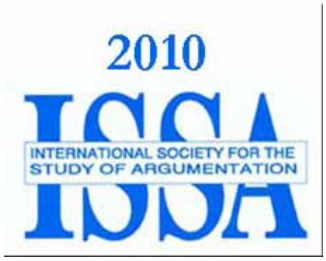
ISSA Proceedings 2010 – Widening Applications Of Phronesis In The Clinic And Beyond



1. Introduction: The Rapprochement of Medicine and Argumentation

A fortuitous rapprochement of the epistemological foundations of medicine and the kinds of communication and argumentation involved in its dissemination to patients is currently underway (Jenicek, 2009; Jenicek and Hitchcock, 2005). However, this rapprochement **[i]** has focused primarily on mapping the various attributes of argumentation in the clinical setting under the rubric of "clinical judgment" as a practice of physicians (Feinstein, 1967; Montgomery, 2006). It has not added much by way of detailing the aspects of patient argumentation and decision-making both with physicians and in contexts beyond the clinical setting. Utilizing Joseph Wenzel's (2006) tripartite understanding of argumentation, I argue that current theories of medical argumentation focus on the development of an adequate "procedure" (p. 16) for determining sound clinical judgments or "products" (p. 16). Despite a recognition of the relationship between medicine and rhetoric (Leach, 2009; Lyne, 2001; J. Poulakos, 1987; Segal, 2005), medical practitioners and argumentation theorists have largely ignored the "process" (Wenzel, 2006, p. 15) of medical argumentation, its rhetorical or sausive dimension, especially in terms of patient reasoning, argumentative practice, and therapeutic performance. This is a problem, especially given such central bioethical constructs as respect for autonomy and informed consent, both of which require a reasoning, arguing, and active patient (Beauchamp and Childress, 2009; Faden and Beauchamp, 1986).

What's more, given the current rise in chronic conditions as well as their attendant modes of treatment, a conception of patient activation enhanced by communication skills and appropriate therapeutic habits of self-care seems both relevant and essential to modern medical practice. Understanding patients as mutual agents in their own health network is a central aspect of the Chronic Care Model (CCM) that has for some time been seen as the best model for delivering health care to chronic patients (Wagner, 1998) as opposed to the acute model

that often seems to fail them (Kleinman, 1988; Morris, 1998). All of this points to the idea that patient skills and long-term habit formation, topics central to early debates about diabetes management (Feudtner, 2003; 2005), have not received enough attention in contemporary medical practice. Given that patients have a specific experiential relationship to their bodily states (both in times of health and when faced with disease) and that their treatment often involves more than simply following the advice of their physician, health practitioners are in need of a concept of patients as caregivers that accounts for their involvement in the clinical encounter as both decision-makers and rhetors. Such activities fall under the category of "lifestyle management" (Zylinska, 2009) through which patients seek to address their chronic disease conditions through the cultivation of skills, habits, and communicative acumen.

In this context, I argue that health practitioners are in need of an open conversation about the rhetorical or process-based elements of patient self-care. These elements include doctor-patient communication, patient self-criticism and analysis, the patient's belief in the possibility for change, and the communication and material enactment of therapeutic options by patients in consultation with the network of health care professionals tasked with their care (McTigue et al, 2009). In this regard, I am augmenting work already done by Sara Rubinelli, Peter J. Schulz, and Kent Nakamoto (2009) to define the role of the patient as something distinct from that of the health professional (p. 308) and involving some level of self-awareness (p. 310). Throughout the rest of the paper, I agree with them that the capacities of the patient to engage in her own care "must be re-grounded in the individual's existential experience" (2009, p. 308) rather than in the expertise of the physician.

What mode of rhetorical activity and its associated theories of knowledge and action are essential elements in describing the patient as caregiver for and of the self? Far from developing a separate notion of the "rhetorical" for the patient in the clinical setting, I instead want to argue in favor of a fusion of rhetorical activity and medical practice, thereby filling out the rapprochement between medicine and argumentation theory mentioned above. For contemporary bioethics and medical practice, the term that seems to get at this relationship is *phronesis* (often translated as practical wisdom). *Phronesis* has played a central role in contemporary debates about the nature of medicine because it is a form of knowledge that involves ethics, daily habits, lived experience, and deliberation, all

essential elements of achieving and maintaining health (especially in the context of chronic disease). In discussions of this term in the context of medical practice, the primary focus tends to be on the physician as knowledge-accumulator or clinician and knowledge-producer or researcher (Beresford, 1996; Davis, 1997; Jonsen and Toulmin, 1989; Tyreman, 2000; Waring, 2000; Widdershoven-Heerding, 1987) with only a few authors acknowledging the role of the patient (Rubinelli, Schulz, and Nakamoto, 2009). The physician is viewed as the primary member of the doctor-patient dyad when it comes to medical knowledge and its application to particular cases. Therefore, adequate medical training, whether *phronetic* or not, is seen as the primary means through which to make medicine both more effective and more ethical in practice (Dowie, 2000; Kinghorn, 2010; Rees, 2005). The patient plays a supporting role, left to either accept or decline the description (diagnosis) of her situation and select from various options for treatment. In such a model of medical argumentation, rhetoric is rendered as a strategic tool, a means through which to produce arguments that might convince the patient to take action as opposed to enhancing the patient's capacity for self-activation and self-care.

Of course, there are risks associated with critically interrogating the role of the patient in her own care and viewing the patient as equal partner in the rhetorical domain of the clinical encounter. The more we interrogate the rational basis of patient decision-making, the more we potentially bolster arguments against the widening scope of patient autonomy in contemporary bioethics research (D.H. Smith, 1996). However, given current trends in disease etiology and epidemiology, the gap in contemporary medicine in terms of implementing medical practices that allow the patient to act as a co-creator of her own health must be addressed. I believe that *phronesis* can contribute to filling this gap. I side with the defenders of *phronesis* as one part of medical practice but see their lack of concern for patient *phronesis* as an invitation for theoretical and practical innovation. In the next few sections, I engage in a kind of "casuistic stretching" (Burke, 1984, pp. 229-232) of the concepts of *phronesis* and the patient in order to articulate a mode of medical praxis specific to the patient and helpful in contemporary efforts to address chronic disease.

2. Defining Phronesis *as Rhetorical Action*

In this section, I endeavor to uncover the relationship between *phronesis*, rhetorical action, and the material performance of the healthy life as constitutive

elements in the overall *good life* for patients. I do this because one of my goals is to more adequately describe the rhetorical encounter between patient and physician as well as define the discrete communicative, suasive, epistemic, and ontologic parameters for both. Put another way, thinking of *phronesis* rhetorically allows for the theorization of patient performance of good communication about her health, of health activities as such, and of habit formation through self-reflective modes of deliberation. Of course, the topic of phronesis has been discussed in a variety of fields, most notably in rhetorical studies where a vast array of different perspectives can be found (Aune, 2008; Farrell, 1993; Hariman, 2003; Self, 1979; D.L. Smith, 2003; Zickmund, 2007). However, despite this extensive work, the direct connection between medicine and rhetoric at the site of *phronesis* and in terms of patient decision-making and self-care has not been adequately articulated. However, a conception of patient *phronesis* with which I largely agree has found space in discussions of patient pedagogy. Rubinelli, Schulz, and Nakamoto (2009) argue in favor of a model of patient *phronesis* that is not a "pale shadow of the professional's expertise" but rather one that "allow[s] the patient to be a patient; interacting with health professionals effectively (asking the right questions) so as to enhance their health and, in a real sense, taking ownership of it" (p. 310). The rest of this section details a conception of *phronesis* largely in agreement with Rubinelli, Schulz, and Nakamoto (2009), in order to set up what I view as the theoretical contribution of this paper – patient *phronesis* as a form of rhetorical interaction and habit formation necessary for the production of health, especially in terms of chronic disease.

According to the classical Greek tradition, there are at least three forms of knowledge: *episteme* or scientific knowledge, *techne* or craft knowledge concerned with the production of things, and *phronesis* or practical wisdom concerned with decision-making in the realm of contingency (Jonsen and Toulmin, 1989; Nussbaum, 2001). It is Aristotle who gives us the most robust conception of *phronesis* or practical wisdom fitted for everyday experience. Following Martha Nussbaum's (2001, p. 120) articulation of Aristotle, I argue that *phronesis* is an "anthropocentric" conception of knowledge based on the notion that individuals can and do have access only to those things that can be perceived by human beings, a revival of the Protagorean teaching that "of all things the measure is man" (*Protagoras*, trans. 2001, Fragment 13). Living as a human means seeing as a human, acting as a human, and accessing knowledge of the world as a human. Nussbaum (2001), speaking about the important distinction between *phronesis*

and *episteme* in Aristotle, writes that "truth *in* appearances, is all we have to deal with; anything that purports to be more is actually less, or nothing" (p. 291). While Aristotle does speak of craft knowledge (*techne*) and knowledge that goes above and beyond the world of contingency (*episteme*) throughout his work, he utilizes substantial space in his treatises on rhetoric, ethics, and politics to deal with *phronesis* or that particular brand of human understanding that is based on navigating the appearances and contingencies of daily life. Many scholars have noted the Aristotelian concern with appearances or *phainomena* and their relationship to the conception of *phronesis* that he defends (see, e.g. Farrell, 1993; Nussbuam, 2001). While such a form of knowledge is principled in the sense that it often involves a kind of application of generally accepted frames and guiding concepts (Jonsen and Toulmin, 1989, p. 307), it is fundamentally about deliberative excellence, about the capacity for argument and rhetorical skill in deliberating about decisions that must be made, "in a concrete situation pervaded by uncertainty" (Davis, 1997, p. 186). As Aristotle points out in his *Nicomachean Ethics*, "the prudent man in general will be the man who is good at deliberating in general" (trans. 2003, VI. v. 2), and "things whose fundamental principles are variable are not capable of demonstration, because everything about them is variable" (VI. v. 3). In other words, *phronesis* deals with the general good for individuals in their context as human beings (i.e., contingency). This is a category of knowledge that does not admit of absolute certainty (as in the case of *episteme*). Most important, following Nussbaum's (2001) understanding of Aristotle's vision of *phronesis*, is its connection to *eudaimonia* or human flourishing (for her translation of the term, see p. 6). *Phronesis*, on this view, is fundamentally about excellent deliberation, decision-making, and action in moments of contingency in pursuit of *the good life*.

Given its concern with deliberative excellence and the world of phenomena, it should come as no surprise that many scholars (Farrell, 1993; Nussbaum, 2001) see connections between *phronesis*, deliberative excellence, and the art of rhetoric. Writing about this connection, Lois Self (1979) notes that "there are important theoretical and practical relationships between rhetoric and *phronesis* and it is the man of practical wisdom who has both the capacity and incentive to be an ideal practitioner of the Aristotelian art of rhetoric" (p. 143). Below, I show that the architecture of both the art of rhetoric and the application of wisdom in moments of contingency (*phronesis*) are fundamentally related. To do so, I draw on Trevor Melia's (1992) tripartite definition of rhetoric that involves ontological

("world view"), analytical, and productive elements (p. 100). What I offer is a description of a rhetorically inflected conception of *phronesis* that is best fitted to a discussion of medical decision-making and care from a patient perspective. I do this in order to show that at least one crucial element of treating patients in the clinical setting, whether dealing with a chronic or acute condition, is the ability of the patient to engage in suasive communication, excellent deliberation (both self-other and self-reflective), and the formation of adequate habits for the production and maintenance of health. Of course, many others have articulated the connection between *phronesis* and rhetoric. My hope is to offer a rendering of the concept that is best fitted to patient care of the self.

Phronesis is an ontological state. Rhetoric has an ontological scenery or "world view" that roots human existence within the realm of contingency (Melia, 1992, p. 100). It involves an ontology concerning "things which seem to admit of issuing in two ways" (Aristotle, *Rhetoric*, trans. 2000, I. ii. 13). It therefore demands a certain character in the form of the rhetorician who accepts her existence as contingent upon an ever-changing world. Likewise, *phronesis* involves a certain character or disposition (*hexis*) that allows the individual to make informed choices and act upon them (Nussbaum, 2001, p. 324). As Aristotle points out in the *Nicomachean Ethics*, knowledge of deliberation as well as its excellent manifestation in action are essential for the *phronimos* (or that individual that is wise). Therefore, *phronesis* involves the adoption of a view of the world from a human perspective in moments that admit of being otherwise. For these reasons, *phronesis* involves ontology in two senses: (1) the *phronimos* exists in a state of being in contingency (a point that it shares with rhetoric) and, (2) the *phronimos* exhibits a disposition or character that is constantly being revised due to new experiential inputs (involving knowledge of *the good life* as well as excellent deliberative skill).

Phronesis is a method of analysis. In his *Rhetoric*, Aristotle defines the art as fundamentally analytical: "its function is not so much to persuade, as to find out in each case the existing means of persuasion" (I. i. 14). Here, rhetoric is viewed as a method for sizing up a situation and/or audience (Bitzer, 1968). In a very similar sense, *phronesis* deals with internal deliberation and considered action as well as the application of experiences to individual cases. One can see a clear connection here between Aristotle's definition of rhetoric and his conception of ethical and medical deliberation in his *Nichomachean Ethics*. In the case of

rhetoric, one is looking for the elements of persuasion. In the case of *phronesis* and for that matter the art of medicine, one is looking for the elements of right action in response to the particular case, both in terms of human biology and ethics. In my rhetorically inflected version of *phronesis*, supported by Aristotle's own conception of *phronesis* (as involving the skills of deliberation), this form of knowledge is about finding the right course of action in a particular case through self-persuasion and the persuasion of others. This requires the capacity to correctly size up a situation and compare it to other situations experienced in the past. As Joseph Dunne points out, "each new act [of the *phronimos*] arises within the terrestrial magnetism of our past acts which lie sedimented in our habits" (p. 111).

Phronesis is a mode of production and performance. Among other things, rhetoric involves the creation of suasive discourse for a specific audience. Phronesis is also about performance, but in this case we might think of it as the performance of good character and excellent deliberation (Hariman, 1991; Nussbaum, 2001; Self, 1979; Schwarze, 1999). To display *phronesis*, one must have both the right disposition as well as the ability to act based on that disposition (Aristotle, *Nicomachean Ethics*, VI. v. 6). It is in the work of one of Aristotle's contemporaries, Isocrates, that we find the most compelling defense of *phronesis* as a mode of action and a means to build *ethos* (credibility) for the rhetor. Iscorates engages in just this kind of activity by writing speeches in which he, according to Stephen Schwarze (1999), performs *phronesis* for his audience. This understanding of Isocrates' work as engaged in developing a theory of *phronetic* performance has been noted by several prominent rhetorical theorists (see, e.g. Depew, 2004; Haskins, 2004; T. Poulakos, 1997). Whether we attribute the possibility of *phronetic* performance to Aristotelian theory or Isocratic speech writing, the point remains the same. *Phronesis* is a rhetorical and embodied performance of *the good life*.

3. Phronesis*, Health, and the Art of Medicine: The Detractors*

The rapprochement of argumentation and medicine referenced earlier has been made possible, at least in part, due to the cooperative work of Milos Jenicek and David L. Hitchcock (2005) who have written a wonderful text on clinical argumentation. However, when it comes to considering the role that *phronesis* might play in clinical practice, they are skeptical. They define *phronesis* as "the process of knowing and doing, experiencing and acting, undertaken by a

physician on behalf of a particular patient in a specific clinical situation and setting" (Jenicek and Hitchcock, 2005, p. 273). This seems very close to the conception of *phronesis* adumbrated in the previous section. It includes the necessity of experience, the changing parameters of practice based on different individual needs, and the importance of both theory and practice in the effective application of medical knowledge to the everyday happenings of the clinic. They argue that "like the basic sciences (*episteme*) learned theoretically and the medical art (*techne*) acquired by clinical training, *phronesis* is learned through both theory and practice, and this book aspires to contribute to it" (p. 254). So far, so good; however, they end up rejecting *phronesis* as a central term for the practice of physicians: "Medical examination, diagnosis, prognosis, and treatment are not forms of praxis guided by practical wisdom about the patient's ultimate good. They are exercises of a *techne* or art, whose goodness lies ultimately in the product (the patient's health, comfort, etc.) rather than in the performance" (p. 203). In these few lines, Jenicek and Hitchcock put forward the primary arguments against an application of *phronesis* to clinical practice and for that matter, any health-related activity undertaken by physicians or their patients.

In fact, there are three primary reasons often given to reject the application of *phronesis* to medicine in general: (1) *phronesis* deals only with the good for the overall human being (as discussed in the previous section) and not the various products of life (health is understood here as a product), (2) the fact that Aristotle, Hippocrates, Plato, and many other Greeks refer to medicine as a *techne* rather than *phronesis* (on this, see Nussbaum, 2001, p. 95-96), and (3) the fact that *phronesis* is meant to gain meaning in its mere performance (as opposed to in the products that it might produce for the individual). The rest of this section responds to these criticisms, taking on debunkers of "medicine as *phronesis*" through an application of my rhetorically inflected conception of *phronesis* developed in the previous section. While I am not the first to engage in a defense of *phronesis* in the context of medical practice (see e.g. Beresford, 1996; Davis, 1997; Pellegrino and Thomasma, 1993; Tyreman, 2000), I hope to join cutting edge work that envisions the patient as engaged in the artful application of medical advice mixed with her own experiential knowledge about health (and in particular, *her health*), something best described through the lens of *phronesis* (Rubinelli, Schulz, and Nakamoto, 2009).

Jenicek and Hitcock's (2005) criticism of *phronesis* as being about the overall

good of humans as opposed to their health is echoed by Duff Waring (2000) who offers two primary claims: (1) that medicine is best described as *techne* or craft knowledge (p. 144), and (2) that the contemporary revival of medical *phronesis*, primarily due to the research of Albert R. Jonsen and Stephen Toulmin (1989) would relegate medical knowledge and bioethics to the purview of elite *phronimoi* (mainly physicians) who would control the definition, appropriate practice, and ethical application of medicine (p. 148-9). I will take on both the descriptive and normative arguments being made here in my development of medicine as a *phronetic* art, particularly for patients. As I will show, the criticisms of physician *phronesis* cut against the conception of patient *phronesis* that I defend. For this reason, I answer these criticisms in order to complete the theoretical work of this paper.

The Descriptive Claim: Techne vs. Phronesis. Waring (2000) relies on the claim that Aristotle's conception of *phronesis* describes the attributes of the good person (*phronimos*) as opposed to the good physician (p. 142). He is correct on this point. Even a basic reading of the *Nicomachean Ethics* reveals that, for Aristotle, medical practice and the physician may in some ways be analogous with ethics and the disposition and actions of the *phronimos*, but they are not isomorphic with them. Aristotle does not intend to argue that medicine is of necessity directly related to the activities of the *phronimos* (Dunne, 1985; Jaeger, 1957; Seidler, 1978). However, Aristotle was not concerned with medical ethics, with the current expansion of "lifestyle management" for the treatment of chronic disease, or with the autonomous decision-making of patients. As F. Daniel Davis (1997) points out, "*phronesis* is critical to the appropriate exercise of medicine's moral virtues in the concrete circumstances of the clinical encounter with a particular patient" (187). In other words, the contemporary notion of medicine always already includes ethical action within the choices made by particular physicians and for particular patients.

It seems that Waring, and those who agree with him, are caught in a kind of double anachronism. First, they seem to believe that the vision of *phronesis* developed by an ancient Greek mind for a specific cultural context can and should be translated directly into our contemporary world (for a critique of this form of anachronism, see MacIntyre, 2003). Second, they seem to acknowledge an analogy between medicine and ethics but then utilize the version of medicine popular in Aristotle's time (and written into his text) in order to prove that

contemporary medicine must also remain a merely paternalistic *techne*, one done by physicians and enacted through the appropriate knowledge of the craft. New trends in medicine indicate the extent to which we must have a wider conception of medicine that goes beyond "general biological theories" (Jonsen and Toulmin, 1989, p. 285) and deals with the ethics as well as the science of the clinical encounter.

Furthermore, Waring and others have argued that medicine, because it deals with the external good of health, must be seen as a form of craft knowledge (*techne*). I argue, following Davis (1997) that medicine should not and cannot be fully described as a practice by the term *techne* (p. 191). In staking out his claim, Waring relies on Joseph Dunne's (1985) definition of *techne* in terms of external goods (products) as opposed to character, disposition, and good living or the internal goods associated with *phronesis* (p. 107). However, as Dunne points out, the ethical agent (*phronimos*), "can never possess himself in the way that the craftsman possesses the form of his product; rather than his having any definite 'what' as blueprint for his actions or his life, he becomes and discovers 'who' he is through these actions" (p. 108). I believe that in order to adequately address the problems that physicians and patients face, especially when considering chronic care and "lifestyle management," we need a concept closer to experience and habits of action than to procedure and learned process for the purpose of production. Dunne's argument (as rendered by Waring) is unravelled when rearticulated in terms of my rhetorically inflected notion of *phronesis* as experiential knowledge performed in daily activities. When dealing with long-term conditions that must be treated based on the needs of the individual and that involve patients engaging in their own care with associated changes in lifestyle, we need a concept that can deal with bringing into action those things learned not in the classroom or even with the physician but through experientially acting them out. Therefore, while Dunne defines medical practice as a *techne*, his definition of *phronesis* seems to better describe the medical context of chronic patients (and perhaps even their physicians).

In addition, as Jonsen and Toulmin (1989) point out, philosophical concepts arise out of the particular socio-cultural milieu and social scientific understandings of the era in question (p. 293). It may be that the medicine of ancient Greece did not require or demand a conception of medical knowledge for the patient best summed up by the term *phronesis*; however, our age is certainly in need of just

such a concept. It might be possible to suggest that the health of the patient is in some ways an external product for the physician, but it is almost impossible (for me, at least) to imagine a patient being able to see her own health, the choices concerning her own health care, which are ultimately both ethical and biological, and her activities in support of her health, as somehow external to her being. Another way of putting this point is to argue that patient *phronesis* involves making ethical, goal-oriented, and experience-based decisions in actualizing a healthy life. Simply because Aristotle finds reason to differentiate between health as a product and the overall good life as constitutive of the agent does not mean that we must do the same. Instead, we might come to the understanding that health is at least one part of this constitutive drive for *a good life* (and perhaps one of the more important parts in our bio-technological age).

The Normative Claim: Medical Phronimoi as Experts. Waring's argument in opposition to Jonsen and Toulmin's revival of *phronesis* in the context of medicine and bioethics involves a normative claim concerning the problem of expertise. He rightly points out that Jonsen and Toulmin (1989) participate in extending the paternalism of previous medical traditions by imbuing only medical and ethical experts with the power to make truly *phronetic* decisions (p. 313-314). However, we need not follow Jonsen and Toulmin in this regard. Given the extensive literature in medical ethics concerning the need for informed consent as well as the increasingly prevalent belief that patients will need to work on their own habits and implement their own methods of self care to successfully deal with chronic conditions, this argument seems shortsighted and problematic. As Aristotle points out in the *Nicomachean Ethics*, "an act done through ignorance is in every case not voluntary" (III. i. 13). In cases where patients are being asked to change their own habits, to follow a regimen, to learn about what works for them, and how to most appropriately engage in their own care, a proper understanding of informed consent requires physicians to avoid the role of *phronomoi* and simply detail the life goals, habits, and kind of health that the patient should and must attain. Instead, patients should be allowed to form their own consistent set of goals and values and physicians should, to the best of their ability, approach patients as decision-makers (Brock and Buchanan, 1989), as *phronomoi*.

How is this done? I would argue that it can and should be done as a shared, mutually deliberative, and pedagogical encounter between patient and physician in which both are engaged in *phronesis*. In such a model the physician applies

knowledge of the good for patients in general to the specific case of the patient that confronts them (Davis, 1997, p. 182). The patient must then make a decision, based on her conception of *the good life* that actualizes her health (a constitutive element in their overall life) and that is based on her own experiential knowledge about how her body interacts with her world (the daily *phainomena* that define her existence). In this way, patient *phronesis* flips "the normative claim" on its head by investing individual patients with the power to make decisions about their own health, persuade their physicians about their experiential knowledge of their health, and enact their own health in their daily lives.

4. Conclusion: Patient Phronesis *Articulated*

Having answered the two main objections of the application of *phronesis* to clinical medicine and action oriented toward the production of health, I am now in a position to sketch the outlines of my conception of patient *phronesis*. I endorse the view, presented most persuasively by Davis (1997), that "the *telos* of clinical reasoning is a particular act, a right and good healing action on behalf of the individual patient – not the theoretical truth of *episteme* nor the production of an object in accord with *eidos*, as in the case with *techne*" (p. 191). This he articulates in the context of the physician; however, as I have already argued, the patient is now increasingly involved in the creation of her own health. The claim that patients are *phronomoi* may be made even more persuasively than in the case of physicians, for whom the health of the patient is an external good. In addition, as Davis (1997) points out, physicians are also engaged in the other forms of medical knowledge and activity, *episteme* and *techne* (p. 191). What really gets at the activities of patients in the clinical setting and beyond, what makes them active in their own health care, what allows them to be fully autonomous agents acting with truly informed consent, is *phronesis.* For the patient, health is not an external product, not simply something to be achieved through habit, but rather part and parcel of her conception and constitution of *a good life*. One cannot step outside one's body and act upon it. Nor can an individual divide her health from the other elements of her life. For these reasons, acts of self-reflection, internal deliberative excellence, and the performance of health activities are and must be understood through the lens of *phronesis*.

Applying the tripartite understanding of *phronesis* charted earlier, based on Melia's (1992) definition of rhetoric, we can see even more clearly how it is that patients are themselves engaged in *phronetic* activity. They must form a

particular disposition or *ontological* viewpoint that sees the world and their identity as inherently mixed up as well as potentially mutable. They must constantly adapt to changing circumstances through the application of past experience as well as the clinical knowledge (*episteme* and *techne*) shared by their physician. In this sense, they must *analyze* situations and react to them utilizing all that their perceptions, experiences, and understanding of their bodily state can give them. Finally, they must *perform* the right kinds of activities in response to the changing conditions of their life world including their bodily states, their relational networks, and their ever-changing experiential base. They must also communicate these things persuasively not only to themselves but also to others.

Especially when considering the nature of "lifestyle management" and chronic care, patients must be able to actively engage with their physicians through the use of rhetorical and communicative prowess. Some may find the notion of patients and physicians "arguing" somewhat problematic; however, my view is that through argument and persuasion, through the process of constituting shared knowledge about goals, behaviors, best practices, and overall conceptions of *the good life*, patients and physicians can help to co-create this life. In this way, patient *phronesis* is the application by the patient, always already constituted as an autonomous agent with a sense of *eudaimonia*, of clinical knowledge (in the form of advice) to the specific and yet always changing dynamics of life. This mutability of life (Nussbaum, 2001, pp. 302-305) as well as the needs and practices of patients is what recommends a rhetorically inflected conception of *phronesis*. As mentioned earlier, it is not enough to know what is the right action to attain health. Even knowing this means only knowing it for a specific person with a specific set of needs, experiences, and biological idiosyncrasies. The individual must enact her understanding of health and *a good life* in order to attain them. Patients must also be prepared to engage in argument about this vision *of the good life* and this vision must necessarily include the health of both body and mind. Interestingly enough, this vision of *phronesis* and its associated concern for *the good life* is already partly endorsed by bioethicists, albeit without the explicit use of the term: "the capacities for deliberation, choice, and action that normal humans possess make it possible for them to form, revise over time, and pursue in action a conception of their own good" (Buchanan and Brock, 1989, p. 38). For this reason, *phronesis* gets at the rhetorical aspects of medicine in the body and mind of the patient in a way that clinical judgment and physician

argumentation cannot. It also provides a framework for understanding patient experiential knowledge and habit formation in the pursuit of health and good living. This requires the health literacy and communication skills detailed in Rubinelli, Schulz, and Nakamoto (2009) as well as the ongoing empowerment of patients in the therapeutic performances they must enact on a regular basis to maintain their health.

Finally, patient *phronesis* fills out the argument-medicine merger discussed in previous sections. The role of physicians has received ample attention (although their use of persuasive communication has received slightly less attention than their use of proper argument forms and styles). The role of the patient has received less attention and certainly deserves more. Informed consent (both an ethical and legal construct) is meant to enforce the role of the patient in making decisions, but it does not explain how the patient effectively does so. Respect for autonomy enshrines the patient as the ultimate decision-maker without actually accounting for the decision-making process she must endeavor to master. Both assume rhetorical and argumentative features that are hardly ever discussed. Put another way, the rhetorical or "process" (Wenzel, 2006, p. 15) based elements of medical argumentation account for the performative activities of the physician and the patient rather than their right application of principles to cases or their adequate understanding of biology. In addition, it is these performed activities that are at the heart of contemporary efforts to deal with lifestyle changes that might impact the increasing incidence of chronic disease. This paper shows that Rubinelli, Schulz, and Nakamoto (2009) have hit on a concept that can transform not only the role of the patient but also the physician. The principles and practices of informed consent and respect for patient autonomy may need to be augmented to include a pedagogical mission for physicians in which they help patients realize and understand the need for their *phronetic* performance of health in attaining their conception of the *good life*. Finally, this paper adds to current conceptions of *phronesis* for both patients and physicians by articulating its attributes, defending it against *techne*-based accounts, and providing a rhetorical and performative foundation for understanding the patient role in the clinic and beyond.

NOTES

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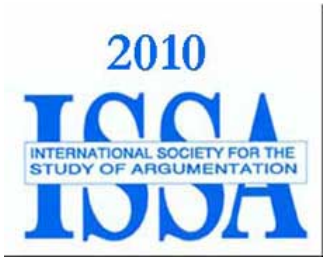

1. Introduction

The purpose of this paper is to bring to light the fundamental tenets of a text that has undoubtedly represented a relevant step in the evolution of argumentation studies: Agricola's *De inuentione dialectica***[i]**. My analysis is based on the first apparently "critical" edition, which appeared "post multas editiones" in Köln in 1557**[ii]**, which not only offers a version of Agricola's text according to the autograph manuscript of Agricola just recovered by Alardus Aemstelredamus, but also partially reproduces the commentaries of Phrissemius, Aemstelredamus and Hadamarius, compared and unified by Ioannes Nouiomagus.

After the structure of the volume, its theoretical perspective and its educational purposes are outlined, Agricola's approach to the fundamental notion of locus is illustrated. The divergent use of the term *habitudo* by Agricola and by Medieval scholars and the removal from dialectical invention of maxims, which had been the central theoretical construct of the Medieval doctrine of loci, will allow us to consider and evaluate the polemical position of Agricola towards the Medieval tradition. Several innovative aspects of Agricola's contribution are expounded: the elaboration of a new taxonomy of loci, a different, often more precise and useful, characterization of loci, in particular of the locus from definition, and the discovery of the relevant role played by loci not only in argumentation but also in exposition. Eventually we come to show that a reading of this text in the light of contemporary argumentation theory brings to light a surprising topicality and richness of concrete contributions, especially in some dialectical and rhetorical domains, like argument schemes, topical potential, presentational techniques.

2. Three books focusing on loci

In the three books on dialectical invention (Agricola, 1557), the attitude of Rodolphus Agricola towards tradition is inspired both by continuity and innovation.

In line with the late-ancient and medieval tradition, his main focus is centered on *loci*: the whole first (longest) book of the treatise is devoted to the investigation of the nature of loci, which are defined in general and described in detail, often by adopting punctual semantic analyses. The second book specifies the uses of loci and, eventually, the third mainly focuses on the rhetorical effectiveness of arguments and loci are again considered in this perspective.

In the Prooemium (p. 9) the three tasks ascribed by ancient rhetoric to human discourse (*oratio*) are mentioned: informing and teaching (*ut doceat***[iii])**, involving (*ut moveat*), delighting (*ut delectet*). Discourse can inform without involving or delighting, but it can neither involve nor delight without informing. Therefore information proves to be its essential, ever present, function. Depending on the speaker's intention, this informative function may alternatively assume two forms: sometimes we let the hearer know something simply to make him understand it, thus fulfilling a function of *exposition*, sometimes we let somebody know something in order to establish a belief in what is said, thus performing an *argumentation* (p. 10). The author defines exposition as a discourse that only manifests the mind (*mentem* = communicative intention) of the speaker, without activating anything that aims at arousing trust in the hearer. Argumentation is instead defined as a discourse through which somebody tries to build trust in the thing he is speaking about. Now, as what is uncertain cannot as such support itself, we must infer trustworthiness moving from other, better known and more familiar things. These things are arguments or, following Cicero, reasonable devices or inventions (*probabile inventum*) through which some uncertain things are given trustworthiness. Since not everyone is able to promptly identify such devices, in Agricola's opinion, the identification of loci, understood as some seats or places whence arguments can be drawn, represented a particularly useful educational endeavor: as possible beneficiaries, he especially mentions people engaged in political, legal, educational, moral and religious discourse and stresses that the system of loci does not simply educate the mouth, by offering a rhetorical enrichment (*copia dicendi*), but it also ensures wisdom of judgment (*prouidentia*) in consulting and in pondering decisions (p. 12).

Following Cicero (Topica, 6) and Boethius (*De differentiis topicis*, 1173B), he distinguishes, within dialectic, a heuristic and an evaluative component: the latter one is identified with Aristotelian *Analytics* and *De sophisticis elenchis* (*iudicii pars, cui omnis de modis figurisque syllogismorum praeceptio et cautio omnis captiosarum argumentationum, quas fallacias dixere, subseruit*) and is not the proper subject of Agricola's opus which is wholly devoted to the former component (*Sed nos de priore illa parte quae ad inueniendum pertinet loquemur*) (l. 1, c.18). Therefore separating the topical component from the normative one, and thus overthrowing the logically oriented Medieval tradition started by Boethius, he recovers from Roman rhetoric (in particular from Cicero and Quintilian) an approach ascribing to rhetoric a relevant role in dialectic, where dialectic, reduced to *inuentio,* appears to be mainly justified because it is useful for rhetoric. Therefore the program of Agricola's dialectic, though recovering a unitary perspective comprising rhetoric and dialectic and thus somehow, anticipating the strategic maneuvering perspective adopted by extended Pragma-Dialectics (van Eemeren & Houtlosser 2002; van Eemeren 2010) could hardly be compared with it, because, being exclusively committed to the *finding* (discovering) of arguments, it postpones the commitment of ensuring argumentation validity.
Here, a clarification is, however, useful. The removal of the evaluative component from the general design of the work did not at all condition Agricola's work in its actual realization, since a strong critical commitment frequently emerges from his pages. Consequently the impression prevails that dialectic and rhetoric are, *in actu exercito,* correctly reconciled.

But let us come back to the interpretation of the system of loci (*ratio locorum*) that represents the main concern of Agricola's work. His awareness of the ontological nature of loci (see pp. 18-19) is absolutely evident: "All things that are said in favor or against the standpoint are bound together and are (so to say) connected by a sort of solidarity of nature"**[iv].**

The endless variety of things and of their distinctive features cannot be embraced by any discourse nor by any mind. "Inherent to all things, there is although a common *habitudo* and all things *tend* to an analogy of nature: like the fact that all things have their own substance, all things originate from some causes and, in turn, cause something; and thus the most intelligent men have drawn from that enormous variety of things these common headings (*capita***[v]**) like substance,

cause, result, and the other headings, which we shall consider in the following". A locus is nothing else but a certain aspect characterizing the thing (rei nota), orienting us in identifying what, in relation to each standpoint, can provide acceptability.

But how should the term *habitudo* be interpreted? This term had played a central role in the Medieval doctrine of loci, where it was understood as the ontological relationship (like cause to effect, definition to defined, means to end etc.) binding the state of affairs exploited as argument to the state of affairs constituting the standpoint (Rigotti, 2008). In other words, every locus was understood as a particular type of *habitudo* in the sense of "*se habere ad"***[vi]** (= to be related to). It is rather clear that in Agricola's text this term does not refer to the relational nature of loci, but to the analogous functional configuration which is shared, due to a solidarity of nature, by all things. Such *habitudo* is identified with the net of ontological roles played in different connections by all entities: all things have their own substance, all things originate from some causes and, in turn, cause something, all events take place in a certain time and so on. Curiously, though clearly misunderstanding the medieval notion of *habitudo* and reading it as the nominalization of *se habere*" (to be in a certain way) and not of "*se habere ad*" (to be in a certain relation to), Agricola's conception of loci is substantially compatible with the notion of loci elaborated by the medieval scholars. In fact, in the descriptions offered by Agricola, the headings, the loci are identified with, are relational in nature: the definition vs. the defined, the time and the place vs. the event, the efficient cause vs. the effect and so on. Nonetheless, Agricola focuses on another relational dimension of loci: they are headings (*capita*), to be understood as the semantic nodes building a sort of conceptual network which maps reality.

3. The removal of maxims

There are aspects for which Agricola distances himself more decidedly from the Medieval tradition. In general, a polemical attitude towards all medieval scholars is evident. They are cumulatively referred to as "qui post Boethium scripserunt" (see, in particular, p. 214), The renowned philosopher and theologian John Duns Scotus**[vii]** only appears in the formula "secta Scoti" (p.58). The medieval terminology is largely abandoned or even misunderstood (see above for *habitudo*). For important respects, his criticisms also involve Boethius from whom the Medieval tradition originates. The classification (*diuisio*) of *loci* is partially

modified and, more importantly, the mediating role of maxims (*maximae propositiones*) is ignored. Now, as maxims are the inferential connections generated by the loci**[viii]** on which the actual arguments build, *loci* are directly bound to actual arguments. In the end of the first book (pp. 205-207) our author tries to justify the absence of maxims in his system of topics. He remembers that "Boethius and those who wrote after him (*quique post eum scripserunt*) added to each locus, to adopt a usual expression, a certain Maxim, i.e. a statement, comprising in a proposition many aspects, to which undoubted trust is paid, like *Of whatever the definition is said, the defined is also said* or Of w*hatever the species is said, the genus is said too*". Now, the author decided to ignore maxims not because, in his opinion, neither Aristotle nor Cicero had considered them**[ix]**, but because he thought they were simply useless for several reasons.

Firstly, they can be construed only in relation to the loci which provide necessary arguments, but they do not fit (*parum conveniunt*) for loci providing probable arguments, which are the majority.

Secondly, there are many such loci in which these maxims cannot be comprised in any defined and sufficiently convenient form (*in nullam certam et satis conuenientem formam concludi hae maximae possint*) (p. 206). In Agricola's opinion, sometimes Boethius appears to be at pain while trying to assign to any locus its own maxim (*dum cuilibet loco maximam suam reddere cupit*) as, while the locus is, as a rule, very widely extended, the maxim often receives a very narrow scope. Several examples are given, approximately rendering Boethius' text (cf. *De differentiis topicis* 1189C) in relation to the loci from efficient cause (*Quorum efficientia naturalia sunt, eorum effecta sunt naturalia* – If the causes are natural, the effects are natural), and in relation to the locus from the matter (ibid. 1189D) (*Cuius materia deest, et id quod ex ea efficitur deest* – If the matter lacks, the thing made of this matter lacks too) and others (pp. 206-207). In my opinion, this criticism rather evidently depends on an imprecise interpretation of Boethius' text: Agricola interprets maxims as rules bijectively corresponding to loci: *cuilibet loco maximam suam reddere cupit*. Even though Boethius' text might suggest this interpretation because, in general, it pairs up one maxim with one *locus differentia*, it also manifests his awareness that maxims outnumber *loci differentiae*: "*Atque ideo pauciores esse deprehenduntur hi loci qui in differentiis positi sunt quam propositiones ipsae quarum sunt differentiae*" (1186B) and in several cases more than one maxim is given in relation to one *locus differentia*

(see 1188D – 1189A, where for the locus *a partibus* two maxims are provided). Therefore, between *loci differentiae* and maxims, Boethius, and even more explicitly the Medieval scholars**[x]**, establish an injective relation: one or more maxims, yet, in general, several maxims correspond to one locus, while only one locus corresponds to each maxim. In other words, each maxim focuses on one of the inferential implications of the locus and therefore does not exhaust the argumentative potential of the locus. This is the reason why, while the locus is more widely extended, the maxim shows to have a much narrower scope.

The third decisive reason is that, in Agricola's opinion, all in all, people who have been thoroughly taught the nature of loci do not need maxims, as they spontaneously show themselves to their mind; and, if it is not the case, these people do not deserve to be taught the loci. In other words, studying maxims is useless because they spontaneously spring from a good awareness of loci.

I feel committed to concisely evaluate the arguments brought by Agricola. The three justifications for the removal of maxims from dialectical invention indeed lack the due cogency: the first one is not at all highlighted nor, all the less, argued for; the second and the third are at least partially incompatible as the second emphasizes the difficulty to assign to the locus its own maxim and the third pretends that maxims spontaneously spring from a good awareness of loci. Moreover the second is based on a premise (the bijective nature of the relation binding maxims to loci) contradicting not only the interpretation of maxims by Boethius and the Medieval scholars, but also the significant evidences brought by them. Eventually, while the first and the second reasons criticize maxims as theoretical constructs, the third one, which is possibly the most important in the general design of the work, questions the educational and not the theoretical relevance of their study.

In fact, the removal of maxims from the system of loci might be explained by the prevailingly non-theoretical, but practical and educational purpose of this work, which is consistent with the focus on *inuentio*, already declared in the title, but it is maybe also bound to the author's lack of interest in and commitment to the study of the inferential configuration of arguments. Besides the inferential configuration of arguments could force him to reconsider the contributions of the Medieval scholars, who, in his eyes, were guilty of an excessive and useless formalism and, above all, of largely ignoring the relevance of rhetoric.

However, the unquestionable presence of a practical, educational concern in the design of the work should not prevent us from seizing those innovative, critical and theoretical, contributions that are offered in all three books.

4. Innovative aspects

In order to better characterize Agricola's contribution I now focus on some innovative aspects of his doctrine, namely his critical attitude towards tradition, his treatment of loci, and the distinction between argumentation and exposition.

4.1. Critical attitude towards tradition

His autonomous, correctly critical, attitude towards the authorities of tradition (even those authorities whom he in general acknowledges and confirms) is often stressed and, even though the contributions by Aristotle, Cicero, Quintilian, Themistius and Boethius are mentioned and brought out, a number of criticisms are addressed to each of them.

In particular, regarding Aristotle, Agricola's judgment is inspired by esteem and admiration, but he avoids any "*ipse dixit*" devotion: "*Ego Aristotelem summo ingenio, doctrina … summum quidem hominem, sed hominem tamen fuisse puto*" (p.24) (I believe that Aristotle was a man of the highest intelligence, culture… a man of the highest level, but that he was a man). In other words, Aristotle was one whom something could escape, so that this could be discovered by somebody else (*aliis post se invenienda reliquerit*). Many other more specific criticisms are directed at Aristotle, in particular at the eight books of Topics. First, the scope of the considered matter is too narrow, as only the loci bound to the four predicables are tackled. Moreover, he does not describe the loci nor establish their number and their names and, very often, some matters are counted as loci that are not at all related to argumentation (like various prescriptions and suggestions to the arguer aiming at improving his performance at communicative and interactional level). Eventually, no indications are provided for the use of loci in the construction of arguments, so that the Aristotelian claim of providing an instrument which enables us to find proper arguments in favor and against every standpoint becomes vain (pp. 25-28).

Now the very hard task of implementing Aristotle's program of Topics was not fulfilled by his followers of the Peripatetic school, but by people like Cicero, who construed a list of certain and definite loci that could be universally applied. At the beginning, Cicero limited himself to listing them (in *De oratore* and

Partitiones), then in *Topica*, the book entirely devoted to the loci, *copiosius omnia exsecutus est* (the whole matter was tackled more in detail). Unfortunately, also in homage to the jurist Trebatius, to whom the book is devoted, Cicero draws almost all examples from civil law.

Quintilian, whom he follows on many questions, is criticized for the indeed scarce space and care devoted to loci in the fifth book of *Institutio oratoria*, (l. I, c. 3, pp. 28-30), but he is also sharply blamed in relation to an aspect which might appear as a modest detail, but, at a closer look, shows to constitute a fundamental theoretical tenet: "*Ea* [tekmeria] *Quintilianus inter argumenta non putat habenda, quia nihil post se dubii relinquant*" (Quintilian thinks that these (undoubted clues) should not be numbered as arguments because they do not leave behind any doubt). Now Agricola wonders how such an idea, which excludes from argumentation all mathematical reasoning, which is manifestly aimed at unquestionable conclusions, could enter the mind of such an intelligent man. Our author recalls that any argumentative activity aims "*ut quam minimum dubitandi relinquamus locum*" (to leave open to doubt the smallest possible space) (l. I, c. 21, p. 145).

Themistius and Boethius are also mentioned, the former for having proposed a second list of loci, and the latter for first having simply (*Boethius non aliud sane uidetur egisse*) reported Cicero's and Themistius' lists and then having compared them. This judgment is manifestly inadequate and unjust. In my opinion, it is motivated by the relevance ascribed by Boethius to the maxim (in his terminology *locus maxima*) and its differentiation from the *locus differentia maximae* (Stump 1978), Which is properly the locus. About "people who wrote after Boethius" two remarks are made by Agricola, one of which is very questionable and however not particularly relevant (they would have followed Themistius and not Boethius), while the other is profound and almost shocking: "They limited themselves to mentioning loci or to characterizing them with few words, because they considered that a deeper knowledge of loci is to be drawn from a more profound philosophy" (p. 29-30).

Particularly interesting is the conclusion of Agricola's critical overview of the state of the art: eventually, as one who was not ready to swear by the words of anybody, he had decided to each time follow the most convincing author or, in lack of a convincing author, to simply follow reason. However, he does not claim to realize anything better, he is more modestly committed to explaining the

matter, maybe with less subtlety, but more clarity.

4.2. The treatment of loci

4.2.1. The taxonomy of loci

The reflections by means of which our author elaborates the classification of loci and specifies the nature of each locus are often innovative and sharp. Moreover, especially in the second book, numerous fine examples are given. The criteria that are used are concisely reported in the scheme construed by the editor on the basis of chapter 4 of the first book. (See Figure 1).

In its whole, Agricola's taxonomy presents a coherent tree structure: at the highest level, internal and external loci are distinguished, the former being situated either in the constituency (*substantia*) of the concerned thing or around it, the latter presenting a gradually decreasing closeness to the thing.

In the thing (within or around its constituency) we find the *definition* and the *predicables* (*genus, species, property*), the whole and its parts and the *coniugates,* like *wise* vs. *wisdom*, where wisdom is constitutive of the wise man not in order to be a man, but to be a wise man. Around the constituency are, in relation to a subject, those states of affairs, both static (*adiacentia*) and dynamic (*actus*), in which the subject is involved, and the subject itself.

Regarding the external loci, a strong differentiation emerges: the *cognata* embrace both *causes* (*efficient and final*) and *outcomes* (*effects* and *destinata*); the *applicita* comprise *place*, *time* and the *connexa*, which are the *correlative states*, i.e. the states of the thing entailing the presence of another thing (like being a married or rich man, which entails the presence of a wife and of a certain wealth respectively); the *accidents* gather rather different non-constitutive aspects and circumstances; eventually the *incompatibles* (*repugnantia*) comprise *opposites* and *divergents*.

If we compare Agricola's taxonomy of loci with the taxonomy proposed by Boethius, which was later largely confirmed and deepened by many Medieval scholars, numerous similarities but also relevant differences emerge, mainly in relation to the frontier dividing internal and external loci. Indeed, even though the most general distinction between internal and external loci is confirmed, and the maximum of closeness to the thing, i. e. to the standpoint, is identified with the loci from definition and from the whole and its parts, numerous loci, like the

causes and the *applicita*, which were traditionally numbered among the internal ones, are moved to the other class. The criterion for the belonging to the internal loci had been identified by Buridan (*Summulae de dialectica*. 6.2.3) with the fact that either the two terms constituting the *habitudo* of the locus denote the same reality (*supponunt pro eodem*) or the reality denoted by one is included in the reality denoted by the other for some mode of "being in" (in my opinion, in the sense that they belong to the same possible world). Thus the comparison of Agricola's taxonomy with the traditional model shows that a strong and relevant justification of the fundamental dichotomy got lost. The classification of the *applicita* among the external loci might also be questioned, first because time and place are strictly constitutive of situations (*adiacentia*) and events (*actus*), which are consistently numbered among the internal loci, and then because the correlatives (*connexa*), like king vs. kingdom or husband vs. wife (where the first term imposes a coexistence condition on the second) prove to equally pertain to the internal loci.

However, despite some inconsistencies and a certain theoretical impoverishment, apparently due to the negligence of the relevant contributions provided by Medieval scholars, Agricola's taxonomy constitutes a real advancement, regarding the identification and justification of the single loci and the innovative categories adopted in the construction of the major classes.

4.2.2. Definitions towards ontologies

Let us now consider some of the fine analyses elaborated by Agricola for loci. His treatment of definition is rigorous and innovative; definition is first distinguished from description (p. 42-43), because its purpose is to say what the thing is and not how it is. Agricola confirms the validity of the classical Aristotelian procedure for defining, which connects the next genus (*genus proximum*) with the specific difference. However, he also remarks that perfectly fitting definitions like *Homo est animal rationale,* where *rationale* really identifies the constitutive trait characterizing humans among all other animals, are not available for non-humans. For all other non-human species, which are called *bruta* in Latin, like donkeys, mules and horses, no specific difference in form of one predicate is available. A conjunction of predicates like *auritus* (long-eared), *solidis pedibus* (single toed) and *foecundus* (fertile), here plays the role of specific difference, as it enables us to differentiate the nature of donkeys from all other animals: single toed are only donkeys, horses and mules, but horses are not long-eared and mules

are not fertile. Consequently: "*itaque tandem velut gradibus quibusdam ad id quod definitum est peruenitur*" (eventually, we arrive, by climbing a kind of steps, at the defined). Not simply connecting genus with specific difference, but conjoining often complex sets of predicates (see *complexus definitionis*, p. 43) is necessary in order to define many entities or states of affairs. This way, definition procedures get very close to the ontologies**[xi]** elaborated in current trends of semantics.

Agricola also stresses the rhetorical usefulness to the arguer of designing such definitions / ontologies, not only in order to know the things, "which, having been made explicit by means of the definition, suggest to the mind – it is strange how it happens – some precise orientations regarding the thoughts that are being planned, but also to enhance the arguer's authority (*parat auctoritatem disserenti*). The author proposes two fair examples, by defining as many social realities: *ius* (law) and *ciuitas* (political community). In both cases the definition is the result of intense considerations through which the distinctive function of each predicate of the definition is justified.

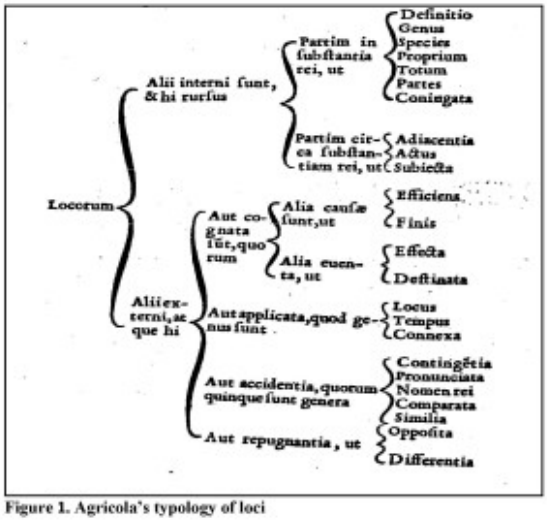

Figure 1. Agricola's typology of loci

Figure 1. Agricola's typology of loci

More in detail, a conceptual basis constituting the genus is enriched (specified) step by step, by adding all traits that prove to be needed in order to differentiate the concerned domain from all other domains. I simply report the conclusion of the second definition procedure: "*Dicemus itaque ciuitatem esse multitudinem collectam, ad statum rerum suarum tuendum per se sufficientem, quae consensu sit legum uitaeque conniuncta*"(p. 44) (Therefore we shall say that a *ciuitas* is a

multitude of people living together, in itself autonomous in the defense of its goods, and that shares the same laws and the same ways of life).

4.2.3. Analysis of the domain of events and actions

In general, Agricola's taxonomy seems to upset the system of Aristotelian categories. The *loci circa substantiam* (around the constituency) embrace the categories of quality and quantity under the unique label of *adiacentia* (covering the static states of affairs) (l. I, c.11), while the categories of action and passion are subsumed under the wider category of events or *dynamic* states of affairs ("*Quod igitur proprie actus est, id oportet ut sit in quadam agitatione… positum*", p. 93), which are named *actus* (l. I, c. 12) and the locus of subject comes to coincide with the substance in which both static and dynamic states of affairs are inherent (l. I, c. 13). Within the locus of events (*actus*), action (*actio*) is specified as a purposeful behavior, (p. 35 and p. 92: "*finem aliquem respicit*"). Interestingly, the author makes a distinction between the purpose and the effect of an action and gives a fine example to highlight it (p. 36): shoes are the effect of shoemaker's action, while protection of feet is its purpose.

4.3. Argumentation vs. Exposition

In the 16th chapter of the second book, Agricola brings to light that *loci*, as headings of the semantic network shaping the map of reality, do not exhaust their role in the construction of arguments (see also Mack 1993), but are not less relevant in *expositio*, i.e. in the presentation of reality. The role played in exposition is particularly important for two main reasons: it stresses the ontological nature of loci, as it is properly understood by Agricola, and specifies the differences, without neglecting the connections, between explanation and argumentation.

Loci are not exclusively argumentative categories. They are the nodes of the ontological structure of reality and are used in its representation for describing it, explaining it and arguing for it and from it.

Moreover, Agricola, considering, in particular, causal exposition or explanation, discovers that the same state of affairs can be referred to both in explanatory and in argumentative terms. A renowned passage of Virgil's Aeneid (p. 331) is mentioned (*Urbs antiqua fuit, Tyrii tenuere coloni, Karthago* … Aeneid I Book, vv.12-80), in which the poet recollects the causes why Juno hated Aeneas. In a different communicative situation, in which Juno's hate against Aeneas might be

doubted (thus becoming a standpoint), the discourse would be transformed into an argumentation and the causal relations used by Virgil in order to explain Juno's hostile feeling would be used as arguments to prove the truth of this feeling. Another interesting example refers to the eclipse of the moon (p. 332). Let us consider the interposition of the earth between the sun and the moon. One can explain the eclipse of the moon as the effect of such an interposition, but the evidence of this particular position of the earth could, in another communicative interaction, also be interpreted as an argument allowing to predict an eclipse of the moon.

5. Conclusive remarks

Both, innovation and continuity characterize Agricola's contribution to the study of argumentation. While breaking with the Medieval tradition and adopting in relation to it a decidedly polemical attitude, he established a critical continuity with Antiquity. Numerous innovative aspects emerge in his doctrine: his autonomous, correctly critical, attitude towards the authorities of tradition, his original classification and definition of loci, the often sharp and fertile insights through which the nature of each locus is highlighted, the richness of examples, the discovery of the relevant role played by loci in exposition.

Indeed, despite a certain theoretical impoverishment, partly depending, in my opinion, on the negligence of the relevant contributions provided by Medieval scholars, Agricola's taxonomy represents a substantial advancement, both regarding the identification and justification of the single loci and the innovative categories adopted in the construction of the major classes. Moreover, thanks to the discovery of the relevant role played by them not only in argumentation but also in exposition, loci are no longer exclusively argumentative categories. They become, in this new perspective, the nodes of the ontological structure of reality that are available, in the construction of human discourse, for the representation of reality aiming at describing it, explaining it and arguing for it and from it.

Agricola's work on dialectical invention indeed represents an important contribution to the development of rhetoric and argumentation theory.

However, Agricola's work is not only an important chapter of the history of our discipline: for numerous topics it deserves to be considered in the current scientific debate.

This holds in particular for the still controversial problem of arguments schemes that may be regarded as the present day heirs of loci. Evermore, Agricola's position represents in relation to argument schemes a very audacious challenge: by extending the relevance of loci beyond argumentation to the descriptive and explanatory discourses, he linked loci to the meta-categorial level of rhetorical relations (also called connective predicates) on which discursive congruity mainly depends (Rigotti 2005; Rocci 2005; Rigotti & Rocci 2006) Eventually, he is our legitimate interlocutor also in relation to the concept of Strategic Maneuvering (van Eemeren 2010), in particular for the invention and selection of arguments and for presentation techniques. The rhetorical dimension is certainly predominant in his approach.

However, the critical remark moved to Quintilian also proves his strong commitment to dialectical cogency.

NOTES

[i] Born near to Groningen at Baflo (natione Friso) (February 17, 1444), Agricola was a "Dutch" scholar, humanist, and musician. He is known to us mainly as the author of the book we are now considering. The original Dutch name Roelof Huusmann was translated by himself into Rodolphus Agricola. Educated first in St. Maartens school in Groningen, he then matriculated at the university of Erfurt and then at the university of Louvain, where he graduated as *magister artium* (distinguishing himself for the purity of his Latin and his skill in disputation). He concentrated his studies on Cicero and Quintilian, and during his university years added French and Greek to his ever-growing language repertoire.

After living for a time in Paris, where he worked with Heynlin von Stein, – a classics specialist – he went, in around 1464, in Italy, where he associated with humanist masters and statesmen. In the years 1468- 1475 he studied at the University of Pavia, and later went to Ferrara, where he attended lectures on the Greek language of the famous Theodorus Gaza (c. 1400 – 1475), also called by the epithet *Thessalonicensis*, a Greek humanist and translator of Aristotle, one of the Greek scholars who were the leaders of the revival of Greek culture in the 15th century. Here Agricola wholly devoted himself to the study of classical texts. He won renown for the elegance of his Latin style and his knowledge of philosophy. Also while in Ferrara he was formally employed as the organist to the ducal chapel, which was one of the most opulent musical establishments in Europe. He

held that post until 1477, after which, having visited Rome, he definitively turned to his native country in 1481. Once in "Germany" again, he spent time in Dilligen. It was in Dilligen in 1479 that Agricola finished *De inuentione dialectica*. In 1482, on the invitation of Johann von Dalberg, bishop of Worms, with whom he had become friendly while in Italy at the university of Pavia, he accepted a professorship at the University of Heidelberg and for three years lectured there and at Worms on the Greek literature. In 1485 Agricola accompanied Dalberg, who was sent as an ambassador to Innocent III the new elected Pope in Rome, but was struck gravely ill on the journey back to home. He died in the autumn of the same year "*mente in Deum porrectissima*". In the cultural history of Europe of the late fifteenth century, he is considered as the father of northern European humanism (Vasoli, 1968).

[ii] *Rodolphi Agricolae Phrisii de inuentione dialectica libri omnes integri et recogniti iuxta autographi, nuper D. Alardi Aemstelredami opera in lucem educti fidem, atque doctissimis scholiis illustrati,* Ioannis Phrissem, Alardi Aemstelredami, Reinardi Hadamarii. Quorum scholia exactissimo iudicio contulit ac congessit Ioannes Nouiomagus. Coloniae Anno M. D. LVII. This is the work Agricola is particularly known for. There is a recent edition by Lothar Mundt, *Rudolf Agricola. De inventione dialectica libri tres* (1992).

[iii] The Latin word *doceo* means in general contexts "to let know" or "to inform", and in the educational contexts "to teach".

[iv] Here and in some other passages of the paper Agricola's Latin text is rendered through my own English translation.

[v] The term is used by Cicero (Topica 39) with a different meaning in relation to the argument from genus, which should not necessarily be identified with the ultimate genus (*non erit necesse usque a capite arcessere*), but simply with the immediately relevant genus.

[vi] The following passages of Peter of Spain, Abelard and Buridan clearly highlight the notion of *habitudo*; interestingly, while the first passage only underlines the relational nature of locus, the second also focuses on the inferential strength ensured by locus to maxim and the third moreover ascribes to locus the communicative potential of maxim:

"*Locus a causa efficiente est habitudo ipsius ad suum effectum*" (Petri Hispani *Summulae logicales*, 5.24);

"*Est autem locus-differentia ea res in cuius habitudine ad aliam firmitas consecutionis consistit.*" (Abaelardi *De dialectica*, 263);

"*Locus-differentia maximae est termini ex quibus constituitur maxima et ex*

quorum habitudine ad invicem maxima habet notitiam et veritatem. Verbi gratia, cum haec propositio 'Quidquid vere affirmatur de genere vere affirmatur de specie´ sit locus maxima, isti termini 'species et 'genus´sunt locus-differentia maximae: ex habitudine enim speciei ad suum genus maxima habet veritatem et efficaciam" (Buridani *Summulae de dialectica* 6.2.2).

[vii] John Duns Scotus (1265/66-1308) was one of the most influential philosophers and theologians of the of the 13TH and14TH centuries. His brilliant thought earned him the nickname "the Subtle Doctor". Topics like the semantics of religious language, the problem of universals, the nature of human freedom were innovatively investigated by him. For a general overview of his work and his life see Gilson Ė.-H. (1952)

[viii] The role played by maxims in the inferential organization of arguments is expounded more in detail in Rigotti & Greco-Morasso (2010).

[ix] While this is the case for Cicero, it is not indeed the case for Aristotle who, though not specifying explicitly the notion of maxim, often represents the topoi in form of maxim-like rules (Braet 2005; Rigotti 2008).

[x] In Abelard's *Dialectica* (264) loci (*maximarum propositionum differentiae)* are said to be fewer *(pauciores*) than maxims, because "*eiusdem differentiae multae maximae propositiones esse possunt*" (the same locus differentia can have many maxims).

[xi] The term ontology refers, especially in Aristotelian philosophical tradition, to the doctrine of being. Thus the traditional philosophical concept of ontology is mainly meant to deal with questions concerning what entities exist or at what conditions they can be said to exist, by what relations they are bound together and how they can be grouped and related within a hierarchy, and subdivided according to similarities and differences. More recently, within computer science and information science, the term ontology has been used for referring to a formal representation of a set of concepts within a domain and the relationships between those concepts, that may be used to define the domain and to reason about its (constitutive) properties. In my opinion, while, in general, loci are situated by Agricola in the domain defined by the first notion of ontology, Agricola's understanding of definition is close to this second notion of ontology.

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ISSA Proceedings 2010 – Strategic Communication – How Governments Frame Arguments In The Media

Vice President Joe Biden visited Jerusalem in March, 2010 to attend a series of high profile and carefully planned meetings with Israeli Prime Minister Benjamin Netanyahu and senior members of his government. The visit was designed to calm Israeli anxieties about U.S. commitment to Israel and to restart the peace talks with the Palestinians. Biden has been a strong supporter of Israel throughout his political career. Upon reaching Jerusalem, he gave a speech in which he pledged continuing support for Israel stating, "Progress occurs in the Middle East when everyone knows there is simply no space between the United States and Israel" (cited by Bronner 2010). Only a few hours later the Vice President was stunned by the announcement that Netanyahu's conservative government intended to build 1,600 new housing units for ultra-orthodox Jews in East Jerusalem on land that was claimed during the Six Day War. This announcement came despite the fact that the Obama administration had been pressing the Israeli government to halt the construction of any new settlements on land also claimed by the Palestinians as necessary for the creation of a viable Palestinian state (Bronner 2010;

McCarthy 2010).

Over the next few days the controversy between the United States and Israel, two close allies, grew as new statements condemning or defending the decision and the manner and timing in which it was communicated were discussed in mediated public statements issued by the respective governments and their officials and in press accounts that both reported and analyzed these statements.

The situation prompted a series of carefully choreographed arguments from both governments as they attempted to communicate to a wide array of domestic and international audiences. The incident provides an interesting example of strategic communication in foreign policy, and specifically into the role of strategic media maneuvers in media diplomacy. This essay will: 1) discuss the notion of strategic communication and media diplomacy as a macro-context and how they have co-evolved in the new media environment; 2) critically examine the arguments in this case as examples of media maneuvering by government spokespersons in this controversy; 3) identify the tensions that were exposed, created, and eventually mitigated within the multiple domestic and international audiences who see themselves as stakeholders in this controversy; and 4) offer initial conclusions regarding the "lessons learned" for media diplomacy in a global environment.

Strategic Communication, Media Diplomacy, and Foreign Policy Arguments
Strategic communication is typically defined as the study of deliberate programs of messages or arguments that are designed by organizations, institutions or other entities in order to achieve particular goals (Riley, Weintraub & Hollihan 2008). Much of the early work in strategic communication focused on either internal organizational change strategies or on external marketing campaigns. Recently, the research and the practice of strategic communication have moved to the study of governments as they attempt to win over either domestic or international publics. The Biden visit was intended to demonstrate U.S. interest and influence in the region. The ill-timed Israeli announcement of the new housing units, however, reveals the challenge of attempting to think, act, and communicate strategically in an environment where one lacks control over the actions of one's partners or the media. Successful strategic communication depends upon the ability to predict not just how one's messages and arguments will be understood and interpreted, but how one's partners and adversaries are likely to respond. When surprises occur, as they did in this instance, strategies must be adapted to the changed situation. One of the challenges of adapting to

the situation, and one of the elements most present in this case study, is determining whether the unexpected response is a result of a misunderstanding (defined in this analysis as an accident: formal communication based on premises not presented or on interpretations not intended by the other government) or whether the "misunderstanding" is itself strategically ambiguous communication (Eisenberg 2007) that is a form of strategic media maneuvering and understood differently by each stakeholder group.

Strategic communication touches on foreign policy, international diplomacy, military strategy, and domestic politics. It used to be possible for political regimes to create alternative messages for different audiences and thus to preserve a level of nuance, ambiguity, and perhaps even outright deception when they had to respond to challenging messages. In our increasingly connected and globalized world, this is no longer possible. The messages of foreign policy must be formulated with the understanding that they are likely to be seen or heard by many different audiences, each applying their own cultural understandings, worldviews, and objectives (Klumpp, Hollihan, & Riley 2002). As Nick Cull, a key scholar in public diplomacy likes to say, "What is said in Kansas is heard in Kandahar" (2010).

Those who have studied strategic communication successes and failures have argued that it must be integrated into the policy making process and not merely appended onto that process after the important policy decisions have been made (Riley et al. 2008). An effective communication process will not compensate for failed or ill-conceived policy choices by governments. The strategic communication process should be designed in anticipation of the likely responses of both allies and adversaries, and it must involve the construction of metrics that help governments understand the effects of the messages and policies (Lynch 2009). Admiral Michael Mullen, the Chairman of the U.S. Joint Chiefs of Staff, and thus the nation's highest ranking military officer, declared that he was unhappy with the term "strategic communication," because he believed that "the essence of good communication [was] having the right intent up front and letting our actions speak for themselves" (Mullen 2009). The problem with this view, as Mark Lynch (2009) argued is that:
Everything is subject to spin, framing, and interpretation. Mullen is right to critique those who focus exclusively on the messaging and ignore the policy. But it doesn't follow that just getting the policy right will succeed without an effective

communications strategy. There is going to be an information war, a struggle over framing and interpretation, no matter what policy is pursued. This is why strategic communications can't be ignored in the formation and execution of policy in today's international system.

We believe that understanding the role of media diplomacy is critical in assessing the effectiveness of any nation's strategic communication of its foreign policy objectives. The instruments of media diplomacy may include speeches, press conferences, interviews, visits, media events, or even leaks (Gilboa 1998). Media diplomacy occurs when policymakers or skilled negotiators "use the media to send messages to leaders of rival states and to non-state actors" (Gilboa 1998, p. 63). The U.S., as one example, has long been committed to the use of international media campaigns to advance its foreign policy objectives (Hayden 2006). Another important aspect of media diplomacy is that it permits those who are engaged in complex negotiations to send signals that are multi-directional and can be interpreted and understood differently by different audiences. Recent developments in new forms of digital media and social networking sites have created huge challenges as diplomats and policy makers attempt to maintain any semblance of control over their messages. Hayden (2006) posits that argument scholars are well-positioned to study how argument formations emerge in different media in order to illustrate how diverse and networked publics construct meaning about complicated foreign policy issues.

Multidirectional foreign policy arguments are consumed by publics that have different assessments about those facts and are drawn from multiple sources to provide empirical materiality to their facts. Likewise, stakeholders will value those facts differently because they will be relying upon their own unique histories, cultural memories, social knowledge, notions of what constitutes good reasons, and normative rules for argumentative praxis. In short, argument becomes less a rule governed activity of shared understanding and more a process of deliberative construction as real controversies are worked over in the public and political spheres.**[i]** In this sense, political argument in the world of international relations and public diplomacy has become what Joseph Nye calls "a contest of competitive credibility" (2008, p. 100). Compared to the previous world of power politics where a nation's military or economy decided who will win in foreign policy, international politics in a global network of information may be much more about whose story wins (Arquila & Ronfeldt 1999).

Through its focus on media diplomacy and the role of public argumentation in shaping understanding of US-Israeli relations following Vice President Biden's visit to Israel, this study takes ". . . an approach that locates the engine of world politics in globally linked communication networks where competing ideas shape the course of events" (Mitchell 2002, p. 68). Goodnight notes that communicative argumentation is grounded in the logic of the institution and thus institutional logics are both material and symbolic and provide the formal and informal rules of action but they are also historical and evolve over time and "render state of the art practice sometimes unstable" (2008, p. 262). Such is likely the case as media diplomacy evolves to be multi-directional – coping with the multiple stakeholders that receive messages on the state of international relations.

A Framework for Analysis

Strategic communication in a global sphere is contextualized both by time and institutional logics or frames (a more detailed discussion of framing can be found in Riley, Usher & Hollihan 2009). The question is whether the goal of the argument is to respond to a particular event that is rhetorically exigent, to build international relationships, or something in between. Thai cooking shows, for example, are excellent examples of long term media diplomacy for Thailand since studies show people around the world love Thai food but these shows are not responsive to the mob violence that took place in the spring of 2010. As Gilboa explains:

Traditional public diplomacy was aimed at long-term results, but the information age required a major adjustment in the time framework. It would be useful to distinguish among three time dimensions: immediate, intermediate, and long. Each presents different purposes and means, different attitudes to the media and public opinion, a different degree of desirable association or ties with the government, and matching public diplomacy instruments. At the immediate level, the purpose is to react within hours or a few days to developing events, usually to minimize damage or exploit an opportunity through techniques of news management. Such immediate action is generally led by senior government officials. The most appropriate public diplomacy instruments for this stage would be advocacy, international broadcasting, and cyber public diplomacy. (Gilboa 2008, p. 72)

Media diplomacy goals in an intermediate time period, we believe, should be transitional and focus on identifying critical stakeholder groups – Advocates

(supportive and likely to be engaged), Allies (supportive but less active), Adversaries (opposed and likely to be engaged), and Anti-'s (opposed but less active) (NPS/USC 2010) – as well as on developing message themes that further the goals of strategic communication plans and attempt to shift the argument frames for those stakeholders.

Long time period diplomacy programs are built through new institutional logics that emerge from developing new relationships, through transparency and shared goals for the future. While media diplomacy plays an important role in these programs, Cull (2010) argues that the most important communication activity is listening and that this appears considerably harder for governments to practice than most other elements of diplomacy.

US-Israel Relations

To appreciate the dynamics in this particular case, it is necessary to briefly consider the history of US-Israeli relations. The U.S. has long been identified as Israel's closest ally. Cordesman (2010) noted: "The real motives behind America's commitment to Israel are moral and ethical. They are a reaction to the horrors of the Holocaust, to the entire history of Western anti-Semitism, and to the United States' failure to help German and European Jews during the period before it entered World War II. They are a product of the fact that Israel is a democracy that shares virtually all of the same values as the United States." In the sixty years since Israel was founded, the U.S. has provided huge amounts of foreign aid. For example, in 2009, the U.S. provided more than $2.55 billion in military aid. The two nations conduct joint military planning, training, and exercises. In addition, they closely collaborate on military research and weapons development (Background Note: Israel 2009). Despite the close political, military, and economic ties, however, the relationship has sometimes been fraught with difficulty. It has arguably been a much more successful partnership when Israel has been governed by its more liberal as opposed to its conservative parties. The U.S. also wants to maintain cordial relations with the Arabic nations in the region, but its close contacts with Israel complicate this goal and are often cited as a primary cause for the current global tensions and acts of terror.

In order to reach a lasting peace in the region, and in an attempt to secure positive relationships with Arabic nations, the U.S. has since the early 1990s supported the call for a Palestinian homeland with secure borders and sufficient territorial resources to sustain a rapidly growing population (Background Note:

Israel, 2009). The United States would prefer that Israel return the land gained in the 1967 and 1973 wars to the Palestinians to help create this homeland, but this is unlikely to happen. In recent years Israel has experienced a rapid growth in population as immigrants from around the world have poured in, many of whom are profoundly religious and conservative and not eager to compromise with moderate or liberal Jews, let alone Palestinian Arabs. These immigrants typically had large families and wished to create religious communities apart from more secular Israelis. They were given the right to build settlements in disputed territory starting in 1981 during the term of Prime Minister Menachem Begin. This policy not only housed the new immigrants in areas that formed a more defensible perimeter to protect Israel from invasion, but also made it less likely that this land would ever be repatriated to the displaced Palestinians. The rapid expansion in the size and number of Israeli settlements "take up more and more of the land the Palestinians want for their state and make partition increasingly difficult. Today, nearly 300,000 Israeli settlers live in the West Bank and 180,000 in east Jerusalem" (Joe Biden's Snub 2010).

The U.S. government has for many years pressured Israel to stop the expansion of the settlements in an effort to make peace with the Palestinians. In November, 2009, Israel agreed to a ten month freeze on new settlement building in the West Bank. The Israelis refused, however, to halt the expansion of settlements in East Jerusalem which it captured in the 1967 war and considers part of its ancient capital (Bronner 2010).

The Mini-Case Study

The announcement of the new housing units during Vice President Biden's visit, given how vocal U.S. foreign policy makers have been on the subject, was especially provocative. Biden declared:

I condemn the decision by the government of Israel to advance planning for new housing units in East Jerusalem. The substance and timing of the announcement, particularly with the launching of proximity talks, is precisely the kind of step that undermines the trust we need right now and runs counter to the constructive discussions that I've had here in Israel. We must build an atmosphere to support negotiations not complicate them. (cited by Hounshell 2010)

As might be expected, the Palestinian government also condemned the decision, declaring that the announcement of the new housing units was "destroying our efforts" toward negotiating a peace agreement (cited by McCarthy 2010). The

construction plan was also sharply criticized by Egypt, Israel's closest ally in the Arab world. A spokesman for the Egyptian Foreign Ministry declared the announcement "absurd" and proclaimed it "disdainful of the Arab and the Palestinian positions and the American mediation" (Joe Biden's Snub 2010). The announcement also drew the ire of others. The European Union reiterated its declaration "that settlements are illegal under international law," a position shared by United Nations Secretary General Ban Ki-moon. Russia declared the move "unacceptable," and Britain and Turkey said it would cause doubt regarding how serious Israel was in pursuing peace (Rabinowitz 2010, Joe Biden's Snub 2010).

The Obama administration used the moment, and the global opposition to Israel's actions, as an opportunity to emphasize its opposition to new settlements. But it chose very low risk and low intensity strategic responses. Vice President Biden, after having issued his statement, arrived ninety minutes late for a scheduled dinner with Prime Minister Netanyahu, forcing the Israeli head of state to endure the embarrassment of entertaining an openly rude guest (Buck 2010). The next day Secretary of State Hillary Clinton referred to the announcement during Biden's visit as "insulting." Her office also issued the following statement:
"Mrs. Clinton spoke this morning with Prime Minister Bibi Netanyahu… to reinforce that this action had undermined trust and confidence in the peace process and in America's interests. . . . The secretary said she could not understand how this happened…and she made clear that the Israeli government needed to demonstrate not just through words but through specific actions that they are committed to this relationship and to the peace process." (Gandelman 2010)

President Obama's closest political advisor David Axelrod (who is Jewish) called the approval of new housing units during Biden's visit an "affront" and an "insult," and added that the announcement "seemed calculated to undermine" the peace talks with the Palestinians (Gandelman 2010). Axelrod also declared, however, that "Israel is a strong and special ally. The bonds run deep. But for just that very reason, this was not the right way to behave" (Gandelman 2010). In order to allow the impact of the story to percolate even deeper into the public's consciousness, the White House let it be known that President Obama was personally "livid" over the humiliation (Gandelman 2010).

The transitional strategy was also clear – the bond between the nations would

stretch enough to diminish Israel in the media and portray the special relationship between these two states as becoming less special over time. Through mediated arguments about Israel's inappropriate behavior for an ally and the harmful effects on the mediation process, the messages put distance between the two nations' perceived goals and values. And without a personal statement from President Obama, nor any visible signs of support, a new media diplomacy frame was evolving in an intermediate time period – to be our ally means "No New Settlements."

World Leader's Arguments in Response to the Controversy
If one goal pursued by the Obama administration was to convince Palestine that the U.S. wanted to play a more neutral role in the region, there is some evidence that they succeeded. The guardedly angry statements coming from the Obama administration were met with approval by the Palestinian Authority. Saeb Erakat, a spokesperson declared that the PA "welcomes the statements from US Secretary of State Hillary Clinton and the Quartet condemning the Israeli government decision to build settlements in the eastern sector of Jerusalem." He further declared: "We want these positions to become binding and for Israel to scrap its settlement decisions, especially its plan to build 1600 homes in Jerusalem" (Gandelman 2010).

If the goal of all of this tough talk was to intensify the pressure on Prime Minister Netanyahu and urge him to change his policy toward building new settlements, the results were mixed. Clearly, Netanyahu felt the pressure sparked by his open break with his closest ally, yet his own ideological commitments and the domestic political environment in Israel made it unlikely that he would cave in to this pressure and freeze the building of new settlements. Netanyahu summoned his closest advisors, supposedly conducting a probe to determine precisely what had happened. Netanyahu also quickly issued a statement in which he claimed to be as surprised by the announcement to build the new housing as Biden had been. Netanyahu also called German Chancellor Angela Merkel and Italian President Silvio Berlusconi to express regret at the incident (Gandelman 2010). The interior minister who announced the new housing development declared that the timing of the announcement was purely coincidental and that "There was certainly no intention to provoke anyone and certainly not to come along and hurt the vice-president of the United States" (cited by McCarthy 2010). The Israelis also reported that the new housing units had been previously announced, and that the

timing merely indicated that the project was progressing through the permit process.

At the same time, Netanyahu's government announced that it was not backing down, that it would build the 1,600 disputed housing units, that it reserved the right to build still more projects in East Jerusalem, and that it would remain the undivided capital of Israel (Netanyahu says there will be no concession 2010). Their media diplomacy included prefacing the "unhappy" news with positive or conciliatory statements – a common communication tactic that we call, "Two pieces of good news and oh, by the way . . ."

The stinging rebukes from the U.S. and other world leaders prompted Prime Minister Netanyahu to visit Washington, D.C. approximately a week later to illustrate that the U.S. and Israel continued to be on good terms and that this incident was merely a minor distraction. Even this visit to Washington was replete with examples of continued media diplomacy, designed to communicate to different stakeholders. President Obama met with Netanyahu twice, but signaled his continuing displeasure by refusing to admit any reporters or photographers to either meeting. As a result, there were no jointly issued press briefings and no images of the two leaders standing next to each other grinning. The argument in this case was visual but not in the usual sense – it was the *absence* of traditional photo opportunities with the most powerful man in the world that suggests the unequivocal power of U.S. support is less present than it was previously.

As the story evolved, Obama continued to press Israel for a freeze on all future settlements on disputed land and Netanyahu assured his conservative supporters that he adamantly refused to even consider a change in policy. He declared that he told President Obama, "from our standpoint, building in Jerusalem is like building in Tel Aviv" (cited by Ravid 2010). Through this analogy, Netanyahu sets up two positions – first, an argument to the global audience that the land is unequivocally Israel's now (and therefore not disputed) and second, an argument positioned for his conservative home audience that claims Israel does not need to bow to the wishes of the US administration and that he will follow the policies that got him elected.

Israeli Audience (including supporters)

Netanyahu also used his visit to Washington as an opportunity to meet with a pro-Israel lobbying group and with small groups of congressmen known to be fiercely

pro-Israel (Ravid 2010). Despite these attempts to manage if not fully resolve the conflict with the Obama administration, Netanyahu returned to Israel with little to show for his efforts. The Obama administration and other world leaders continued to express strong opposition to the new construction and analysts declared in the Israeli media that Netanyahu had been first surprised, then embarrassed, and finally politically weakened as a result of the strong rebuke from his closest ally. As Yossi Beilin, an Israeli peace negotiator observed: "Netanyahu understands, perhaps better than some of his Likud predecessors, that even if he believes 'he is 100 percent right and the world is 100 percent wrong' on Jerusalem, 'he cannot go on and destroy the relationships with the whole world'" (Zacharia 2010).

It is not just the relationships around the world that were troublesome for Netanyahu. His handling of the affair arguably damaged him at home. Some claimed that his center-right coalition was in danger and that he might be forced to reach out to the moderate Kadima Party to lessen the tensions with the United States (Zacharia 2010).

US Domestic

Netanyahu was not the only player in this controversy who was feeling domestic political pressure. The political climate in the United States was also deeply polarized and President Obama faced pressures of his own. With ongoing legislative battles over health care, banking reforms and the politically volatile issue of illegal immigration, Obama hardly needed the distraction that would come if he were labeled by either his political opponents or the media as hostile to Israel.

Senator Charles Schumer (NY-D), normally an Obama supporter, but someone who also represents a state with a large and vocal pro-Israel electorate, told reporters that he worried the administration's approach to the Palestinian-Israeli conflict was "counterproductive" (Rogin 2010). Schumer was not the only member of the President's own party to express anxiety about the harsh criticism of Israel. Representative Anthony Weiner (NY-D), a member of the House Jewish Caucus said that, "The appropriate response was a shake of the head – not a temper tantrum . . . Israel is a sovereign nation and an ally, not a punching bag. Enough already"(Zimmerman 2010). Representative Steve Israel (NY-D) declared that "The Administration, to the extent that it has disagreements with Israel on policy matters, should find way to do so in private and do what they can to defuse this situation" (Zimmerman 2010). Representative Shelley Berkley (NV-D)

expressed her concern that the administration had an "overreaction," to the Biden snub (Zimmerman 2010). Representative Eliot Engel (NY- D) agreed that the response had been "disproportionate" and urged that "we all have to take a step back" (Zimmerman 2010). Leading Republicans were even more critical. Senator John McCain (AZ-R) urged the administration to end its public criticism of Israel which would only strengthen our enemies, while Representative Eric Cantor (VA-R), the House Minority Leader warned that the Obama administration was using the incident as a strategy to change the course of U.S. policy toward Israel (Critics Accuse Administration of Exploiting Israel Dispute 2010).

Quite a number of these arguments are examples of traditional argumentative rebuttals that condemn the President's motives and international acumen. Others are similar to the derailing and "re-railing" strategic maneuvers described by van Eemeren & Houtlosser (see 2002 for a detailed description) and other scholars, but because they do not take place in one-on-one conversations or in exchanges in Parliament, but in the mediascape, we refer to them as *media maneuvers*.
The context as a whole likely gave the administration additional cover for its efforts to portray the building of new Israeli settlements as the obstacle to the peace process – the Republicans and other voices of support created an alternative set of U.S. arguments that created a "Good cop, Bad cop" media maneuver for the administration in the mediascape. In other words, yes the White House is truly unhappy with Israel's announcement, but Congress remained steadfast in its support. Thus the counter arguments by Israel's supporters don't necessarily remain the oppositional arguments that were delivered by various members of Congress – as they move into the global public sphere they instead provide cover while the Obama administration negotiates with Israel.

Palestine
The situation clearly suggested that both the United States and Israel walked a "tight rope" – trying to achieve their foreign policy objectives while simultaneously managing their domestic political audiences. But the other most significant actor in this controversy naturally faced his own political pressures. Palestinian President Mahmoud Abbas immediately announced that he would withdraw from the negotiations when Israel announced its intentions to build the 1,600 new housing units in March (Indirect Israel talks 'called off' 2010). It seems apparent that he felt this decision was justified and necessary if he was to retain credibility with his constituents. Abbas was not persuaded to return to the

bargaining table for two months. The White House convinced the Palestinians to participate with a pledge that the U.S. would at least consider allowing a United Nations Security Council resolution to come to a vote, should one be proposed, that condemned Israel for building new homes in disputed territory. The concession was noteworthy because it would mean that the U.S. was declining to use its veto power to block an attempt to sanction Israel. "The U.S. has vetoed more than 40 U.N. resolutions critical of Israel since 1972 – at least three of them explicit condemnations of Israeli construction activity in East Jerusalem" (Levinson 2010). "The Palestinians were given the impression by the American side that things are not going to be business as usual as far as negotiations are concerned," a senior Palestinian official close to the discussions declared (Levinson 2010). It was soon apparent, however, that there was significant ambiguity regarding precisely what the U.S. pledged. As Levinson (2010) reported:

Officials involved in the diplomacy have different interpretations of what exactly was promised in the meeting between Messrs. Hale and Abbas. Palestinians briefed on the meeting say Mr. Hale read from a letter in which the U.S. said it "may consider taking action against significantly provocative settlement activity including not using the veto in the Security Council." The U.S. refused to put their assurances in writing, according to the Palestinians briefed on the meeting.

But other officials familiar with the exchange said the U.S. threat to withhold a veto in the Security Council was limited to any further building in Ramat Shlomo. In that Prime Minister Netanyahu had already indicated that the construction of the 1600 new units would not begin for two years, the Obama administration would not really have to worry about honoring this pledge before 2012 (Levinson 2010).

An Israeli spokesperson minimized the significance of the pledge declaring: "This sounds very conditional . . . If the Palestinians think that this is another tool with which they can corner Israel, they may be in for a very gross miscalculation" (Levinson 2010). The media maneuver was thus a vague and tenuous pledge not to veto a resolution that is not currently before the Security Council, and that is not likely to be raised before that Council for at least two years. This timing-tactic gave all of the parties in the dispute room to communicate their own goals and demonstrate their principles and their "toughness" for their domestic audiences.

Long Time Period Diplomacy: The Saga Continues

The snub of Vice President Biden, and all of the public and media arguments created in response may have helped shape the public debate on U.S.-Israeli relations, but the complex character of the issues in the Middle East was further intensified only a couple of months later when Israel intercepted and boarded a Turkish vessel in international waters destined for the Gaza strip. The ship which was attempting to bring food, medicine, and other aid to Gaza also included many peace activists. Accounts differ as to who may have started the fighting, but when the incident was finished, nine passengers on the vessel were killed and many others were injured. Nations around the world quickly condemned the action, and further declared that the blockade of occupied Gaza violated international law (Palmer 2010). This incident again inflamed the strained relationship that the Netanyahu government had with the Obama administration and led to yet another round of media diplomacy.

Among the more sharply worded criticisms of Israel was expressed by Anthony H. Cordesman, who previously served in the U.S. Department of Defense as a director of intelligence, and holds a distinguished chair at the Center for Strategic and International Studies. Cordesman is typically moderate on U.S.-Israel foreign policy, and his past experience in government and his prominent position in a think tank known for its influence in shaping U.S. foreign policy caused the following statement to take on extraordinary significance. Cordesman (2010) argued:

The depth of America's moral commitment does not justify or excuse actions by an Israeli government that unnecessarily makes Israel a strategic liability when it should remain an asset. It does not mean that the United States should extend support to an Israeli government when that government fails to credibly pursue peace with its neighbors. It does not mean that the United States has the slightest interest in supporting Israeli settlements in the West Bank, or that the United States should take a hard-line position on Jerusalem that would effectively make it a Jewish rather than a mixed city. It does not mean that the United States should be passive when Israel makes a series of major strategic blunders–such as persisting in the strategic bombing of Lebanon during the Israeli-Hezbollah conflict, escalating its attack on Gaza long after it had achieved its key objectives, embarrassing the U.S. president by announcing the expansion of Israeli building programs in east Jerusalem at a critical moment in U.S. efforts to put Israeli-Palestinian peace talks back on track, or sending commandos to seize a Turkish ship in a horribly mismanaged effort to halt the "peace flotilla" going to Gaza.

Cordesman's arguments were followed by similar statements in the blogosphere and they were influential in two ways. First, his overarching argument is about a series of actions over a long period of time that require a new frame for their interpretation – one that portrays the controversy over the settlements within a pattern of Israel's strategic errors. In this sense, the settlements are evidence in a larger story that moves Israel out of the role of a strategic asset to the U.S. to that of a strategic liability. Second, that Cordesman speaks not as a government servant but as an independent expert is crucial – the administration is allowed its relationship as the Great Friend of Israel but the new story gains credibility coming from an esteemed and independent source.

Lessons Learned: Arguments in Media Diplomacy

The analysis of this mini-case study suggests a few important lessons about foreign policy arguments and media diplomacy in a new media age. First, the study confirms that press coverage is now truly global and that multi-directional argument strategies can be created for domestic and international audiences who will evaluate these messages and diplomatic actions through the cultural narratives and understandings that have shaped their varying political interests. This case study also indicates that governments or other actors need not and should not make all the critical arguments themselves in media diplomacy. A strategic communication plan allows multiple stakeholders, even those with opposing positions, to create a media discourse that, as a whole, can achieve its strategic goals. It is important to note that this is *not a recommendation to say nothing* as the media abhors a vacuum and will find someone happy to help fill a 24/7 news hole.

Second, the diplomats who sought to maneuver through the minefield of domestic and international political tensions in this dispute employed a variety of different types of symbolic actions. There were formal public statements both by the principle characters in the drama (Vice President Biden, Prime Minister Netanyahu, Secretary of State Clinton) and by subordinates and surrogates but President Obama himself was mostly quiet about the incident, permitting others to speak on his behalf (remember, he was said to be "livid"). The symbolic gestures themselves, may have seemed petty (for example, Vice President Biden showing up ninety minutes late for dinner and a White House meeting where no reporters or photographers were allowed), but those non-verbal messages created powerful arguments in a visually saturated media milieu. It is important to note

that Biden showing up late to dinner was carefully explained in the media, not just because it was a visual rebuttal but being very late to an event would not be uncommon in many parts of the world.

Third, the strategic ambiguity of some of these arguments permitted the media to have a great deal of interpretive power in the controversy. It was typically left to the press, for example, to explain the "meaning" of no photographs being taken at Obama and Netanyahu's White House meeting, or to create the timeline when Prime Minister Netanyahu supposedly went to Washington to apologize and seek reconciliation but also on the same visit gave a defiant defense of the new housing units before a pro-Israel lobbying group. In this sense the media becomes a stakeholder in the controversy and must be treated as such when diplomats create strategic communication plans that include developing possible scenarios and testing possible messages.

Fourth, the twenty-four hour news cycle meant that there was little time for reflection once the controversy began to unfold. As the stories entered the media they sparked quick public reactions from affected actors. It was difficult for any of the participants to manage their communication in such a rapidly developing storyline. Thus the public argument marketplace in this controversy was very similar to the arguments surrounding the recent economic crisis – emotionally charged and volatile. The need for superior risk communication assessments and post hoc analysis is clear. New research currently being conducted on presenting and responding to financial arguments may help future analyses of passionate and complex stories.

The conflict between Israel and the Palestinians has raged for more than sixty years and may now be more intense and entrenched than in previous years. The possibilities for peace in the region remain dim unless these nations can find new ways to negotiate and to strategically communicate with their agitated domestic audiences. In foreign policy, strategic communication plans are necessary before successful arguments can be constructed. Israel wants security and Palestine wants humane treatment for its citizens and sufficient land to create a sustainable state. These are not minor issues. The goals of diplomatic activities in the Middle East are certainly long-term and completely new frames such as the sharing of leadership or the development of alternative networks of governance might be required. Few nations can stand alone, or at least not for very long.

NOTES

[i] This process is considered more thoroughly and systematically in a paper we co-authored with James Klumpp. See: Klumpp, Hollihan, & Riley (2002).

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ISSA Proceedings 2010 – Woodrow Wilson's Economic Imperialism

Woodrow Wilson, elected President of the United States in 1912, faced an unprecedented challenge during his time in office. With much of the European continent engaged in the largest war known to mankind, the Wilson administration was forced to make the difficult decision of whether to involve the United States in armed conflict. Initially Wilson's stance was to remain neutral, but over time, this changed. Historians have taken various positions when accounting for Wilson's policy decisions. Many writers contend that benevolence toward other nations was at the core of Wilson's policy proposals. According to Patrick Devlin, economics influenced his decisions, but Wilson's high-minded idealism ultimately guided his policy. For N. Gordon Levin, Jr., ideology served as the underlying factor that guided Wilson, but he argues that economic motives played a key role as well.

My aim is to further the debate regarding Wilson's decision to enter the United States into the Great War. To do so, I will proceed in two ways. First, I will examine what historians have said regarding Wilson and the driving forces behind his foreign policy. Second, I will "unmask" the public discourse of Woodrow Wilson and, following Kenneth Burke (1969), engage in "the use of rhetoric to attack rhetoric" in order to show how the motivating factor behind Wilson's policy proposals can be reduced to merely economic concerns (p. 99). In so doing, I discover the ways in which these economic motives can be couched, or eulogistically covered, by other aims. Additionally, the inherent contradictions in Wilson's discourse – and therefore policy – become even more apparent. What emerges I shall refer to as Wilson's "economic imperialism."

Once the conflict began in Europe in 1914, Woodrow Wilson advocated for American neutrality. This position became difficult, however, due to the fact that large amounts of American goods were being shipped to Europe, and these goods became vital to the warring countries. Yet the American shipping practices seemed to favor the Allies, and especially Great Britain, due to the advanced British naval fleet. Eventually, even William Jennings Bryan, then Secretary of State, accused the administration of favoritism. Furthermore, the use of submarines by the Germans against American merchant ships provided a threat to American lives, and therefore to American neutrality. An especially important instance was the sinking of the *Lusitania* in 1915, which, according to Paul Birdsall (1939), had two effects on American neutrality – the resignation of Bryan and the appointment of Robert Lansing. Lansing held a belief that the United States would ultimately become allies with Great Britain, and Birdsall (1939) argues, "it was economic pressures that overwhelmed the policy" (p. 220).

In his account, Daniel Smith (1965) makes similar observations regarding the American policy of neutrality. Smith observes how American shipping favored the British, and he contends "Normal economic connections with England were quickened by war and the need of the Allies to purchase larger quantities of foodstuffs, raw materials, and munitions. Since the British controlled the seas, at least the surface, the Allies alone had continuous access to the American market" (p. 29). Smith (1965) considers this situation to be "apparently unplanned" yet "virtually unavoidable" despite the fact that Wilson grasped the importance of American trade with the Allies since he found the "Allied leaders" to be "more reasonable and trustworthy than their opponents" (p. 29).

Although Wilson continued to believe the United States could remain out of the war, he felt that after its conclusion, "The nations of the world must unite in joint guarantees that whatever is done to disturb the whole world's life must first be tested in the court of the whole world's opinion before it is attempted" (Robinson 1918, p. 348). In later addresses, Wilson furthers his theme of American exceptionalism and duty to the world when he remarks about how America should set "the great example"; for the destiny of America "is not divided from the destiny of the world; . . . her purpose is justice and love of mankind" (Robinson 1918, p. 359).

As the war, and especially the German submarine attacks, escalated, Wilson's public statements changed. In an address to Congress on April 2, 1917, he stated, "The present German submarine warfare against commerce is a warfare against mankind. It is a war against all nations" (Robinson 1918, p. 384). These remarks indicate Wilson began to question his stance on neutrality. With the American entrance into the war looming, Wilson continued to make the case for service of the world when he noted, ""We shall fight for the things which we have always carried nearest to our hearts" – for democracy, for self-government, for the rights of small nations, for a concert of free peoples, for a world peace," however when questioned by opponents on his seemingly high-minded idealism, Wilson maintains, "We have entered the war for our own reasons and with our own objects clearly stated and shall forget neither the reasons nor the objects" (Robinson 1918, p. 396).

Wilson was not without critics, however. Opponents of Wilson's decision to intervene in the European conflict "argued that war was unnecessary and charged that the nation was being propelled into belligerency by profit-seeking industrialists and financiers. The vote on the war resolution thus revealed substantial opposition, with six voting against in the Senate and fifty (to 373) in the House of Representatives. A state of war was formally declared on April 6, 1917" (Smith 1965, 80). For these critics, motives behind the administration's policy proposals could be reduced to one factor – economics. However, historians merely hint at economics as a principle motive.

In his account, Patrick Devlin points out that a difference between neutrality and "non-involvement" became important at the outset of war, for neutrals are able to trade with belligerents under the assumption that trade will be fairly equal. However, Devlin (1975) notes that "American pre-war trade with the Allies was

ten times as much as with the Central Powers" (p.173). Additionally, Devlin (1975) distinguishes trade in contraband from trade in intercepted contraband. Interception of goods became important, and a disparity existed since the use of German submarines – their main source of interception – was restricted. Trade with the Central Powers decreased while "United States trade with the Allies was enormously increased" by an estimated "184 percent" (Devlin 1975, p.174). Devlin (1975) then contends "If Germany's power of interception by means of the unrestricted use of the submarine had succeeded" in decreasing trade, "the American economy would have been seriously affected" (p. 174). Devlin (1975) argues that the overarching question for the Wilson administration concerned the legality of neutrality. The question of non-involvement versus neutrality once again arose, and to justify the position taken by the Wilson Administration, Devlin (1975) relies on economic conditions to bolster his claims. Despite relying on economics to support his position, Devlin (1975) maintains that Wilson acted on his sense of America's duty to the world, rather than merely economic means.

In order for the United States to maintain a neutral position, "America had to follow the law because there was no other test of impartiality" (Devlin 1975, p. 175). However, with the supply of arms, "the United States made no concessions at all to German feelings" causing the Germans to conclude that the United States was assisting the Allies in their effort to starve Germany (Devlin 1975, p. 177). German-Americans plead for embargos to even out this trade disparity, yet, according to Devlin, Wilson followed the law which allowed the proposed embargos to die. By his reasoning, Wilson acted in accordance with the law since prohibiting the sale of arms to both sides would eventually benefit the side that had prepared for war. However, with the large trade disparity already in place, this position seems contradictory to the entire neutrality stance.

Devlin (1975) then changes course, and he argues that the United States was forced into the war through the use of German submarines, largely stemming from the sinking of the *Lusitania*. However, contradictions arose between the accounts given by the Germans and the Americans regarding this ship. The Germans argued the *Lusitania* was armed, was used as a transport for troops, and was carrying munitions that would be used to kill German soldiers. The Americans maintained the ship was not armed, was not used for troop transport, and had no munitions on board. Yet the ship sunk quickly, and no rebuttal was offered as to why the ship sank as quickly as it did. If the United States committed

any of the acts of which they were charged by the Germans, their neutral stance would have been violated according to the law.

According to Devlin (1975), "between June 1915 and February 1917 the only issue between the United States and Germany concerned the American right to travel," a right Devlin notes, that is "surely of trifling value" (p. 341). Devlin's characterization is correct, and, I would argue, not a true reflection of the real issue faced by the Wilson Administration. Americans were losing their lives as a result of attempting to travel, and Wilson blamed the Germans for their submarine warfare. Yet despite his posturing, Wilson did nothing to combat this loss of American lives. After the sinking of the *Lusitania*, he claimed he needed an "overt act" to be committed in order for the United States to enter into the War. Eventually, Wilson got the overt act he needed – two ships were sunk that resulted in the loss of fifteen American lives. Interestingly, the sinking of the *Lusitania* took the lives of 124 Americans, and, according to Devlin (1975), "lit a flame of indignation that swept across America," yet Wilson did nothing (p. 216). Paradoxically, Devlin (1975) writes that "A single death could be eluded but not a massacre" (p. 216). Wilson failed to respond to the "massacre," yet a loss of fifteen Americans was enough to enter the war.

Eventually, Wilson's impartiality became obvious, and Devlin (1975) likens the British and the Americans to "two buddies getting together over the freedom of the high seas," which would maintain the trade status quo since the British controlled the seas (p. 343). While he hints at economic concerns playing a part in Wilson's decisions, Devlin (1975) remains firm in his commitment that Wilson embodied a high-minded idealism, in terms of doing right by the law, which sprung from a sense of American exceptionalism, and this idealism guided him when making policy decisions.

N. Gordon Levin, Jr. (1968) provides the most economically driven analysis of Wilson's foreign policy. He argues that policies were "shaped decisively by ideology" and the "main thrust, from 1917 on, may be characterized as an effort to construct a stable world order of liberal-capitalist internationalism" (Levin, Jr. 1968, p. 1). Wilson's response to German autocratic imperialism "sought to use America's moral and material power to create a new international order" whereby "America could serve mankind from a position of political and economic pre-eminence" (Levin, Jr. 1968, p. 7). However, Levin (1968) observes how "Wilsonians feared that unless America could remain in control of all progressive

international movements, Leninist revolutionary-socialism might capture Europe's masses" in addition to destroying "all liberal values and institutions as well" (p. 8).

Analyzing policy that resulted only after the United States entered the war, Levin (1968) focuses on the paradoxical ideology espoused by Wilson; ideology which at "the heart of the matter" was "Wilson's conception of America's exceptional mission" which "made it possible for him to reconcile the rapid growth of the economic and military power of the United States with what he conceived to be America's unselfish service to humanity" (p. 8). However, Levin (1968) points out that this reconciliation worked better "in the realm of theory than in the universe of political and diplomatic action" (p. 8). Although Levin (1968) provides a critical account in terms of economic interests, his analysis, in the end, gives Wilson too much credit. Levin (1968) argues that Wilson was acting in response to German atavistic imperialism, and in making this claim, he provides a rationalization for Wilson's policy proposals under the guise of using liberalism to curtail revolutionary-socialism. Despite the increased level of abstraction, Levin (1968) allows Wilson off the hook, largely on the claim that "in a large sense, it could be said that the decision to bring the United States into the war solved the problem of finding a method of actualizing the President's world view by firmly wedding American military strength to Wilson's missionary liberal-internationalism" (p. 44).The appeal to American exceptionalism ensnares Levin in much the same fashion as it did both contemporaries of Wilson as well as later historians.

Yet the motives behind Wilson's foreign policy can – and I argue should – be reduced to mere economic decisions. According to Kenneth Burke (1969), "rival ideologies are said to compete by "unmasking" one another" (p. 99). In this process, a "speaker can gain an easy advantage by picking out the most favorable motive and presenting it as either predominant or exclusive" (Burke 1969, p. 99). Focusing on the best motives allows the others to be, what Burke (1969) calls, "eulogistically covered," whereby the emphasis is deflected from the unfavorable. Burke (1969) gives the example of how "*love of power* can be eulogized as *love of country*," and this seems to be an element of Wilson's strategy (emphasis in original) (p. 100). Burke (1969) also discusses what Bentham said regarding the use of "vague generalities" as "covering devices"; "since "order" is a more inclusive word than the term for any particular order, it may include both good order and bad, whereby a call for order can cloak a call for *tyranny*" (emphasis in

original) (p. 100). Burke (1969) then offers two methods of cloaking, or masking, true intentions – either by focusing on positive aspects of something such as foreign policy proposals, or by using necessarily vague language. In Wilson's case, he utilized both strategies. Wilson appeals to an American sense of duty to the world, of its moral obligation to serve mankind, while at the same time, appealing to new international order, but only one led by the United States.

Levin (1968) gives Wilson a pass, and he does so on the grounds of Wilson's ideology. James Arnt Aune (1994) argues "ideology is false or deluded speech about the world and the human beings who inhabit it," and in his analysis of the rhetoric of Marxism, he points to Elster, who contends "false speech can be explained either in terms of a speaker's *position* or *interest*" (emphasis in original) (p. 28). Arguments from position produce ideology that "emerges generally from faulty seeing in historical time" while "in an interest-explanation, ideology – and by extension rhetorical action – becomes the transparent expression of a person's economic or occupational interests" (Aune 1994, pp. 28-9). Wilson's public discourse reveals the use of both types of arguments. His appeal to the exceptionalism of the United States was based largely on America's economic position in the world, a position that was fueled in no small part by the outbreak of war in Europe. Additionally, economic motives played a vital part in the decisions of the administration, as evidenced in the historical analysis presented.

By "unpacking" Wilson's rhetoric, it becomes clear that high-minded idealism, criticized by his opponents, served to mask the intentions of the administration to further the power of the United States and, at the same time, its economic interests, via economic imperialism. Despite the existence of other reasons offered for the American policy proposals, the prime motivation for Wilson's foreign policy regarding the war can be narrowed to economics. In terms of national security, the United States was not at risk, and a clear threat did not appear imminent. Regarding American "exceptionalism," the economic motive behind the ideology can be seen from whence the American status derived. The position of power afforded the United States came as a direct result of its economic fortunes – fortunes that were accumulated largely over the high seas under the guise of neutrality. According to Levin (1968), "the competitive advantage in world trade which America possessed due to her technological and productive efficiency was, for Wilson, not a threat to other nations, but rather a

godsend" (p. 17). Additionally, echoing a Weberian analysis of Puritanism's influence on the rise of capitalism, Levin (1968) writes, "the commercial health of America was, for Wilson, the visible evidence of underlying political and moral strength" (p. 17).

Further, the call for the United States to enter the League of Nations was merely another way by which America could cement itself at the top of world politics since "the President saw the League of Nations as the fulfillment of his long effort to use America's moral and material power to move the world from a warlike state of nature to an orderly global society governed by liberal norms" (Levin, Jr., 1968, p. 9). Using the guise of moral obligation, which resulted from a superior morality based on economic good fortune, Wilson sought to strengthen America's hold on its economic supremacy. Unfortunately, advocating for the League of Nations ultimately killed Woodrow Wilson. Blinded by idealism, the President wanted the United States to hastily rush into a confederation of nations that could have proved problematic in the long run.

If my analysis of Wilson's foreign policy seems overly harsh or cynically shortsighted, some implications exist that deserve examination, notably how Wilson paved the way for high-minded idealism as a cover for future wars. The war in Iraq, started by the second Bush administration in 2003, provides a good example. George W. Bush maintained that liberty for the Iraqi people was the principle goal of the war since Saddam Hussein, possessing an already poor record on human rights, could no longer be trusted. Further, Hussein was accused of accumulating weapons of mass destruction. When armed conflict seemed inevitable, opponents of the war created slogans such as "No Blood for Oil," which reduced the motive for war to mere economic principles. While this reduction fails to account for more complex issues that may have influenced America's participation in the war, the slogan does have merit. Stripping back the public discourse of the Bush administration reveals the underlying economic motive for the 2003 war in much the same way as for Wilson's war in 1917. Had the Iraqis not been sitting on the largest oil reserves in the world, they likely would not have been linked to the terrorist attacks of September 11, 2001, or accused of possessing weapons of mass destruction, which were never found.

By taking such an approach to understanding Wilson's foreign policy and America's entry into World War I, the motives behind policy proposals can be reduced to economic interests, which allows for a certain testable hypothesis.

Through the process of unpacking the rhetoric of the Wilson administration and accounting for the use of ideology, we may gain further insight into how leaders are able couch motives behind idealistic policy proposals, which then allows us to be more fully equipped to understand contemporary policy. In the words of Robert Ivie (1997), “No less than other rhetors, critics are partisans of various causes, but the goal they serve in common is to point toward ways of envisioning better realities” (p. 78).

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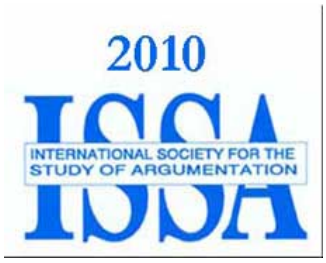
ISSA Proceedings 2010 – Visual Argumentation. A Reappraisal



In memory of my mother

Visual argumentation is an incipient field in the broad domain of argumentation. Its existence has been well documented, thanks to the efforts of a few scholars, amongst whom I would like to mention Leo Groarke (Birdsell and Groarke 1996; Birdsell and Groarke 2006). Interestingly, two sessions were devoted to visual argumentation in the ISSA 2010 Congress, with 10 speakers, which is not so bad for a young field! Once admitted – even if not by all theorists of argumentation – that visual argumentation exists, it seems to me necessary at this stage of its development to reassess its definition **[i]**.

Indeed, the first step was to give it legitimacy. This was done by giving many examples, most of them convincing, of visual arguments. Basically the task was to show that the verbal is not the only way of arguing: the stimulating discovery was that many verbal arguments can be translated visually or that an equivalent to verbal argument can be found in images. The first battle, therefore, was to gain legitimacy. Once it has been won, the problem, at least this is the way I see it, is not to go on accumulating more evidence of the existence of visual argumentation, but instead to discuss its definition and extension.

For my part, I am convinced that there are visual arguments, and I have advocated elsewhere in favor of them (Roque 2004). However, I feel uncomfortable with the definitions given to it, as well as with the way its relationship to verbal argumentation is generally understood. So, the main issue I would like to raise is the definition of visual argumentation, and the second one is its relationship to verbal argumentation, which I will examine through the complex issue of mixed media, that is, when argumentation is both verbal and visual.

1. Definition

Let us start with the definition. What is visual argumentation? Surprisingly, I did not find much discussion of it in the literature, perhaps because advocates of visual argumentation take it for granted that visual argumentation exists.

However, an argument by example is not sufficient to assess a field. In fact, discussions on this topic are usually initiated by people who deny the existence of visual arguments. Indeed, within the field we often use the expression “visual argument” or “visual argumentation”, which is very practical. However, one might consider that in so doing, we are begging the question, when on the contrary the existence of visual arguments is what we should be showing.
For this reason, I would like to briefly summarize the wide range of definitions explicitly or implicitly given to visual arguments, without discussing each one in detail, as my overriding aim is to propose a rough classification of these definitions.

Yet, one could reply that the definition of ‘visual argument’ is so obvious that it does not require much discussion: a visual argument is an argument expressed visually. According to Birdsell and Groarke, “we understand visual arguments to be arguments (in the traditional premise and conclusion sense) which are conveyed in images” (Birdsell and Groake 2006, p. 103). And according to Blair, visual arguments are arguments “expressed visually, for example by paintings and drawings, photographs, sculpture, film or video images, cartoons, animations, or computer-designed visuals” (Blair 1996, p. 26).
These definitions have two components; the first is “argument” and the second “visually”. Even if the meaning of “visual argument” may seem obvious, this is not the case for me, for it can be understood in many different ways. Indeed, when we talk about “visual argument” or “visual argumentation”, what does this expression say about the kind of relationship between argument or argumentation and the visual? Let us look first at the “argument” component of the definition.

1.1. Argument
a) In a restrictive way, we can consider that an argument is verbal in nature, hence that the visual would be a mere illustration, or a “visual flag”**[ii]**. In this case, the argument is not visual. I will come back to this issue later.

b) The opposite opinion consists in taking the visual more seriously and accordingly considers that the argument itself is visual, or in other words, that the argument is structured through a visual syntax. Now, the way we understand how the structure of an argument works visually depends on the conception of argument we favor. This is of course a huge and slippery issue in so far as there is no consensus on what an argument is or should be.

If we define argumentation as “an exchange of arguments between two speech partners reasoning together in turn-making sequences aimed at a collective goal” (Walton 1998, p. 30), the visual would be excluded from the realm of argumentation. Fortunately, other broader definitions allow us to take into account the possibility of arguing visually. For instance, according to Blair, “Visual arguments are to be understood as propositional arguments in which the propositions and their argumentative function and roles are expressed visually” (Blair 1996, p. 26). In this case, the visual is not a mere illustration of a verbal argument, since it contains propositions organized and structured argumentatively. Likewise, a visual argument has also been considered as “a concatenation of visual statements in a particular image [that] can […] function as reasons for a conclusion” (Groarke 1996, p. 111).

These conceptions raise complex issues that are beyond the scope of this paper, in particular determining to what extent we can consider that an image contains “propositions”. Another problem is that, if we conceive of argument in the sense of a premise-conclusion structure, we need to find at least two propositions or rather “utterances”**[iii]** within an image in order for it to convey an argument. However, many images do not fit this scheme, as they contain only one “utterance”.

c) When faced with this problem, various solutions can be found. One is to consider a visual “utterance” as an enthymeme, understood as a truncated syllogism in which one of the premises or the conclusion is missing, or rather is not explicit (Smith 2007; Nettel 2005). However, in visual arguments reduced to one utterance, both a premise *and* the conclusion are missing. Therefore another solution is to choose a broader definition of argument, without reference to the syllogistic scheme. For example, if we consider that an argument consists of a claim plus reasons given to support this claim, an image containing a single utterance can match this definition when it presents a standpoint and gives reasons for supporting this standpoint (Blair 2004, p. 44).

d) A last distinction has been made. Some authors consider that an image may present features of an argument, but that its function is different: given the narrow relation between images and pathos, they think that the function of an image is more persuasive than argumentative (for references, see Roque 2004, p. 102-106). Even scholars favorable to visual argumentation consider that a “visual argument is one type of visual persuasion” (Blair 2004, p. 49). Here again, I

merely mention this wide issue without discussing it in more detail, as I simply want to give an overview of the definitions of the field.

1.2. Visual

Let us now turn towards the definition of the second component of the "visual argument": the "visual". At first sight, it is so obvious that it seems to be beyond discussion: if a visual argument is not an argument expressed visually, what could it be? However, this is exactly what I would like to question, for it obviously depends on what we consider to be the "visual". Now, it seems to me that when we speak about a visual argument, in order to distinguish it from a (verbal) argument, we usually emphasize the channel of transmission. The visual, then, at least understood this way, is a channel. However, the channel alone is not sufficient for defining a kind of argumentation. In a similar way, semioticians have put into question the relevance of the criterion of the channel in semiotics: indeed, the classification of signs according to their channels of transmission rests on the substance of the expression, and this criterion is not relevant to the definition of semiotics, which is above all a form, not a substance, according to Hjelmslev (Groupe µ 1992, p. 58).

Yet there is another way of understanding the "visual": not as a channel, but as a code, that is a set of rules that make it possible to give meaning to the elements of a message (Klinkenberg 2000, p. 49). And here again, the visual is opposed to the verbal, this time as different codes. But whatever the way "visual" is understood, it is not satisfying. The channel alone is not sufficient for a definition of argumentation, since the same argumentation can use two different channels: if I read a text for myself, it passes through the visual channel; and if I read the same text to someone, it also passes through the auditory channel. Furthermore, and conversely, the same channel can transmit different codes: for instance, chromatic codes, iconic codes, written signs, and so on, can all be conveyed through the visual channel.

Nor on the other hand, is the visual code alone sufficient to define visual argumentation accurately. Indeed, when emphasizing the visual code (as opposed to the verbal), we suppose that a visual argument is only conveyed by an image. This is how the two definitions given above can be understood: visual arguments are arguments conveyed in images or visual arguments are arguments expressed visually. The trouble, however, is that most of the time a visual argument is not purely visual, but also contains verbal elements. In other words, except for

isolated cases, a visual argument is composed of both a visual and a verbal code, as in advertising and political posters. It is a case of a multi-code system. In order to take these elements into account, I would suggest modifying the existing definitions of visual arguments and propose instead the following: a visual argument is an argument conveyed through the visual channel and sometimes using the visual code alone, but most of the time both verbal and visual codes combined within the same message. The fact that most messages conveying visual arguments are mixed codes has important consequences that have often been overlooked. I will come back to this issue in the second part of my paper.

Yet, every channel and every code has properties and specific constraints that need to be taken into account since they have consequences on the way the argument is transmitted (Groupe μ 1992, p. 58 – 59; Klinkenberg 2000, p. 47 – 48). From this point of view, the constraints of the channel and the properties of the codes are crucial, as it is not the same to transmit an argument verbally as to transmit one visually. To end with this point: we must keep in mind that when we talk about "visual arguments", at times "visual" refers to the channel, and at others to the visual code. It is therefore very important to avoid as far as possible this ambiguity and clarify in which sense we are using the word "visual". I hope to have contributed to a clarification of this point.

1.3. Argument & Visual

To go further, we now need to analyze the relationship between "argument" and "visual" in a visual argument. The issue is whether, in a visual argument, the argument itself is visual, or whether the argument is in fact verbal and just expressed visually. The answer to this question is important for it raises, again, the issue of the nature of arguments, in particular whether or not an argument is verbal in nature.

If I insist on this point, it is because it seems crucial to me to dissociate *argumentation* and the *verbal*. As long as we conceive of argumentation as verbal by nature, it will be difficult, if not impossible, to find room for visual argumentation, because of the hegemonic position the verbal has in argumentation theory and practice. For this reason, as I have argued in the previous section, defining visual argumentation as an argument expressed visually is not sufficient. Indeed, it leaves unresolved the issue of whether or not an argument, a verbal argument, I mean, could be translated, transposed, transformed into a visual argument (Roque 2010). To make the dissymmetry

between the verbal and the visual more obvious, I would say that an argument is never defined as an argument expressed verbally. So why should we have to define the visual by its channel of transmission, or by the visual code, if not because it would be a derived form of argument, translated and detached from the standard verbal argument?

In a previous paper on a similar topic, I wondered what was visual in visual argumentation. My answer was that what is properly visual in a visual argument is not necessarily the argument itself, but the way it is visually displayed (Roque 2010). The hypothesis underlying this claim is that most of the time arguments are a set of mental or logical or cognitive operations independent from the verbal, so that they can be expressed verbally as well as visually. Seen this way, a visual argument is just such an argument expressed visually. In other words, therefore, it is not the argument itself that could be considered visual, but the way it is displayed.

This last point is crucial, in my opinion, for the definition of visual argumentation. When we say that a visual argument is just an argument "expressed visually", or "conveyed in images", first, we implicitly admit or rather concede that such an argument moves away from its standard verbal presentation. And second, we tend to consider that the operation of expressing or conveying or transmitting the argument is a neutral one, when on the contrary an important part of visual argumentation consists in the syntactic operations that take into account the specificity of visual language.

This leads to the following issue: to what extent is an argument displayed visually different from the same argument presented verbally? I would say that it depends on the kind of argument at stake.

1.3.1. Arguments expressed either verbally or visually

It seems to me that in some cases at least, no hierarchy can be established between an argument expressed verbally or visually. This is the case, for instance, of the argument from authority as shown in fig. 1.

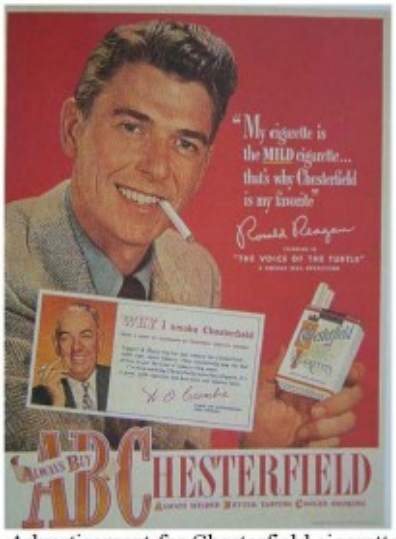


Fig. 1. Advertisement for Chesterfield cigarettes

Fig. 1. Advertisement for Chesterfield cigarettes

In this advertisement, Chesterfield cigarettes use a famous actor, Ronald Reagan, as an argument from authority to promote their brand. There is a strict parallel here between the same argument in a written form, a quotation from Reagan authenticated by his signature, and in a visual form, showing his smiling face, a cigarette wedged between his lips, and his left hand presenting a pack of this brand.**[iv]** The two codes, the verbal and the visual, are parallel and reinforce each other. In an example like this, if we ask what argument is at stake, it does not make sense to claim that the argument itself is visual. Nor does it make sense to hold that the argument is verbal and translated visually. The nature of the argument here is neither verbal nor visual. It is an argument from authority expressed through a double code.

Now, arguing that in this case the argument itself is not visual is not to deny the importance of the visual. On the contrary, my argumentative strategy here is to break the hierarchy between the verbal and the visual. Showing that in some cases at least an argument, such as an argument from authority, can be expressed visually or verbally, greatly helps to consolidate the place of the visual within argumentation theory and practice. Indeed, when showing this, we dislodge the verbal from its pretense to hegemony, since the same argument expressed visually would not represent a deteriorated and therefore suspicious use of a verbal argument. No, it deserves to be considered as a fully-fledged argument, as suitable as its verbal counterpart.

1.3.2. Arguments better expressed visually

Now, I said that some arguments can be expressed both visually and verbally without substantive changes: the differences are due to the constraints of the visual channel and the properties of the codes. This is mainly the case for arguments based on logical operations (like arguments from cause or consequence). Yet, in other cases, such as arguments by analogy, the arguments are much better displayed visually than verbally. The reason is that the main feature of the visual is simultaneity: an image enables us to grasp at the same time several elements simultaneously present in the same visual space. As Gombrich noted, "the family tree demonstrates the advantages of the visual diagram to perfection" (Gombrich 1982, p. 149). This is, I think, the main difference from the verbal, which is linear, successive, just like a string (Arnheim 1969, p. 246). The linearity of the verbal is of course very helpful for argumentation in general, in the sense of uttering a chain of propositions which string the concepts into a logical sequence, but it is unpractical for purposes of making explicit an analogy, while this is one of the best qualities of the visual (Arnheim 1969, p. 55). From this point of view, it seems to me that an argument by analogy is definitely much stronger when the similarity on which it rests is presented visually. This is in particular the case with diagrams. If we conceive of a diagram, as suggested by Nelson Goodman, as a kind of picture in which "the only relevant features […] are the ordinate and abscissa of each of the points the center of the line passes through" (Goodman 1976, p. 229), then a visual presentation of an argument based on a similarity between two diagrams is more effective than the verbal presentation of the same argument.

Let me give an example. If I say that the temperature of the soil follows a regular cycle from January to December, which can be shown if we compare the temperature of the surface and that of a deeper layer, or if we compare it in different latitudes, my discourse does not have the same argumentative effectiveness as its visual presentation. Consider Lambert's 1779 Pyrometrie (fig. 2), one of the first uses of a graph, in which the temperatures are shown on the ordinate and time on the abscissa.

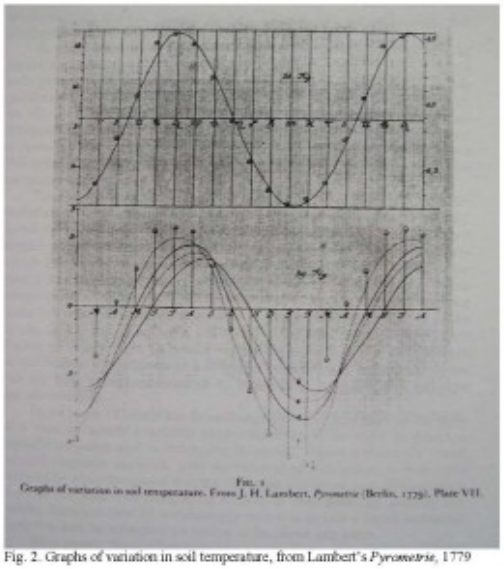


Fig. 2. Graphs of variation in soil temperature, from Lambert's *Pyrometrie*, 1779

Fig. 2. Graphs of variation in soil temperature, from Lambert's Pyrometrie, 1779

We see, at the bottom of the graph, the modifications of amplitude of the curve in function of different depths of temperature measurement. Above that, we find the average temperature of the soil in different latitudes. These diagrams fascinated the scientists of the time, for they provided an excellent visual argument, showing clearly the regularity of a phenomenon in spite of the modifications of depth and latitude. As Jakobson noted, "In such a typical diagram as statistical curves, the signans presents an iconic analogy with the signatum as to the relations of their parts" (Jakobson 1971, p. 350). This explains how these diagrams can fulfill not only a rhetorical but also an argumentative function (see also Kostelnick 2004, p. 226-234).

The impact of an argument based on visual analogy is not limited to science. We also find it frequently in advertising and political posters.

Fig. 3. J. Veistola, P. Lindholm, photographer, Finland, Untitled, 1969

In an anti-war poster (fig. 3), the graphic designer used a strong analogy between a grenade and the Earth to warn us against the dangers of war that could lead to the explosion of the Earth. It is an example of what Perelman calls "metaphoric fusion" (Perelman and Olbrechts-Tyteca 1970, p. 538). Since it moves the two domains of the analogy closer, this fusion "facilitates the realization of argumentative effects" (Perelman and Olbrechts-Tyteca 1970, p. 536). The same authors also note that satirical designers often use this metaphorical fusion of the two fields into one, creating strange beings or objects (Perelman and Olbrechts-Tyteca 1970, p. 540). Indeed the plasticity and simultaneity of the visual code is a fantastic tool for condensing an analogy in a heterogeneous shape that borrows some of its features from the two domains concerned by the analogy. This iconic feature which semioticians call "interpenetration" (Groupe µ 1992, p. 274) is much more appealing than its verbal counterpart. Showing a grenade-Earth is indeed more effective than just explaining that in the same way as a grenade can explode, so can the Earth if we do not put an end to war.

2. Classification

Since most frequently visual argumentation takes place alongside verbal argumentation, it is crucial to clarify how the verbal and the visual work together in mixed media, that is, when argumentation is both visual and verbal. Indeed, the problem is that, due to the hegemony of verbal argumentation, most scholars, even those favorable to visual argumentation, continue to assume that in the case

of mixed media, the argumentation is above all verbal, so that the visual plays a minor role (Adam and Bonhomme 2005, p. 194 and 217). This widespread opinion has dramatic consequences, in particular the fact that the part the visual can play is neglected. For this reason, it seems to me urgent to provide a classification of the different kinds of relationships between the visual and the verbal in mixed media argumentation.

So let me propose such a provisional classification, which I will attempt to roughly sketch out in what follows:

– The first category is what Groarke (2002, p. 140) calls a "visual flag", when an image attracts attention to an argument presented verbally. It corresponds to the first phase of the old principle of advertising communication known as AIDA (attract Attention, maintain Interest, create Desire, and get Action) (Chabrol and Radu 2008, p. 22).

However, as Groarke and Tindale (2008, p. 64) rightly note, "In cases like this, the non-verbal cue that catches our eye is only a flag and not itself an argument or part of an argument, for the flag is not used to convey the message of the argument and only functions as a means of directing us to the text that conveys the actual argument".

It is important to recognize the existence of visual flags, because it is true that many messages work in this way, but more importantly, because we have to separate them from other categories, in order not to confuse the part for the whole. What I mean is that for many scholars the visual flag is the general model of the relationship between visual and verbal in mixed media, as they consider that an image is unable to convey an argument by itself and can, at most, attract attention to a verbal argument. Even for an art historian like Gombrich, "the visual image is supreme in its capacity for arousal" (Gombrich 1982, p. 138). Precisely for this reason it is important to distinguish the visual flag from other possible relationships between text and image in mixed media.

– Indeed, another category can be identified when the visual and the verbal present parallel argumentations in which both contribute to the general meaning of the mixed work. In cases like this, there is no hierarchy between the visual and the verbal. Both present an argument, and it may happen that the verbal and the visual arguments belong to the same kind of argument. Their function is

redundant, as is usual in a communication process. This is particularly the case with arguments based on logical operations (cause, consequence). I would like to demonstrate the point by giving two examples:

In a series of engravings, which are considered as the first anti-war images

Fig. 4. Jacques Callot, Miseries and Disasters of War, 1633, engraving
Ceux que Mars entretuent de ses actes méchants/Accommodent ainsi les pauvres gens des champs /Ils les font prisonniers ils brûlent leurs villages/Et sur le bétail même exercent des ravages, / Sans que la peur des Lois non plus que le devoir/ Ni les pleurs et les cris les puissent émouvoir.

(fig. 4), Jacques Callot uses a strict parallel between words and images. Both show the disastrous consequences of war and can be considered therefore as what Perelman calls a pragmatic argument, which "makes it possible to appreciate an act or an event according to its favorable or unfavorable consequences" (Perelman and Olbrechts-Tyteca 1970, p. 358). The text describes and the image depicts. Hence their parallel and redundant function. In this case there is no explicit conclusion, either verbal or visual. However, insisting on the terrible consequences of the behavior of soldiers during a war is an argument against war.

The second example is the advertisement for Chesterfield cigarettes analyzed above (see fig. 1): the argument is the same (argument of authority) and uses the same "authority" (Ronald Reagan); it is displayed verbally (through a quotation) and visually (through a photograph). Here, too, there is redundancy between the

two codes.

– A third category should be distinguished, when the argument is constructed using visual and verbal elements. In cases like this, that I propose to call "joint argument", the visual and the verbal are closely intertwined in the making of the argument with a contribution from each. Mostly, the conclusion is given by the text. In an anti-war poster (fig. 5), the syntactic articulation between the verbal and the visual is given by the deictic "That" which refers to the image. The structure, then, is not a parallel between the verbal and visual codes, but a syntactic interaction between them thanks to a connector (Klinkenberg 2000, p. 235-36). In this case, the connector is verbal, and serves to articulate text and image. Now in this poster, the visual plays a central role in the construction of the argument. If we examine the relation between text and image, we can see that the poster is divided into two parts: the upper part contains the image and the text "Against that…" referring to the image, while the bottom part contains only text. This long text reads:

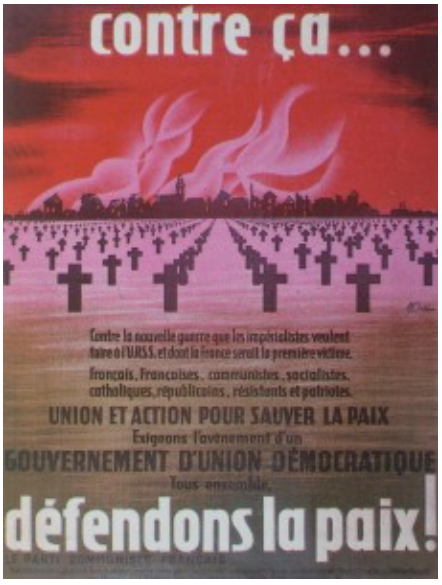


Fig. 5. Rival, Against that … Let's defend Peace! 1952, poster for the French Communist Party

Against the new war Imperialists want to wage on the USSR and whose first victim would be France, Frenchmen, Frenchwomen, Communists, Socialists, Catholics, Republicans, Resistance fighters and Patriots,

UNION AND ACTION TO SAVE PEACE
Let’s demand the installation of a GOVERNMENT OF DEMOCRATIC UNION
All together,
LET US DEFEND PEACE!

This text contains no argument; it just draws the conclusion that we have to defend peace; its starting point is an opposition to war. However, no argument is given verbally to explain why we need to be opposed to war. The reason is that the premise that contains the argument is given visually: in the image we can identify again, as very often in anti-war posters, a pragmatic argument showing the bad consequences of war: in particular a village burning and a huge graveyard full of war victims. Let us note that in this and many other similar cases, the image therefore plays a central role in structuring the joint argument. This also shows that in mixed media argumentation, it is not true that the argumentation is mainly verbal and the image relegated to a mere illustration or flag.

– Lastly, the argument may be constructed through an opposition between the verbal and the visual. This is often the case, for a reason related to a particular feature of images: the fact that it is hard to use an image for the purpose of negation (except in codified interdiction signs when the picture showing the forbidden action is crossed out by a graphic mark; see Roque 2008, p. 187-88). Because of this characteristic, the visual and the verbal often combine their properties: the visual is used in order to describe the situation we reject; and the verbal in order to make this rejection explicit.

Fig. 6. Hans Erni, Atom War NO, 1954, poster for the Swiss Movement for Peace

In fig. 6, we are very far from the visual flag we commented on earlier, since we cannot say that the argument is verbal: the verbal just gives a name to the issue at stake, “nuclear war”, and adds its opposition to it: “No”. We might consider the “no” here as the conclusion of the argument. However, no reason is provided verbally to support the opposition to nuclear war, for it is given visually. Hence the crucial role of the visual in the argument. First of all, let us note that there is a redundancy between the verbal and the visual, as both are about nuclear war, expressed verbally in the text and visually through the “atomic mushroom cloud”. Now, the pivotal role of the visual in the argument comes from a plastic device, which is specific to the visual: its ability to fuse two different shapes and suggest accordingly their similarity, here the shape of the Earth and that of a skull. It is the same “metaphorical fusion”, or rather interpenetration we saw in fig. 3. In this poster, the Earth-skull (a device sometimes considered as a visual metaphor), contains different arguments. The first is once more the pragmatic argument, so frequent in anti-war posters, showing that in case of nuclear war, there will be no more life on Earth. The second is an argument by analogy: if nuclear war breaks out, the Earth will look like a skull. This analogy is of course reinforced by the features common to Earth and skull, namely their rounded shape. We can also consider that the argument is structured through an antithesis between the verbal and the visual, with the visual showing the consequences of nuclear war, and the text calling for a rejection of it.

By way of conclusion, I would say that it seems to me it is now time to initiate a broad discussion amongst those of us working in visual argumentation about the definition of the field. So as to provoke such a discussion, I have tried, in the foregoing remarks, to clarify somewhat the complex relation between the notions “argument” and “visual” in the definition of visual argumentation, which has led me to distinguish several categories. Finally, insofar as the most common situation is that of mixed media, both verbal and visual, I proposed a classification based on the part played by each in such mixed media arguments. I hope that my suggestions will contribute to a general debate that seems to me necessary at this stage in the development of visual argumentation.

NOTES

[i] I would like to thank the two anonymous reviewers as well as Ana Laura Nettel; their comments have greatly helped me to improve a previous version of this paper.

[ii] The term was coined by Groarke 2002, p. 140.

[iii] It is beyond the scope of this paper to examine why I prefer to speak of visual utterances instead of visual propositions. For the meaning of "utterance" ("énoncé" in French) see Ducrot 1980, pp. 7-18.

[iv] The fact that we can identify an ad verecundiam here instead of an argument of authority, since Reagan is not an expert in matters of cigarettes, does not change my point which is about the part played by the verbal and the visual in the argument.

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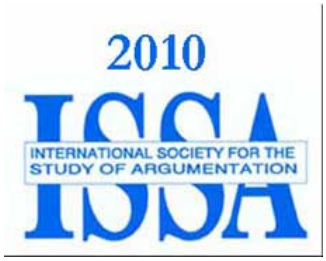
ISSA Proceedings 2010 – Health Care Reform And The Status Of The Public Sphere



The most important domestic policy debate in decades occurred in the United States in the first eighteen months of the Obama administration on health care reform. This debate provides a window into the functioning of the public sphere and an appropriate case for testing the degree to which American democracy remains capable of solving the grave problems facing the nation.

There is no question that the American health system was ripe for reform. Unlike every other developed nation in the world, more than 45 million Americans lacked health insurance of any kind and an estimated 25 million more were substantially underinsured, causing according to the Institute of Medicine roughly 18,000 people to die each year ("The Uninsured," 2009, p. WK7). This situation was predicted to worsen substantially in the future ("If Reform Fails," 2010, p. WK9; Abelson, 2010, p. WK8). The problem was not limited to those who lacked adequate insurance. Health outcomes in the United States were far below the rest of the developed world. The United States ranked 39th in infant mortality, and 42nd and 43rd respectively in adult male and adult female mortality (Kristof, 2010, p. A1). Despite these failures, the United States spent roughly fifty percent more on health care in domestic product than any other nation in the world (Rubin, 2010, p.7A). The vast spending was according to health care expert Peter V. Lee "literally bankrupting the federal government and businesses and individuals across the country" (Abelson, 2010, p. WK8).

The dysfunctional nature of the system should be obvious. And yet, for roughly a century proponents of reform had failed to achieve fundamental reform. In this situation, President Barack Obama made it his top priority to pass comprehensive reform and in March of 2010 achieved that goal, signing into law what is the most important piece of social legislation passed since Medicare (Tumulty, 2009, p. 26). It is appropriate to consider what his fight for reform reveals about the

functioning of the public sphere in the United States. Jonathan Cohn wrote in a comprehensive *New Republic* analysis of the battle for health care reform that Obama came "to view this debate as a proxy for the deepest, most systemic crises facing the country. It was a test, really: Could the country still solve its most vexing problems?" (2010, p. 15). While Obama's victory demonstrates that at least in the face of true crisis real change is possible, a more detailed consideration is needed to assess the health of the public sphere.

1. The liberal public sphere

While the focus of most public sphere research in argumentation studies has been on the approach developed by Jürgen Habermas (1989) and extended by Goodnight (1982, 1992), Calhoun (1992, 1993), and others, that is not the most appropriate way to test the functioning of the public sphere in the health care debate. Using a broadly critical perspective, Habermas and his followers focus on access to argument, often dividing a controversy into multiple spheres or otherwise breaking the argument into parts. In relation to health care, however, a debate involving the entire nation took place. It is the functioning of the whole that is at issue here. The most appropriate way to judge this debate is by applying liberal public sphere theory (Rowland, 2003, 2005, 2006). Under this approach, the public sphere is best conceptualized not as a metaphor or a set of spheres, but as the place where the public does its business. The liberal public sphere contains all of the quite messy debate on a given topic that is found in Congress and other public bodies, the media, the internet, and the town square. It is the conceptual place where the nation confronts problems and chooses how to react to those problems.

A second reason that liberal public sphere theory is appropriate for evaluating the health care debate is that the intellectual roots of the theory are found in foundational works laying out American democracy. On this topic, James Madison (1999), the primary author of both the Constitution and the Bill of Rights and one of the two main authors of the Federalist Papers, is the most important single source. It is essential to recognize that while liberalism is widely attacked in the academy (Willard, 1996), in the larger political world, it "reigns supreme as the leading, and one might even say, overwhelming doctrine in the West" (Patterson, 1999, p. 54). It therefore is appropriate to evaluate the health care debate with an approach rooted in the perspective on which American democracy is based.

There are four primary actors in the liberal public sphere: the representatives of

the public, the public, the expert community, and the media. Each of these actors plays a crucial role in the functioning of the public sphere. The representatives of the public are decision makers in the legislative, executive, and all other government agencies. For the public sphere to function effectively, they must represent the views of various groups in society and authentically state their understanding of the facts of the controversy. If all views are not presented, a vital perspective may be ignored, resulting in policy that does not represent the entire community. But if the views are inauthentic, presented not as a genuine argument based on the best information available, but instead based only on political or ideological concerns, bad policy may result because of the failure to consider the best data. It is now widely believed that the decision to invade Iraq in 2003 represents such a case.

The role of the public is to pay attention to the debate and gather enough information to make a sensible judgment. In many cases, members of the public also may participate directly in the controversy by attending demonstrations, writing letters to the editor or blogs, or other means. While such participation aids the functioning of the public sphere by ensuring that multiple voices are represented, the key role of the public is to evaluate how well their representatives carry out their responsibilities.

The expert community serves the crucial role of providing information from the technical sphere that is relevant to the debate. While Goodnight (1982), Fisher (1984), and others have decried expert domination of public debate, a certain level of reliance on experts is inevitable. In relation to health care, for example, there is considerable debate on the amount of waste in the American system (Fairfield, 2010, p. BU7). This is a crucial issue because if there is significant waste there may be ways of reforming the system without dramatically increasing cost. On this issue, reliance on experts is essential. Ordinary citizens simply lack the knowledge base to judge whether medical care was necessary or wasteful in any given case.

The final actor in the liberal public sphere is the media. Their job is to provide the public with access to the views of the expert community and all sides in the debate. The media also serve a crucial function of testing the arguments of competing actors in the dispute. Most ordinary citizens lack the time or expertise to search out all sides in a given debate. The essential role of the media is to condense the debate for the public and also test the quality of the arguments

made in that debate.

It should be clear that the liberal public sphere serves two primary functions. First, it is the place where issues of public controversy are resolved through the democratic process. In a healthy public sphere, all of the primary actors present their views and the public acting through their representatives decides. But simple representation is not the only goal of the public sphere. The second goal is to produce policies that are in some sense sensible. In Federalist Number 37, Madison wrote of the importance of "combining the requisite stability and energy in government with the inviolable attention due to liberty, and to the republican form" (1999, p. 196). Here, he was concerned with product as well as process, a point that he also emphasized in the preamble of the Constitution when he justified the new form of government as designed "in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defence, promote the general Welfare, and secure the Blessings of Liberty."

Writing at the birth of the American experiment with representative democracy, Madison recognized two primary threats to the liberal public sphere: the power of special interests and the danger of irrationality. In what is clearly the most important essay developing American liberal political theory, Federalist Number 10, he argued that problems of "unsteadiness and injustice" in government were often caused by a "factious spirit" that "tainted our public administration" (1999, pp. 160, 161). For Madison, a faction was "a number of citizens" "united and actuated by some common impulse of passion, or of interest, adverse to the rights of other citizens" (1999, p. 161). Why were factions so dangerous? The answer is that they did not base their political principles in rational deliberation, but in "some common impulse," such as an ideology or in self-interest. The problem of faction or what we now call special interest domination was especially significant because of the danger of irrational decision making. Madison implicitly noted this problem in Federalist Number 37, when he observed that "public measures are rarely investigated with that spirit of moderation which is essential to a just estimate of their real tendency to advance or obstruct the public good" (1999, p. 194). According to Matthews, Madison believed that "individual and collective tendencies toward the irrational were . . . multifaceted and powerful" (1995, p. 23).

Madison feared that special interests might undermine democracy by taking

advantage of public lack of knowledge and irrationality. And yet, he also believed that a political system that encouraged clash among competing perspectives in open debate was the best means of making good policy choices. His comment in Federalist Number 41 that "A bad cause seldom fails to betray itself" (1999, p. 230) is illustrative of his faith in reason tested through controversy. Madison was not naïve. He recognized the risk that "counterfeit" (1999, p. 501) public opinion could overwhelm the capacity of the system to make sensible policy choices. But he also believed that the only answer to this danger was still more public discussion and debate, a viewpoint based in his belief that "over the long run . . . cool and calculated rational argument would win out over passion and hyperbole" (Mathews, 1995, p. 144). His faith in the power of reason tested through controversy was obvious when he expressed his hope that we could "erect of the whole, one paramount Empire of reason" (1999, p. 500).

Liberal public sphere theory provides a means of assessing how close we have come to that "Empire of reason." A controversy can be evaluated based on criteria (Rowland, 2003, 2005, 2006) tied to the purposes of the public sphere by considering the following questions:
(1) Were the views of all of the relevant stakeholders represented in the debate?
(2) Was the debate shaped by informed expert opinion? This question is especially relevant on issues where there is consensus.
(3) Did the media report the dispute in a way that informed the public on the issue?
(4) Did the public as a whole gather adequate information to assess the debate?
(5) Did the better arguments in some sense win out in the end? In many cases, there may be no principled way to make this judgment, but in other cases, such as on global warming, there may be a wide consensus that action is needed. In such a case, a failure to act can only be seen as a failure of the liberal public sphere.

Based on these standards, a principled evaluation of how well the liberal public sphere functioned in the health care debate can be made.

2. The health care debate
Despite the overwhelming rationale for reform, the Obama administration recognized that passing reform would be extraordinarily difficult. Enacting legislation requires passage in the House of Representatives with a simple majority and in the Senate with sixty votes to overcome a filibuster. With Democrats controlling sixty votes in the Senate, Obama needed either every

Democrat and both Independents or some token Republican support (Cohn, 2010, p.18). Given unremitting Republican opposition, he knew that getting this support would be quite hard.

Throughout the debate, advocates of reform focused on three primary points. They noted that the present system failed to provide high quality care to the uninsured and the under-insured and argued that without insurance reform almost any American could suddenly lose their coverage. Second, they claimed that costs were too high both for ordinary people and for the government. Finally, they argued that reform could address both the lack of coverage and the cost problem and improve the quality of care. Although there were a number of different proposals considered, the administration and leaders in Congress quickly fixed on the combination of an individual mandate that required all Americans to have coverage, insurance reform, and subsidies for the poor and middle-class to guarantee access to coverage. The intellectual roots of these ideas were on the right not the left. In fact, the core of the reform package could be traced to conservative proposals dating to the Nixon and first Bush administration (Alonso-Zaldivar, 2010, p. 5A; Krugman, 2009b, p. A17) and was quite similar to what Massachusetts had enacted under the leadership of Republican Governor Mitt Romney (Krugman, 2009a, p. A21).

The reform process was long and involved. Three different committees worked on the legislation in the House and two more in the Senate. In this period, the White House negotiated with stakeholder groups including consumers, doctors, hospital groups, insurance associations, and drug manufacturers in the hopes of building support for reform (Cohn, 2010, pp. 18-20). Although Obama was later criticized for not being involved in shaping the legislation (Dionne, 2009), retrospective analyses (Cohn, 2010) make it clear that the administration was involved from the beginning.

In the campaign, Obama played two primary roles: educator and cheerleader. On most occasions, he focused on educating the public. For example, in the summer of 2009 he went "on a public relations offensive to persuade Americans that overhauling the nation's health care system will benefit not only those who lack insurance, but also those who have it." He also tried "to tamp down some of the anger and unsubstantiated rumors," explaining that his goal was to produce a discussion "'where we lower our voices, listen to one another and talk about differences that really exist'" (Stolberg, 2010, p. A14). This effort was continued

in a number of speeches and town hall meetings, including a radio address on August 22, 2009, where he denied the charge that the legislation would result in a "government run" medical system (Obama, 2009a). In addition, the administration responded to attacks with fact sheets and other information on the White House website and on the website of the group "Organizing for America" ("Reality Check," 2009; "Setting the Record Straight," 2009). Obama also used a widely praised speech to a joint session of Congress ("President Obama," 2009, p. A28; "An on-target," 2009, p. A20; Brooks, 2009, p. A21) to both make a positive case for reform and answer objections (Obama, 2009b).

Throughout the effort, Obama was attacked for coming "across. . . as a dry technocrat" and urged to "make the moral case for reform" (Krugman, 2009c, p. A27). Charles M. Blow criticized Obama for speaking "in thesis statements," adding that the president "sometimes seems constitutionally incapable of concision," an approach that in his view had not worked against "a campaign of confusion and fear composed of simple sound bites" (2009c, p. A15).

However, at various points of crisis in the process, Obama did make the moral case that his critics desired, acting in the role of cheerleader. This was evident when he faced wavering support among Democrats. In a meeting with Senate Democrats in early February, 2010, "the president's appearance took on the air of a pep rally . . . with stinging criticism of Republicans," but he also presented "a stern reminder," a "warning" to Democrats, "against retreating from their priorities" (Zeleny, 2010, p. A18). Similarly, before the final votes in Congress, he "struck a populist tone, setting up the health insurance industry as his main target" in order to pressure "wavering members of his party . . . not to give into political fears" (Cooper & Herszenhorn, 2010, p. A1).

Obama's strategy of educating first and then acting as a cheerleader reflected his faith that over time the liberal public sphere would work. Stolberg explained that Obama believed that "by listening carefully and appealing to reason he can bring people together to get results" (2010, p. A1). For most of the debate, it appeared that this approach would fail. At the end, however, even conservatives recognized that they had "underestimated" Obama who had been "tenacious" in making a case for reform (Gerson, 2010, p. A21). Obama took this approach because he knew that polling demonstrated that "opposition" was "linked to misunderstandings of health care reform" and "support for reform rises when poll respondents are read details" of the actual plan (Chait, 2009, p. 4).

In essence, there were two sets of conservative arguments against the proposed reform. Conservative policy intellectuals attacked the program as expensive, bureaucratic, not fiscally responsible, and likely to stifle innovation. Given the conservative intellectual roots of the proposal, however, some believed that a compromise could be reached (Dole, 2009, p. A20). While there was principled opposition to the proposal based on conservative small-government ideology, the dominant approach was an attempt to demonize the plan as a big-government takeover of the health care system. As part of the demonization effort, conservatives also tried to frighten seniors by claiming that the plan would produce major cuts in Medicare and in the memorable words of Sarah Palin create "death panels" that might deny care to the elderly and others (Goodman, 2009, p. 6B). From an argumentative perspective, the problem with the demonization effort was that it was largely untrue. The reform plan combined an individual mandate to purchase coverage with subsidies and insurance regulation. There was no take-over of the health care system and certainly no "death panels." Both claims had been debunked in "an avalanche of reports" (Ruttenberg & Calmes, 2009, p. A1). This led Joe Klein to conclude that "The irrational attacks on health-care reform show what the GOP has become: a party of nihilists" (2009, p. 16). Charles M. Blow said that conservatives were "cooking up scary, outlandish claims," and added that "the deceptions have worked" with "76 percent of Republicans" believing "that the health care plan will lead to a government takeover of the health care system" (Blow, 2009b, p. A15).

Although the various charges were discredited again and again, there is little doubt that conservatives succeeded in misinforming the people about the proposed legislation. On this point, it is notable that when conservative intellectual Jonah Goldberg responded to the attack that conservatives were misrepresenting the legislation, he ignored the substantive issues and focused on the fact that "Obama Care . . . has been tanking in the pool for weeks" (2009, p. A17). For Goldberg and other conservatives, success in persuading the people that the plan was a takeover of health care trumped the fact that the plan did no such thing. Sarah Palin implicitly admitted this point when she responded to critics who pointed out that the "death panel charge" was untrue by saying, "Establishment voices dismissed that phrase, but it rang true for many Americans" (Palin, 2009; Chait, 2009, p. 4). For Palin, facts didn't shape beliefs; rather beliefs shaped facts. Many opponents of reform had a similarly cynical worldview. Chait observed that "right-wing populism deems the existence of a

widespread belief to be sufficient proof of its veracity" (2009, 4). The result was to shift "the terms of the debate, making it harder for legislators to focus on genuinely relevant issues" (Frank, 2010, p. BU5).

The debate went through several crises. Although Obama strongly supported crafting a bipartisan bill, total Republican opposition eventually forced Democrats to go it alone (Cohn, 2010, pp. 21-22). Drew noted that "Republicans had decided even before Obama was sworn in that they would use the rules to deny him success on every major issue. Such obduracy was without precedent in modern times" (2010, p. 50). This created a situation in which any Democratic senator could hold the bill hostage (Drew, 2010, p. 50). In this circumstance, it took considerable time for the reformers to resolve competing perspectives, but after significant political horse-trading, they eventually did so and the Senate passed a bill on Christmas Eve. At this point, it appeared that ultimate passage of health care reform was assured, but when unexpectedly a Republican won a special election for what had been Edward Kennedy's Senate seat, taking away the 60th vote that Democrats needed to pass a final version of the bill, many concluded that "health care reform was effectively dead" (Cohn, 2010, p. 24). They spoke too soon. While the election upset was initially interpreted as reflecting widespread public anger against health care reform, polling indicated that was not the case (Drew, 2010, p. 49; Washington Post, 2010).

In this situation, Obama and leaders in Congress continued to work toward passing a final bill. As part of this effort, the president led a campaign to educate the public and persuade Democrats in Congress that they should continue to fight for reform. On January 29, 2010, Obama answered questions for almost 90 minutes at a House Republican retreat, where he "gave long, confident and informed answers" that were later judged to be generally "accurate" (Baker & Hulse, 2010, p. A11; Herszenhorn, 2010, p. A11). While many critics advised him to "worry less about making arguments," he continued to have stubborn faith that people "'are going to gravitate towards the truth'" (Blow, 2010a, p. A19). Obama also held an all day health summit with leaders in Congress in which the President served "as moderator, M.C. and chief defender of Democratic policy prescriptions" (Stolberg & Pear, 2010, p. A1; Kaiser Health News, 2010a; Kaiser Health News, 2010b). Even some conservatives praised Obama for picking "out the core point in any comment," and "trying to get a result" (Brooks, 2010b, p. A23). Ultimately, the result was to lead many to conclude that if Republicans were

unwilling to collaborate on reform Democrats should “take the necessary steps to bring a health bill to a vote” (“We Must,” 2010, p. A10).

In the final push to pass legislation, the president focused on the impact that the current health care system was having on ordinary people and also strongly attacked the insurance industry for both denying care and raising rates to astronomical levels. He was aided by the news that one major California insurer planned to raise insurance rates by almost forty percent (Kristof, 2010, p. A21) and by the finding of the Congressional Budget Office, a non-partisan organization widely respected for its objectivity, that the reform plan would reduce the Federal budget deficit by over $130 billion in the first ten years and over a trillion dollars in the second ten years (Krugman, 2010, p. A23). At this point, many of the opponents of the legislation seemed increasingly irrational. There were several incidents of bitter name calling, racist and homophobic remarks being made, wild charges and even death threats (Hulse, 2010, p. A16) that “moved the discourse well beyond rational debate into political hysteria” (“Finally, Health Reform,” 2010, p. A10). Frank Rich argued that in order to find a precedent for the “overheated reaction,” to “what used to be considered Republican ideas” one had to look back to the response to the 1964 Civil Rights Act (2010, p. WK10).

Despite the loss of Kennedy’s seat in the Senate, Democrats could pass the legislation if the House could be convinced to vote for the same bill that had passed the Senate. Revision of the bill could be done in the Senate through a process called budget reconciliation that only required a simple majority. This happened, resulting in “the most sweeping piece of federal legislation since Medicare” (Leonhardt, 2010, p. A1). President Obama said on the night of final passage, “‘This is what change looks like’” (Cohn, 2010, p. 25).

3. Assessment of the debate

Using the criteria established earlier, it is possible to assess the functioning of the liberal public sphere in the debate about health reform. Initially, it is quite clear that there was ample debate on all of the significant issues involved in health care reform. At the same time, it is also clear that much of the discussion was in Madison’s terms “counterfeit” debate. The legislation was portrayed “as socialism run rampant” and “as a government ‘takeover,” while in fact it was a “fairly modest set of fixes” (Robinson, 2010, p. B7).

Was the debate informed by appropriate expert opinion? Here, there is conflicting evidence. On the one hand, the media cited expert consensus to debunk charges made against health care reform. In the case of one widely circulated anti-reform memo, two important fact checking websites researched each of the claims in the memo and concluded that they were largely false and misleading ("Vetting Claims in a Memo," 2009, p. A16). The Congressional Budget Office also played a key role in the debate. The conclusion that the legislation would cut the budget deficit in both the short and long-term played a pivotal role in eventual passage of the legislation. At the same time that the expert community effectively commented on the legislation, it is also obvious that the expert consensus had a limited effect on public opinion. A substantial segment of the population continued to believe attacks on the bill that had been widely discredited, supporting Madison's fear about the irrationality of the mass public.

Did the media report adequately on the legislation? At one level, the media did quite a good job. There was immense coverage of the legislation. At the same time, the focus of much of this coverage was on politics, with much less emphasis on public policy. Drew observed that "The messiness and the anger of on Capitol Hill were the story," but "what was in the health care bill was not" (2010, p. 50). Still, there was enough policy coverage that major distortions about the legislation were uncovered. One review of the proposed legislation concluded that many of the allegations being made about health care reform have been based on misreading or misrepresentations" or simply "have no basis in the bill at all" (Bavley & Helling, 2009, p. A16).

The crux of the issue relates to the quite mixed data on whether the public gathered adequate information to make a reasoned judgment about the legislation. The unfortunate truth is that the public was terribly uninformed on many topics and frankly misinformed on others. First, it is important to recognize that public knowledge of the most basic facts relating to public policy is astonishingly low. For example, polling found that "only 1 person in 4" understood that "60 voters are needed in the senate to break a filibuster" (Blow, 2010b, p.A17). Second, the public was woefully uninformed about the details of the legislation. Karen Tumulty noted that "The more the public hears, the less it seems to understand" (2009, p. 26). A CBS poll found that "Just 42 percent said they had a good understanding of its likely impact" (2010).

In addition, a large segment of the public came to believe things that were not

true. Drew observed that "through repetition and lies, the Republicans were winning the propaganda debate" (2010, p. 51). On this point, *The New York Times* editorialized that "Republicans have scared many older Americans into believing that their medical treatment would suffer" under the reform, a claim that the *Times* rejected based on a careful review of the legislation ("Medicare Scare-Mongering," 2009, p. WK11). Charles Blow cited an Indiana University Poll that found that by mid-summer 2009, the "obviously false and widely discredited" attacks had shaped public opinion to the point that "most Americans now believe that if health care reforms pass, health care services will be rationed and taxpayers will be required to pay for abortions" (2009a, p. A17). In addition, strident attacks on the legislation combined with what David Brooks labeled "a corrosive cynicism about public action" to produce a number of angry protests, name calling and in a few cases threats of violence (2010a, p. A23).

At the same time, polling indicates that "Americans closely tracked the final stages of the long-running debate over health care reform" and that they were quite critical of the job the media had done in reporting the debate, with 75 percent saying the media had "done only a fair or poor job of explaining the details of the proposals" (Pew Research Center, 2010a). This would seem to indicate a desire for more coverage of policy, but it also may reflect the public's unwillingness to take steps to seek out material on the complex policy issues at stake.

By late summer 2009, the public had turned against the health care proposals with a majority disapproving of Obama's job performance on health care and a plurality opposing the legislation (Fram, 2009, p. 6A). Public opinion changed little until ultimate passage (Rasmussen, 2010). In May 2010, a Kaiser Foundation poll found that public opposition had lessened and that the gap between those with a favorable and unfavorable view of the legislation was only 3 percent net unfavorable (Kaiser Family Foundation, 2010b). While over the course of debate on health reform, public support lessened, polling also consistently found support for both the need for health reform and for many of the elements found in the reform package (Kaiser Family Foundation, 2010a, pp. 1, 5). These polls found especially strong support for the creation of an insurance exchange, expanding Medicaid, subsidies to assist people in buying coverage, insurance reform, and a public option. Each of these elements drew more than 50 percent of the sample stating that they made them more likely to support the proposal (Kaiser Family

Foundation, 2010a, p. 5). The elements of the legislation receiving the least support included the individual mandate, the almost $900 billion cost of the program, the specification of a basic benefits package and the proposed tax on high-cost insurance plans. These results strongly suggest broad support for the overall outlines of the policy passed by Congress. They also indicate a fundamental immaturity on the part of the American people. The public favored those items that added to their coverage or made it easier to obtain, but opposed efforts to rein in cost or require people to purchase coverage, policies that were needed to make the program function. Polling also indicated that only 18 percent of the American people favored Congress leaving the present system as it is (Pew Research Center, 2010b,).

The public opinion information indicates that the public as a whole strongly favored reform as long they that reform didn't cost them much. The polling also indicates that much of the opposition to the legislation was based on misinformation. This suggests a basic problem in American democracy. On any issue that is complex, it is easier to scare the people about the dangers of change than it is to inform them about the benefits of that change. Madison and the other Founders were profoundly worried about the dangers of majority tyranny and as a consequence built a number of checks into the system that made legislation difficult. What Madison did not recognize was that the inability of the public to process complex policy disputes might threaten the capacity of the liberal public sphere to confront problems that threatened the nation's wellbeing. Given the inherent complexity involved in confronting global warming, nuclear proliferation, financial reform, and so forth, the results of the health care debate are not reassuring.

At the same time, American democracy is representative in nature and the failure to persuade a majority of the public to support a given piece of legislation does not necessarily indicate a failure in the liberal public sphere. President Obama and Democrats in Congress were able to generate enough support for reform in the 2008 election that they ultimately had the votes to pass comprehensive reform. Because of that success, the misinformation campaign that began in mid-summer 2009 did not derail health care reform.

The final question – did the better argument in some sense win out? – may seem inherently partisan. Given the contested nature of the health care debate, it might seem that there is no way of answering the question in a principled fashion.

At the same time, while the Obama health care plan remains a contested issue, on two points there is universal agreement. A health care system that cost 50 percent more than any other in the world and still didn't cover 1/6th of the American people cannot be considered a well-designed system. The present system was unsustainable. Ultimately, what may have pushed reform over the finish line was that the failures in the present system left little option but reform. The opponents of reform persuaded a narrow majority that the Obama plan was dangerous, but overwhelmingly the American people still believed in reform. In that sense, the advocates of reform and the better argument won out and the Democrats in Congress carried out their responsibility to "represent" the American people by passing comprehensive legislation that according to Drew was "the greatest advance in health care coverage for Americans in decades, if not ever" (2010, p. 49).

4. Conclusion

In the health care debate, the liberal public sphere both failed and worked. Misinformation almost overwhelmed the debate at several points. The public showed little appetite for searching out the details of public policy and little ability to process complex arguments. It is telling that Obama was derided when he tried to calmly explain the rationale behind reform. Commentators clearly thought an effort to educate the people about the issues, an effort that implicitly treated them as citizens capable of rational deliberation, was naïve. In the end, a reform, the main elements of which the public favored, passed although a small plurality of the public opposed the legislation, in many cases because of misinformation about what was in it. Over time, support for the effort grew and by November 2010 a small majority favored the legislation (Thomma, 2010, p. All).

This result was by no means inevitable. Health reform had failed on several other occasions despite similarly strong arguments. The political skill of Democratic leaders in Congress and the administration, along with Democratic control of the House, Senate, and presidency undoubtedly played a role. At the same time, Obama's enlightenment commitment to reason also was clearly important. Obama believed that in the end the stronger position would win out if he remained committed to educating the people about the better arguments. Like Madison and Lincoln, he believed that sweet reason ultimately would be decisive. At many points in the debate, his faith in reason almost seemed quaint, but ultimately his

faith was justified, if only barely. As he demonstrated in the end game in the meeting with House Republicans and in the health care summit, there is power in mastery of argument. Rod Dreher noted that "Traditional belief in the effectiveness of reason, however imperfectly realized, has long been a stabilizing force in our liberal democracy. If that faith is slipping into irrelevance, we are going to lose more than our minds" (2009, p. 8A). Perhaps the ultimate lesson of the fight for health care reform is that at least as enacted by President Obama, faith in public reason has not yet slipped into irrelevance.

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