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Headline	The Five Parameters
Subhead	Phil Hutchinson Considers Political Campaigning and the Public Sphere
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Votes need rules, and our elections and referenda are conducted in accordance with pre-established rules. By and large, these rules have focused on process: what specific procedures should be in place to make the vote one which is likely to produce a just outcome, accepted as legitimate even by those who voted for an individual who did not get elected, a party who failed to win a majority, or the referendum result other than the one for which they voted?

Getting the process right is, therefore, crucial. An electoral outcome widely seen as illegitimate, will be one in which the result—elected government or referendum outcome—fails to command authority and where some of those who voted come question the extent to which they are obliged to accept the outcome. The procedures according to which elections are conducted are central to a proper functioning democracy.

Some countries extend the rules beyond these procedures to cover campaigning, including the role of the media, of pollsters and the activities of civil servants. In the UK we have rules regarding the media exposure given candidates and their parties during the campaign. In France there are rules regarding opinion polling in the days before the vote. In the UK, civil servants are bound by the rules of purdah, designed to ensure they remain impartial during an election campaign.

So, rules are crucial to ensure the vote is accepted as just, so that the outcome is considered legitimate by the voters. But there is something missing here, and that something has been brought into view in the UK following the EU referendum vote in June 2016.

The rules in place do not extend to campaign conduct in what we might refer to as the public sphere. Put another way, the rules do not seem to extend to what politicians say and how they conduct themselves in public during political campaigns. Electoral candidates and campaigners for one side or other in a referendum can, it seems, say pretty much anything they want within the law, as that law applies to all members of society. The temptation to go beyond what is true, what one honestly believes, is strong, for the campaign goal is to persuade as many of the electorate to vote for them or their cause as possible. Sometimes then, the temptation might be to tell lies (perhaps about how much money will be saved by a vote for them), or make empty promises (perhaps about where that money will be spent, once saved). One might be tempted to make liberal use of the dark arts of persuasion: where rational argument is foregone in favour of techniques of persuasion honed in advertising and public relations: nudges, framing, factoid production, persuasive definition, fearmongering, carrot-dangling, in-grouping and flattery.

The way elections and votes are conducted in the public sphere is what this instalment in the five parameters series is about: should there be rules? Should we ensure the electorate are furnished with the skills to defend themselves against the dark arts?

## 1. PRECAUTION.

### *Future policy impact*

While politics is about society negotiating divergent ideologically-informed views, arguments and opinions on how we govern ourselves, how goods and services are distributed, and so on, there are some trans-ideological objective truths: the enacting of some policies will reliably disadvantage and hurt certain groups of people, for example. Without showing our cards here (what ideological suit are you?), we can make some observations based on this claim: If the result of a vote will lead to the disadvantage of a particular group, then it needs to be made clear that this is precisely what it will do. Campaigning in such a way that seeks to hide this consequence from the voters is unacceptable from a precautionary perspective, because if precautioning against future harm is important then we need to understand the consequences in as much detail as is available, so as to make our precaution-informed vote (this does not only apply to members of the potentially disadvantaged group: I want to know how my vote will impact on others).

### *legitimacy*

A campaign won through liberal use of the dark arts, through lies and empty promises undermines the legitimacy of the outcome and consequently erodes the authority of the result. In some cases it might lead to a genuine crisis of democracy: where significant numbers of the electorate feel so disenfranchised that they question the value of their democratic institutions and seek other means of political change. We should seek to take precautions against such future crisis, by ensuring legitimacy.

### *Public reason*

But there is another precautionary consideration: precautioning against the diminution of public reason. Let's consider two models for gaining assent to a particular view: argument and (non-rational) persuasive techniques: which can be anything from the liberal use of persuasive definition to bare threats. Without entering into the parallel histories of philosophy and rhetoric, dating back to the origins of our subject in Plato's critique of the Sophists, and without entering into discussions about argumentation theory and informal logic, we can make one claim about persuasion-via-argument: it is persuasion that has internal to it, that declares, its goal (conclusion) and methods (providing of reasons) for achieving that goal. The other persuasive techniques focus only on achieving the goal, and often hide the true nature of that. Their purpose is simply to gain the assent of the audience to the goal of the persuader by the most effective means available.

If you value rational agreement among a community of reasoners then perhaps you also, for precautionary reasons, want to establish rules for campaigning which promote reason through the stating of argument.

## 2. EVIDENCE.

### *Evidence of misleading campaigning: lies, empty promises and fearmongering*

What is the evidence for the problems we are discussing? Here I propose that the recent campaign and aftermath of the EU referendum provides evidence. While all votes will lead to some questions being raised, particularly from those on the losing side, the EU referendum vote raised more than is generally expected. Some of this was focused on procedure: should a simple majority have been enough? Should EU nationals resident in the UK have been excluded? These are important questions, which should have been raised prior to the vote, though they are not our focus here. I want to focus on campaign conduct.

It is now clear that statements made by the leave campaigns about the amount of money the UK paid to the EU was over-stated. Indeed, the campaign bus of the main leave campaign had this false figure written in large letters across the side, which also stated it could be invested in the NHS if we voted to leave. The day after the vote this was retracted.

We could go on for some pages listing such examples: a campaign poster with strong parallels in Nazi propaganda was a low point in British politics on a number of levels, the promotion of xenophobia seems quite clearly to have led to a considerable upturn in racist and xenophobic abuse and violence, and so on. Of course, it would be remiss to give the impression that only one side employed problematic tactics: the remain campaign made liberal use of fear tactics too, including threats.

So, exhibit one: the conduct of the UK's EU referendum campaigns in 2016. Just go check out the huge number of newspaper articles on this which have appeared since the

vote and the way this has led to large protests, legal challenges, recriminations, racist and xenophobic violence and abuse, and the possible break-up of the United Kingdom.

### *Denigrating public reason*

Does the employment of the dark arts of persuasion lead to a denigration of public reason, which leads to a populace which is more susceptible to those dark arts in future and more likely to be swayed by populist sentiment and the agendas of those with the greatest means to employ those dark arts?

There is good reason to think the answer is yes: One way in which we become proficient in a practice is by regular participation in that practice: I can watch as much Bruce Lee as time allows, but that will be no substitute for time at the dojo. I can talk with my seven year old son about swimming technique for weeks, but that will be no substitute for time in the pool. Why might the practices of argument, and of reasoned dialogue be significantly different? If the public sphere becomes dominated by the dark arts of persuasion, pushing out to the margins the role of reasoned dialogue, argumentation, and the value of truth-telling then that is akin to there being no dojos and no swimming pools.

My editor here at TPM has recently written on this in his book *The Persuaders*, (and if you don't buy this book you will be part of the problem, not the solution), and there does seem to be some evidence that less argument leads to a diminution in the skills required to make and understand argument; less rational dialogue leads to a diminution in the skills required to participate in rational dialogue. To swim in the sea of public discourse and defend ourselves against rhetorical attack we need to be practiced in the arts of reasoned argument and dialogue.

### 3. POLITICAL ECONOMY

Powerful market interests will seek to influence political campaigns in ways that benefit them. So, any society in which such interests are prominent (any market economy, for example) will be subject to attempts to influence political campaigns in the public sphere, through funding campaigns favorable to the funder or by joining the campaign as active participants. In joining campaigns, it is likely, perhaps, that in being the very groups which have been at the forefront of the development and employment of the dark arts of persuasion, they will seek to employ these when they enter political campaigns.

There are then two considerations from the perspective of the parameter of political economy:

Protection of the public sphere from the influence of powerful market interests, via the dark arts, in political campaigns. This will contribute to the promotion or preservation of rational dialogue.

Protecting the public sphere from powerful interest groups will help guard against the hijacking of the democratic process, and ultimately the society, by those same interest groups, should it be in their long-term interests to do so.

This is likely to be read as overly anti-market; it does not have to be so. One can be pro-market, even radically so, while also believing that there should be clear checks and balances on the penetration and colonization of the public sphere and political campaigns by market and financial interests.

#### 4. ASYMMETRY

*Beyond the voters: ineligible, the absent and the voiceless*

Politics is *not* merely about the balancing of the interests of individuals who are eligible to vote. The outcome of the vote will be lived by many who did not have a vote, through formal ineligibility (e.g. EU residents in the UK in the EU referendum), through absence (e.g. future generations) and through voicelessness (e.g. those outside the polis who will be effected by the political decisions made within the polis. And, non-human animals).

Moreover, in voting, individuals draw upon many non-instrumental forms of relationship to the world and others in that world: in addition to self-interest individuals might cast a vote informed by compassion, empathy, care, love, loyalty and solidarity, or a commitment to a particular ethical, political and/or economic worldview. To make a judgement drawing on any of these considerations, one needs to understand the arguments.

Casting a vote in a way which gives due consideration to the impacts on the dis- and non-enfranchised, the voiceless and those who will be impacted by the outcome of the vote, requires that the resources are available which provide the basis for that consideration. Lies, factoids and the use of persuasive techniques that hide the reasons that support the conclusion, and present the conclusion in a way which will make it most appealing, do not provide the required resources.

*Generating new asymmetries: domesticating the voters*

There is further consideration here too: with training, one can see through some of the persuasive techniques, one can get to the arguments behind the dark arts. In addition to training, this takes time. One of the things the artists of darkness exploit is the time-pressed nature of much modern life. Few people read government White Papers or Judicial Inquiry reports, while many people hear soundbites, designed to work like the musical earworm, as the three-minute news bulletin plays on their radio. Asymmetry, therefore, figures here too: the dark arts, the persuasive tricks of the spin doctor's and advertising exec's trade, disproportionately exercise control over those with least time to check sources, search-out arguments and who have minimal resources on which to draw so that they might recognize a persuasive definition when they are confronted by one.

While training in a martial art like Aikido serves to develop one's skills in the art of self defence, there are also arts in which one can be trained that afford one protection against the rhetorical violence to which we are subject, not only in political campaigns but in our daily life, via advertising and marketing.

## 5. FRAMING.

If we allow our reflections to be framed by libertarian conceptions of freedom, by negative liberty, then we will be suspicious of rules imposed on those individuals and their interactions in the public sphere.

Conversely, if we frame our considerations via a political philosophy that sees genuine freedom, autonomy and good political judgement as being founded on public reason we will arrive at a different view on matters. For, on this view the public sphere, as the sphere in which reason lives, or withers and dies, needs to be supported and protected in such a way that reason will flourish.

Resolving this tension between the goal of minimizing state controls and promoting a political ecosystem in which freedom can flourish through reason and reflection has been the topic of much political philosophy: what constraints on our freedom do we allow in the name of further greater freedoms? One of the problems is that that this line of reasoning, as Isiah Berlin and many others fear, can be put in the service of truly terrible crimes against whole populations of individuals, where (good) ends are used to justify (bad) means. On the other hand, allowing our discussion of the rules governing political campaigning in the public sphere to be framed by a conception of political freedom which sees freedom as freedom from state interference and constraint simply gives over the public sphere to powerful non-state interest groups (with no democratic mandate and no duty to represent) and ultimately allows it be hijacked by them. In a market economy, these interest groups will be those with the capital to execute the hijack most effectively.

### Conclusion

All five of our parameters suggest that the rules governing our democratic institutions and practices should be extended beyond where they currently are. As some deliberative democrats have argued, as some progressive communitarians and socialists have argued, the public sphere needs protecting from powerful interests. Anarchist and libertarian arguments against such protections which invoke negative liberty are ultimately self-defeating, because the very liberty they seek to protect from state interference will be destroyed by powerful non-state interests.

Public reason needs promoting, and this is undertaken by our focusing not merely on individuals but on their political environment. We must ensure we have a political ecosystem in which rational dialogue and argument can flourish: this is not only done by engineering a public sphere which is less susceptible to hijacking by the exponents of the dark arts, through the establishment of rules, but also by ensuring the public, the voters, have the intellectual resources to protect themselves against those dark arts.