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“The people want it”

Analysis and evaluation of the populist argument in the context of deliberation

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This article reflects on the reasonableness of populist arguments supporting a prescriptive standpoint in the context of deliberation (which I call ‘deliberative’ populist arguments). A literature survey shows a divide between authors who claim that populist arguments are always fallacious and those who think that in some situations they can be reasonable, including the context of political deliberation. It is then argued that deliberative populist arguments are based on a linking premise that appeals to majority opinion as a principle of democracy. This linking premise differs from the one underlying the traditional interpretation of a fallacious populist argument (*argumentum ad populum*) and appears at first sight to make the argument reasonable. However, I conclude that a deliberative populist argument is also unreasonable, because it acts merely as a trump card, creating a false impression about democracy and avoiding engagement in real debate and substantive reasons.

Keywords: appeal to popularity, popular opinion, *argumentum ad populum*, bandwagon, deliberative democracy, opinion polls, majority

1. Introduction

Populist politicians have become increasingly prevalent in Western societies. This development goes hand-in-hand with growing populist discourse in political deliberation, even that of ‘mainstream’ politicians. An important element of this kind of discourse is widespread reference to ‘the will of the people’ as a way to endorse one’s own standpoint, which happens to concur with that will. Given this context, it was hardly surprising that former European Commission President

Jean-Claude Juncker said (in 2018) he would push for the changing of clocks to be abolished, offering as the Commission’s reason: ‘The people want it, we’ll do it.’¹

The argument that a standpoint should be accepted because a lot of people accept it has been given several labels: ‘argument from popularity’, ‘appeal to popularity’, ‘argument from popular opinion’, ‘appeal to popular opinion’, ‘appeal to the people’, ‘mass appeal’, ‘populist argument’ and *argumentum ad populum*. In this article I follow the pragma-dialectical tradition by using the term ‘populist argument’ (cf. van Eemeren and Snoeck Henkemans, 2016, p.117) and reserving the Latin name *ad populum* for the fallacious version (van Eemeren, 2010, p. 201).² Note that within the argument itself, different indications can be used regarding the quantity of people who hold the alleged opinion: ‘everyone’, ‘almost everyone’, ‘many people’, ‘most people’, ‘a great many people’, ‘a preponderance of people’, ‘a majority’ etc.³ A quantity indication can also be missing, as in Juncker’s argument; Godden (2008, p.107) merely refers to an opinion that is widely held (‘It is widely held among S that p. Therefore, p is true’).⁴

More often than not, populist arguments have been viewed with suspicion. A textbook survey conducted by Walton for his monograph *Appeal to Popular Opinion* led him to conclude that ‘the general tendency in logic is to be highly suspicious about the *argumentum ad populum* and see it as linked with manipulative practices of mass rhetoric that are not only illogical but also highly dangerous’ (1999, p.16). However, Walton’s survey is not limited to the ‘bandwagon’ variant of a populist argument as defined above, i.e., the argument that if a lot of people have a certain opinion, this is a reason to accept that opinion. It also includes the ‘popular rhetoric of the crowd agitator’ (*ibidem*, p.29), containing

1. <https://www.dw.com/en/eu-to-stop-changing-the-clocks-juncker-pledges/a-45300586>.

Jansen and van Leeuwen (2021) discuss several real-discourse examples of similar arguments used by the Dutch populist politician Geert Wilders; moreover, they point out some presentational characteristics of this type of argument.

2. Kienpointner (2003) and Reisigl (2006) also reserve *ad populum* for the fallacious variant, but use ‘quantity topos’ and ‘topos of the people’ respectively to designate the neutral variant. See van Eemeren, Garssen, and Meuffels (2009, p.184) for an example of what they regard as a reasonable instantiation of a populist argument.

3. With regard to the use of the expression ‘Everybody knows P’ as a populist argument, Herman and Oswald (forthcoming) note that the universal quantifier ‘everybody’ may have a literal meaning in some contexts (i.e. denoting all the members of a set of people), but it usually functions as rhetorical amplification or intensification.

4. There is also a negative or reverse variant of a populist argument, which says that because nobody holds standpoint X, X should not be accepted (e.g., Walton, 1999, pp.199, 224; Johnson and Blair, 2006, p.176; Govier, 2010, p.162). The ‘nobody’ in this scheme can be replaced with ‘almost no one’, ‘very few’, ‘nobody I know of’ etc.

‘expressive language and other devices calculated to excite enthusiasm, excitement, anger or hate’ (Copi and Cohen, 1990, p.103) – a variant that is called ‘mob appeal’ (Walton, 1999, pp.65, 98). If we focus on the bandwagon variant alone, the literature seems to be ambivalent about whether it is reasonable or not. Whereas authors working in the tradition of Informal Logic are notably very negative about this type of argument, others have argued that appeals to popularity may sometimes be reasonable, especially in the context of deliberation (Minot, 1981; Walton, 1992, 1999, 2006; Kienpointner, 2003; Reisigl, 2006; Oswald and Hart, 2013; Andone, 2015, 2016).

The aim of this article is to examine the potential reasonableness of populist arguments (the bandwagon type) used in the context of political deliberation, i.e., when they support a standpoint containing a policy proposal – in Andone’s words: ‘a prescriptive standpoint in which a course of action is recommended’ (2016, p.53). To this end, I will start with a literature survey of populist arguments in Section 2 and discuss the different positions with regard to whether or not they are reasonable. Then, in Section 3, I will provide a pragma-dialectical reconstruction of the ‘deliberative’ populist argument – as I will call it from now on. I will first identify the linking premise on which the basic, fallacious type of a populist argument is based and then show that the ‘deliberative’ variant is based on a different premise. In Section 4, I address the evaluation of deliberative populist arguments, and will contend that this type of argument is an empty argument that conflicts with the principles of deliberation.

2. Studies of populist arguments

2.1 The standard approach

With regard to accounts in the literature of the populist argument, Godden (2008, p.103 ff.) makes a distinction between the ‘standard treatment’ of this type of argument and the ‘dissenting opinion’ of Douglas Walton, whose views will be discussed in Section 2.2. Characteristic of the standard account is an ‘epistemic’ approach (Andone, 2016, pp.52–53), also endorsed by Godden himself, in which the acceptability of a claim is often addressed in terms of its truth. This does not mean, however, that the authors who represent the standard approach are only concerned with populist arguments supporting a descriptive standpoint, i.e. a standpoint containing a proposition of a factual nature, indicating a state of affairs in reality. Examples of populist arguments in the relevant literature clearly show other types of standpoint. Moreover, Nolt (1984, p.249) even explic-

itly points out a difference between a *factual version* and a *prescriptive version* of the populist argument.

Nolt’s factual version consists in the line of reasoning ‘Believing that P is popular, so P’. According to Nolt’s explanation, this amounts to saying that P’s popularity entails the conclusion that P is the case, expressed by ‘so P’. His prescriptive version of a populist argument reads ‘Doing X is popular, so X is permissible (or should be done)’. In this line of reasoning, the fact that X is a popular occupation entails the conclusion that X is permissible or should be done, which is a prescriptive type of standpoint. The examples given by the textbooks of a prescriptive populist argument are drawn from both advertising (Minot, 1981, p.230; Johnson and Blair, 2006, p.179; Govier, 2010, p.161) and political deliberation (Toulmin, Rieke, and Janik, 1984). Their standpoints indicate an incitement either to buy product X or to endorse (or be against) policy proposal Y: ‘Buy X’ or ‘Action Y should (not) be performed’.⁵

The standard assessment of (any type of) populist argument is that it is always fallacious (Godden 2008, p.104; Andone, 2016, p.53). A strong proponent of this view is Govier (2010, p.161), who remarks that ‘the fact that [something] is widely believed is irrelevant to its rational acceptability.’ Although Nolt (1984, p.250) and Johnson and Blair (2006, pp.177–178) seem to leave open the possibility that a populist argument can be slightly reasonable in a rare case, i.e., if the opinion is assumed to come from a reliable group of people, they also claim that this assumption is ‘frequently false’ (Nolt, *ibidem*), since people base their opinions on bad arguments and fallacies (Johnson and Blair, *ibidem*). Nolt and others also point out that the reliability of mass judgments can easily be refuted with historical examples, as it was believed for a long time that the earth was flat and in a certain period Hitler’s ideas were very popular (Nolt, 1984, p.249; Kahane, 1984, p.56; Toulmin, Rieke, and Janik, 1984, p.146).

2.2 Walton’s ‘bolstered’ populist arguments

A prominent exception to the negative judgment of populist arguments has been voiced by Walton (1992, 1999, 2006; see also Walton, Reed, and Macagno, 2008). Walton (1999, p.250) accuses the standard treatment of choosing very short one-liner cases as examples of a populist argument, of disregarding the text and the context in which they have occurred, and of ignoring these arguments’ function

5. Jansen (2019) argues that populist arguments in advertising are actually more complex than Nolt’s reasoning scheme suggests. The step between the appeal to the people and the standpoint ‘buy X’ is not a direct one but includes an intermediate sub-standpoint, claiming that product X is a good product.

in the larger discourse. Over the years he has developed an understanding of the populist argument as an argument that can have reasonable instances.⁶

Walton discusses several cases in which there may be good reasons to accept the standpoint (of any nature) held by the alleged large number of people (e.g., 1992, Ch. 3; 1999, pp.101–102, 201–205; 2006, pp.91–93). In one of these cases, someone is looking for the exit of a train station where this person has never been before. In such a situation it would be reasonable to argue that if one followed the crowd, it is likely that one would arrive at the exit (Walton, 1999, p.94). Walton analyzes this kind of argumentation as a combination of a populist argument and a position-to-know argument, because the person follows the crowd for a particular reason, as it may be assumed that these people, who look like local people, know where the exit is. In a position-to-know argument, an appeal is made to someone who is in a position to have access to the kind of evidence needed to judge whether a claim is true (*ibidem*, p.202).⁷

There are also other arguments – besides position-to-know arguments – with which populist arguments can be combined, including *ad verecundiam* arguments (*ibidem*, p.102).⁸ Walton regards these combinations as subtypes of populist arguments and provides a scheme for each subtype. In the ‘bolstered’ argument (*ibidem*) resulting from the combination of a populist argument with another argument, one or more additional premises are added to the regular scheme of populist argumentation, which provide a reason why the popular opinion is trustworthy. For instance, Walton’s scheme for the combination of a populist argument and a position-to-know argument (*ibidem*, p.224) is:

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

This group is in a special position to know that *A* is true.

Therefore *A* is (plausibly) true.

The big difference between Walton’s approach to populist arguments and that conceived by the ‘standard’ treatment is that Walton has developed several criteria by means of which these arguments should be evaluated.⁹ These criteria, which

6. His initial description of this type of argument as ‘an inherently reasonable kind of argumentation that only goes wrong, or is fallacious in some cases, where it has been used improperly’ (1992, p.97) is somewhat more positive than his later assessments, which emphasize that it is a weak argument (1999, 2006).

7. Johnson and Blair (2006, p.177) discuss a similar kind of example, which is analyzed by Walton (1999, p.202).

8. See Walton (1999, pp.224–226) for an overview of the various subtypes that he distinguishes.

9. This approach to populist arguments – an assessment through critical questions – was adopted by Tindale (2007) (although with different questions).

have evolved over the years, also require that the analyst takes into account whether the argument is of a bolstered type (*ibidem*, pp. 232–236). Walton’s monograph presents ‘four steps of an evaluation’ that instruct an analyst to examine whether there is support for the number of people who are claimed to have a certain opinion, whether the conclusion is justified in light of the type of dialogue in which the populist argument is used, whether there is other evidence undermining the conclusion of the populist argument, and whether the formulation of the argument leaves room for being critical about it (*ibidem*, pp. 250–252).

Does Walton’s approach imply a refutation of the standard view that populist arguments are always fallacious? Godden (2008, p. 109) takes the view that Walton has only shown that populist arguments can be acceptable if a further premise is added, and that it therefore does not contradict the fallaciousness of populist arguments in their ‘basic form’, i.e., the form without bolstering premises. This does not mean, however, that Walton shares the standard view that the non-bolstered type is a fallacious argument. Walton explicitly discusses this ‘straight-forward’ type of a populist argument (Walton, 1999, pp. 236–241; 2006, pp. 91–92). According to him, an argument of this kind is weak, but it may be tentatively acceptable and a plausible argument if the proposition concerned is uncontroversial (i.e., common knowledge) and accepting it can move a discussion further. This assessment, which is refuted by Godden (*ibidem*, note 13 and p. 115), seems to display the bone of contention between Walton’s approach to populist arguments and that conceived by the standard treatment.

2.3 Populist arguments in the context of political deliberation

Some authors address populist arguments in the context of political deliberation by discussing one or more examples taken from this field. Kienpointner’s (2003) and Reisigl’s (2006) interest has arisen from their focus on populist discourse and the question of whether or not it is reasonable to appeal to the will of the people. Oswald and Hart (2013) are interested in the cognitive effects of populist arguments and also address the issue of reasonableness. They discuss an example of the former British politician Michael Howard referring to the will of the people in order to sustain the standpoint that immigration numbers should be limited: ‘The majority of British people (...) are united on this issue’, ‘Everyone wants new people to settle as long as numbers are limited’, ‘Talk to people and whatever their background, religion or the colour of their skin – they ask the same thing: “Why can’t we get a grip on immigration?”’ etc. (2013, pp. 9–11).

With regard to the evaluation of populist argumentation, however, none of the above-mentioned authors pays particular attention to the specific context in which the argumentation takes place, i.e., political deliberation. They have

all adopted Walton's perspective that any populist argument's reasonableness depends on the outcome of applying the general critical questions that apply to any subtype of this kind of argument.¹⁰ In contrast, Walton himself relates his assessment of populist arguments to the role of majority in a democracy, and so too do Minot (1981) and Andone (2015, 2016). Walton (1992, p. 65) says that populist arguments can be 'nonfallacious in some contexts of dialogue', (...) '[which is] especially true in (...) those of political argumentation in a democratic system'. He discusses an example from a 1981 Canadian House of Commons Debate, where one of the contributors, while defending capital punishment, refers to a questionnaire indicating an 85.6 per cent affirmation of reinstatement of capital punishment. The contribution concludes with an appeal to the 'people's voice' and the claim that not being mindful of the wishes of the people fails the demands of a democratic society (*ibidem*, p. 88).¹¹ As for the question of whether this is a fallacious argument, Walton's first comment is:

It would seem not. In a democratic system, it is quite appropriate for an elected officeholder to be 'mindful of the wishes of the people' (*ibidem*)

Although Walton acknowledges the role of the political context with regard to the assessment of populist arguments (see also Walton, 1999, p. 192), this acknowledgement did not result in him creating yet another (bolstered) subtype or a specific assessment instrument for such a subtype. Although the list of subtypes includes one relating to deliberation (1999, pp. 205–207, 224), this is not an argument that calls for a policy to be endorsed because many people accept that policy; rather, it claims that a certain decision should be accepted because it has been deliberated intelligently and extensively by a certain group of people.

Like Walton, Minot (1981) and Andone (2015, 2016) also derive the reasonableness of a populist argument in a political context from the imperatives of a democratic society. Both of these authors consider that there should be a relation between how people in a society think about certain societal developments on the one hand and actual policy-making on the other.¹² Minot (*ibidem*, p. 230) expresses it very clearly:

10. Kienpointner (2003) has adopted and adapted the criteria from the 1992 book, Reisigl those of the 1999 monograph, and Oswald and Hart apply the 2006 criteria plus a criterion of their own.

11. In this context, Walton also discusses a 'much more subtle' variant, in which the politician presents himself as a 'man or woman of the people' (1992, pp. 89–91), and makes several remarks concerning the mob-appeal type of political discourse (e.g., 1992, pp. 82–87; see also 1999).

12. This view is also expressed by Toulmin, Rieke, and Janik (1984, p. 146), but they are not very clear about what this entails for populist arguments when used in this particular context.

(...) in a democratic society, the desire of the populace is the means for deciding an issue. (...) Thus, the bandwagon appeal is not in itself fallacious’
[original underlining]

Andone starts out from the pragma-dialectical assumption that a populist argument,

just like any other kind of argument, is in itself reasonable, but can in some circumstances become fallacious if certain soundness conditions are not fulfilled.
(2016, p. 53)

To account for the potential reasonableness of populist arguments in the context of political decision-making, Andone cites some authors from political and social theory who have said that an appeal to the majority is an important element in democratic decision-making (i.e., Anderson, 1979; Cook, Barabas, and Page, 2002; Holzinger, Reinhard, and Biesenbender, 2014; cited in Andone 2015, p. 1 and 2016, p. 53).

2.4 Johnson and Blair’s ambiguous position

Remarkably, Johnson and Blair (2006, p. 179) – discussed in subSection 2.1 as sharing the standard perspective – acknowledge that law-making should not deviate too much from what the populace of a country wants. Nevertheless, they still maintain that populist arguments in the context of deliberation are unreasonable. They elucidate their position by making a distinction between populist arguments on the one hand and the application of democratic principles on the other (*ibidem*, pp. 178–179). One such principle is the ‘majority-rule principle’, which is at stake when members of a group decide that decisions made by this group should be based on majority vote. Another is ‘the principle of popular sovereignty’, which refers to the idea that laws should be based on the will of the populace. This principle concerns the situation in which a majority vote in an election is followed by the development and implementation of new law.

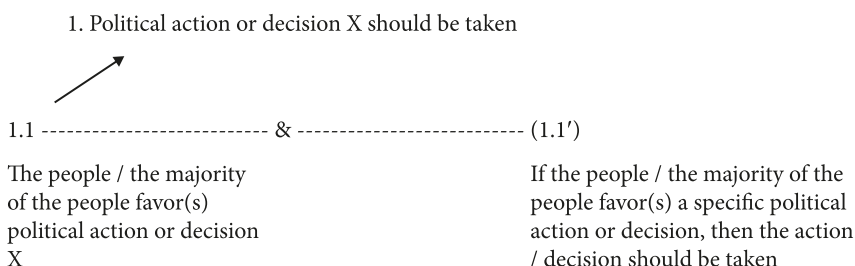
Johnson and Blair (*ibidem*, p. 178) describe both of these democratic principles as *procedural* principles with regard to majority opinion, i.e., procedures that regulate decision-making.¹³ According to the authors, application of these prin-

13. To be more precise: Johnson and Blair speak of a procedural principle only in the case of majority rule and not in the case of popular sovereignty. However, in terms of the applicability of such a principle, I see no relevant difference between the situation where an arbitrary group has agreed to take decisions by majority vote and the institutionalized situation where majority vote is a formalized decision-making method in parliament or in a referendum. I have therefore interpreted this term as also applying to the latter situation.

ciples does not yield a populist argument, since this kind of argument is based on a *criterial* principle: the fact that a majority hold an opinion is *the criterion of the 'truth or plausibility' of that opinion*. Unlike a criterial principle, a procedural principle is said not to entail any judgment about the correctness of the majority opinion and/or the decision taken, and therefore to have nothing to do with populist argumentation. This view will be further discussed in the next section with regard to reconstructing the linking premise of a populist argument.

3. The linking premise of a populist argument

In the question of whether a populist argument is a fallacious argument, the crucial element is the linking premise. Yet the only author to have analyzed this premise of a deliberative populist argument in a reconstruction of this argument is Reisigl (2006, p.1130). His formulation is taken as the starting point for the pragma-dialectical reconstruction below (where 1 is the standpoint, 1.1 the argument and 1.1' the linking premise):



Since Reisigl's linking premise is just a repetition of the contents of the premise and the standpoint, it is not very informative. In pragma-dialectics, this kind of linking premise is called a 'logical minimum', which is only the first step in reconstructing an argument (van Eemeren and Grootendorst, 1992, p. 64; van Eemeren and Grootendorst, 2004, p.117). A subsequent step in the pragma-dialectical method of making explicit a linking premise requires the formulation of a 'pragmatic optimum' (van Eemeren and Grootendorst, 1992, p. 64 ff.; van Eemeren and Grootendorst, 2004, p.118). This kind of linking premise must be more informative, by providing the rationale for the logical minimum.

In what follows, I argue that a deliberative populist argument is based on a linking premise that differs from the one underlying the fallacious form of the populist argument. In order to arrive at my proposal for the formulation of an informative linking premise, I will first provide a reconstruction of the traditional,

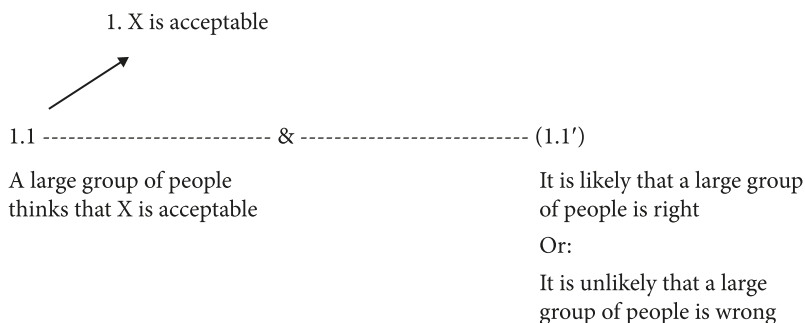
fallacious concept of a populist argument (subSection 3.1) and then show that the deliberative populist argument is based on a different premise (subSection 3.2). I will use Johnson and Blair’s notions of a ‘criterial principle’ and ‘a procedural principle’ to characterize the different nature of both linking premises.

3.1 A criterial linking premise

Johnson and Blair’s criterial principle states that the fact that many people hold an opinion functions as the criterion of the truth or plausibility of that opinion (2006, 178) or, as they sometimes add, of its correctness (*ibidem*, p. 179). This idea is precisely what makes a populist argument fallacious: it uses a large number of people as a reliable source for gaining knowledge. What does the criterial principle entail for the linking premise of a fallacious populist argument? In its most basic form – the logical minimum – this premise reads that if a lot of people have the same opinion, then this opinion is acceptable. But this formulation would not reveal anything about the knowledge-based criterial assumption. A pragmatic optimum requires ‘finding out if and how, given the context, specific and general background knowledge, and common sense, the “if-then” statement can be made more informative and appropriate in the case at hand’ (van Eemeren and Grootendorst, 2004, pp. 117–118). Applied to a populist argument, the pragmatic optimum should then explain why the opinion of a group of people can be taken as a knowledge source, i.e., as a good reason to accept the standpoint. A suitable formulation for such a linking premise is provided by Walton et al. (2008), i.e., ‘the majority is likely to be right’:

(...) the connection between premise and conclusion, (...) the implicit premise of the [populist argument] scheme [is]: the fact that the majority is likely to be right.
 (...) If the majority is not presupposed likely to be right, there is no reason to conclude that its opinion is acceptable. (*ibidem*, p. 124)

It does indeed make sense to accept an opinion held by a lot of people as a source of knowledge if it were likely that large numbers make an opinion true or right. A similar notion is expressed in Nolt’s contention that populist arguments are based on the idea that if a lot of people think or do similar things, it is unlikely that they are all mistaken (1984, p. 249). Rather than referring to what is likely, i.e., that many people hold the same, correct idea, Nolt’s formulation refers to what is unlikely, i.e., that many people hold the same but wrong idea. This notion could also be formulated as a linking premise, reading that it is unlikely that so many people are wrong. This allows for two possible reconstructions of the *ad populum* fallacy:



I have no particular preference for either of the candidates for the linking premise in the above reconstruction. Both make an informative relation between the appeal to the people and the standpoint, and the content of both formulations shows the argument's fallaciousness.¹⁴ In addition, their use as a knowledge-source argument is apparent.¹⁵

The two linking premise candidates discussed in this subsection are not suitable candidates for populist arguments in support of a prescriptive standpoint containing a policy proposal. In the next subsection I will argue that in the context of deliberating the pros and cons of a certain policy, it does not make sense to regard the appeal to many people's opinion as a criterion for a prescriptive standpoint's correctness.

3.2 A procedural linking premise

Johnson and Blair seem to hold the view that populist arguments are based on a criterial interpretation *by definition* and are thus always fallacious. They explain their position with the help of the example below:

14. Dedrick (2019) claims that the idea formulated in this linking premise is not necessarily fallacious. He bases this view on Condorcet's theorem, which consists of a calculation of probabilities and shows that the probability of a majority being correct is higher than the probability of an individual being correct. However, this theorem only applies under the condition of certain assumptions, such as the (possibly incorrect) assumption that each individual added to the larger group is more likely to vote correctly than incorrectly (Rawls, 1999, p.315; Weale, 2018, p.89). Another doubtful condition (also mentioned by Dedrick himself) is that the majority opinion should concern issues that are binary. However, this condition is hardly ever met because important political choices concern not only a variety of preferred ends but also a variety of means to reach a certain end (Weale, *ibidem*).

15. That Walton diverges from the standard approach by regarding basic, non-bolstered populist arguments as potentially reasonable (see subSection 2.2) also becomes apparent from his formulation of the linking premise of such an argument: 'If [standpoint] A is generally accepted as true, that gives a reason in favor of A' (Walton, 2006, p.91).

- (1) The citizens of Colorado have spoken and decided: Gays and lesbians do not deserve protection of the law. (2006, p.179)

According to the authors, there are two possible interpretations of this statement, which should not be confused. In one interpretation, 'the author is simply pointing out what the majority of Colorado voters on the issue wanted' (*ibidem*). The statement then simply reflects the Colorado people's exercise of their popular sovereignty, which involves the application of a procedural principle, i.e., a 'procedure for decision-making' (*ibidem*, p.178).

In another interpretation, the statement in (1) is the instantiation of an argument whereby the arguer takes the implicit standpoint that gays and lesbians should not receive legal protection against discrimination, for the reason that the majority of Colorado voters declaring themselves on that issue said so. In (2) this standpoint is added in italics:

- (2) The citizens of Colorado have spoken and decided: Gays and lesbians do not deserve protection of the law. *Therefore: Gays and lesbians do not deserve protection of the law.*

According to Johnson and Blair, the argument in (2) is a fallacious populist argument. They justify this judgment by saying that 'the vote does not prove that the majority was correct in its opinion' (2006, p.179) – a first indication of their criterial interpretation. They add that this interpretation differs from a procedural interpretation since populist arguments 'take the further step of supposing that what the majority (or any large number of people) believes is true or plausible' (*ibidem*). These comments show that Johnson and Blair also apply a criterial interpretation to 'deliberative' populist arguments.

I agree with Johnson and Blair that the first reading of Example (1) does not reflect a populist argument. Indeed, this statement is not argumentative at all: it is simply an observation of the situation that a vote led to a certain result. But for precisely this reason, I fail to see how this reading could be confused with a populist argument. With regard to the second, argumentative reading, I wonder what indication there is for the criterial interpretation. In (2) it is argued that a policy measure should be implemented because the majority of Colorado people have voted for that policy. To my mind, there is no reason at all to assume that an arguer putting forward this argument is committed to the view that majorities are likely to have correct opinions. Even though such an arguer may indeed consider the voters' standpoint to be correct, since it concurs with his or her own point of view, this is something other than judging it to be correct because one regards majority opinion as a source of knowledge.

There is also another problem with the interpretation exemplified in (2). It is not representative of how populist arguments are typically used in an argumenta-

tive discussion about a policy proposal. Appeals to a majority, when functioning in a discussion, usually do not refer to majority *vote* but rather to majority *opinion*. Saying that political conclusions should be drawn from the outcome of a vote only makes sense if a referendum were held and if the government ignored its result. For instance, when the Dutch government did not act immediately in response to a majority vote in a consultative referendum held in 2016 on the EU-Ukraine Treaty, politician Geert Wilders urged the government to reject the Treaty, saying that the people had clearly spoken and their advice should be implemented.¹⁶ In contrast to such cases, the prototypical use of a deliberative populist argument involves an appeal to the opinion of a supposed majority or large number of people, whether or not with numbers that can be backed up with a poll or a survey. Example (3a) instantiates this prototypical use:

- (3a) The citizens of Colorado *hold the opinion that* gays and lesbians do not deserve protection of the law. Therefore: Gays and lesbians do not deserve protection of the law.

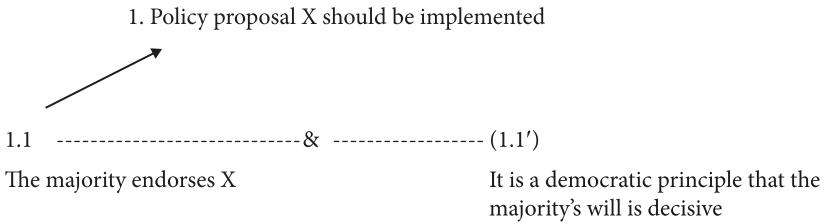
The question as to the kind of linking premise that forms the basis of a deliberative populist argument primarily concerns cases like (3a). What kind of linking premise, then, is applicable in such cases? We should first reformulate Example (3a) in such a way as to make it more obvious that a prescriptive type of standpoint is at stake:

- (3b) *Gays and lesbians should not receive protection of the law*, because a poll of Colorado citizens indicated that this is how they feel about this matter.

What is the linking premise underlying this argument? If we look at how populist arguments are formulated in real discourse, the micro context hardly ever offers any clues about the kind of linking premise an arguer intended, although an exception is formed by explicit remarks referring to the democratic context, as in Walton's (1992) example (subSection 2.3). Rather, it is the macro context that provides the rationale for the linking premise's reconstruction. Prescriptive standpoints about policy-making are part of the 'political communication' domain and 'deliberation' genre of communicative activity (van Eemeren, 2010, p.143). The

16. See <https://www.pvv.nl/36-fj-related/geert-wilders/9001-debat-gw-uitkomst-referendum130416.html> (note that the text under this link is only in Dutch). The referendum was held at the instigation of concerned citizens who had collected enough signatures (more than 300,000). It was a 'corrective' referendum, which means that it should address an already implemented act, and that the outcome is non-binding but the act must be subjected to another vote in Parliament after the referendum has taken place. With regard to the EU-Ukraine Treaty, 32% of all the people entitled to vote cast their vote, with 61% of them voting against the act that ratified the Treaty. Referenda were abolished in the Netherlands in 2018.

final stage of this type of deliberation typically consists in a vote about the desirability of a certain course of action. I therefore follow Minot (1981), Walton (1992, 1999), and Andone (2015, 2016) in regarding populist arguments in the context of political deliberation as arguments that draw their justification from this – in the characterization of Rawls (1999, p.311): ‘essential’ – principle of democratic decision-making. This stance results in the following reconstruction of this kind of populist argumentation:



A possible objection to this reconstruction is that the linking premise formulated here appeals to a democratic situation that is not real. It supposes a direct form of democracy in which issues are discussed by all and ended with a vote, whereas most modern democracies are (mainly) based on an indirect form of representation and where decision-making is bounded by constitutional rules. Although correct, this criticism, to which I will come back in Section 4, addresses the evaluation of the deliberative populist argument and not its analysis. If we concentrate on the latter, it is important to note that appeals to ‘the people’s will’ in a deliberative discussion about policy only make sense if their justificatory power refers to this core principle of democracy, i.e., that the people rule themselves. Even though it is not feasible to organize direct democracy in our modern large-scale societies, it is often suggested, especially by populists, that this is the true model of democracy and that representative democracy is only second best (Taggart, 2000, p.98; Müller, 2016, pp.76–77; Weale, 2018, pp.20–23).¹⁷ Moreover, the idea of the people’s will being central to political decision-making is precisely what was put forward by Andone’s sources from political theory (see the end of 2.3), and this idea also underlies the widespread practice of holding opinion polls (Gallup and Rae, 1968; Walton, 1999, p.259; Fishkin 2009, p.14–15; Shapiro, 2011, p.982). America’s most prominent pollster, George Gallup, was driven by the idea that polling data

17. As Weale notes, direct democracy is not only an impossible achievement today, but it also was in Antiquity. The place where the Assembly gathered (the Pnyx) had room for 6,000 people, while there were 30,000 free male citizens eligible for voting, constituting in turn only a small proportion of the population of 215,000–300,000 (*ibidem*, p.22). See also Taggart (2000, p.113), Fishkin (2009, pp.12–13), and Müller (2016, pp.76–77).

serve ‘as a culminating “final word” in the deliberations on the issue’ (Ellwanger, 2017, p.184). Therefore, taking all this into account, it is not surprising that Ellwanger (*ibidem*, p.196) thinks that polling information ‘serves as a means to construct arguments about policy’.

In my view, any populist argument in support of a policy proposal should be analyzed with a linking premise indicating that it is sustained not by knowledge-based reasons but rather by reasons related to democratic procedure. This analysis applies not only to arguments put forward in a discussion in Parliament, but also to those put forward in any other institutionalized deliberation setting that ends in majority vote. In fact, it applies to any discussion involving the standpoint that the government, whether central or local, or any other institution subject to majority vote, should adopt policy X because many people think it is the best course of action. A discussion like this can also be held in an informal setting, such as a discussion among friends, or in an op-ed or a talk show. In all these situations, arguers who support their standpoint with a populist argument are committed to an implicit linking premise that refers to majority opinion as a requirement for reaching a democratic decision.

4. Evaluating populist arguments in the context of deliberation

Is it true to say that populist arguments in which the inference license consists of a democratic decision-making rule are reasonable? A Dutch newspaper once published a reader’s letter that outlined the dangers of policy being the result of the will of the majority:

Like a child who had hung up a stocking and got a great present from Santa Claus, Member of Parliament Charlie Aptroot (...) was beaming in the Pauw & Witteman talk show. He was so happy that at last he has a speed limit of 130 kph. ‘Why should we actually drive at 130 kph?’ asked Pauw. And what is Aptroot’s first reason? 85% of car drivers think the speed limit could be higher This is certainly very promising. The next step, of course, will be that speeding fines are reduced, because for years drivers have thought they were too high. And soon taxes will be drastically reduced, because most Dutch people think they could be lower.

(*Trouw*, 6 December 2011; my translation)

Aptroot’s defense of the then newly introduced measure allowing drivers to go 130 kph instead of the former 120 is that ‘85% of car drivers’ are in favor of this measure. The reader responds to this argument with a parallel argument showing the absurdity of taking majority opinion as a reason for policy-making when applied to other cases. In a similar vein, a Dutch Member of the European Parliament rep-

resenting the Green Party, Bas Eickhout, replied to an op-ed by the Dutch scholar Ewald Engelen:

What a poor argument of Ewald Engelen (...): 'The people don't want it.' Does politics consist of parroting opinion polls? Political parties only really fail Dutch citizens if they mislead them. (*NRC Handelsblad*, 2 July 2013; my translation)

Both of the above quotations display a rather negative attitude toward populist arguments in support of policy. How do these remarks relate to the appeal to democracy of a populist argument in the context of political deliberation, when it was claimed in subSection 2.3 that political decision-making should reflect public opinion?

No assessment instruments specifically addressing a deliberative populist argument are provided in the literature. It was already noted above that Walton does not identify this type of populist argument as a distinct subtype, and hence also does not offer a distinct assessment procedure with criteria different from the general ones presented in subSection 2.2. Be that as it may, Walton does occasionally address the evaluation of instantiations of populist arguments that might count as deliberative versions. For instance, his monograph *Appeal to Popular Opinion* addresses some pitfalls of polls and the value of public judgment (1999, e.g., Ch. 1 + pp.100, 124–126, 257–261). No reference is made to these considerations, however, in Walton et al.'s discussion of a 'presumptive' variant of populist arguments, which cites 'polls or other statistical findings that are supposed to measure public opinion' (2008, p.125). Instead, these authors only assess this kind of argument along the lines of critical questions drawn from Walton (1989):

1. Does a large majority of the cited reference group accept [the standpoint] as true?
2. Is there other relevant evidence available that would support the assumption that [the standpoint] is not true?
3. What reason is there for thinking that the view of this large majority is likely to be right? (Walton et al., 2008, p.124)

While the first question asks whether the claim that many people hold a certain standpoint can be supported with evidence, the second calls for an investigation of independent arguments that might refute the defended standpoint. The third question aims at investigating whether there are any additional premises that would create a bolstered and potentially acceptable argument. For instance, one

reason for an affirmative answer to this question could be that the majority is likely to be right because they are experts.¹⁸

Walton et al. then evaluate an example of an appeal to public opinion, and this reveals that a positive answer to the first question increases the force of the argument. They also note – presumably in relation to the third question – that public opinion is relevant ‘when making decisions about [an] issue (...) of public concern’ (*ibidem*). This evaluation shows that the above questions provide some useful insights with regard to evaluating populist arguments, including deliberative ones. However, they are also insufficient for addressing the fundamental issue of the intrinsic reasonableness of a deliberative populist argument, i.e., the reasonableness of the linking premise that majority opinion is a relevant factor in decision-making.

Below I will provide my own assessment of the deliberative populist argument, using the pragma-dialectical assessment procedure of a critical discussion, which consists of an identification procedure for argument 1.1 (van Eemeren and Grootendorst, 2004, p.145 ff.) and a testing procedure for argument 1.1’ (*ibidem*, p.149 ff.). In addition, I will also evaluate the argument from the perspective of the institutional point of types of discourse that belong to the genre of deliberation (van Eemeren, 2010, p. 139 ff.). Note that the criticisms raised in the discussion below have been drawn from literature on public opinion, polling, political decision-making and the like; some concerns have also been mentioned in the argumentation literature.

Evaluation of the propositional content

The identification procedure for argument 1.1, the reference to the opinion of a large group of people, requires an examination of this argument’s propositional content. This means that one should ask whether the number of people referred to does indeed hold the alleged opinion, which corresponds with Walton et al.’s first question discussed above. An affirmative answer to it seems most problematic in the absence of evidence. Vague phrases with quantity measures like ‘very many people’, ‘a lot of people’, etc., cannot convince if they lack support. This may even be more true for opaque phrases like ‘the people’ (or, for that matter, ‘the “ordinary” people’, ‘the “hardworking” people’, ‘the “tax-paying” people’, etc.), as these

18. Hornikx (2013, p.134) criticizes this last question as being useless and not instrumental to distinguishing reasonable from unreasonable instantiations of populist arguments, because the appeal to the opinion of a large group is precisely what defines this argument’s function. The explanation of the purpose of this question provided here shows that this criticism misses the point.

expressions are ultimately suitable for evading the burden of proof. In the words of Buruma (2019): ‘There is no such thing as ‘the people’ in a parliamentary democracy, let alone one popular will, or one single popular voice.’ This kind of expression is a rhetorical device representing symbolic entities of so-called ‘true’ people, whose identity seems to be defined by the wishes of populist politicians themselves (Müller, 2016, pp.25 ff.).

But even if the reported opinion is backed up with real evidence consisting of numbers derived from a survey or poll, methodological issues pose serious problems for the acceptability of argument 1.1 (Yankelovich, 1991, pp.21–22; Walton, 1999, pp.2–10, 259; Tindale, 2007, pp.107–108; Fishkin, 2009, p.2; Ellwanger, 2017, pp.183, 186–187). Whereas sample size, composition/representativeness of the sample, and statistical calculation of the results are generally handled quite well nowadays, the main methodological problems with polling relate to how the questions have been phrased and ordered, and also the kind of answers from which respondents can choose. Questions and answers may be loaded, vague, or ambiguous, and may fail to distinguish between different degrees of strength, or to account for the fact that approval may be subject to certain unstated conditions, or that people may not have an opinion at all but do not want to say so. These problems lead Fishkin (*ibidem*) to conclude that respondents have ‘fewer “opinions” deserving of the name than are routinely reported in polls.’ This makes one skeptical about the representativeness of polling results and hence about whether argument 1.1 can be acceptable in principle.

Evaluation of the justificatory power

The testing procedure addresses the acceptability of the linking premise 1.1’, which states that it is a democratic principle that the majority’s will is decisive. This premise concerns argument 1.1’s justificatory power, i.e., it raises the question of whether democratic principles do indeed justify an appeal to majority opinion as a good reason for converting this opinion into policy. Posing this question lays bare some problematic aspects of the inference of a deliberative populist argument. On the one hand, there are criticisms pointing out the limited role of public opinion in an indirect democratic society, also in light of the constitutional guardrails that have to be observed in political decision-making. On the other hand, doubts have also been raised as to whether it is desirable to base political decision-making on public opinion.

I start with the first type of criticisms on the role of majority opinion in a democratic society. In this regard, Toulmin, Rieke, and Janik (1984, p.146) and Walton (1999, p.11) refer to Alexis de Tocqueville’s notion of ‘tyranny of the majority’, which describes a situation in which a majority only pursues its own

interests and deprives minorities of their interests, rights, and liberties. Although it is true that democracy literally means sovereignty of the people, i.e., rule by the people themselves (the *demos*), this does not entail that politics merely consists in implementing majority will on any subject matter. Quite the contrary, in fact, because if this were so, there would be no need for elected politicians, for these politicians to make their views known in an election campaign, for discussions in Parliament, and for a separation of executive, representative, and legal powers.¹⁹ Our modern democracies are indirect and representative, which means that citizens elect their own representatives in Parliament, where issues will be discussed on their merits, and where politicians are expected to reach their own well-considered opinion, not being ‘swayed by public opinion’ (Ellwanger, 2017, p.191; see also Rawls, 1999, p.199).

In this context, a majority of public opinion is only decisive at times of election or when a referendum is held. In our modern democratic societies, ‘majority’ stands for parliamentary majority. Polls are not the (principal) means by which decisions are made about political issues. Rather, the political process of decision-making is governed by rules and principles specifying the actors in this process, their authoritative powers, and all kinds of legal restrictions concerning, for instance, the kind of decisions that are allowed (Weale, 2018, p.72). Importantly, political solutions are bounded by constitutional postulates. Overestimating majority opinion in political decision-making conveys not only a ‘simplistic conception of democratic theory’ (Anderson, 1979, p.721) but also a dangerous one, because it may undermine the legitimacy of other institutional actors in the democratic policy process and jeopardize the foundations of liberal democracy (Taggart, 2000, p.112; Ellwanger, 2017, p.182). In my opinion, these are fundamental criticisms that seem to be a sufficient refutation already of a deliberative populist argument’s reasonableness.

The second type of criticisms that can be raised against the linking premise of a deliberative populist argument opposes the desirability of basing political decision-making on public opinion. Firstly, it is doubted whether public opinion is stable. Walton (1999, p.11 ff.; see also Johnson and Blair, 2006, p.179) refers to de Tocqueville when he notes that nothing changes so quickly as public opinion. Empirical data show that a poll result can be totally different from another result obtained soon afterwards (de Gruyter, 2019; Skinner, 2019; Yankelovich, 1991, pp.31 ff.), even if there is a trend over a longer period of time (Ellwanger, 2017, pp.188–191). Moreover, repeated measurement reveals that we can never

19. In this regard, Mudde and Kaltwasser (2017, p.80) remark that it is ‘[n]ot by chance [that] most “minimal” definitions consider democracy first and foremost as a *method* by which rulers are selected in competitive elections. Free and fair elections thus correspond to the defining property of democracy.’

be sure whether a trend will continue and we also seldom find large majorities (Ellwanger, *ibidem*). For this reason, Ellwanger concludes that ‘collective opinion rarely indicates a clear course for public policy’ (*ibidem*, p.195).

Another concern relating to the desirability of majority opinion as a basis for political decision-making addresses the quality of public opinion. Minot claims that the crucial issue with regard to evaluating populist arguments is whether the public has indeed understood the policy proposal at issue and whether it could have properly weighed its own interests in the matter (1981, pp.230–231). In this regard, claims of uninformed, uninterested and disengaged masses that lack expertise and do not oversee the consequences of a position (Yankelovich, 1991, e.g., pp. 4, 19, 29; Fishkin, 2009, pp.1–6) are not very reassuring. However, Weale describes these kinds of concerns as elitist criticisms of democracy (2018, pp.7–9; cf. Yankelovich, *ibidem*, p.19). Gallup and Rae acknowledge that majority decisions can be unjust, but claim that this is an unavoidable side-effect of the least dangerous form of democratic organization (1968, pp.269–271).²⁰

Although these criticisms on the volatility and quality of majority opinion are alarming, I do not believe that they are problematic as such. Volatility is impractical, but not inherently wrong. The quality concern can be countered with the question: who decides what is a good or bad opinion? Moreover, both concerns might apply to parliamentary majority opinion as well. To my mind, these criticisms rather bring to light another, more fundamental problem regarding a deliberative populist argument’s reasonableness, i.e., the absence of the necessary preconditions for citizens to acquire a thoughtful opinion (cf. Yankelovich, 1991; Fishkin, 2009). This problem addresses the absence of a deliberation process that should have preceded the opinion that this argument appeals to. This problem is related to the institutional point of discourses belonging to the genre of deliberation. Below, I will argue that the deliberative populist argument is quite contradictory to this institutional point in two respects.

Evaluation in light of the institutional point

The general institutional point that many of the communicative activity types belonging to the deliberation genre have in common is to preserve ‘a democratic

20. Gallup and Rae (1968, pp.259 ff.) contest the view that policy-making should be reserved for experts (see also Yankelovich, 1991, pp.4–5, 42), claiming that knowledge of facts can only say something about the means to be chosen. As society requires choices about ends rather than means, these choices do not require expert knowledge but can be based on the day-to-day experience of any person in society. Harrison (1995) agrees that it is legitimate to use polls for political decision-making but warns that they should not be used in support of technical, factual claims that may underlie policy decisions.

political culture *by means of deliberation*' (van Eemeren, 2010, p.140; my italics). This means that debate is a necessary condition for decision-making and that political decisions represent the carefully considered product of deliberation, as presupposed in a well-functioning (deliberative) democracy (Gutman and Thompson, 2004). This condition is based on the underlying idea that it is through discussion that different perspectives emerge, each introducing different considerations, interests, and consequences, which another may not have thought of. As different people draw different inferences, a decision can ultimately be based on weighing up a wide range of arguments. Empirical data show that deliberation may lead to considerably different opinions than those based on unawareness (Fishkin, 2009, p.8).

It is precisely the essential role of debate in the context of deliberation that is quite contradictory to what a populist argument stands for. The deliberative populist argument contradicts the institutional point of deliberative activity types because its democratic pretenses are a perfect device for beating a discussion to death. A populist argument is at best a reminder not to forget the population's preferences, but at worst it suggests that the people have already made up their mind and that it is a foregone conclusion to act in accordance with this opinion. A similar view is voiced by Ellwanger, who writes about polling results that they imply 'that everyone is already persuaded – that there are no deliberative opportunities to change opinion (...)' (2017, p.193). For this reason, he calls them 'a kind of trump card in many policy debates' (*ibidem*).

That a populist argument may deny the need for further deliberation and impede the justification of policy with substantive arguments, makes it a highly undesirable instrument in political deliberation, where decisions are expected to be the outcome of a careful discussion process in which substantive pro and con arguments have been weighed. The will of the majority cannot be an acceptable reason in a policy debate, since '(...) of course, within any democratic polity, we do judge the worth of majoritarian policies on other grounds' (Anderson, 1979, p.721). Weale (2018, p.114) puts it even stronger: if politicians want to argue by 'invoking the will of the people as justification for their policies without engaging with the substance of policy argument, (...) they have lost their sense of responsibility'.

One may object that not every populist argument beats a discussion to death and that it may function as just one reason among other, substantive reasons. Why not take this argument merely as a reminder of the population's preferences? It is only natural that politicians take public opinion into consideration, also because public acceptance is a necessary requirement for a successful implementation of policy – in this respect, the measures aimed at controlling the Covid-19 pandemic are illustrative. Gallup and Rae even claim that public acceptance ensures stable

laws and gives the highest degree of civil obedience (1968, pp.269–271). In their view, polls do not undermine representative democracy but in fact supplement it, since a representative is only really representative if (s)he knows the general public’s preferences and acts accordingly (*ibidem*, p.266). What is, in this understanding, problematic about a populist argument?

My answer would be, again, its denial of the act of deliberation. The context of deliberation requires that decisions, result from substantive debate, in which all the relevant actors (i.e., those eligible to vote) have participated. An appeal to majority opinion, used as a populist argument in this context, only lives up to this requirement if it has been preceded by such a debate. However, this is impossible in principle, since the scale of such a discussion is simply too large to be feasible. Although it is true that public discussion is conducted in the media, the participants in this discussion are only a fraction of those who could be engaged. The others may (or, for that matter, even may not) be engaged in their own small-scale discussions, often conducted within their own safe bubbles, where they are reassured of the views they already hold. Polling results therefore usually lack a preceding exchange of competing standpoints, arguments, interests and other information; they reflect what Fishkin (2009, p.14) calls ‘raw opinion’.

5. Conclusion

What can we conclude about the analysis and evaluation of populist arguments in the context of deliberation, i.e., arguments in which a prescriptive standpoint on policy is supported with an appeal to the great number of people who endorse that standpoint? I have argued that a deliberative populist argument is based on a linking premise that is different from the linking premise underlying the basic and hence fallacious type of populist argument. Whereas the latter type of argument assumes an inference conveying the unlikelihood of a large group of people being wrong (or, for that matter, the likelihood of the opinion of a large group of people being right), what underlies the deliberative type is the assumption that majority opinion is a prerequisite for democratic decision-making.

The fact that deliberative populist arguments are based on a different linking premise than the fallacious variant does not entail, however, that they are reasonable. The criticisms resulting from the identification procedure and the testing procedure, i.e., from an evaluation of argument 1.1 and unexpressed premise 1.1’, already lead me to a negative evaluation of populist arguments in the context of deliberation. As for argument 1.1: even if this argument has been backed up with a survey result, one cannot be sure whether the outcome reflects an actual opinion. Moreover, the confined role of majority opinion in an indirect democratic soci-

ety, where political decision-making is bounded by constitutional rules, seriously challenges the presumptions underlying this type of populist argument. In my view, these are already sufficient reasons to consider deliberative populist arguments as fallacious.

Finally, I came up with an extra reason – drawn from the institutional point of discourses covered by the genre of deliberation – that strengthens the negative assessment of the deliberative populist argument. To my mind, this argument is in stark contradiction to the practice of debate, because it bypasses the essential function of the genre of deliberation, i.e., the act of deliberation itself. On the one hand, a deliberative populist argument suggests that further deliberation is futile, because democracy requires that its standpoint should be adopted. It therefore acts as a trump card, beating a discussion to death. But even if one accepts this argument as just a reminder of the people's preferences, these preferences do never reflect the outcome of actual deliberation.

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