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Evidence-based arguments in direct democracy: The case of smoking bans in Switzerland

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ABSTRACT

This article analyses the use of evidence, such as policy evaluation studies, in arguments in direct-democratic campaigns. Set in the context of 16 Swiss direct-democratic campaigns on smoking bans, the article compares evidence-based arguments with arguments that do not refer to evidence. The study adds to the argumentative direction in evaluation and program planning by showing that in direct-democratic campaigns, the political use of evaluation results to substantiate policy preferences is rare. The study shows that around 6% of the arguments refer to evidence and that evaluation results are mostly cited in support of causal arguments referring to the effects of policy interventions. Above all, the results show that policy information is available, at least for causal arguments, and apparently known in the public discourse but only cited explicitly when the speaker wants to raise credibility. This applies especially to researchers, such as evaluators. The results further indicate that the political use of evaluation results fosters an informed discourse and the evidence may eventually become common public knowledge. The credentials of evaluators make them suitable not only for bringing more evaluation results into the direct-democratic discourse but also for acting as teachers in this discourse.

1. Introduction

On 9 September 2008, within the scope of a direct-democratic campaign preceding a vote on smoking bans, a politician referring to the negative impacts of smoking bans was quoted in a Swiss newspaper: “In the canton of Grisons, some restaurant owners’ sales have dropped by double-digit figures. (. . .) The first owners have already given up. (. . .) [I] predict the end of our village inns” (*Neue Nidwaldner Zeitung*, 20. 9. 2008).[1] This statement was contradicted in the same newspaper by a member of an interest group, who stated that those figures were not verifiable and completely without foundation: “Roughly 100 studies prove that a smoking ban in restaurants does not lead to loss of sales (. . .) Restaurants develop even better after the ban” (*Neue Nidwaldner Zeitung*, 20. 9. 2008). Some days later, the politician backed up his claim with a “Statement supported by a study” printed in the same newspaper, emphasising that “he attaches great importance to the point (. . .) that his information is based on evidence” (*Neue Nidwaldner Zeitung*, 26. 9. 2008).

As this story illustrates, the integration of evidence into political discourse is highly relevant to direct-democratic campaigns after which the public decides directly on the adoption of policies. However, we do not yet know sufficiently whether and how evidence, such as policy evaluation studies, is used in direct-democratic campaigns. The present article aims to close this gap. Following Nutley, Walter, and Davies (2003), I take evidence to mean the “results of systematic investigation towards increasing the sum of knowledge” (p. 128). That is, evidence consists of research-based information (e.g. policy evaluation studies) or other scientifically investigated material (e.g. statistics and surveys). Thus, evidence is understood as object-bound knowledge and thus distinguishes itself from subject-bound expertise (Ledermann, 2014, p. 456).

In political campaigns, evidence is perceived as a contested good, and proponents and opponents look for ways of “injecting scientific authority” into their arguments (Boswell, 2009, p. 62). Thus, the use of evidence in direct-democratic campaigns forms part of the communicative process based on dialogue and argument (Majone, 1989, p. 22). The argumentative turn in policy analysis and planning (Fischer & Gottweis, 2012, p. 1) establishes the basis for such a practice: a shift from an analytical approach to solving problems to one that includes language and argumentation

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[1] All quotations were translated by the author.

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as essential dimensions of theory and analysis. This study advances this argumentative direction in evaluation and program planning by analysing how evidence, such as evaluation results, is used in argumentative processes.

Specifically, the article analyses the kind of arguments for which evidence is used and which actors use it. To do so, evidence-based arguments are compared with arguments that do not refer to evidence. The study, based on a content analysis of arguments of political actors in the media, shows that evaluation results are mostly used in causal arguments, while opinion surveys are used in motivational arguments. Causal arguments stress the impact of smoking bans on public health or their economic effects, while motivational arguments refer to the motivating power of the majority's support for smoking bans. The results indicate that evidence tends to be integrated into arguments without explicit reference and that researchers as a group use evidence in arguments at an above-average rate. The results further indicate that explicit reference to specific studies in arguments might eventually lead to their becoming common public knowledge.

The next section introduces the theoretical background on the use of evidence in direct-democratic campaigns and the structure of evidence-based arguments. Then, information is provided on the empirical method and the results of the analysis. The article concludes with a discussion of the implications of the findings for evaluation practice.

2. Political use of evidence

Evidence in direct-democratic campaigns typically centres on how a problem can best be solved or how harm can be reduced. However, "what is 'better" (Majdik & Keith, 2011, p. 381) cannot be answered by evidence alone. In Switzerland, for example, scientific evidence of the positive impact of smoking bans is barely contested, but consistent smoking bans are not a reality in Switzerland. Direct-democratic campaigns take place in an ethical-moral context and require that sources of knowledge other than evidence are taken into consideration when judging the best possible course of action (Majdik & Keith, 2011; Sanderson, 2009, p. 126). It has been shown that in contested policy areas, such as direct-democratic campaigns, evidence is used politically. Political use involves the selection of fitting evidence to demonstrate the credibility of particular positions (Boswell, 2008, p. 471; Boswell, 2009, p. 61). The concept of political use is derived from the concept of symbolic use (Weiss, 1977), which designates the use of evidence to justify predetermined positions. Symbolic use, also referred to as tactical or persuasive use, is assumed to be of inferior quality, because it does not lead to policy change or to changes in the perception of a policy (e.g. Sager & Hinterleitner, 2014, p. 452). However, from an interpretive point of view, evidence often remains ambiguous and uncertain (Edelman, 2010, pp. 105–107). Things that have different meanings for different actors can be debated and disputed (Valovirta, 2002), and this applies particularly to debates about policy. The concept of political use is grounded in such an interpretative perspective, conferring a positive connotation on symbolic use. In political use, evidence is not seen as a readymade solution but as part of the democratic process, with proponents and opponents selecting findings that support their arguments in a substantiating way (Boswell, 2009, p. 7; Shulock, 1999, p. 240). Used politically, evidence helps to sustain the policy preferences of an organisation and to undermine those of the opposition, with disputants engaging in a "ritual of knowledge-based deliberation" (Boswell, 2009, p. 102). As a consequence, the role of evidence in political use is to inform successful problem-solving efforts, but it is important to recognise that such evidence never constitutes the "final word" (Sanderson, 2009, p. 709). At best, evidence can enrich the discourse through evidence-based presentations of different perspectives (Boswell, 2009, pp. 73, 89; Shulock, 1999, p. 229).

This study focuses on how evidence is used in the political discourse of direct-democratic campaigns. To see how evidence-based arguments differ from arguments that do not refer to evidence, I now examine the structure of arguments and formulate the first two hypotheses.

2.1. Evidence in arguments

According to current argumentation theory (Dunn, 1981; Wohlrapp, 2009), which is based on Toulmin's (1958) terminology, an argument consists of three fundamental components: 1) suitable policy information, 2) a call to vote for or against the issue, and 3) a warrant, the justification for the claim, which relates the policy information to the claim (Dunn, 1981, p. 65). An argument can also include a backing. The backing has the function of certifying the assumptions expressed in the warrant (Brockriede & Ehninger, 1960). Thus, arguments may refer explicitly to evidence as backing to substantiate policy preferences in a political context. By referring to evidence to provide reliability for what is said, the argument is made stronger, and trust in the argument is raised (Mercier & Sperber, 2011, p. 60). According to Brem and Rips (2000, p. 576), an argument "that is unsubstantiated by evidence provides less support for a claim than a substantiated one, and arguments relying solely on unsubstantiated explanations are generally weak". Strong arguments have the potential to convince others of one's position (Mercier & Sperber, 2011, p. 61).

To win, actors need to have both convincing causal (empirical) and normative (moral) arguments (Fischer & Gottweis, 2012; Stone, 1989, p. 283). Causal arguments have what Dunn (1981, pp. 67–68) calls "cause" as mode of reasoning, while normative arguments have "ethics" as mode of reasoning. Causal arguments are based on observing the effects of a policy intervention on policy outcomes; ethical arguments refer to moral principles or ethical norms. Evidence might be used for both: in an explanatory way, for example, to substantiate causal arguments with scientific studies or in a value-centred way, for example, to substantiate ethical arguments with popular surveys. However, politically used evidence is more likely to be deployed in support of competing knowledge claims rather than when conflicts revolve around differences in values (Boswell, 2008, p. 474). Thus, it can be assumed that political actors will be most likely to draw on evidence as policy information when backing causal arguments. This leads to the first hypothesis:

Hypothesis 1. Evidence is most likely referred to in causal arguments.

But which group of actors is most likely to draw on evidence to certify their assumptions? Frey (2012), analysing law revision processes, found that whenever evidence was used it was brought in by the executive branch of the government and by researchers. She relates the acquisition and use of evidence in policy processes to the high policy-analytical capacity of these actors, the "capacity of involved actors to create, select, and interpret systematic evidence" (Frey, 2010, p. 672; see also Howlett, 2009). Compared to the government and researchers, parliament and smaller interest groups were found to display lower policy-analytical capacity (Frey, 2012, pp. 304–306). Because of their high policy-analytical capacity and because they have already processed evidence to a higher degree than other groups of actors, we can assume that the government and researchers will back their arguments with more evidence in the campaign discourse:

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