backed up by the science of statistics. To the logical empiricist, an empirical collection of data is the best kind of evidence, whereas deliberation is merely a subjective process. And yet the deliberative poll is less susceptible to poll-driven politics and the fallacious *argumentum ad populum*. It probes deeper in to the real opinion of the public, instead of just taking a superficial snapshot. But now we are back to the underlying logical or philosophical problem. How can an argument that based on intelligent deliberation be seen as rational evidence? Fortunately, argumentation theory provides a model of rational argument that can answer this question. In this model, deliberation is seen as a goal-directed dialogue process with stages and rules. Deliberation is one of the dialectical models of argument analyzed in (Walton and Krabbe, 1995). It is one of several types of dialogue that are normative models of argumentation.

5. Deliberation, Persuasion and Other Types of Dialogue

According to the principle of reason-based deliberation, it is a presumption of deliberative democracy as a model of political rhetoric that group discussion in the form of deliberation can be a rational basis for action. In other words, according to this principle, the argumentation that arises out of deliberation needs to be seen as reason-based. The arguments discussed and acted upon must be able to be rationally judged to offer good reasons to support the conclusion decided on. But if rational deliberation is one framework of argumentation that takes place in political discourse, there are several other kinds of argumentation that are important as well. A lot of political rhetoric can be described as persuasive communication. In persuasion dialogue, the proponent of the argument already has a preformed agenda. She has a viewpoint or thesis, and has the aim of persuading the respondent (audience) to come to accept that thesis. Deliberation should be more open to alternative course of action, and should be a more collaborative form of dialogue, while persuasion dialogue argues that a particular proposition (thesis advocated) is true (or false). Yet another kind of argumentation commonly encountered in political discourse is negotiation. Argumentation in negotiation is all about bargaining over goods that are in short supply. Yet another framework of argumentation is the eristic dialogue or quarrelsome type of discourse – a polarized verbal fight in which the aim is to defeat the other party by any means. Both Plato and Aristotle were aware of eristic or agonistic dialogue, in which the sole purpose is to get the best of the other part by using arguments that may only appear to be good. According to Plato (*Sophist* 231e), eristic

arguments are the methods used by the sophist. However, eristic dialogue is not always intentionally deceptive. It is often used by interest groups who see the "fight" for their cause as more important than engaging in a rational discussion in which the other side might be right. Finally, it is possible to distinguish one more basic framework of argumentation that sometimes has a role in political rhetoric. In the inquiry, the aim is to carefully prove (or disprove) a conclusion only by using evidence that has been carefully established and verified. This framework of argumentation is characteristic of a scientific investigation, of the kind used to test a new drug or to investigate an air disaster.

All six basic types of dialogue described above, persuasion dialogue, the inquiry, negotiation dialogue, information-seeking dialogue, deliberation, and eristic dialogue, have been studied in recent argumentation theory (Walton, 1997). The method of analyzing and evaluating argumentation by using each type of dialogue as a normative model is identified with the approach called the new dialectic. The characteristics of each of the types of dialogue in the new dialectic can be summarized in table 1 below.

TYPES OF DIALOGUE

TYPE OF DIALOGUE	INITIAL SITUATION	PARTICIPANT'S GOAL	GOAL OF DIALOGUE
Persuasion	**Conflict of Opinions**	**Persuade Other Party**	**Resolve or Clarify Issue**
Inquiry	**Need to Have Proof**	**Find and Verify Evidence**	**Prove (Disprove) Hypothesis**
Negotiation	**Conflict of Interests**	**Get What You Most Want**	**Reasonable Settlement that Both Can Live With**
Information-Seeking	**Need Information**	**Acquire or Give Information**	**Exchange Information**
Deliberation	**Dilemma or Practical Choice**	**Co-ordinate Goals and Actions**	**Decide Best Available Course of Action**
Eristic	**Personal Conflict**	**Verbally Hit Out at Opponent**	**Reveal Deeper Basis of Conflict**

Table 1

The new dialectic is built on the pragmatic foundations of Grice (1975). According to this pragmatic approach, an argument can be seen as a contribution to an orderly goal-directed conversation between two parties. It can be judged to be rationally acceptable to the extent that it made a collaborative contribution to the moving forward of the conversation towards its goal. This Gricean approach was supplemented by the typology

of dialogues in the new dialectic, as shown in table 1. By specifying the precise rules and goals of the different types of conversational exchanges, the new dialectic offers a method for evaluating argumentation of the kind that is commonly used in political rhetoric. Each type of dialogue has distinctive goals, turn-taking moves, and methods of argumentation used by the participants to work towards these goals together. Thus any given argument will need to be evaluated differently in the new dialectical approach, depending on what type of conversation it was supposed to be a part of.

Bohman (1996, p. 53) described public deliberation as a dialogical process. Reaching towards putting this idea into some kind of coherent framework, recent democratic theorists have tried to identify features of this dialogical process that make it a kind of rational thinking. But the framework as whole has been elusive, because of the logical empiricist assumption that any rational argument that proves anything must be based on fixed premises that are empirically verifiable, and deductively valid inferences from these premises. Instead, deliberation needs to be seen as a dialogue process in which fallible arguments on both sides of a problem or issue are considered. Premises are not fixed, like scientific axioms, but are variable. They are *endoxa*, based on popular opinions worth of discussion and evaluation. *Endoxa* can even be inconsistent as a set of propositions, and they can still be worthy as premises of a thoughtful and productive public deliberation on an issue. The inferences drawn from the *endoxa* are not (exclusively) deductively valid. They are fallible kinds of inference that are subject to doubt and critical questioning. They are based on warrants (generalizations) that are subject to exceptions. Reasons in a public deliberation, viewed in this model, can be seen as convincing (rationally persuasive) when their probative weight is evaluated against the opposing arguments that have been given in dialogue. Of course, such arguments tend not to be conclusive. But as Aristotle would have maintained, it would be a mistake to expect conclusive and final arguments when dealing with a subject-matter that is highly variable, because it is subject to changing circumstances and uncertainty about the future.

Hitchcock, McBurney and Parsons (2001) have proposed a formalized model of deliberation as a type of dialogue in which participants take turns making proposal and counter-proposals. As well, the participants can make other kinds of moves, like asking questions, according to procedural rules. A deliberation dialogue, in this model (p. 5), arises out of a need to take action, expressed by a governing question like, "How should we respond to the prospect of global warming?" As the dialogue proceeds, the participants try to answer the question by putting forward proposals for action that might solve the problem. The list of different types of moves (quoted from Hitchcock, McBurney and Parsons, p. 7) gives the reader an idea of how the dialogue works.

Open: Opening of the deliberation dialogue, and the raising of a governing question about what is to be done.

Inform: Discussion of: (a) the governing question; (b) desirable goals; (c) any constraints on the possible actions which may be considered; (d) perspectives by which proposals may be evaluated; and (e) any premises (facts) relevant to this evaluation.

Propose: Suggesting of possible action-options appropriate to the governing question.

Consider: Commenting on proposals from various perspectives.

Revise: Revising of: (a) the governing question, (b) goals, (c) constraints, (d) perspectives, and/or (e) action-options in the light of the comments presented; and the undertaking of any information-gathering or fact-checking required for resolution. (Note that other types of dialogues, such as information seeking or persuasion, may be embedded in the deliberation dialogue at this stage.)

Recommend: Recommending an option for action, and acceptance or non-acceptance of this recommendation by each participant.

Confirm: Confirming acceptance of a recommended option by each participant. We have assumed that all participants must confirm their acceptance of a recommended option for normal termination.

Close: Closing of the deliberation dialogue.

The various rules given by Hitchcock, McBurney and Parsons govern not only what each participant can say at each move, but also how each must respond to a prior move by the other participant. Unanimity of the participants is required for their reaching a decision on a course of action to conclude a dialogue. This formal model of deliberation is commitment-based, meaning that the premises of one participant's argument are furnished by the commitments of the other. This feature accommodates the possibility that general agreement of the group can be an acceptable basis for provisionally going ahead in a deliberation to commit to an argument.

The idea that deliberation can be a framework for rational argument stems from the leading notion of rationality in Aristotle's ethical and politics, that of practical reasoning. In his writings on logic, Aristotle did classify certain types of argument as "dialectical", but deliberation was not one the types he included. But if we turn to Aristotle's writings on rhetoric, deliberation is cited as an important framework of argumentation. Aristotle described the characteristics of deliberation very clearly in a way that makes his work still a leading resource on the subject.

6. Aristotle on Rhetoric, Deliberation and Public Opinion

Aristotle defined rhetoric as "the faculty of discovering the possible means of persuasion in reference to any subject whatever."(*Rhetoric* 1356a2). But then later in the *Rhetoric* (1357a12), he wrote that the function of rhetoric is " to deal with things about which we deliberate." These remarks are puzzling, if a clear distinction between persuasion and deliberation is assumed. Is rhetoric about persuasion or deliberation? Some clarification is forthcoming in Aristotle's classification of the kinds of rhetoric (*Rhetoric* 1358b1) as corresponding to the three types of rhetorical speeches: deliberative, forensic and epideictic. The deliberative kind, we are told, is either hortatory or dissuasive. The forensic kind is either accusatory or defensive. The epideictic kind has praise and blame as its subject (1358b3). These remarks throw some light on the place of persuasion in deliberative rhetoric, especially in relation to Aristotle's clear and forceful

analysis of correctness of deliberation as a kind of excellence of thinking given in the *Nicomachean Ethics* (1142b15). In this account, Aristotle wrote (1112b7) that we deliberate about things that are in our power, and that therefore deliberation is about future things that are fluid, or open to change, and not fixed. Deliberation concerns matters that are subject to rules that "generally hold good" but are uncertain (1112b10). Thus we get a picture of how Aristotle defined deliberation. It looks like a process involving a kind of argumentation or rational thinking in which a group or an individual is trying to decide what is the best course of action in a situation requiring a choice but also involving uncertainty. The decision maker is looking at the arguments on both sides of the choice. As we say, the decision maker is examining the pros and cons. But how is persuasion involved in deliberation? I think this question is very difficult one, not only for trying to understand Aristotle's remarks, but for the subject of rhetoric generally.

The view of modern argumentation theory is that deliberation and persuasion are two fundamentally different kinds of discourse in which argumentation takes place. Each is a distinctively different framework of argumentation with its own goal. Each is a distinctive type of dialogue in its own right, as indicated above. The initial situation of a deliberation dialogue is a practical choice of actions that needs to be made, and the goal of the dialogue is to decide the best (most prudent) course of action. The initial situation of a persuasion dialogue is a conflict of opinions about an issue to be discussed, and the goal of the dialogue is to resolve or clarify the issue by examining and weighing the argumentation on both sides. In the type of persuasion dialogue called the critical discussion in van Eemeren and Grootendorst (1984), each side has a "viewpoint" or point of view, and each tries to convince the other side that its viewpoint is right. The two types of dialogue are similar is several important respects. Both are about an initial conflict or choosing among mutually exclusive alternatives. And in some cases, the persuasion dialogue can be about a conflict of opinions on which is the best policy or course of action. And yet they are different kinds of dialogue. Persuasion dialogue is about a proponent using argumentation to try to get the respondent to come to accept a proposition as true (or acceptable) that the respondent did not accept prior to the argumentation presented to him. Deliberation dialogue is about trying to look into the future by considering the pros and cons of two alternative possible courses of action. An example would be a group of citizens in a town hall meeting discussing the installation of a new sewer system. Of course, in such a town hall meeting, persuasion will be involved, as there will be factions for both sides, and the committed faction will try to persuade the others that their (the faction's) viewpoint on the matter is right. But somehow it is wrong to think that the town hall meeting should be all about persuasion. Although persuasion is inevitably involved in such meetings, the real goal should not be just to persuade that your view is right, but to really deliberate by getting as realistic an estimate of the pros and cons, the estimated costs and benefits, as you can.

Since appeal to popular opinion is so often taken to be a fallacious form of argument in modern logic textbooks, you might think that Aristotle would have taken a negative view of this form of argument, or even included it in his famous list of fallacies. However, this expectation is not justified by examining the various places in the Aristotelian corpus in which appeal to popular opinion is discussed. Dialectical reasoning was said by Aristotle to be based on what are called *endoxa*, or statements that seem to be true by the majority and the wise (*Topics* 100b23). Barnes (1980, p. 500) translates

endoxon as "reputable" or "of good repute", suggesting that *endoxa* are not only public opinions, but ones that are generally respectable at any given time, as would be supported by the consensus of scientific opinion. There seems to be no single English term for this notion, although "conventional wisdom" might be a good approximation. Since dialectical reasoning is basically a reasonable form of argumentation for Aristotle, and since arguing from an *endoxon* is not included in his list of fallacies in *On Sophistical Refutations*, one might conclude that appeal to popular opinion is not a fallacy for Aristotle. But there is a very significant passage in the *Topics* (156b20-156b24) where Aristotle offers his readers clever strategic advice on how to get the best of a speech partner with whom you are arguing. He suggests that it is useful to add to your view is the generally held and expressed view. The reason why this strategy should work, he adds, is that people are reluctant to go against customary opinions. This passage suggests that while Aristotle did not condemn appeal to popular opinion as a fallacious type of argumentation, he well understood how it could be used for purposes of strategic manipulation in argumentation.

It is fundamental to Aristotle's view of rational thinking to be clear that practical reasoning in deliberation is quite different from scientific reasoning. The basic principle underlying the distinction is that to reason in deliberation is to reason about things that are variable and change with circumstances (*Nicomachean Ethics* 1094, 19). Aristotle called scientific reasoning "demonstration" (*apodeixis*) and he described its properties in the *Prior Analytics*. Demonstration needs to proceed by deductive (syllogistic) reasoning from premises that are known to be true.[4] The premises of a demonstration are fixed, once in place, and stable. For example, in geometry they are necessary truths or axioms. In goal-directed practical reasoning of the kind used to make choices in ethical deliberation, the premises are variable. In ethical reasoning that culminates in a choice on what to do, he wrote, "we must be content with "premises to indicate the truth roughly and in outline" (*Nicomachean Ethics* 1094, 19-23). Hence reasoning in deliberation is based on premises that are generalizations that are "only for the most part true." (1094, 23). But now an obvious question is raised. Where do such uncertain premises come from, and what gives them standing as acceptable premises for rational thinking? The answer Aristotle gave to this dual question is that the premises of ethical reasoning are *endoxa*, or generally accepted opinions. As noted above, the *endoxa* are not merely popular opinions of any kind, but "reputable" opinions with some standing (Barnes, 1980, p. 500).[5] They are opinions generally accepted by the public, but also by the experts. The account of *endoxa* in the *Topics* (100b22-24) defines them as follows: "those opinions are reputable that are accepted by everyone or by the majority or by the wise."

But now another problem arises. If the *endoxa* are variable, could they even be inconsistent with each other in some cases? Could the public, for example, accept one proposition and yet, at the same time, also accept another proposition that is the opposite of the first one? As will be indicated below, there are actual cases, quite interesting ones,

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[4] McAdon (2001, p. 121) noted that the starting point (premise) of an Aristotelian demonstration must not only be true. It must be more familiar than, prior to, and explanatory of the conclusion. Burnyeat (1994, p. 13) noted that Aristotelian demonstration proceeds from premise that are "true and primary and immediate and better known than, prior to, and explanatory of the conclusion demonstrated form them."

[5] McAdon (2001, p. 124) has observed that *endoxon* is often translated as "generally held belief", the term refers only to certain accepted opinions "held in high esteem" or "of high repute".

in which the public does seem to accept contradictory propositions. And it also seems that on Aristotle's account, *endoxa* are not only variable. They can even be in conflict with each other in some cases. Barnes (1980, p. 503) and Bolton (1990. p. 197) take Aristotle's notion of *endoxon* to allow, for example, that popular opinion can conflict with the opinion held by " the wise" or "the most reputable of the wise" (the experts).[6] Thus an *endoxon* is only that something that is generally accepted and is therefore plausible. That does not mean that it is true, or even that everyone accepts it. What we need to note is that *endoxa* can function as premises in rational deliberation, for example in political decision-making, even though they are fallible. In some cases, they may even lead to contradiction because they are inconsistent, or contain inconsistencies that can be derived from them by logical reasoning. But here is the problem. In deductive logic, anything follows by valid reasoning from an inconsistent set of premises. Thus it is clear that argument from popular opinion must be based on some model of reasoning other than that of deductive logic. And it turns out that it is. It is based on a kind of fallible reasoning based on warrants that are subject to exceptions. To see what kind of reasoning this is, we need to rethink the concept of the Aristotelian enthymeme. Only by this means can we penetrate beneath the veil of our logical empiricist prejudices and begin to see how the argumentum *ad populum* can be formulated as an argumentation scheme. An argumentation scheme is a form of argument that can be reasonable, even if it is subject to critical questioning. It is a form a form of argument that can be fallacious in some cases, but can also be reasonable, under the right conditions.

Aristotle claimed that dialectical reasoning, the most important kind of rational argumentation outside science, should be based on premises accepted by the majority and the wise. All this evidence would seem to show that somewhere in the philosophy of Aristotle, and especially in his theory of rhetorical argument, one should find support for the principle of reason-based deliberation. Why then is it that such support has never been found? The reason is that Aristotle's view of rhetorical argument has been systematically misinterpreted in a way that makes it more supportive of logical empiricism by concealing the fundamental link between the speaker and the audience based on ways of thinking that are shared by the speaker and the public audience. The misinterpretation is that the enthymeme, literally meaning 'in the mind', is misleadingly taken to a kind of deductive argument with a missing premise. Once it is shown what an enthymeme really is, or was for Aristotle, a very different view of his rhetorical theory emerges, one that can actually be shown to strongly support the principle of reason-based deliberation.

7. The Enthymeme as the Key Component in Aristotle's Rhetoric

In his account of argumentation presented in the *Rhetoric*, Aristotle's view was that rhetorical argumentation should properly be based on premises that express public opinion at a given time. It would be quite surprising if his view of rhetorical argumentation were to be otherwise. For surely a rhetorical speaker, in order to be

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[6] For example, a passage in the *Metaphysics* (1214b29-1215a15), indicates that the opinions of experts on ethics, say on happiness, could be different from popular opinion on the subject. Arsitotle wrote that we do not have to "consider the views of the multitude" for they "talk without consideration about almost everything, and most about happiness."

successful in persuading an audience, must base his arguments on the commitments of the audience, on what they accept as their opinions. Of course, a public speaker will be trying to change some of these opinions of the public audience. But it is surely illogical to think that he will, or should, try to change all of them. To successfully persuade them to come to accept a specific claim, he will generally have to base his arguments on their way of thinking, and on opinions and ways of thinking about things that they are inclined to accept and are accustomed to. In other words, the successful rhetorical arguer needs to recognize that the audience (including what the audience accepts, and the audience's general way of thinking) has an important role in his argumentation. The use of this recognition could be called audience-centered rhetoric. In audience-centered rhetoric, argumentation needs to be seen as a dialogue between the speaker and the audience. The audience may appear to be passive in this dialogue. But this appearance is misleading. The reason is that the audience's opinions and customary ways of thinking need to be vital to guiding the speaker's argumentation. In modern terms, the speaker needs to use empathy to figure out what his audience is thinking about an issue, what they accept on the issue, or what they can be brought to accept, and how they are thinking about the issue. But what evidence is there that Aristotle's view was compatible with, or supported audience-centered rhetoric? Actually, there is quite a bit of evidence, but it all depends on Aristotle's concept of the enthymeme. Right at the beginning (354a4), he cites the enthymeme as centrally important for rhetorical argumentation, criticizing other theories of rhetoric because they say nothing about enthymemes. But what did Aristotle mean by 'enthymeme'?

The conventional opinion throughout the history of logic has been that Aristotle meant by 'enthymeme' a deductively valid argument (syllogism) that needs to be made by explicit by adding in a premise that is tacitly understood. To cite the traditional example given in so many logic textbooks, consider the following argument: all men are mortal, therefore Socrates is mortal. This argument is invalid, as it stands. But if we supply the missing premise, 'Socrates is a man', the argument becomes valid. Since everyone knows that Socrates is a man, or at least an arguer could assume that a typical audience would be aware of this historically well-known fact (and presumably would not dispute it), this missing premise can be added as part of the argument. There is some textual evidence for this traditional view of the Aristotelian enthymeme, mainly one sentence from the Prior Analytics (70a10): "An enthymeme is an incomplete argument (*syllogismos*) from plausibility or sign." But as Burnyeat (1994, p. 6) has suggested, the key word 'incomplete' (*ateles*) may have simply been added in the eleventh century. Burnyeat argued (p. 7) that this addition is wrong, and should be deleted. Many earlier Aristotle scholars had agreed with Burnyeat's view that the traditional view of the enthymeme as an incomplete syllogism is an error. What then, it needs to be asked, did Aristotle really mean by 'enthymeme'? The answer is breathtaking in that it opens up a different way of looking at the concept of argumentation in Aristotle's *Rhetoric* that departs radically from longstanding traditions in both logic and rhetoric. What Aristotle really referred to, according to this view, is a kind of argumentation that can be called plausible reasoning. It was known to the sophists. It is different from deductive and inductive (in the modern statistical sense) argumentation. It can be identified with what Peirce called abductive inference. It is a fallible form of argumentation. It requires input from the audience, or respondent, to whom the argument was supposedly directed.

As Bitzer (1959, p. 399) noted, althought there are many hints, there is no unambiguous statement defining the enthymeme in the *Rhetoric*. However McBurney (1936) had carefully examined the passages in the *Rhetoric* where Aristotle paid special attention to the enthymeme, and came to the conclusion that it represents an argument based on sign and "probability". But the term traditional translated as "probability" (*eikos*) does not refer to the modern statistical meaning. McBurney (1936, p. 56) wrote that the greatest difficulty in grasping what is meant by the enthymeme arises from understanding what Aristotle meant by *eikos*, for Aristotle's discussion is "obscure" and "he does not give us a complete example." But *eikos* was a familiar notion in Greek rhetoric. A better translation would be "plausibility" instead of 'probability". The most famous illustration of plausible reasoning in the ancient world was the example described by Aristotle in the *Rhetoric* (1402a17 - 1402a28), where it was attributed to Corax. In a trial in a case of alleged assault, the one man was visibly bigger and stronger than the other. The weaker man appealed to the jury by arguing that it was implausible that he would have assaulted the visibly much bigger and stronger man. Turning the tables, the stronger man then put forward a reverse eikotic argument, opposed to the smaller man's original eikotic argument. The stronger man argued that it was implausible that he would attack a visibly smaller man, since it would look so bad for him if the case went to court. According to Gagarin (1994, p. 51), the reverse eikotic argument was a typical "turning-of the-tables" argument favored by the sophists of the second half of the fifth century BC.

McBurney (1936) argued that many examples such plausibilistic or eikotic arguments can be found in the various Aristotelian topics, or common argument types. Tindale (1999, p. 11) noted that many of the topics outlined by Aristotle in Book II chapter 23 of the *Rhetoric* are common strategies or lines of argument that are familiar to modern argumentation theorists. Included are argument from precedent, argument from consequences and argument from analogy. But a nice illustrative case of one of these common types of arguments can be found (Seaton, 1914). Seaton (p. 114) cited Antony's public speech in which he put forward the following arguments against the charge that Caesar was ambitious. First, he stated that Caesar brought many captives home, but put their ransoms in the general coffers. Second, he argued that when the poor cried, Caesar wept. Third, he argued that three times, when offered the dictatorship, Caesar refused. Seaton (1936, p. 114) noted that all three arguments are based on "signs". None of the arguments is deductively valid or inductively strong. Each is a fallible argument based on given data or outward appearances that offers a hypothesis or conjecture that would plausibly explain the data. If a person has turned down a dictatorship, this fact can be used as evidence to plausibly argue that he is not ambitious. But there may be other explanations why he acted as he did. Much the same point can be made about the fallibility of other two arguments. Each is a typical plausibilistic (eikotic) argument. They all point to the same conclusion.

In recent times another name for what appears to be this same kind of argument has come to very widely accepted - abductive argument. The American scientist and logician C. S. Peirce used examples both from science and everyday reasoning to argue that abduction, or inference to the best explanation, is a distinctively important category of argument in its own right, as contrasted with deduction and induction. In 'The Proper Treatment of a Hypothesis' (Eisele, 1985, pp. 890-904), Peirce described abduction as a kind of guessing, characteristic of scientific reasoning at the discovery stage, which can

save experimental work by narrowing down the possible hypotheses to be tested to the most plausible candidates. But Peirce also gave examples of abduction from everyday reasoning. He cited the case (1965, p. 375) of his landing at a seaport in Turkey and meeting a man on horseback surrounded by four horsemen holding a canopy over his head. The conclusion he drew - this person must be the governor of the province. The reason – the governor was the only person he could think of that would be so greatly honored. This case of inference to the best explanation is a good example of abduction leading by plausible reasoning to a conclusion that is a guess or hypothesis. It could be wrong, but in context, it seems like a good guess. One can see the similarity here between abductive inference and the kind of plausibilistic reasoning characteristic of the kind of rhetorical argumentation described in the *Rhetoric*. Both are fallible, and both and depend on commonly held assumptions about what is typical, or can normally be expected, in a kind of situation that is familiar to both a speaker and a hearer. A generalization like 'Only a governor would be so greatly honored.' is not a universal generalization of the kind studied in deductive logic. It is a kind of common sense generalization that fits a stereotypical kind of case, but is subject to defeat if more comes to be known about the particulars of the case. At any rate, the parallels between the Peircean notion of abductive inference and the Aristotelian notion of the enthymeme are thought-provoking. Sabre (1980) has even argued that the Aristotelian rhetorical enthymeme is essentially the same kind of argument as Perice's abductive argument.

These matters of how to interpret Aristotle's notion of the enthymeme are quite controversial. It seems incredible that the history of rhetorical argumentation since the time of Aristotle could be based on such a fundamental error. Although the error was recognized and pointed out by logicians from time to time, the logic textbooks in the twentieth century continue to use 'enthymeme' in the way tradition dictates. Sir William Hamilton (1861) was clearly aware of this error. Hamilton called the defining of the enthymeme as a syllogism with one of it premises "not expressed, but understood" a "vulgar doctrine"(p. 153). He saw this vulgar doctrine a corruption of Aristotle's meaning. What Aristotle really meant by 'enthymeme', according to Hamilton (1874, p. 389) was a syllogism based on "signs and likelihoods". Hamilton argued that not all Aristotelian syllogisms are of the deductively valid kind. He argued, convincingly: "a syllogism from signs and likelihoods does not more naturally fall into an elliptical form than a syllogism of any other matter."(1874, p. 389). According to Aristotle's view, Hamilton argued, there are syllogisms, like those based on argument from sign, where the inference from the premises to the conclusion is not logically necessary, but only based on what generally appears to be true, subject to exceptions. H. W. B. Joseph (1916, p. 350) distinguished between the common use of 'enthymeme' in logic as a syllogism with a missing premise and the Aristotelian meaning of the term as an eikotic argument. According to Joseph (p. 350), *eikos* is "a general proposition true only for the most part, such as that raw foods are unwholesome." Such generalizations are subject to exceptions, as Joseph noted, and thus the inferences based on them, although they can be reasonable, are subject to defeat. Joseph (p. 350) cited examples of the medical diagnosis of a disease as an argument of this sort. The given symptoms may plausibly suggest a particular diagnosis, but new developments in the case may later point to a different conclusion.

When did such a fundamental misinterpretation of one of the most central notions in Aristotle's theory of rhetorical argumentation get started, and why has it persisted so long

as such a dominant dogma in the history of logic? Hamilton noted the prevalence of this interpretation by commenting, "this absurdity has been and almost universally is believed of the acutest of human intellects, and on grounds which, when examined, afford not the slightest warrant for such a conclusion."(Hamilton, 1874, p. 389). One might be tempted to blame it on the modern logicians, who have typically portrayed deductive logic as all-important, and have studiously ignored the defeasible non-deductive kinds of inference now regarded as so important in computer science. But apparently, this mistake did not originate in modern logic. It started a long time ago. Hamilton wrote (1861, p. 155) that the "vulgar doctrine" of the enthymeme started from the earliest Greek commentators on Aristotle, and can be traced through Sextus Empiricus.

But what if the interpretation suggested above, defining enthymeme not as argument with missing premise, but as plausible argument to the best explanation, turns out to be right? The implications for rhetoric, and for the study of rhetorical argumentation in a context of deliberative democracy, are highly significant. It means not only that the traditional view of the enthymeme as a deductively valid argument with a missing premise is a misinterpretation of Aristotelian rhetoric. It opens up a new and radically different way of viewing the enthymeme as the key component in Aristotle's technical art of rhetorical argumentation. It means that the central form of argument in Aristotelian rhetoric is based on the notion of the speaker and the hearer sharing common assumptions about the way things can normally be expected to go in familiar situations – in situations that are familiar to both the speaker and the audience. It means that the speaker and the audience must share a bond that is the basis of the speaker's successful argumentation. It means that the speaker must use empathy to grasp popular opinions, or assumptions about the way things can normally be expected to work in familiar situations. This aspect of rhetorical argumentation was well illustrated by Seaton's case of the argument used in Mark Antony's speech. If a politician is accused of being ambitious, then an audience will tend to see the fact that turned down offers to take up high public office as relevant to that claim. The reason is that normally if a politician is ambitious, he will jump at the chance of taking up a high public office. Of course this generalization is subject to exceptions. And it could be subject to defeat if more particulars of the case come to be known. Despite being a guess that is subject to defeat, these plausible kinds of arguments can be extremely powerful in making a case in political and legal argumentation, where the evidence tends to be based on a mass of weak and inconclusive arguments that are all factored in together. The public may not be in a position to know all the details of a complex political situation where the media tells only part of the story. But they can certainly draw plausible inferences from the information they are given.

8. Logical Form of Appeal to Public Opinion

The initial obstacle to investigating the *argumentum ad populum* in a context of democratic rhetoric is one of nomenclature. To study something, you first of all have to define it, or at least mark out the subject for investigation by choosing a term to describe what you propose to investigate. To translate the Latin into some kind of workable English phrase that denotes the object of study, should we choose 'popular opinion' or 'public opinion'? The phrase 'appeal to popular opinion' is the traditional translation used in logic, and is well entrenched in the logic textbooks. But this phrase has highly negative

connotations, suggesting that *argumentum ad populum* is inherently fallacious (Hamblin, 1970; Walton, 1999). The phrase 'public opinion' has much more positive connotations, suggesting that *argumentum ad populum* could be basically reasonable in many instances. On the other hand, while the expression 'public opinion' sounds clear on the surface, Herbst (1993) has shown that it is highly ambiguous, having different meanings in different fields. As Herbst has shown, sometimes this term is used strictly to refer to the outcome of a poll, while other times it has strong ethical connotations. The ethical meaning includes more than just a numerical aggregate of public opinion, but also indicates a standard of "acceptable" right conduct. So a choice of terminology needs to be made at the outset. Should we label the form of argument "appeal to popular opinion" or "appeal to public opinion"? Below, the latter option is selected. The rationale is that we do not want to foreclose the option that this form of argument can sometimes be reasonable, under the right conditions. We do not want to condemn it at the outset as fallacious. Instead, we want to leave that issue open to investigation.

The next based on public opinion is that they don't fit the usual structures that have traditionally been put forward as models of rational argumentation in logic. Suppose that appeal to public opinion is portrayed as a deductively valid form of argument, 'Everybody believes *A* is true; therefore *A* is true.' Seen in this light, the argument is fallacious. For even if everybody believes that *A* is true, it is logically possible that *A* is false. Thus portraying the appeal to public opinion as a deductive form of argument is setting the standard impossibly high.

A more plausible approach would be to portray appeal to public opinion as an inductive form of argument that is statistical in its logic. Appeals to public opinion are typically based on public opinion polls. So it is evident that these arguments are often taken to be statistical, and that their support is based on the statistical methodology used by the pollsters. On the other hand, there have been many criticisms of public opinion polling in recent times, and many observers are becoming increasingly skeptical about how the polls are being used to arrive at conclusions about what is taken to be public opinion. Many of the shortcomings of the polling methods are not statistical errors however, of the kind measured by the numerical figures sometimes published with the poll. They seem to be more problems about the natural language wordings of the questions used in the poll. Polls are expressed in a way that makes them appear to be scientifically precise. And in some respects, for example in how the sample of respondents is selected, they often are very precise. What is less often recognized is that they are based on selective choice of words and phrases that are generally not measured scientifically by the poll methodology but that can strongly influence the outcome of the poll (Yankelovich, 1991; Crossen, 1994). Words and phrases often have strong connotations to poll respondents, eliciting a positive or negative emotive reaction that is not easy to define or anticipate. It has also been widely recognized that the outcome of a public opinion poll can be affected very significantly by the structure of the question. For example, it may make a big difference to the outcome whether the question is expressed in an open format or a closed format requiring a limited choice of responses (Campbell, 1974; Moore, 1992). What has been especially revealing is the empirical measurement of how subtle variances in the wording of the question in a poll can have highly significant outcomes on the response (Schuman and Presser, 1981). The technique use by Schuman and Presser was to use the same question on a statistically comparable group of

respondents, except that the wording of the question had been subtly altered, for example by using a synonym, or expressing the question in an equivalent negated form. The results of these experiments showed that the subtle wording differences had very significant effects on the outcomes of the poll in many cases.

Thus even though the premise of the appeal to public opinion argument is often based on statistical polling, the link between the premise and the conclusion may not be itself purely inductive. It may be based on many assumptions about how the question was worded and structured, for example. For these reasons, in many instances where appeal to public opinion is used in public deliberation as a persuasive form of argument, it may be beat to see the logical structure of the argument as abductive. An abductive argument is an inference to the best explanation of a given set of facts. Abductive arguments based on a situation of lack of complete knowledge (where the given knowledge base is not closed) take the form of a defeasible inference, an inference that is tentatively acceptable, but subject to defeat as new knowledge enters a case. An alternative to viewing the appeal to public opinion as a deductive or inductive form of argument is therefore available. We can see it as an abductive and defeasible type of argument. According to this new way of viewing the form of the argument, the inferential link is weaker than of the deductive or inductive forms of argument. Just because everybody believes *A* to be true, it doesn't necessarily (or perhaps even probably) follow that *A* is true. The proposition *A* might be false even though the premise is true and the argument has the above structure. In its abductive form, the appeal to public opinion points to the conclusion as a best explanation, but does not exclude out other competing explanations categorically. The abductive form of the appeal to public opinion is therefore phrased in terms of tentative acceptance or nonacceptance rather than truth and falsity.

Abductive Form of Appeal to Public Opinion

People generally (but subject to exceptions) accept *A*.

Tentatively accepting the hypothesis *A* is indicated (subject to default).

What the conclusion states is that an investigation or action plan can move forward by tentative acceptance of the hypothesis indicated, even though that hypothesis may be rejected in the future as more information and evidence comes in. The notion of rationality inherent in this form of argumentation is dynamic and tentative, rather than fixed and absolute, in the way deductive logic is. The appeal to public opinion, as portrayed in its abductive form above, begins to seem like a much more reasonable argument than its deductive or inductive portrayals. Consider a simple example. I am leaving the train in a foreign country where I do not speak the language. I don't know how to get from the train to the exit to the street. There are three such exits I can see. Everybody in the train is moving in a crowd towards the one exit. I have heavy bags. Should I simply follow the crowd, on the basis that since everyone is heading for that exit, it is a plausible hypothesis that that is the exit to the street. In this case, I am in a situation of lack of knowledge. I don't have hard evidence. But just acting on a basis of best explanation of the given data seems like a good hypothesis as a basis for taking action. If the hypothesis turns out to be wrong, I can always go back and start over, even

though it means lugging the heavy bags farther. In a case, the appeal to public opinion seems like a reasonable, and not a fallacious form of argument, even though it is only a guess, based on best explanation of a kind that is subject to default. The example suggests that appeal to public opinion arguments can sometimes be reasonable, and that when they are, they have an abductive form, rather than a deductive or inductive form.

   The problem with many actual examples of the use of the appeal to public opinion type of argument is that they tend to be quite weak, even when they are reasonable. They are in fact so weak, when used simply by themselves, that they are not very persuasive, except when combined with other arguments. In fact what one finds that appeals to public opinion are typically reinforced with other forms of argument like position to know arguments and appeals to expert opinion. Case studies of the appeal to popular opinion type of argumentation (Walton, 1999) have shown that in most cases where this argument is used, it is not in the simple form outlined above. In many cases, for example, the argument takes the following form.

Group Scheme Version of Appeal to Public Opinion

Everybody in group *G* accepts proposition *A*.

Therefore *A* is tentatively acceptable as a hypothesis.

In the group scheme variant, much depends on particulars of the group cited. In some cases the group cited may be experts in a domain of knowledge into which proposition *A* falls. This variant of the argument can be quite strong. In other cases, the group may be in a position to know, even though they are not scientific experts. For example, in the train station case above, the mass of people heading for the exit may be assumed to be in a position to know that the exit they are moving towards is the best way to get out of the station to the street. Presumably, they are familiar with the station. The study of many such cases in (Walton, 1999) has led to a general hypothesis called the bolster thesis. According to the bolster thesis, appeals to public opinion are typically quite weak as arguments on their own, but are strengthened by combining them with other supportive forms of argument, like appeal to expert opinion.

   In some cases, the assumption that makes an appeal to public stronger is that the public has presumably deliberated about the issue in question. Because they have presumably thought the issue through, and examined the arguments on both sides of it, the argument appears to have backing beyond just being an appeal to public opinion. Consider the following argument: "All democratic countries have adopted the policy that torture is an unacceptable method of interrogation; therefore torture is an unacceptable method of interrogation." The premise might or might not be true. But on the assumption that the premise is true, the argument does seem to give some sort of rational basis for support of the conclusion (at least abductively). What gives it that support? Presumably the support derives from the assumption that people in the democratic countries have long engaged in intelligent deliberations on the issue of torture as a method of interrogation. This assumption gives a backing to the appeal to public opinion that makes it more than an argument from a numerical aggregate of public opinion.

9. New Foundations for Deliberative Democracy

The framework of deliberation needed to validate the theory that *argumentum ad populum* can sometimes be a strong, rational argument in a democratic setting has now been provided. What has been shown is the *argumentum ad populum* needs to be evaluated differently in different cases depending on two main factors. One is the argumentation scheme, or form of the argument. The other is the context of use of the argument. If the argument was used in a "mob appeal" form, in a mass rally, it can be fallacious. If it is used in negotiation by interest-groups only to try to promote the interests of the group against the interests of the majority, it can also be a suspicious tactic of dubious worth as a rational argument. If it is used as a rhetorical tactic of persuasion by using the usual public opinion polls to try to get the public to follow what is taken to be the leading trend, again it is a weak form of argument that can contain many faults and fallacies. But if it is used at the right stage of a process of intelligent deliberation, it can be a much stronger form of argument.

Thus the principle of reason-based deliberation in democratic politics can be defended as resting on the most plausible and strongly supported type of *ad populum* argument. Even more generally, the appeal to popular opinion, and with it many other abductive arguments of the kind typically used in democratic political rhetoric, can be evaluated. The evaluation can now be based on the argumentation scheme and the context of use in a dialogue. Such practical arguments can be seen, in many cases, as reason-based arguments that have some worth as reasons for accepting a conclusion or taking a course of action. Such arguments can be judged to be reasonable in the context of a deliberation, when they are used at a particular stage of the deliberation, insofar as they contribute to the goal of the deliberation by moving the argumentation forwards towards the goal. Of course, such arguments can also be used in other types of dialogue, like negotiation dialogue, eristic dialogue or persuasion dialogue. In any given case, a particular argument should be judged on its merits, depending on what type of dialogue it is supposed to be part of. Such arguments are abductive and fallible. They are eikotic, in the sense that they are based on presumptions shared by speaker and hearer concerning the way things can normally be expected to go in a kind of situation that is familiar to both the speaker and the hearer. Aristotle's rhetoric, once the errors concerning the interpretation of his notion of the enthymeme are cleared away, is all about these eikotic and abductive forms of argument. Once the longstanding misinterpretation of the enthymeme is sorted out, it can be seen how there is much of a basis there is in Aristotelian rhetoric that lends support to the principle of reason-based deliberation. There may be many reasons why Aristotle's theory of rhetorical argumentation has been misunderstood and ignored for so long. One may that logical empiricism, a view that admits only of deductive and inductive arguments, and does not even admit the rationality of abductive arguments, has for such a long time has such a strong hold on western culture. But once the rationality of the abductive and eikotic type of argument is admitted as being reason-based, a much more balanced perspective can be gained on how to evaluate the *argumentum ad populum* in political deliberation.

This new way of analyzing and evaluating argumentation provides a new foundation for the theory of democracy, by showing how arriving at a decision based on the thinking of a majority in a democratic political system can be reason-based, under the right

conditions. Arguments used in policy formation and competent decision-making in democratic politics can be shown to have a practical worth as part of the mass of evidence that is processed as a public deliberation proceeds through its various stages. Coming to public judgment in a deliberation can result in a conclusion that supports the argument from public opinion as being based on rational thinking in some cases. Of course, the new theory also shows how the *argumentum ad populum* can go wrong, or be used a fallacy in democratic political rhetoric in other cases. These negative aspects provide evidence that supports Tocqueville's hypothesis about the danger of the tyranny of the majority in democratic politics. The new theory showing how the appeal to popular opinion type of argument, and other abductive arguments typically used in democratic rhetoric, relate to the principle of reason-based deliberation. Such eikotic arguments, although they tend to be weak in themselves, can collect together forming a mass of evidence that tilts a deliberation to one side on a balance of considerations. They must be seen as fallible, and prone to manipulation by demagogues. One should always be a little skeptical about them, and not be afraid to ask critical questions about them. But they represent the best kind of argumentation we can hope for in democratic deliberations on matters of public policy where the future is uncertain. The best one can hope for is to map out a prudent course of action after discussing both sides of a controversial issue and weighing the arguments on both sides.

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Abstract

This analysis provides a model of *argumentum ad populum* (argument to popular opinion) for using public opinion as a rational grounding for actions or policies in democratic political argumentation. It shows how arguments based merely on popular opinion can go badly wrong unless based on constraints in the model. The model is one of rational deliberation as an intelligent process of thinking that leads through several

stages to an informed decision. Argumentation in the model can default, and can even be fallacious in some cases, but in others it can carry evidential weight in the deliberation process. The analysis is based on Aristotle on deliberation, deliberative polling, a normative typology of dialogues, and defeasible reasoning in artificial intelligence.