

Rhetoric and the Public Sphere: Has deliberative democracy abandoned mass democracy?

Simone Chambers
schamber@chass.utoronto.ca

Introduction

The pathologies of the democratic public sphere, first articulated by Plato in his attack on rhetoric, have pushed much of deliberative theory out of the mass public and into the study and design of small scale deliberative venues. The problem that Plato's discussion of rhetoric points to is this: while it is possible to enhance and promote deliberative encounters throughout civil society (i.e., Socratic dialogues), it is not at all clear that the broad informal public sphere can be deliberative. It cannot be deliberative because it cannot be dialogical. It would appear that a great deal of deliberative democracy literature has come to the same conclusion. The mass public is abandoned in favor mini-publics, that is, designed settings that can achieve and maintain standards of critical dialogue or that can be modeled to do so (Fishkin 1997, Fung 2003, Goodin and Dryzek 2006, Brown 2006).

The move away from the mass public can be seen in a growing split in deliberative theory between theories of *democratic deliberation* (on the ascendancy) which focus on discrete deliberative initiatives within democracies and theories of *deliberative democracy* (on the decline) that attempt tackle the large questions of how the public or civil society in general relates to the state. I argue that only the latter and not the former offers a way out of the Platonic dilemma. In an effort to grapple with Plato's challenge, I outline, using Habermas's two-track model of democracy (which is a theory

of deliberative democracy and not a theory of democratic deliberation), the features that make the mass public fertile ground for Platonic type rhetoric or what I call plebiscitary rhetoric. I then suggest that the mass public can become more deliberative not by making it more dialogical but by promoting deliberative over plebiscitary rhetoric.

I begin, however, with a discussion of what I do and do not mean by rhetoric. A growing number of normative theorists are challenging the strict division between rhetoric and deliberation. They are challenging the idea that even ideally rational deliberation ought to be a rhetoric-free zone (Bohman 1996, Young 2000, Richardson 2002, Garsten 2006, Yack 2006). While I agree with most of the arguments being put forward to rehabilitate rhetoric, I claim that many of these arguments fail to see what was objectionable about rhetoric in the first place. By going back to Plato we will see that the strongest objection to rhetoric is not that it appeals to passion over reason. The strongest objection to rhetoric is that it is monological rather than dialogical. Furthermore, Plato drew a close connection between rhetoric and democracy, arguing that democracy by its very nature always suffers from too much rhetoric and too little dialogue. When we look at rhetoric from this angle it raises some interesting and very challenging questions about deliberation as a model of mass democracy.

What is wrong with rhetoric?

In defending the Senate, Madison noted that such an institution could safeguard the republic against “moments in public affairs when people, stimulated by some irregular passion, or some illicit advantage or misled by artful misrepresentations of interested men” call for measures they will latter regret. In these moments, the “cool and

deliberate sense of the community” is at risk (1987, LXIII: 371). The contrast between cool heads versus irregular passions runs through *The Federalist Papers* and is deeply engrained in our Enlightenment tradition (1987, L:317, LV:336; Garsten 2006). Along side this contrast, is the one between artifice and reason. Kant defines rhetoric as the art “of deceiving by means of beautiful illusion” and tells us that it would be beneath the dignity of reasonable men to “exhibit even a trace of the exuberance of wit and imagination, and still more, the art of talking men round and prejudicing them in favor” of some proposal (2000, 204 [5:327])).

The objection to passion and artifice is two fold. The first is that passion is not reason, indeed the two are often at odds, and therefore emotional appeals are epistemically suspect. This appears to be Jon Elster’s claim when he describes the difference between the *deliberations* of the Constitutional Convention of Philadelphia of 1787 and the *rhetoric* of the *Assemblée Constituante* in France of 1789 as the illegitimate and distorting entrance of passion onto the scene. Unlike Philadelphia, in France “the outward form of the debates is that of deliberation, but the force motivating the decisions is passion rather than reason.”(1998: 109). In addition to the epistemic claim, there is the argument from autonomy. Kant insists that rhetoric aims “to win minds over to the advantage of the speaker before they can judge and to rob them of their freedom” (2000, 204 [5:327])). Here the idea is that emotion is manipulative while reasoned discourse is not. This appears to be the grounds for Joseph Bessette’s strong attack on rhetoric and his attempt to insulate American deliberative institutions from its corrupting force (1994).

In contrast to these champions of rhetoric-free deliberation, theorists like James Bohman (1996), Iris Marion Young (2000), Henry Richardson (2002), and Brian Garsten

(2006) have attempted to rehabilitate rhetoric as a legitimate component of deliberation.¹ Young begins her rehabilitation by noting, “rhetoric assumes a distinction between *what* a discourse says, its substantive content or message, and *how* it says it. The general category ‘rhetoric’ as I understand it, refers to the various ways something can be said, which color and condition its substantive content” (2000: 64). She makes three very cogent arguments. The first is that when it comes to political speech, the dispassionate versus passionate dichotomy so popular among the Founding Fathers is deeply suspect. The claim that dispassionate speech is somehow neutral and rational is itself often a rhetorical move to dress-up self-interested claims in the guise of neutrality (2000: 63). Her second argument is that attempting to identify a mode of speech that is non-rhetorical or neutral often has the effect of excluding those who speak in a different idiom or with a different cadence. The groups regularly identified as lacking sufficient neutrality in speech have been overwhelmingly drawn from the marginalized or less powerful in society (2000: 39; Williams 2000). Finally, she argues that rhetoric can be a very positive force in dialogue. In trying to persuade a particular audience, rhetoric can be attentive to the needs and interests of the audience in a way that a detached, ‘neutral’ speech may not (2000: 70; Garsten 2006). Young offers a compelling account of the ways passion, trope, metaphor and evocation can enhance dialogue and further the ends of mutual understanding. In this sense then, rhetoric is simply not the enemy of deliberation that the Enlightenment thought it was.

What is really wrong with rhetoric?

I now want to look at some arguments against rhetoric that shift the problem away from the way things are said, their style or flourish, and instead look at rhetoric from what could be called a structural point of view. Here rhetoric is closely connected to the communicative stance of the orator and it implies an asymmetrical relationship between speaker and hearer or between the orator and her audience. This alternative meaning of rhetoric is captured in ordinary language when we talk about a rhetorical question, for example. These are questions that are posed without any expectation of a reply. Plato famously identified this aspect of rhetoric as the one most threatening to politics. I want to appeal briefly to some of his arguments in the *Gorgias* and the *Republic* to bring out the features of what I will call plebiscitary rhetoric.

In the *Gorgias*, Plato was not primarily concerned with the inadmissibility of passion into speech. While he clearly placed reason above appetite, Plato did not subscribe to the view that passion and reason are opposed. The arguments in *The Federalist Papers* in favor of cool level headedness rather than impassioned zeal are not Plato's arguments. Indeed, one of his arguments against democratic rhetoric is not that it employs passion but rather that it misdirects passion. Callicles is accused of choosing the *demos* over truth as the object of his passionate or erotic love. Socrates by contrast, is moved by an erotic passion for philosophy and his speech embodies and conveys that passion (1997: 49 [481]). Plato was not, in the first instance, concerned with the fiery demagogue or eloquence that tugged at citizen's heartstrings. What concerned him was pandering (1997: 23 [463]). Rather than truth, the orator seeks to please as many people as possible.

Plato's attack on rhetoric flows from his stark division between dialectics and rhetoric. Philosophy is pursued through the back and forth of dialectics or dialogue, its goal is truth and its substance is reason. Democratic politics is pursued through the asymmetry of the political speech, its goal is power and its substance is pleasure. Furthermore, the proof that the orator is not interested in truth is his unwillingness to subject his speech to rational scrutiny.

In the *Republic*, Thrasymachus, a leading figure in democratic Athens, gives a long speech "refuting" all that Socrates has said up to that point. Plato then tells us that, "when Thrasymachus had said all this, he had it in his mind to go away, just like a bathman, after having poured a great shower of speech into our ears all at once. But those present didn't let him and forced him to stay put and present an argument for what had been said" (1992: 20 [344d]). Rhetoricians do not wait around for replies, their contributions are rhetorical - no response is desired or expected. In the *Gorgias* when young Polus, a would-be orator, tries to wriggle out of dialogue, Socrates exhorts him to "submit bravely to reason, as you would to a physician, and answer yes or no to my questions" (1997: 40 [475]). Reason is identified with the process of question and answer. The speechmaker is constantly trying to avoid having to answer questions or respond to criticism, while the philosopher thrives on and advances through questions and criticisms

Plato's attack on rhetoric is an attack on democratic politics because Plato assumes that, as the rule of the many, democracy must proceed through speeches that seek to persuade the many. But he questions whether the political speech can ever be brought in line with reason. In contrast to the speech, Plato champions an ideal of

communication that can only be pursued by a small group of individuals united in their interest in truth. Dialectical communication is not public in the sense that it could never be pursued within a broad and inclusive public but only among a small group of like-minded friends dedicated to truth. Although they might meet in a public space like the Agora, their deliberations are in many ways private.

For Plato then, democratic politics can never be dialogic. Because the framers of public policy require political power and because political power is acquired through popular support, the democratic politician will always try and convince the most people she can. She will continually seek out larger and larger audiences and she will continually be led to pander and flatter. The tendency to pander and flatter can only be checked by face-to-face dialogue; it can only be checked by a Socrates in-your-face so to speak. This in turn can only happen in small groups in which Socrates can direct his questions to individuals who are “forced,” as Callicles was “forced,” to respond.

Has deliberative democracy abandoned mass democracy?

There are obvious affinities with this Platonic account of the critical role of dialectics in forcing interlocutors to give an account, and the ideals of deliberative democracy (Remer 2004). Deliberation as dialogue, especially face-to-face dialogue, is thought to initiate a process of reason giving that enhances the epistemic status of the outcomes. I call this the Socratic dimension of deliberation. The demand for reasons, brings weak arguments to light, forces interlocutors to revise indefensible claims, publicizes unacceptable premises, generally facilitates the exchange of information and knowledge and encourages participants to be reflective. At the heart of many deliberative

models is an ideal of dialogic accountability in which high levels of reasoning are maintained.

Here is the question I wish to ask. Can we embrace the Socratic emphasis on critical accountability while resisting the Platonic rejection of the democratic public sphere? Do these two necessarily go hand in hand? In looking at the most recent developments in theories of democratic deliberation, it sometimes appears as if something like this connection is assumed. While democratic theory in general can be said to have taken a deliberative turn sometime ago, *deliberative* democratic theory is in the process of taking an institutional turn (Chambers 2006, Goodin and Dryzek 2006). Large philosophical and theoretical questions about the nature of democratic legitimacy are being replaced by a growing interest in the nuts and bolts of deliberative institutions and the empirical data that would support (or not support) such institutions (Carpini, Cook, and Jacobs 2004, Mendelberg 2002). Out of this institutional turn comes the study and design of mini-publics (Warren and Pearse 2007, Goodin and Dryzek 2006, Brown 2006, Fung 2003, Leib 2004, Gastil 2000, Fishkin 1997). Mini-publics are exercises in deliberative democracy in which citizens come together to discuss and decide on public policy. They are mini because they are small scale, manageable and indeed designed settings. They are publics because there is usually some claim that deliberation mirrors, represents, or speaks for some larger public. Deliberative opinion polls, citizen juries, and citizens' assemblies, are just a few examples of such forums (Goodin and Dryzek 2006, Brown 2006, Gastil and Levine 2005.).

Mini-publics are intended to be “more perfect public spheres” (Fung 2003: 339). They are designed to make up for weaknesses in the largely undesigned mass public

sphere. As Goodin and Dryzek suggest, the interest in and construction of mini-publics is to be understood as a “solution” to the problem of “how large groups of individuals could genuinely deliberate together.” Mini-publics are “designed to be groups small enough to be genuinely deliberative, and representative enough to be genuinely democratic” (2006: 219, 220). Why does the mass public fail to be genuinely deliberative? The problem does not lie with the cognitive capacities of citizens – they are not thought incapable of genuine deliberation. Mini-publics make up for *structural* (not cognitive) deficiencies that have to do with problems of scale, complexity, lack of information and knowledge and opportunities to speak and be heard.

Mini-publics are safe havens of deliberation – face-to-face encounters between citizens and between citizens and elites that are insulated from certain negative or distorting effects of the broader public sphere. These havens are meant to promote dialogue not monologue; they are places to exchange ideas not deliver speeches; communication is unmediated and symmetrical. Plebiscitary rhetoric, that is speech the goal of which is to “bring along” as many people as possible and have as little back talk as possible, is not tolerated. In these havens we are all encouraged to be Socrates or at least discouraged from being Callicles. The result is that citizen’s judgment is engaged, beliefs are better informed, and opinions more reasonable in the sense that participants are more likely take other peoples concerns and interests into account. These experiments, participatory venues, and deliberative forums are important for many reasons. They can give us a glimpse of what deliberative opinion might look like, they are experiments in institutional design that can perhaps be applied in other contexts, for the participants themselves they are important experiences in citizenship. Furthermore,

they can have interesting and salutary effects on policy making by adding a citizen perspective to many questions and bridging the gap between lay citizens and policy wonk experts (Goodin and Dryzek 2006, Brown 2006, Baber and Bartlett 2005). These experiments are limited, however, and if we begin to think that these venues are the only place that “genuine” deliberation can take place then we risk falling into the Platonic position of turning our backs on the broader democratic public sphere as a place to pursue reasonable politics (Mansbridge 1999, Hendriks 2006).

Democratic deliberation versus deliberative democracy

The fact is, a great deal of one’s day-to-day experience with public issues will not be in these havens. Instead, these experiences will be mediated and involve speaker/hearer asymmetry. From the political speech to the infomercial, our public sphere is dominated by asymmetrical, mediated communication. This is a fact about mass democracy. If theories of deliberative democracy assume that all such public exchanges are hopelessly and irrevocably non-deliberative, they limit themselves and risk becoming overly utopian and irrelevant to the real workings of large modern democracies. They risk embracing a Platonic rejection of democracy. On a less alarmist note, an exclusive interest in institutionally defined and bounded deliberation moves us towards theories of *democratic deliberation* and away from theories of *deliberative democracy*. I want to take a moment to flesh out this distinction as it represents a significant divide in contemporary deliberation theory.

Theories of democratic deliberation look at settings “in which citizens come together on a regular basis to reach collective decisions about public issues” (Gutmann

and Thompson 1996:12). Here the important element is that deliberation is directly connected to decision-making (Bessette 1994, Cohen 1997, Fung 2003, Leib 2004). Although the institutions in question may be more or less formal and outcomes may or may not have direct authoritative bite (compare an empowered citizen's assembly and a deliberative opinion poll), deliberation is nevertheless bounded in an important sense. The growing interest in institutional design questions, especially the design of mini-publics, represents the ascendancy of theories of democratic deliberation over theories of deliberative democracy. Motivating this focus on bounded deliberation is the idea that not all talk is deliberation. Traditionally, indeed classically, deliberation refers to the weighing of factors relevant for choosing a course of action. Chatting with a neighbor about the deplorable state of the local playground is not the same thing as participating in a citizen initiative to decide what to do to clean up the playground. One is conversation the other is deliberation.² A great deal of research and writing in democratic deliberation these days focuses on places, forums, and institutions in which citizens can *deliberately* come together to choose a course of action. The mass public, even at decision times like elections, does not deliberate in this bounded collective sense. But institutionally bounded mini-publics take place within a broader democratic context. Therefore, if one is interested in deliberative democracy as a broad model of legitimacy and a full theory of democracy, the mass public needs to be included in the picture (Hendriks 2006).

Unlike theories of democratic deliberation, theories of deliberative democracy take this larger view. Rather than designing deliberative polls or assessing the outcomes of citizens' assemblies, such theories ask (among other things) how discreet citizen deliberations such as deliberative opinion polls or citizens' assemblies as well as

everyday talk, might add up to and/or fit into a full picture of a deliberative democracy (Habermas 1996, Bohman 1996, Dryzek 2000). Unlike theories of democratic deliberation, theories of deliberative democracy often focus on broad state/civil society relations (Hendriks 2006). More narrowly this has meant an interest in the relationship between informal public opinion formation and state action. While it is true that the mass public does not engage in collective deliberation in any strict sense, deliberative democracy does assume that a) each individual citizen ought to deliberate about at least some public issues and b) citizen deliberation can be better or worse (Mansbridge 1999). Therefore how citizens form their opinions and *come to* their policy preferences is an integral part of a theory of deliberative democracy even though most theories of democratic deliberation have turned their back on this as a wasteland of non-deliberation.

I raise the distinction between theories of democratic deliberation and theories of deliberative democracy because only the latter and not the former can address Plato's misgivings about democracy. Unlike theories of democratic deliberation, theories of deliberative democracy can think through the Platonic problem: democracy and especially mass democracy will always face the risk of plebiscitary rhetoric because much of how citizens experience politics will not be dialogical and further the relationship between citizens and elites will always be predominantly asymmetrical and mediated. I turn now to such a theory. In the next section I look at Jürgen Habermas's theory of deliberative democracy and in particular his articulation of the relationship between public opinion and public policy formation in a well ordered deliberative democracy.

Two-track democracy and the problem of rhetoric

Habermas defends deliberative democracy as a two-track model of democracy or more recently a centre/periphery model. The relatively formal institutions of representative democracy are at the centre; the informal interactions of public opinion and will formation are at the periphery. The political public sphere stands between and mediates. It is very important to Habermas that public opinion and will formation is anonymous, informal and anarchic (1996). By anonymity he means that unlike some communitarian views, when citizens deliberate they do not create a supra subject, even in a metaphorical sense. Public opinion is strictly speaking a plurality of often conflicting opinions. By informal he means that when citizens deliberate as a public, it is nothing like parliamentary deliberations. No meetings are convened, no agenda is set, and certainly no decisions are taken. Although meetings, agendas, and decisions might all feed into the process, the process itself is not bounded. By anarchic he means that when citizens deliberate there are no procedural rules other than the legal and regulatory infrastructure of a liberal civil society and the process is in principle unpredictable. He sometimes describes it as “wild,” implying with this metaphor of nature that it is beyond human convention.

Following Nancy Fraser, Habermas characterizes the relationship between public opinion and representative institutions as a relationship between two types of publics: strong and weak (1996: 306). Strong publics issue authoritative decisions; they rule. Weak publics, although they deliberate, do not issue authoritative decisions, they do not rule, so they are weak. It is important to stress that something qualitatively different is going on in weak publics than in strong ones. In being freed from the burden of

authoritative decision-making, weak publics can become “contexts of discovery” (1996: 307). The wild and anarchic nature of the weak public allows for new claims to emerge, hidden injustices to be unmasked, received truth to be questioned, and new forms of political participation to be tested. Creativity, innovativeness and progressive energy require a medium of unrestricted communication..

Contra theorists of democratic deliberation who insist that deliberation must involve decision-making, Habermas understands the informal public opinion formation as both part of a deliberative democracy but also as a form of deliberation: “Nether the abstract character of a public sphere that detaches opinions from decisions nor the asymmetrical actor-audience relation on the virtual stage of mediated communication are factors that would deny the applicability of the model of deliberative politics” (Habermas 2006: 415). In a sense, deliberation is a lens through which we can view state society relations. The picture it presents to us is rather complicated with many components and a significant amount of division of labor. As we move from “everyday talk in civil society, through public discourses and mediated communication in weak publics to the institutionalized discourses at the centre of the political system” (2006: 415) we see that deliberation takes on different forms and contributes to legitimacy in different ways. Public opinion formation in the political public sphere functions to “mobilize and pool relevant issues and required information, and to specify interpretations” (2006: 416). Another way to put this is to say that the political public sphere prepares the agenda for political institutions. Habermas describes public opinion as a potential laundering device, or filtering mechanism also as a synthesizer. Public opinion communicates to strong publics what are the pressing issues of the day but it also

reflects back on itself by articulating, for all to see and criticize, what has been percolating in civil society. This reflexivity then allows for correction. “Public opinion makes manifest what large but conflicting sectors of the population consider in the light of available information to be the most plausible interpretations of each of the controversial issues at hand” (2006: 418).

Public opinion formation generates a kind of communicative power that underpins the established “rulers,” that is, the system of representative democracy. Communicative power if “unleashed” under the proper and healthy democratic conditions gives content to legislative agendas, limits those agendas, and stands as a permanent publicity test for those agendas. “The public opinion which is worked up via democratic procedures into communicative power cannot itself ‘rule’ but can only channel the use of administrative power in specific directions” (1996: 300). Like Socrates who never held office or legislated in the assembly, public opinion relates to state power as an outsider. This then is the theory.

But for public opinion to function properly it must be “considered” public opinion. Like most democratic theorists, Habermas bases a healthy democracy on the possibility of an informed and reasoning public. But the fact of the matter is that serious, perhaps devastating pathologies persist: “the sociology of mass communication depicts the public sphere as infiltrated by administrative and social power and dominated by the mass media.” This must lead one to be “cautious in estimating the chances of civil society having an influence on the political system” (1996: 379).

The complexities of untangling the causes and nature of all the pathologies that hinder deliberation in the public sphere are daunting. I do not pretend to tackle anything

like such a project here. Instead, I want to take-up one pathology and return to the discussion of plebiscitary rhetoric. The reason why we took a detour through Habermas's theory of public opinion formation is to stress, first, that the informal public sphere plays a central role in a deliberative democracy even if it does not epitomize democratic deliberation per se, and second, that the solution to the Platonic dilemma is not procedural or not fully procedural anyway. The informal and anarchic nature of the public sphere, on the one hand, and its asymmetrical and mediated character on the other, implies that the model of face-to-face designed dialogue is not going to be very helpful in countering the tendency to plebiscitary rhetoric

Plebiscitary versus deliberative rhetoric

The broad public sphere is dominated by asymmetrical mediated communication. It is the natural habitat of rhetoric. Therefore it is not surprising that one sees a growing interest in the possibility of deliberative rhetoric. A number of political theorists have turned to Aristotle rather than Plato as offering a more realistic and democracy-friendly view of rhetoric (Triadafilopoulos 1999, Abizadeh 2002, O'Neill 2002, Allen 2004, Yack 2006). While I agree that Aristotle offers a much more satisfying and inclusive definition of rhetoric than Plato, I argue that the contemporary appeal to Aristotle and the idea of deliberative rhetoric still fails to address the real and persistent threat of rhetoric in the public sphere. The problem with much of this literature is that it is overly concerned with the rehabilitation of passion and emotion as legitimate components of public speech. While they want to argue that passion and emotion are not threats to reasonability and

good judgment (a position I fully endorse) they fail to see what are the real threats to reasonability and good judgment contained in the speaker/hearer relationship of rhetoric.

Aristotle opens his discussion of rhetoric by setting his view apart from Plato's: "rhetoric is the counterpart of dialectic" and not, as Plato thought, its opposite and indeed nemesis (1991, 1334a; Wardy, 58). Aristotle's rejection of the distinction begins from a similar observation, however. Like Plato, he notes that truth and justice do not automatically win the day in the public sphere (1991, 1355a). While this fact leads Plato to abandon the democratic public sphere as a likely place to find truth and justice, it leads Aristotle to defend a form of rhetoric that could champion the cause of truth and justice.³

Rhetoric is the art of persuasion. Persuasion in Aristotle's analysis works via three means: the emotions of the audience (*pathos*), the character of the speaker (*ethos*), and the coherency of the argument (*logos*). These three must come together in such a way that the audience becomes engaged and won over to the proposition. On the one hand, Aristotle acknowledges that *logos* alone, does not necessarily win the day in the public sphere. On the other hand, he argues that a proper use of emotion and an appeal to character need not detract from or undermine the claims of *logos*. Bernie Yack (2006) has made a very persuasive case that healthy democratic deliberation must include Aristotelian questions of character and emotion. Pursuing the common good together is not like adjudicating a case before the Supreme Court. Impartial and impersonal reasoning is not the appropriate model of political deliberation. Yack instead defends an Aristotelian vision of a community working out common interests through full rather than constrained debate.

Deliberative rhetoric while expanding the idea of healthy public discourse to include emotion and character still insists that argument be present and not just on the part of the speaker. Aristotle maintains that deliberative rhetoric can engage an audience in such a way as to stimulate reasoned judgment. In other words, good rhetoric makes people think, it makes people see things in new ways, it conveys information and knowledge, and it makes people more reflective. A classic example would be Martin Luther King's "I Have a Dream" speech (Triadafilopoulos 1999). A contemporary example might be Al Gore's movie "An Inconvenient Truth." Here eloquence and emotion, imagery and science are used to awaken an audience to a cause. The speaker calls on his audience to think through their values, priorities and visions of the future. While neither is an example of dialogue and both have speaker/hearer asymmetry, they are deliberative in the sense that they function (ideally) as catalysts for thinking through and deliberating about what is the best course of action to take in our present circumstance. Thus, rhetoric is *deliberative* when it engages "our capacity for practical judgment" (Garsten 2006: 175). Deliberative rhetoric is not simply a gifted and truthful speaker with all the facts right. Deliberative rhetoric creates a dynamic relationship between speaker and hearer. Hearers must be cognitively as well as emotionally engaged by the speech. One can go even further and claim, as Henry Richardson does, "without rhetoric, there would be no public reflection" (2002: 192).

This is a very appealing picture. No one would deny that we could use more "I Have a Dream" speeches to raise the level of moral discourse. But does this sort of appeal have a hidden dark side? Defenders of deliberative rhetoric admit that demagoguery is a risk but one that can be managed (Yack 2006, Garsten 2006). The

demagogue is the orator who uses emotion and charisma to move a crowd in dangerous and unreasonable ways. It is someone who would use some of the same rhetorical tools as MLK but for unscrupulous ends. I want to argue that the fear of the demagogue is misplaced; rhetoric in modern democracies carries other more worrisome dangers. In the first place, while every political community imaginable (and not just democracies) is susceptible to the unscrupulous charismatic speaker, constitutional democracies are probably the best equipped to constrain and limit such individuals. But more importantly, the dark side of rhetoric is still the Platonic point: the desire to please overwhelms to desire to engage the audience. This is what I call plebiscitary rhetoric. At its worst it does not produce a deceitful firebrand but “telegenetic pabulum” (Richardson 2002) or “pernicious vacuousness” (Eco 1994:79).⁴

Plebiscitary rhetoric, as I have been using the term, refers to speech that is concerned first and foremost with gaining support for a proposition and only secondarily with the merits of the arguments.⁵ This speech may be impassioned or full of color and poetry but it may also be cool, calm and dispassionate. The style is secondary and determined by what works in a given context. In democracies, where the sheer numbers of supporters is an important factor, plebiscitary rhetoric is always a threat to deliberative ideals. This much I will concede to Plato. Furthermore, modern polling techniques and sophisticated public opinion research have vastly intensified the threat of plebiscitary rhetoric. Although plebiscitary rhetoric has many forms and manifestations, I want to take up two that have been well documented in public opinion literature. One is pandering and the other is the phenomena of crafted talk or priming.⁶

When politicians pander they do not seek the truth, they do not even seek to persuade, instead, they seek to match statements with given preferences. That politicians pander is a widely held assumption for which there is certainly some evidence (Stimson, MacKuen, and Erikson 1995, Dalton 2006). Politicians use polls to find the median voter and then tailor their message to that voter. Reelection is the overarching interest in designing the message. What is wrong with pandering? Isn't pandering a way of giving the people what they want and isn't this what democracy is all about? The problem with pandering is that while it might give the people what they want it does not always result in the best or even coherent policy choices. One strong response to pandering might be the appeal to a Burkean idea of representation: representative democracy works (maximizes good policy with rule by the people) when citizens choose outstanding legislators who then act on their, that is the legislator's, best or considered judgment. But a more democratically robust response to pandering is to say that while we want elites to be responsive to citizen's real interests and concerns we should also want those interests and concerns to be well informed, thoughtful and considered. That calls for rhetorical stances that are more than simply pandering.

For a long time the conventional wisdom within in public opinion research was that politicians were unable or unwilling to persuade voters and so sought to please them instead (Druckman 2004, Jacobs and Shapiro 2000). Recent research in the American context paints a more complicated picture. Democratic politicians still do not for the most part engage in or even attempt persuasion but they do try and shift or influence voters. The most common technique is priming which involves "emphasizing certain issues – by giving those issues more space in their statements- with the goal of inducing voters to put

more weight on those issues when choosing among candidates. (...)A critical part of the priming strategy involves using public opinion polls to pin point advantageous issues for the campaign to emphasize” (Druckman, Jacobs, and Ostermeier 2004:1181).

Priming becomes more explicitly manipulative when it is part of a strategy of “crafted talk” intended to move public opinion to elites own policy preference. Jacobs and Shapiro argue that this form rhetoric is much more troubling and much more common than pandering (2000). Using the Clinton health care plan and the Republican ‘Contract with America,’ as cases, they conclude that “politicians place considerable stock in changing public opinion, but they rarely count on directly persuading the public on the merits of their position by grabbing the public’s attention and walking it through detailed and complex reasoning” (2000: 49-50). “Presidents and legislators carefully track public opinion in order to identify the words, arguments and symbols that are most likely to be effective in attracting favorable press coverage and ultimately “winning” public support for their desired policies.” (2000: 7). Armed with the latest social psychological research, politicians can “pinpoint words or phrases that evoke particular feelings and thoughts and measure the intensity of those reactions” (2000: 48). One then frames the issue in these terms, for example, making health care reform about “big government,” or in Canada, using the term ‘hope’ rather than ‘liberty’ to defend military involvement in Afghanistan (Woods 2007). One of the more depressing things about the Jacobs and Shapiro research, which is based on extensive interviews with elites, is how conscious and sophisticated elites often are about the tricks and rhetorical strategies needed to trigger what are essentially biases rather than considered judgments.

Pandering and crafting are two ends of a plebiscitary spectrum. In both cases there is no deliberative relationship between the speaker and hearer. There is no attempt to engage, persuade or trigger reflection. If normative theory is not going to abandon the broad public sphere and retreat into mini-publics, then we need to think through the possibilities of promoting deliberative rhetoric over plebiscitary rhetoric keeping in mind that the logic of mass democracy will always encourage elites to think in terms of numbers and winning.

Making the mass public more rather than less deliberative

The size and unruliness of the mass public dictate that, unlike mini-publics where deliberation is symmetrical, face-to-face and equal, deliberation here will often be asymmetrical, highly mediated and distorted by the structural inequalities in society. While structural inequalities are the most severe and challenging barriers to making the mass public more democratic, I can only address them indirectly in this paper. That the poor and marginalized do not have the same access to communicative power as the rich and established is a huge problem for deliberative democratic legitimacy. On the question of the promotion of deliberative over plebiscitary rhetoric, however, this problem can perhaps be bracketed for the time being. In what follows, I concentrate on the features of asymmetry and mediation and briefly sketch the four sites upon which a normative theory of deliberative rhetoric would have to focus. These sites are the orator, the public, the media, and the regulative context.

When thinking about the orator, *ethos* or character is the obvious place to start. To have the public's ear is a great responsibility. We should be lending that ear only to

individuals who have proven trustworthy. Thus Arash Abizadeh asks normative theorists of deliberative democracy to acknowledge that the character of elites is just as, if not more, important than the procedures within which they move (2002, Yack 2006). A healthy deliberative democracy requires us to promote a certain type of character, one that employs deliberative and not plebiscitary rhetoric. While I agree that Aristotelian *ethos* has been too long ignored by deliberative democrats, there are some weaknesses to this view taken by itself. The first is that it leaves too much to the serendipitous appearance of certain individuals. It is perhaps a moot point to ask if South Africa's escape from apartheid could have been achieved (or achieved with so little bloodshed) without Mandela's powerful character corroborating his words of reason and reconciliation. It seems unlikely that good procedures alone could have done it. Mandela stands as an example of the positive and deliberative role that *ethos* can play in maintaining high levels of *logos*. But we cannot guarantee that there will always be a Mandela to step into the breach.

The second reason for the weakness of the argument from *ethos* is that bringing the question of character itself to the public sphere can easily be high jacked by the very plebiscitary tendencies that have worried us to begin with. What is good character anyway? If we had known more about Martin Luther King's private life during the civil rights movement would this have (legitimately) detracted from his message? An interest in character can turn into an obsession with image and images can be packaged like commodities. Indeed public opinion research has a great deal to say about the power of image over substance and the way that power has been used by politicians (Druckman, Jacobs and Ostermeier 2004, Dalton 2006). Normative theory needs to develop a good

idea of the difference between character and image. When voters are basing their preferences on personal appearance or “style” this is easy. But when voters are using legitimate dimensions of character like integrity, reliability, and competence then the question becomes how to arm citizens against the crafted image versus the real thing. The potential force of character needs a correlative in the critical appreciation of character on the part of citizens. Can we promote such a critical perspective? Perhaps.

The second approach to promoting deliberative over plebiscitary rhetoric is what could be called the semi-Socratic approach. The semi-Socratic approach is to enhance and multiply citizen-citizen encounters. The promotion and proliferation of a variety of political forums, offers citizens the opportunity to hone the skills necessary to be able to critically evaluate orators (Habermas 2006, Richardson 2002). The promotion of such forums may in fact weaken the power of elite oratory in general as one study has recently suggested (Druckman and Nelson, 2003). It may make citizens less susceptible to and more critical of plebiscitary rhetoric. Rather than look at mini-publics as if they were deliberative assemblies deciding policy, here we would look at such initiatives as well as the face-to-face encounters of everyday talk, from the point of view of promoting the skills needed to be a critical yet receptive audience (Allen 2004). These are not the minimal skills Burke thought citizens needed to recognize and then defer to the good judgment of representatives.⁷ Instead these are the skills that include an understanding of the Platonic hazards of democratic politics. Not deference but skepticism, self-confidence and knowledgeable judgment are required. The most significant and important contributor to the promotion of a critical audience is the media.

I have said nothing about the media thus far. This is a huge topic that I broach with trepidation and caution. Mass democracy requires mass communication. Mass communication requires that information and knowledge be packaged and framed for consumption. Like asymmetry, there is no getting around this. Face-to-face democracy can never replace mediated democracy. The best we can hope for is first, face-to-face democracy supplements mediated democracy and second that the process of mediation does not adversely effect the quality of democracy. Experiments in the first are growing and multiplying throughout democracies. There is still a great deal of doubt that the second is an achievable goal. Talk of public or civic journalism notwithstanding, the media comes under some very harsh criticism from champions of democracy (Habermas 2006; Page 2006). Everybody agrees that the media frames, shapes, and packages information and this function exerts a large and sometimes determinate influence in shaping citizens opinions (McCombs 2004, Jamieson and Waldman 2003, Page and Shapiro1992).

Framing itself cannot be the problem. All information, even face-to-face information, is framed. Furthermore, modern democracy would not be possible without the mass media. The issue must be an evaluation of types of framing. There is every reason to believe that some ways of framing might potentially enhance democratic deliberation. Indeed, this is the claim of deliberative rhetoric. The problem enters when we begin to study the imperatives that influence and shape the framing itself. A critical encounter with the facts is often not the imperative behind framing. Selling newspapers, pleasing elites, entertaining the public, attracting advertising dollars, staying out of trouble, avoiding risk and maintaining the status quo have all been cited as framing

imperatives (Jamieson and Waldman 2003). The trend that appears the most dominant and the most destructive of deliberative rhetoric is the tendency to see all politics through the frame of conflict and strategy (Jacobs and Shapiro 2000). When every policy debate is a competition for voters, and every speech is reported through the lens of tactics and strategies, then elites seeking media coverage will have little incentive to focus on substance. The media operates as if all rhetoric were plebiscitary rhetoric strategically focused on getting the numbers rather than deliberative rhetoric that focuses on engaging, persuading and informing citizens. This often turns into a self-fulfilling prophecy.

Thus at its worst, the media both purveys and engages in plebiscitary rhetoric. But the media can also and sometimes does perform critical Socratic functions by calling elites to account. In any event the media, while being massively studied in some academic circles, is not a central topic within deliberative theory. This is primarily because of the ascendancy of theories of democratic deliberation over theories of deliberative democracy. The media has no place within most mini-publics which are well insulated from its influence and not dependent on it for information and knowledge.

The final site of interest returns us to procedures, rules, and institutions. Can we regulate the public sphere in such a way to promote deliberative rhetoric or at least minimize the incentives to engage in plebiscitary rhetoric? Habermas sometimes implies that it is all about the rules of the game: “Once the established rules constitute the right game – one that promises the generation of considered public opinions – then even the powerful actors will only contribute to the mobilization of relevant issues, facts and arguments” (Habermas 2006: 420). But by rules of the game he means broad structural considerations that are difficult to bring under control. These considerations include a

self-regulating media that is independent of markets and political power, an inclusive civil society, and citizens empowered (meaning informed and mobilized) to participate in public discourse. I think we would all like these things. Are there more immediate and direct ways to minimize and perhaps expose plebiscitary rhetoric?

The media can and in some places is regulated in such a way as to promote informed citizenship. This may include things like the length of political advertisement, debate formats, equal time and access regulations, and public affairs content. Obviously such regulation is easier in some legal contexts than others. The structure of referendum and ballot initiatives can also be rethought in light of promoting deliberative rhetoric. This would primarily involve stretching important decisions over at least two election cycles in order to move debate out of the pre-election strategic rush for votes. The duration and frequency of election campaigns is also a fruitful site for thinking about plebiscitarian incentives. Although polling itself cannot be regulated, there are interesting initiatives to limit the influence of polls. These mostly involve limiting the distribution of polling data on election-day so as not to influence the vote. Jacobs and Shapiro suggest that rather than limiting the use, appeal and dependence on survey data, we should encourage as much publicity as possible for such data (2000).

Putting polling data in the public eye will have two salutary effects on public debate. The first is that citizens will become more sophisticated and indeed skeptical of polling data in general. They will come to see that there are many ways to ask questions and survey research never offers simple answers to the question “what is in the public interest?”. More importantly the publication, discussion and thematization of such data will hopefully initiate a debate about what exactly is the public’s opinion on any given

issue. This in turn can feed back into public opinion itself as well as limit what elites can do in the name of the “public interest.” Habermas, too, sees that public opinion formation can benefit from a reflexive discussion about public opinion formation.

That both elected governments and voters can take an affirmative, a negative, or an indifferent attitude toward public opinion highlights the most important trait of the public sphere, namely its reflexive character. All participants can revisit perceived public opinions and respond to them after reconsideration. These responses, from above as well as from below, provide a double test as to how effective political communication in the public sphere functions as a filtering mechanism (2006: 18).

Sophisticated and easily accessible public opinion data is a double edged sword or perhaps Janus-faced to use a favorite Habermasian metaphor. On the one hand, it takes the guesswork out of crafting plebiscitary rhetoric. Whether one is pandering or priming, ‘effective’ communication becomes a science. On the other hand, as a topic in the public sphere, public opinion data can become a weapon against the passive and sometimes manipulative relationship between speaker and audience created by plebiscitary rhetoric. Indeed, by promoting a reflective and discursive rather than an descriptive and uncritical attitude towards public opinion, we might even be promoting deliberative rhetoric.

Conclusion

In this paper I have argued that rhetoric is a serious threat to the ideal of deliberative democracy. The threat is not, however, that passion and artifice will replace reason and argument. The threat of rhetoric is that the relationship between elites and citizens will always be dominated by plebiscitary tendencies. These are the tendencies that push speakers to seek numerical advantage over cognitive advantage. While attempting to sway as many people as possible does not necessarily lead to a situation in which “telegenetic pabulum prevails over serious substance” (Richardson 2002: 92), the

lack of dialogical accountability in any strict sense often used in deliberative theory, allows for this to happen. In facing this situation we can try to move more of our political conversations into designed settings in which dialogical accountability does prevail. This, however, cedes the open field to plebiscitary rhetoric. We are no longer overly disturbed by the prevalence of telegenic pablum because ‘genuine’ deliberative democracy is going on in places like Citizens’ Assemblies. But numbers tell us that only a small fraction of the public actually participate in these venues. Although these forums often result in promising solutions to thorny problems and disagreements (and who can complain about that), they cannot replace mass democracy and are themselves often powerless in the face of large numbers of voters swayed by shallow plebiscitary rhetoric.

This situation has led me to take up and investigate the idea of deliberative rhetoric. Deliberative rhetoric postulates that, *contra* Plato, a Socratic and not just plebiscitarian relationship can be created between an orator and her audience even when the audience does not have the immediate possibility of responding and calling the speaker to account. A full theory of deliberative democracy must take this possibility seriously. Indeed it must respond to Plato’s challenge that even if deliberative rhetoric were possible, the incentive system built into the democratic public sphere rewards the plebiscitarian and not the deliberationist. Although I have argued that this is to some extent true, this should not lead us to abandon the mass public but rather to think through ways of compensating for the ever-present threat of plebiscitary rhetoric.

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¹ There are many interesting defenses of rhetoric in the literature (see especially Fontana, Nederman and Remer 2004, and Yack 2006) however they often contrast rhetoric to deliberation rather than attempt to articulate a view of deliberation that embraces rhetoric.

² Although I agree with Mansbridge and Habermas that everyday talk is part of a deliberative system and as such we should be encouraging informed and substantive conversations about politics at all levels of society (Mansbridge 1999, Habermas 2006), these conversations add up to a decision only in the very loose sense that they contribute to public opinion which in turn influences public policy. My interest here is not so much in the power of everyday talk (which I acknowledge) as in the ways rhetoric may influence the process of public opinion formation a component of which is everyday talk.

³ In a note to these passages, George Kennedy observes that, “judgments will not be made in the right way if the facts and reasons are not brought out persuasively. To do this the speaker needs a knowledge of rhetoric.” *On Rhetoric*, 1355a, note 28.

⁴ While Aristotle has the better account of rhetoric, Plato has the better account of the way democracy may sway and influence the rhetoric that elites choose to use.

⁵ William Riker makes a distinction between rhetoric and what he calls heresthetic (Riker 1996) that is not dissimilar. Heresthetic is about structuring the world so that you can win (9). Although the heresthetical dimension of speech may involve the choice of rhetorical arguments put in play, it also involves such factors as the timing of votes and speeches, the closed or open character of the speech, or the decisions rules adopted. To the extent that rhetoric is dominated by heresthetic it is plebiscitary.

⁶ I want to thank Archon Fung for comments that greatly helped me clarify these two examples.

⁷ Jacobs and Shapiro introduce an idea of “responsive leadership” that also rejects the Burkean model in favor of a more dynamic and less deferential relationship between elites and citizens (2000:303).