REPUBLICAN RHETORIC AS A THEORY OF POLITICAL DELIBERATION

Marcus Llanque

Republicanism as a political language can be easily recognized by its tendency to stress emphatically key notions like virtue and patriotism as well as to argue in a highly appealing style. Hence republican rhetoric is the rhetorical analysis of this language. Through a critical analysis of republican texts it is possible to investigate the linguistic techniques the author is using to persuade the reader: which are his semantic efforts (like stressing certain notions) and what style belongs to a certain argumentation? This approach was already applied to key figures of the republican discourse such as Machiavelli, Harrington or Jefferson.[1] It treats rhetoric as a universalistic concept related to republicanism as well as to all other political languages and also to the language of scientific argumentation.[2] Even political theorists who officially rejected all rhetorical speech-acts as tools of manipulation were forced to use rhetorical instruments to let their argument look more plausible to the public (Hobbes, Kant).[3]

Rhetoric, however, is an ambiguous concept. George Kennedy divides all rhetoric into two kinds: primary and secondary. Dealing with rhetoric in the mentioned way of criticism is what George Kennedy calls secondary rhetoric.[4] In this sense, secondary rhetoric is the discipline which prevailed from the ancient times through the Middle Ages and formed the core of the higher education at universities. Secondary rhetoric covers different aspects of communication theory like style, grammar, logic, poetics and pronunciation and includes both the linguistic analysis of spoken as well as written oratory. In these rhetoric teachings we can find initial points for modern criticism.

In its historical sense, however, rhetoric is first and foremost the theory of communication which takes place under certain institutional circumstances such as parliamentary assemblies. Its contents are deliberative and judicial speeches in front of a (regularly political) public which is going to decide the case. Rhetoric as a part of civic life is what Kennedy calls primary rhetoric.[5] The rhetorical texts of Aristotle and Cicero belong to this primary category in so far as they are dealing with rhetoric as a necessary action of republics to achieve common action. Although oratory is an essential part of civic life, rhetorical theorists always knew the dangers of an orator's power on public action, to mobilize people and agitate in a way which sound reasoning would not allow. But when the public is deciding the case under democratic conditions, the danger of manipulative orators cannot be avoided. It is necessary, therefore, to keep this danger in mind and secure a better deliberation without touching the public's right to choose its own speakers. There is no common action in political communities without representatives and speakers proposing plans and statutes. The task is to find qualified persons who perform their offices virtuously. In *De Oratore* Cicero remarked: "If we bestow fluency of speech on persons devoid of those virtues, we shall not have made orators of them but shall have put weapons into the hands of madmen".[6] Within the republican language virtue in this case means the quality of a person to act effectively and without abusing such powerful positions. From the period of civic humanism on up to the authors of the *Federalist Papers* classical republicanism used virtue in this sense.

In fact rhetoric marks the starting-point of classical republicanism whose first impulses were derived from civic humanism and humanistic rhetoric. Throughout the Middle Ages rhetoric as a discipline of the university curriculum preserved ancient terms and thoughts and served as a mediator of these terms and arguments from ancient times to the city-states of the Early Modern Age and made the revival of theories of political liberty and self-government of political communities possible. The contribution of rhetoric to the formation of republican political theory in the Italian Renaissance is historically evident.[7] But we have to keep in mind that the republican language not only benefited from the tradition of rhetoric but also contributed to it by discussing linguistic and institutional methods of convincing citizens by means of speech. Governing by words is a central aspect of self-government within republican political theory.

The literature on republicanism tends to underestimate rhetoric as a significant aspect of the republican political theory. Pocock's *Ma-*

chiavellian Moment marks the most distinguished contribution to the history of republicanism[8] and initiated a huge and ongoing inquiry into the political thinking up to 1800 in terms of virtue, mixed government and corruption of political actors. Unfortunately Pocock paid less attention to rhetoric as a political practice and to institutional solutions republicans were discussing. In this respect, Pocock is not alone. If we take the two volumes on *Republicanism: A Shared European Heritage* to be somewhat representative for this we have to realize that the place of rhetoric within republicanism is not fully explored.[9] In the same way as republican historiography tends to underestimate rhetoric as a part of republican political theory, the historiography of rhetoric tends to concentrate on the type of texts which contain rhetorical analysis as their main purpose.[10]

In the following I would like to show that theoreticians of rhetoric like Aristotle and Cicero as well as republican authors like Machiavelli, Harrington and the Founders of the American Republic were highly aware of the problems 1) of free deliberation of equal citizens and 2) of the necessity to integrate the rhetorical problem and 3) of how to convince the citizenry with words and not with arms.

Classical Rhetoric and Philosophy as Rivals in Political Theory

Both Aristotle and Cicero are considered to mark the cornerstones of classical rhetoric. They assumed that political deliberation was essentially a kind of practice which only makes sense in an institutional environment that provides self-government as well as government by discussion. As far as we define democracy as self-government by the people we can understand political deliberation as a rhetorical practice in democracies.

Even the term "deliberation" has its roots in rhetorical theory. As "genus deliberativum" it is used for political speeches. In a broader sense deliberation is the process of communicating reasons for and against common action. Unlike the art and technique of placing words in an appropriate way which is called poetics (from poiesis: making things in the sense of craftsmanship) practice needs cooperation with others.

Rhetoric tries to describe the practice of arguing in front of a public. Public deliberation a) consists of practical reasoning depending on public norms and ideas, b) tries to provide grounds of common action for which the public is responsible and c) is aware of an au-

dience judging which reason is proven the best. This is what I call "republican rhetoric". It does not mean the political language of a certain party in the history of political ideas that can be identified by the way of its use of words and phrases. Republican rhetoric means political deliberation in self-governing institutions.

For about 2000 years the classical rhetoric tradition separated speech into different parts of which the most important were *inventio*, *dispositio*, and *elocutio*.[11] In the 16th century Petrus Ramus decided to treat inventio and dispositio as parts of logic.[12] After this modern philosophical separation rhetoric was shortened to eloquence in a sense that cut its connection to a wider concept of argumentation especially in politics. As eloquence – taken in the modern sense – rhetoric is associated with efforts at raising effects of impression and appealing to emotions. Such eloquence is interested in effects caused by linguistic efforts rather than the contents of argumentation.

The modern (non-republican or post-republican) treatment of deliberation has obscured the institutional aspect of classical rhetoric. The new or modern rhetoric is better understood as a poetical or textual theory of linguistic interpretation which excludes the classical sense of rhetoric in terms of a theory of argumentation under certain institutional circumstances. Confusion is primarily caused by mingling poetical and rhetorical perspectives.[13] The neighbourhood of rhetoric and poetics is clearly stated by Aristotle and more famously by Cicero.[14] To understand these two concepts as if they were identical with each other requires one to ignore the dialectical and logical aspects of deliberation which, in the end, were Aristotle's main concern. Concerning the relationship between institutions of self-government and rhetorical procedures of deliberation the task was to secure that discussion could reach the best results.

The characteristic relationship between self-government and rhetoric goes back to the first appearance of rhetoric. The roots of rhetoric can be traced back to the foundation of self-government.[15] Korax and Teisias are believed to be the inventors of rhetoric when the tyrant in Syracuse (Sicily) was defeated in 467 B.C. (the fall of Hieron). In this early case of litigation the citizens went to court to secure their share of the public goods. The fresh experience of democracy provokes a status near to anarchy sometimes. The first teacher of rhetoric came from Sicily, too: Gorgias of Leontinoi, pupil of Teisias.[16] From Sicily in the 5th century B.C. to Cicero in the 1st century B.C. republican theory of rhetoric understood deliberation as a kind of political practice that was inevitably associated with institutions of self-government.

What is the subject of rhetorical debates? The bulk of introductions into classical rhetoric start with mentioning the tradition of distinguishing three kinds of speeches: juridical, deliberative and epideictic speech. This tradition goes back to the classification by Aristotle, who distinguished the forensic speech (dikanikos logos),[17] the deliberate (symbouleutikos logos)[18] and the epideictic one (epideiktikos logos)[19].

But first we should answer the question why a democracy should treat certain aspects of political life by way of rhetorical procedure at all. Why should all citizens discuss political matters that affect liberty and welfare without making sure that they were able to decide such difficult subjects?

Before Aristotle changed the way of rhetorical analysis he faced two opposite answers to that question.

> 1) Plato rejected rhetoric and favoured the rule of experts, persons who were educated to think properly. Right thinking has its place outside the cave of ordinary people. It is the cave where deliberative assemblies take place. Plato prefers a philosopher king whose decisions need no permission by the citizenry. It was Plato who thought of language as the mere surface of ideas. Only ideas can achieve truth. A politician like Pericles may impress his fellow citizens by using words and phrases in a way that leads their hearts and minds in a certain direction. But the ability to evoke certain effects in the audience is no proof of the value of an argument. Truth cannot be achieved by words.
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> 2) The Platonic model is a reaction to the Sophist's claim to teach citizens the techniques of strengthening the weak argument and vice versa if it is in one's interest. The Sophists tried to exclude the question of truth from deliberation. According to Gorgias consensus is not achievable. Hence an orator has to appeal to people's emotions to gain their acceptance for his position. Protagoras agrees with Gorgias and argues that no one can reach truth. But although there are no absolutely right norms, some exist, that are valid enough to ensure common obligation. Norms are regarded as conventions. Rhetoric describes the process as well as the techniques of achieving this conventional level as a starting point for conviction.

Needless to say, that Plato himself uses a good deal of eloquence to direct the course of the discussion to the results he wanted to achieve in his dialogues. This is not a contradiction of his objection. What Plato condemns is rhetorical practice itself not the inevitable linguistic patterns of argumentation used by himself and others.

Rhetorical techniques can be found in every political theory that makes use of language. We find rhetorical instrumentation even in

political theories that reject rhetoric because it is a method of concealing intentions with verbal decoration.

When Hobbes argues against rhetoric as a way of argumentation in opposition to political science, preferred by himself, he profits from the use of rhetoric figures at the same time.[20] And when Hobbes tries to demonstrate the superiority of his own model he does not hesitate to use metaphors as the biblical narrative of the *Leviathan*.[21] Quentin Skinner has shown how Hobbes changed his attitude from a clear rejection of eloquence to a practice of rhetoric by himself.[22]

Hobbes powerful refusal of a rhetorical use of language has to be estimated against the background of the status which rhetoric had in modern times up to the Enlightenment. When Hobbes spoke of Aristotle and Cicero he had in mind the university teaching of the ancient theories. Hobbes accused ancient theorists of confusing words like "freedom" and "government" because they declared self-government and individual liberties to be the main goals of politics instead of calm and order which he preferred. Rhetoric supported many of those theories by stressing arguments of authority and not reasonable thinking in terms of axioms and principles. All argumentation referring to Aristotle and Cicero belonged to the learned discourse of humanities. A proof that depends on words only rather than on principles endangers political order, because it supports ideas that can cause civil war. Hence Hobbes holds that the sovereign ought to have the power to define words in order to save peace and souls.

But the description of language used in political argumentation is not identical with the investigation of the questions, why, where and how deliberation should be established. In a way, it could be said, Hobbes preferred the Platonic solution.

Aristotle's Transformation of the Philosophical View of Rhetoric

To some extent Aristotle combines the position of Protagoras with Platonic ideas.[23] Truth is the aim of effective deliberation. For Aristotle opinions do not stand opposite to truth.[24] Opinion-making may be erroneous but is has the natural tendency to focus on truth. This is no contradiction, because it is possible to achieve true results in a debate, if one remains conscious of the fact that the ground on which one's judgment is based is not certain and circumstances may change and shed new light upon facts. But nevertheless, truth has to explicate itself before a deliberative assembly. In Greek historical and politi-

cal argumentation it was a well established tradition to consider true thoughts as insufficient without the help of words which were able to give clear evidence.[25] The orator has to prove the evidence of what he thinks to be true. With respect to conventions true statements should be translated into common places (*topoi*) of common experience. According to Aristotle the aim to achieve truth has its own place in discussions. Truth tends to be the best argument to win the case.[26] The most convincing argument in political deliberation is reference to the common good.[27] But since both sides of the debate regularly claim to represent the common good the citizen-hearers have to judge which of the proposals represents the common good with greater plausibility.[28]

Practical reasoning is not only based on logic, but also on traditions proved by the convictions and common experience of generations communicated in form of history, topics and phrases.[29] Therefore an orator has to know the tradition.

Plato goes the opposite way. First and above all the position of the philosopher king requires intellectual skills to solve theoretical problems, that is knowledge in mathematics as well as geometry. Plato's insisting on these theoretical abilities of politicians marks the starting point for Aristotle's crucial change of treating deliberation. As a result he placed rhetoric amidst a theory of argumentation according to the realm of politics. Aristotle tried to show that Plato's reference to theoretical reasoning cannot be applied to practical matters. Instead he distinguished sharply theoretical from practical reasoning.

Proper thinking follows two different tracks: solving reasonably problems, which necessarily can have only one solution or solving problems, where different possibilities exist. The first kind of problems is purely theoretical (subject to theoretical reasoning), the second one is practical (subject to practical reasoning). Theoretical reasoning deals with ontological or metaphysical subjects whereas the latter tries to handle problems made by men themselves, since practice is the realm of life that is built up of actions.

In the field of practice, the best way to reach reasonable solutions is not individual thinking but discussion with others, mainly with those who share the same problems. To seek the advice of others is a pattern of Greek political culture which roots back to ages even before the times of Pericles. The word advice (*boulê*) belongs to the terms most frequently used in Greek.[30] Giving advice and discussing problems means to bear in mind that actions are based on opinions of men who may not always be blessed with all achievable intellectual

faculties. Only those who take the consequences of decisions are able to give and to take advice.[31] In republican political theory this is a well established tradition, too.[32] "In a strict sense, the rhetor spoke to the audience as an adviser."[33] The Greek political culture of agonistic deliberation is reflected in the procedure of an assembly. There is the place where by reason the evidence has to be proved.[34]

Practical reasoning has its natural limits. A possible subject for political deliberation is a case that can be changed by action[35] and what can be seen as a reasonable goal common action is able to achieve.[36] Therefore, the place where the best argument has to prove its worth is not the court of reason but the court of opinion, crowded with those who are mostly concerned and who take the responsibility for the consequences of their common actions. According to the Greek political culture the institutional environment of deliberation depends on agonistic consideration.[37] This agonistic culture was the initial condition for thinking politics in terms of competition, which also had a significant impact on modern democracy.

The paradigm of theoretical reasoning is the monologue, whereas practical reasoning depends on communication with others. Here, the paradigm is deliberation, seeking advice and approval from others.

According to Aristotle, every speech is composed of three parts: the speaker, the subject and the person to whom it is addressed. Aristotle divides rhetoric speeches according to the role of the listener.[38] This indicates the importance of the institutional setting of speeches. The hearers are not considered as a passive audience that applauses. The listener plays an active part. To Aristotle all hearers are like judges (*krites*).[39] In the forensic case the hearer has to judge the past, in the deliberative one the future, and finally in the case of praising speeches it is the present. Aristotle concentrates on the institutional setting of speeches in democracies where hearers are citizen-hearers. They judge the truth of arguments in juridical cases, they judge the value of advice regarding common action that will take place in the future and in a contest they decide whom the prize belongs to.

There is a difference, however, between legislative deliberation and the deliberation with respect to judgments. Legislation is the result of a long consideration, but it can give advice only in general terms. It needs the ability to decide which general principle applies exactly to the situation. Therefore those who judge need discretion and cannot neglect the influences of emotional movements in the heat of the moment.[40] It is the problem of modern deliberation that legislative deliberation and deliberation of judgment coincide.

The boundaries between those kinds of speeches are not strict.[41] All three kinds can deal with political aspects as well. Even epideictic speeches may have a political outlook. Pericles' famous funeral oration had political intentions by defining the characteristics of Athenians which lay, alternatively, in their political habit of ruling and being ruled. An epideictic speech may not be involved in decision making but may deal with common action in so far, as it tries to clarify the very identity of the civil body politic, its history, its present state and its future necessities, which is to say, its moral constitution as a whole. This was the conviction of Isocrates and even of Plato.[42]

The type of argumentation that tries to meet common approval has to deal with probabilities and uncertainties.[43] It operates in the field of plausibility. Where sufficient reasons cannot be found, rhetoric begins.[44] Plausible evidence of argumentation is called the theory of "enthymemes". There are two types of plausible argumentation: artificial proof (product of the speaker himself) and non-artificial (referring to materials existing independently from the speaker like documents, account of facts, sworn evidence by others).[45] Non-artificial arguments are a better proof. Hence, above all, the speaker needs knowledge. Here the whole political science, established by Aristotle, has its place. But even the artificial evidence used by the speaker includes not only his authority as a politician (*ethos*) or the emotional appeal to the public (*pathos*), but also the evidence of his argumentation based on topics of common knowledge and belief (*logos*).

Deliberation of public affairs seeks to initiate political actions.[46] The citizen-hearer's decision marks the end of the whole procedure of speaking. Discussing political topics in front of a decision-making assembly differs completely from the anonymous public opinion in modern times. Here, attitudes can be estimated in surveys, but without direct influence on the collectively bounded decision.

The Place of Deliberation in Republican Political Theory

Cicero

It was Cicero, not Aristotle, who had the greatest impact on the revival of the republican political theory. Cicero can be considered to be the heir of Aristotle in many respects. He rejected the pedantic Hellenistic way of arranging all rhetorical aspects in static systems.[47] He preferred, instead, the well established tradition of the Roman Republic to discuss concrete cases instead of general principles.[48] More

than Aristotle, Cicero took into account the influence of a certain institutional context of speeches.[49] Cicero deepened the political orientation of rhetoric by concentrating on the *genus deliberativum* and the *genus iudicativum* while neglecting the *genus epideicticum*.[50]

The principal concilium belongs to the Senate[51] which has no potestas, no political power like the elected magistrate, but reputation (*auctoritas*) enough to convince the people. In this case *auctoritas* is the transposition of ethos into the Roman way of thinking.

On the other hand Cicero's attitude to democratic deliberation was very different to that of Aristotle. A significant change in the attitude of republican theorists with regard to public debate was caused by Cicero. Aristotle complained about the bad circumstances of Athenian deliberation: the intellectual insufficiency within the audiences,[52] the small time frame for discussion,[53] the emotional impacts on reasoning,[54] and the manipulative methods of the political enemy in order to upset the debate.[55] The Platonic tradition reflects these arguments in a critique of democratic assemblies.[56] Instead Aristotle emphasizes that since free speech of equal citizens was established deliberation in assemblies is inevitable.[57] And more than this: deliberation in assemblies can have better results for public problems than the solutions of experts, because in assemblies the different virtues of the citizens can cooperate and be clustered to a degree even the best citizen cannot reach as an individual. Seeking advice in an assembled form has advantages which a small commission of experts can never reach.[58]

Therefore Aristotle was rather optimistic on assigning the right of free deliberation to the wider public of the citizenry. Additionally, Aristotle argued in terms of integration which must fail when too large parts of the people are excluded from participation in the debate. This can cause insurrection.

Unlike his predecessor in rhetorical theory, Cicero sharply separates deliberation and acclamation or election from each other.[59] The power is rested with the magistrate, the Senate gives advice and liberty belongs to the people.[60] The procedure and discussion among free and equal citizens was more or less open until it was replaced by qualified magistrates or citizens who were experienced in magistrative powers and privileged to the delivery of speeches.

The difference between Aristotelian optimism and Ciceronian separation of deliberation and approval reflects an important difference between Athens and Rome with respect to political institutions. In Athens the election into judicial and legislative assemblies

and even into the magistrate was done in the most cases by lot. This situation enforced models which accepted that the members of those assemblies were ordinary people. In the Roman Republic the members of the Senate had to be former magistrates elected always by ballot. Only, when it came to the distribution of tasks and provinces among magistrates the lot was used, in order to secure a neutral decision. The replacement of the lot by election marks a transformation that had great impact on the course of institutional discussion up to modern times.[61]

Another remarkable aspect is the different role a speaker could take in Athens and in Rome. In Athens everybody was supposed to speak for himself at least in forensic cases. All politicians knew that they had to defend the lawfulness of their proposals and decisions in court. In Rome by contrast, the tradition was to choose speakers for defending one's conduct in politically intended prosecutions (like Cicero's defense of Pompeii). The Roman republic invented the advocate, thus inventing a new paradigm.

After the fall of the Roman Republic the importance of rhetorical practice in politics declined. This underlines the deep relationship between classical rhetoric and the existence of self-government. Now rhetoric was no longer a political practice that could be analyzed, but a mere poetical technique of linguistic efforts without regard to the institutional setting. The emotions which should be moved now were those of listeners, not those of citizen-hearers. The focus of shared political problems was replaced by the eagerness of getting applause and causing public satisfaction. Rhetoric changed into eloquence and soon the first tracts complaining on the decline of rhetoric were published by Quintilian and more famously by Tacitus.[62] The experience of rhetorical practice could not be replaced by the interpretation of classical texts dealing with political deliberation in diverse schools of rhetoric.

The bridge between classical rhetoric and modern institutional, especially representative assemblies, was built by the republican political theory. When the republican city-states were reestablished in the Middle Ages the knowledge of deliberation was taken out of the archives and revitalized. Among those ancient texts of classical rhetoric Cicero had the biggest impact on republican political theory. This caused a very important change within the republican treatment of institutionalizing deliberation. Back to Brunetto Latini we find the first references to Cicero with respect to oratory (1266).[63]

From Cicero up to Machiavelli, Harrington and the Federalist Papers, the optimistic and pro-democratic attitude of Aristotle turned into a deep mistrust in democratic institutions based on discussion. They feared that demagogues would dominate the public evoking emotional decisions, where the virtues of prudence and moderation were more necessary for practical reasoning than popular acclamation. Therefore, the republicans lost their interest in the Aristotelian encounter of the best argumentation under democratic institutions and tried instead to reform the institutional setting. They wanted to secure that politics can be carried out free from democratic influences and their anarchical effects on deliberation.

The republican way of handling deliberation was twofold: 1) the problem of democratic deliberation could be solved by making sure that the institutional setting of legislation avoids the damaging effects of an open discussion among the people and 2) the political order assures that enough experienced or even virtuous persons are elected to deliberative assemblies.

Machiavelli

When we think of republican rhetoric Niccoló Machiavelli is the first author to be mentioned. Victoria Kahn has contributed much to the question whether and to what extent Machiavelli applied rhetorical instruments that were taken from Cicero.[64] In his *Discorsi* Machiavelli discussed matters of state building, political decision-making and warfare based on the Roman experiences narrated by Livy. There are several passages in this work where Machiavelli focuses upon the politician as an orator giving advice to the people. The people as audience of a political speech are seen as *multitudo*. This means an assembly of unlearned persons, weak when acting individually and often tumultuous when acting in crowds. But this multitude usually is the public audience of political deliberation in republics. They can be easily convinced of bold proposals and be taken in by plans which misleadingly seem to be in their interest.[65] Demagogues can move the multitude with boastful speeches and agitate it into an enraged mob.[66] Machiavelli explains this with the lack of judgment in the inexperienced and unlearned mass of the citizenry. Without prudence they are open to prejudices and merely probable suppositions. Words may abuse the public opinion.[67] In Machiavelli's eyes it would be the best to institute assemblies in a way that secures sound reasoning without any reference to emotions. For all republicans the

most common example for such an assembly was the Roman senate and so it was for Machiavelli. He shows how the senate and the people's assembly come to different judgments on the same situation and how difficult it is for the experienced politicians in the senate to convince the citizenry of the advantages of their perspective and their proposed strategy. Like all republicans, Machiavelli is not willing to restrain the people's power from deciding essential political problems although he gives a vivid picture of their habit to burst out into tumults and to favour the weaker argument. The alternative to people's power is the absolute power in one single man's hand. Machiavelli is sure that all negative aspects that disturb reasoning in democracy also occur in tyranny. He is strongly in favour of assemblies as the forum of political deliberation.

> As to judging things, if people hear two orators who incline to different sides, when they are of equal virtue, very few times does one see it not take up the better opinion, and not persuaded of the truth that it hears. If it errs in mighty things or in those that appear useful, as is said above, often a prince errs too in his own passions, which are many more than those of peoples. It is also seen in its choice of magistrates to make a better choice by far than a prince; nor will a people ever be persuaded that it is good to put up for dignities an infamous man of corrupt customs.[68]

Machiavelli wants the politician in republics to be able to restrain an agitated mob through his rhetorical skills. Words can tame furious crowds as the example of Pagolantionio Soderini, the brother of the gonfaloniere Piero Soderini, proofs.[69] What's important is the orator's ethos, his reputation, as the result of public opinion, how Machiavelli sees it in a rather modern way of thinking.[70] A politician's reputation can give his proposals such a weight that they meet the public's approval. There are two ways of getting reputation: the public and the private.[71] The public way to acquire reputation is to exercise virtuous behaviour in governmental offices. The private way is to invest private resources for example in donations, to gain popularity. Machiavelli argues that the citizenry is more likely to give credit to persons who gained their popularity privately and follow their proposals in political deliberation. Money and networking impresses the public especially in times of peace. Candidates who have only public reputation are preferred in times of crisis and emergency. A problem can arise when virtuous persons have to be on stand-by for too long and they are neglected in favour of populists, so that they loose their willingness to be at the people's disposal when times change.

Finally Machiavelli gives advice to the virtuous politician how to behave in public deliberation when he competes with demagogues. As an illustration, Machiavelli quotes a historical deliberation narrated by Thucydides about the Athenians discussing whether they should make the military expedition to Sicily or not.[72] Alcibiades pleaded for intervention and Nicias, whose opinion is favoured by Machiavelli, opposed the plan. When Nicias had the feeling that the public was eager to agree with Alcibiades he changed his strategy and tried to bring the public about by exaggerating the dangers. The result was that the Athenians increased the number of participants for the expedition and thereby increased the extent of the catastrophe which happened afterwards. Another problem is how to oppose people's favorite plans without risking one's own reputation. Machiavelli believes that the multitude is judging the result of a political enterprise without taking into account all circumstances which determine the chances. A good advisor shouldn't identify himself with his proposals, his style should be calm and modest and better he defended his position avoiding passionate performance.[73] Otherwise the public would make him responsible for the effects regardless of the circumstances.

In Machiavelli we find a political theorist who is remarkably aware of the fact that even politics focused on the common good may fail without rhetorical skills. The people's approval is necessary in a republic. Hence one has to be able to beat demagogues in the battle of words which is inevitable in political deliberation.

James Harrington and the Politics of Giving Deliberation an Institutional Frame

Oceana was the republicans' answer to Hobbes' Leviathan. Unlike Hobbes who is arguing systematically Harrington prefers a deliberative structure of his argument. After a long introductions Harrington discusses problems of political freedom and its institutional setting in the way of a long dialogue between nation builders competing for the best way to establish a republic in a fictive deliberation.

No political theorist wanted to distinguish deliberation from acclamation more determined than James Harrington. Following Harrington "the highest mystery of Popular Government" consists in the distribution of "Debate and Result",[74] which leads to the bicameral

system of his model state Oceana. Harrington divides legislation into two different chambers: the Senate and the Prerogative. In the 20th order of Oceana Harrington gives clear instructions on the "method of debate". First all proposals by magistrates should be prepared in the officers' council and then be presented to the Senate where the opinions have to be "sufficiently debated".[75] The office of the 300 elected members of the Senate (who are called knights because they belong to the highest rank within the citizenry, the so-called horse class) is to debate the magistrate's proposals, their main task is to deliberate. The Senate's proposal is not sufficient to become a law without further approval of the Prerogative. The result of the Senate's debate should be made public and passed on to the Prerogative. Six weeks later the vote must take place. In the meantime the deputies can discuss the matter with their constituents. Reassembled again in the Prerogative the deputies shall articulate the wishes of their constituents and hence the will of the people. If a majority cannot be achieved in the Prerogative the proposals return to the Senate for further discussion. The Prerogative consists of 1050 deputies elected out of all ranks. The Prerogative is not allowed to engage in public deliberation but simply has to vote on law proposals that passed the Senate.

Every deputy has to take an oath not to debate legislation. The mandatory penalty for violating one's oath is death. This harsh regulation tries to guarantee that deliberation can take place without publicity in a calm and dispassionate atmosphere. Harrington wants to make sure that deliberation in the Senate is not disturbed by influences from outside and that the debate is not addressed to the public. He fears demagogues that appear frequently in front of a non-professional and inexperienced public.[76]

Harrington's argument also covers the second trace of republican thought on the institutional settings of deliberation. As mentioned above only those, who belong to the so-called horse rank, are eligible to the Senate. They dispose of enough income to assure that they have the time to study history and political matters to an extent that they are able to discuss subjects of legislation in an appropriate way. This is called the "natural aristocracy" of the Senators.[77] But the last decision is in the hands of the representatives who shall give the interest of the people a proper voice. Thus Harrington refers to Machiavelli's position recognizing as well as appreciating the ordinary people's ability to make the right choice between different proposals.[78]

Apart from official law-making Harrington is fully aware of the advantages of rhetorical skills. He includes rhetoric in his concept by instituting regular meetings where political matters are discussed, the so-called Tuesday-lectures:[79]

> The Tuesday-lectures or Orations unto the People will be of great benefit unto the Senate, the Prerogative, and the whole Nation. Unto the Senate, because they will not only teach your Senators Elocution, but keep the System of the Government in their memories. Elocution is of great use unto your Senators; for if they do not understand Rhetoric, (…) and come to treat with, or vindicate the cause of the Common-wealth against some other Nation, that is good at it; the advantage will be the subject to remain upon the merit of the Art, and not upon the merit of the Cause.

Both, the instrumental aspect of rhetorical skills in the battle of words and the cognitive skills that are trained in political debate are taken into consideration.

Federalist Papers

The fear of demagogues and therefore the refutation of direct democratic rule by deliberative assemblies was part of a wider critic of Athenian democracy. Nevertheless, not every voice in this broad chorus was anti-democratic.[80] The republican branch tried to moderate democratic influence on deliberation in order to exclude the demos from the decision-making-processes not entirely. Therefore it was the common opinion within republicanism to give the people the right to elect the persons privileged with the office to discuss political matters with effect on collectively binding decisions. Perhaps the greatest impact of the Roman republican tradition on modern political institution can be observed in the USA.

The authors of the *Federalist Papers* expressed their deep distrust in deliberation which takes place in big assemblies crowded with citizens not elected for the deliberative task. James Madison worried about the psychological effects of big assemblies. "Had every Athenian citizen been a Socrates, every Athenian assembly would still have been a mob."[81] In numerous assemblies "passion never fails to wrest the scepter from reason". But to all republicans it was clear that people were able to recognize the faculties which deliberation required. Their judgment could be erroneous because the institu-

tional settlement left too much place for demagogues who were able to deliver speeches and to produce acclamation but not to discuss questions of value beyond the attention-span. Alexander Hamilton shared this problem with Madison. According to him, ordinary citizens who lack training and competence open the door to ambitious orators tempted by power, however much their speeches seem to be in the people's interest. "A dangerous ambition more often lurks behind the specious mask of zeal for the rights of the people."[82]

This problem caused a discussion on the institutional arrangement of deliberation in order to ensure the best possible way to connect demands of reasonable discussion with democratic legitimacy with regard to the fact that not all citizens were legislators by nature and education.

The separation of legislative deliberation (about what is the best general rule) from deliberation of judgment (about what is the case) has not diminished the problem how to argue under conditions of broad public involvement. Modern media has deepened the problem. Deliberation within institutions brings political reasoning close to political decisions which changes deliberation into a part of political action whereas reasoning outside institutions misses the regulating and moderating aspect of decision-making. Democratic deliberation in the field of public opinion is, therefore, not the deliberation republican theory had in mind. To ask the people what direction politics should take on one single issue (as in a referendum) is different from the qualifications political decision making requires. But without public deliberation all decisions will be reduced to mere power politics. Therefore the question remains: where is the place of political deliberation in a republic?

The search for the aspects which determine sound reasoning in democratic institutions is not completed yet. John Rawls and Jürgen Habermas, both representatives of political liberalism, try to secure rational deliberation by favoring a concept of public reason. But objections were raised to their views by those who are familiar with the political theory of classical rhetoric, demanding not to ignore the problems of real deliberation under democratic circumstances. In their eyes the concept of public reason fails to take non-rational aspects of human psychology like emotions into account[83] or they prefer a more demanding concept of reasonable individuals which excludes others from participation in the debate.[84]

NOTES

1. Eugene Garver, *Machiavelli and the History of Prudence*, Madison/Wisc. 1987 and Victoria Kahn, *Machiavellian Rhetoric. From the Counter-Reformation to Milton*, Princeton 1994 in the case of Machiavelli; Gary Remer, James Harrington's New Deliberative Rhetoric: Reflection of an anticlassical Republicanism, in: *History of Political Thought*, vol. 16 (1995), 532-557 in the case of Harrington; James L. Golden / Alan L. Golden, *Thomas Jefferson and the Rhetoric of Virtue*, Lanham 2002 for Jefferson.
2. John S. Nelson, *Tropes of Politics. Science, Theory, and Action*, Madison 1998.
3. For Hobbes confer Quentin Skinner, *Reason and Rhetoric in the Philosophy of Hobbes*, Cambridge 1996; for Kant see Michael Clarke, Kant's Rhetoric of Enlightenment, in: *The Review of Politics*, vol. 59 (1997), 56-73 and David R. Greeves, *Kritik der Rhetorik am Ende des 18. Jahrhunderts. Das Verhältnis von Rhetorik und Philosophie bei Kant,* Stuttgart 2000.
4. "Secondary rhetoric, on the other hand, refers to rhetorical techniques as found in discourse, literature, and art forms when those techniques are not been used for an oral, persuasive purpose. In secondary rhetoric the speech act is not of central importance; that role is taken over by a text": George A. Kennedy, *Classical Rhetoric in its Christian and Secular Tradition from Ancient to Modern times*, 2nd ed. Chapel Hill 1999, 3.
5. "Rhetoric was primarily an art of persuasion; it was primarily used in civic life; it was primarily oral. Primary rhetoric involves utterances on a specific occasion; it is an act not a text, though subsequently it can be treated as a text"(Kennedy 1999, 2).
6. Cicero, De Oratore bk. III, ch. 55, ed. Rackham (Loeb), 45; confer on this issue Carl Joachim Classen, The Role of Rhetoric Today, in: Ijsseling, Samuel / G. Verraecke, eds., *Renaissances of Rhetoric*, Leuven 1994, 27-38, at 37.
7. From Quentin Skinner, *The Foundations of Modern Political Thought*, vol. 1: *The Renaissance*, Cambridge 1978, 23-48 to Janet Coleman, *A History of Political Thought*, vol. 2: *From the Middle Ages to the Renaissance*, Oxford 2000, 59-73. The influence which they attributed to Aristotele or to Cicero differ. On rhetoric as a way to treat moral ambiguity see Quentin Skinner, Moral Ambiguity and the Renaissance Art of Eloquence, in: ders., *Visions of Politics*, vol. 2: *Renaissance Virtues*; Cambridge 2002, 264-285.
8. J.G.A. Pocock, *The Machiavellian Moment – Florentine Political Thought and the Atlantic Republican Tradition*, Princeton 1975. For the research history on republicanism confer Marcus Llanque, Der Republikanismus: Geschichte und Bedeutung einer politischen Theorie, in: *Berliner Debatte/ Initial*, vol. 14 (2003), 3-16.
9. Martin van Gelderen / Quentin Skinner, eds., *Republicanism: A Shared European Heritage*, vol 1: *Republicanism and Constitutionalism in Early Modern Europe*, vol 2: *The Values of Republicanism in Early Modern Europa*, Cambridge 2002.
10. There are no or rather marginal references to republicanism at all in representative works on rhetoric like Thomas M. Conley, *Rhetoric in the European Tradition,* New York 1990, George Kennedy, *Classical Rhetoric and its Christian and Secular Tradition from Ancient to Modern Times*, 2nd ed. Chapel Hill 1999 and Marc Fumaroli, ed., *Histoire de la rhéorique dans l'Europe moderne: 1450-1950*, Paris 1999. An exception is to be found in Walter Jost/Wendy Olmsted, eds., *A Companion to Rhetoric and Rhetorical Criticism*, Oxford 2004.
11. George Kennedy, *The Art of Persuasion in Greece*, Princeton 1963; Brian Vickers, *In Defence of Rhetoric*, Oxford 1988.
12. Paul E. Corcoran, *Political Language and Rhetoric*, Austin 1979, 77-84; Brian Vickers, *In Defence of Rhetoric*, Oxford 1988, 282f.
13. According to Nelson one has to complain that Aristotle "tended to sunder poetics from rhetorics" and he wants to "meld them": John S. Nelson, *Tropes of Politics. Science,*

Theory, and Action, Madison 1998, 137. Unlike Nelson the suggestion made in this paper is to emphasize the distinction between both.
14. Cicero, *De Oratore* bk. I, ch. 16 (70) and bk. III, ch. 7 (27). Confer Brian Vickers, *In Defence of Rhetoric*, Oxford 1988, 59.
15. Laurent Pernot, *La rhétorique dans l'antiquité*, Paris 2000, 24-26.
16. Werner Eisenhut, *Einführung in die antike Rhetorik und ihre Geschichte*, Darmstadt 1974, 11.
17. Aristotle, *Rhetoric* bk. I, ch. 10-15.
18. Aristotle, *Rhetoric* bk. I, ch. 4-8.
19. Aristotle, *Rhetoric* bk. I, ch. 9.
20. Hobbes, *De Cive*, bk. II, ch. 12, sec. 12.
21. Matthias Bohlender, *Die Rhetorik des Politischen. Zur Kritik der politischen Theorie*, Berlin 1995.
22. Quentin Skinner, *Reason and Rhetoric in the Philosophy of Hobbes*, Cambridge 1996, part II: 215-437.
23. Karen Piepenbrink, *Politische Ordnungskonzeptionen in der attischen Demokratie des vierten Jahrhunderts v. Chr. Eine vergleichende Untersuchung zum philosophischen und rhetorischen Diskurs*, Stuttgart 2001, 100s.
24. Rhetoric 1355a14-18; confer Robert Wardy, Mighty is the Truth and it Shall Prevail?, in: Amélie Oksenberg Rorty, ed., *Essays on Aristotle's Rhetoric*, Berkeley et. al. 1996, 56-87, here: 60.
25. *Thucydides* bk. II, ch. 60, sec. 65.
26. Aristotle, *Rhetoric* bk. I, ch. 7, sec. 36-41 and bk. I, ch. 1, sec. 12: "generally speaking, that which is true and better is naturally always easier tro prove and more likely to persuade": ed. Loeb, 13.
27. Aristotle, *Rhetoric* bk. I, ch. 8, sec. 2.
28. Aristotle, *Rhetoric* bk. I, ch. 7, sec. 1.
29. The American Declaration of Independence is probably the most famous example for an concept of truth with regard to common convictions: „We hold these truths to be self-evident". Confer the discussion of this passage by Hannah Arendt, *Über die Revolution,* (On Revolution New York 1963), mit einem Nachwort von Hermann Lübbe, München 1965, 277.
30. Franz Dirlmeier, *Commentary on Aristotle's Nicomacheian Ethics*, Berlin 1991, p. 329.
31. *Thucydides* bk. II, ch. 44, sec. 3.
32. *Livius* bk. III, ch. 34, sec. 3; Machiavelli, *Discorsi* I 47-57. For the chain of reception consider Eckart Schütrumpf, *Commentary on Aristotle' Politics book II and III*, Berlin 1991, 505.
33. Harvey Yunis, *Taming Democracy. Models of political Rhetoric in Classical Athens,* Ithaca 1996, 12. Yunis is dealing with the pre-Aristotelian discussion of rhetoric.
34. Markus Wörner, *Das Ethische in der Rhetorik des Aristoteles*, Freiburg, München 1990, 139.
35. Aristotle, *Nicomachean Ethics* 1139a13, 1140a31.
36. Aristotle, *Nicomachean Ethics* 1141b: confer Franz Dirlmeier, *Commentary on Aristotle's Nicomacheian Ethics*, Berlin 1991, 455.
37. Karen Piepenbrink, *Politische Ordnungskonzeptionen in der attischen Demokratie des vierten Jahrhunderts v. Chr. Eine vergleichende Untersuchung zum philosophischen und rhetorischen Diskurs*, Stuttgart 2001, 99 with further references.
38. Aristotle, bk. I, ch. 3, sec. 1 and 2: Aristotle, *'Art' of rhetoric*, translated by John Henry Freese, Loeb Classical Library No. 193, London 1959, 33.
39. Aristotle, *'Art' of rhetoric*, Loeb, 263: „He who has to be persuaded is a judge".
40. Aristotle, *Rhetoric* bk. I, ch. 1,sec. 7.

41. Aristotle, *Rhetoric* bk. I, ch. 3, sec. 5.
42. Confer the discussion of Brian Vickers, *In Defence of Rhetoric*, Oxford 1988, 54.
43. George Kennedy, *The Art of Persuasion in Greece*, Princeton 1963, 96.
44. Rüdiger Bubner, *Dialektik als Topik. Bausteine zu einer lebensweltlichen Theorie der Rationalität*, Frankfurt/M. 1990, 69.
45. George Kennedy, *The Art of Persuasion in Greece*, Princeton 1963, 88-95.
46. M.J. Lossau, Pors Krisin Tina Politiken. *Untersuchungen zur aristotelischen Rhetorik*, Wiesbaden 1981, 218. This statement is brought into a wider concept of political rhetoric in: Peter Ptassek/ Birgit Sandkaulen-Bock / Jochen Wagner / Georg Zenkert, *Macht und Meinung. Die rhetorische Konstitution der politischen Welt*, Göttingen 1992, 45-75.
47. A.D. Leeman, The Variety of Classical Rhetoric, in: Brian Vickers, ed., *Rhetoric revalued. Papers from the International Society for the History of Rhetoric*, Binghamton/ New York 1982, 41-46, here: 42.
48. Cicero, *De Oratore* bk. II, ch. 41-3.
49. Cicero, *De Officiis* bk. I, ch. 37.
50. Cicero, *De Oratore* bk. 1, ch. 22.
51. Cicero, *De re publica* bk. 2, ch. 56-57.
52. Rhetoric 1403b35-1404a8: confer Christof Rapp, *Commentary on Aristotle's Rhetoric in two volumes*, Berlin 2002, vol. 2, 814-815.
53. Aristotle, *Athenian Constitution*, ch. 67, sec. 2.
54. Aristotle, *Rhetoric* 1354b34-1355a1.
55. Aristotle, *Rhetoric* 1355a31-33.
56. Plato, *Republic* bk. VI: 492b5ss., 493a8 and Laws 700c3ss.
57. Aristotle, *Politics* bk. V, ch. 5: 1305a7-14: confer Christof Rapp, *Commentary on Aristotle's Rhetoric in two volumes*, Berlin 2002, vol. 2, 132-133.
58. Aristotle, *Politics*, bk. III, ch. 11: Confer Eckart Schütrumpf, *Commentary on Aristotle' Politics book* II and III, Berlin 1991, 499.
59. Gary Remer separates deliberation from sermon: Political Oratory and Conversation: Cicero versus Deliberative Democracy, in: *Political Theory*, vol. 27 (1999), 39-64. His argument is close to the model presented here.
60. Cicero, *De republica* bk. II, ch. 33 (57).
61. Bernard Manin, *The Principles of Responsible Government*, Cambridge 1997, 44-93.
62. Quintilian, *On the Causes of the Decline of Eloquence* (lost) and Publius Cornelius Tacitus, *Dialogus de oratoribus*.
63. Brunetto Latini, *Li livres dou trésor* (1266), bk. III, ch. 1,9-13, mentioned by Maurizio Viroli, *Machiavelli and the Republican Idea of Politics*, in: Gisela Bock/Quentin Skinner/ Maurizio Viroli (eds.) *Machiavelli and Republicanism*, Cambridge 1990, 143-172, here: 148.
64. Victoria Kahn, *Machiavellian Rhetoric. From the Counter-Reformation to Milton*, Princeton 1994. Confer also her essay on Rhetoric, Rights and Contract Theory in the Early Modern Period in: Walter Jost/Wendy Olmsted, eds., *A Companion to Rhetoric and Rhetorical Criticism*, Oxford 2004, 128-140. Here Kahn discusses Machiavelli's adaption of Ciceronian topical theory (182-187) and deliberative rhetoric in Machiavelli (184-188).
65. Machiavelli, *Discorsi* bk. I, ch. 57.
66. Machiavelli, *Discorsi* bk. I, ch. 54.
67. Machiavelli, *Discorsi* bk. II, ch. 22.
68. Machiavelli, *Discorsi* bk. I, ch. 58, ed. Mansfield p. 118.
69. Machiavelli, *Discorsi* bk. I, ch. 54.
70. Machiavelli, *Discorsi* bk. III, ch. 34.
71. Machiavelli, *Discorsi* bk. III, ch. 28.
72. Machiavelli, *Discorsi* bk. III, ch. 16. He refers to Thucydides bk. VI, ch. 8-27.

73. Machiavelli, *Discorsi* bk. III, ch. 35.
74. James Harrington, The Art of Lawgiving, in: *Works*, ed. Toland 1747, 447 (1771, 418p.)
75. James Harrington, *Oceana,* 20th order, ed. Liljegren, 115-116.
76. Harrington, *Oceana*, 22th Order, Toland, 133.
77. Harrington, *Oceana*, 20th Order. For discussing the tradition of natural aristocracy confer Paul A. Rahe, *Republics Ancient and Modern - Classical Republicanism and the American Revolution*, Chapel Hill/ London 1992, 711-715 and Alois Riklin, *Die Republik von James Harrington*, 1656, Bern 1999, 203-204.
78. Harrington, *Oceana*, 23th order, ed. Liljegren, 145-146.
79. Liljegren, 148.
80. Jennifer Tolbert Roberts, *Athens on Trial – the Antidemocratic Tradition in Western Thought*, Princeton 1994.
81. James Madison, Federalist No. 55, *The Federalist Papers* – Alexander Hamilton, James Madison, John Jay, with an introduction...by Clinton Rossiter, New York 1961, 342. Confer Rahe, 586.
82. Alexander Hamilton, Federalist No. 6, *The Federalist Papers* – Alexander Hamilton, James Madison, John Jay, with an introduction...by Clinton Rossiter, New York 1961, p.56. Confer Gerald Stourzh, Alexander Hamilton and the Idea of Republican Government, Stanford 1970, 97-99.
83. Stephen S. Salkever, The Deliberative Model of Democracy and Aristotle's Ethics of Natural Questions, in: *Aristide Tessitore*, ed., Aristotle and *Modern Politics. The Persistence of Political Philosophy*, Notre Dame 2002, 342-374.
84. John W. Maynor, *Republicanism in the Modern World*, Cambridge 2003, 94-99.

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