

What Is Civil Engaged Argument and Why Does Aspiring to It Matter?

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To answer the question posed by the title of this article, we sketch what we mean by the concepts of civility and argument and engagement; note the ways in which the rise of partisan media menaces civil engaged argument; and close with analysis of an exchange between a prominent Democrat and Republican that illustrates the importance of common definitions and sources of trusted evidence.

COMITY OR CIVILITY

Communities are sets of relationships writ large. Be they town councils, state legislatures, or the US House of Representatives or Senate, when groups deliberate, they often do so in a rule-governed environment. For some, the regulatory framework consists simply of *Roberts Rules of Order*, a regimen known to everyone who has ever participated in a student government. For the US House of Representatives, the rules are somewhat more complex and include rituals and precepts designed to ensure civility or comity.

In the US Congress, comity is based on the norm of reciprocal courtesy and presupposes that the differences between members of Congress and parties are philosophical not personal, that parties to a debate are entitled to the presumption that their views are legitimate even if not correct, and that those on all sides are persons of good will and integrity motivated by conviction (Jamieson 1997).

By adopting rules of deliberation at the beginning of a new US Congress, the membership voluntarily limits the range of rhetoric acceptable on the floor. When a member wonders why he cannot call another a liar or a hypocrite even if the evidence justifies the label, the answer is not simply that the rules of the House forbid it but also that the membership has voluntarily agreed, by vote, that these are the constraints under which the House will operate during that Congress. Among other things, the House rules caution members who have the floor not to call their fellows liars even if they are not telling the truth, not to impugn their integrity even if their actions invite it, and not to call another member a hypocrite even if he or she is being hypocritical. These guides to appropriate conduct are designed to create a climate conducive to deliberation. And central to the ability to deliberate is a rhetoric of mutual respect.

The founders recognized the importance of civility to deliberation. In the debates at the Constitutional Convention, liberality “as well as prudence induced the delegates to treat each other’s opinions with tenderness,” recalled John Jay, “to argue without asperity, and to endeavor to convince the judgment without hurting the feelings of each other. Although many

weeks were passed in these discussions, some points remained on which a unison of opinions could not be effected. Here again that same happy disposition to unite and conciliate induced them to meet each other; and enable them, by mutual concessions, finally to complete and agree to the plan they have recommended.”¹

THE CONCEPTS OF ARGUMENT AND ENGAGEMENT

In its simplest incarnation, an argument offers a statement and proof in the form of relevant supportive evidence. When the evidence is sufficient to justify the conclusion, the statement has been “warranted.” The rules of argument include the notion that assertions should be backed by relevant evidence that constitutes proof, the fairness and accuracy of evidence should be subject to scrutiny, the testimony of those who are self-interested is suspect, evidence must not be ripped from its context, relevant evidence must be disclosed not suppressed, like items should be compared to like, and a plan tested by asking whether it meets the need and whether its advantages outweigh its disadvantages. These tacit understandings of the norms involved in social interchange include the idea that alternative sides have the right to be heard and accurately paraphrased by those of opposed bent. Shouting down an opponent violates this understanding as does reducing an opposing argument to a straw figure.

Postmodernism aside, at a primal level deliberation presupposes the existence of common definitions, agreement on factual terrain on which the exchange rests, and an embrace of the norms that permit us to distinguish legitimate discourse from the kinds reserved for playground bullies and ranting talk show hosts. Without this common ground, engaged argument is impossible. Beyond the pale are engagement-fracturing moves that use what the rules of the US House of Representatives call “personalities” (or *ad hominem*). And central to this notion of argument is the precept that, like *ad hominem* and guilt by association, ridicule ends engagement.

Engagement enables audiences to ascertain which argument is more cogent. At the root of the concept of engagement are notions that theorists of debate cast as “clash” and “extension.” The former pits position against position in a manner that invites comparison. The latter carries the argument forward through response to response. Implicit in the notion of engagement is the supposition that those who are attacked should have the right to reply.

So fundamental are some of our notions of fair engagement that they have been enshrined in the US Constitution and in the US courts’ rules of evidence. For example, the

so-called confrontation clause of the 6th amendment guarantees that a person brought into criminal court has the right “to be confronted with the witnesses against him [and] to have compulsory process for obtaining witnesses in his favor.” And in the courts, relevant evidence is that which “tends to prove or disprove” a proposition “properly provable in the case” (Waltz, Park, and Friedman 2009, 75). However, not all relevant evidence is admissible. For example, Rule 403 “authorizes exclusion of it when its ‘probative value’ is substantially outweighed by the danger of unfair prejudice, confusion of the issues, or misleading the jury, or by considerations of undue delay, waste of time, or needless presentation of cumulative evidence” (Souter 1997).

THE THREAT PARTISAN MEDIA POSE TO CIVIL ENGAGED ARGUMENT

The presence of explicitly ideological media greatly expands the range of audience choices and, in the process, opens the possibility that conservatives’ views will be reinforced by exposure to right-leaning media outlets and liberal or progressive views enveloped in media that underscore rather than challenge the arguments and evidence amenable to them. These venues create a natural platform for opposing ideological sides to selectively argue their cases by featuring the “facts” that benefit their side and suppressing those that do not.

Partisan media also contest only those facts hospitable to their opponents, invite moral outrage by engaging emotion, replace argument with ridicule and ad hominem, and often invite their audiences to see the political world as a Manichean place unburdened by complexity, ambiguity, or common ground. This second set of tendencies menaces civil engaged deliberation in politics.

One result is “the tendency of channel audiences to be composed of devotees and non-viewers,” (Webster 2005) a phenomenon evident in the 2004 presidential election, when Fox viewers and Rush Limbaugh listeners were more likely than other conservatives to reside in a world in which their view of challenged facts coincided with those of their party (Cappella and Jamieson 2008). So too were CNN viewers and NPR listeners when it came to Democratic claims (ibid.). Evidence that watching partisan opinion talk shows polarizes attitudes was also uncovered by a study that found Fox viewers were less likely than CNN ones to watch accounts critical of the Bush administration and more likely than nonwatchers to underestimate the number of Americans killed in the Iraq War (Morris 2005).²

The implication of such enclaving was evident in our Annenberg finding that Fox News viewers were significantly more likely than other non-Fox watching conservatives to report that “George W. Bush told the truth about John Kerry’s record” and significantly less likely to say that “John Kerry told the truth about George W. Bush’s record.” When we asked respondents about the veracity of specific claims such as “George W. Bush’s tax cuts reduced taxes for everyone who pays taxes” or “John Kerry’s health plan would have provided

health insurance to all Americans,” both of which are false, partisans who were Fox News reliant embraced the view consistent with their own ideology more often than non-Fox reliant conservatives. That study also found that when assertions by their preferred candidate were involved, partisan cable outlets often failed to correct duplicitous statements (Jamieson and Hardy 2008).

The rise of partisan media of the Right and Left carries both benefits to democracy and causes for concern (Jamieson and Hardy 2008). On the positive side, ideologically tinged outlets increase their audiences ability to understand the complexities of politics by consistently framing arguments from one point of view. At the same time, by building a supportive base of evidence for the beliefs advanced from one ideological perspective, they help their viewers distinguish between “liberal (or progressive)” and “conservative” positions. They also arm their audiences with key points of advocacy and attack and school them in effective means of sustaining those arguments.

On the downside, partisan media insulate their audiences from alternative media sources by branding them untrustworthy and also protect their audiences from influence from opposing views by balkanizing and polarizing their perceptions of those with whom they disagree. Partisan media also contest only those facts hospitable to their opponents, invite moral outrage by engaging emotion, replace argument with

ridicule and ad hominem, and often invite their audiences to see the political world as a Manichean place unburdened by complexity, ambiguity, or common ground. This second set of tendencies menaces civil engaged deliberation in politics. Note that all of these negative tendencies that we see in partisan cable television characterize at least some political advertising on each side of the ideological divide as well.

HOW JOHN MCCAIN AND JOHN KERRY FOUND THE GROUNDS ON WHICH TO AGREE AND DISAGREE IN THE HEALTH-CARE REFORM DEBATE OF 2009 IN THE US SENATE

An exchange between 2004 Democratic presidential nominee John Kerry and 2008 Republican nominee John McCain that occurred during the December 5, 2009, health-care reform debate in the US Senate illustrates the two major distinctions on which this article focuses: the divide that separates respectful civil discourse from the disdainful, uncivil sort and the difference between disengaged argument and substantive civil argumentative engagement, clash, and extension mediated by common evidence. Their exchange also illustrates the tendency of opposing sides in political argument to speak past

each other because of their reliance on partisan or contested fact. Rather than increase civil argumentative engagement, partisan media and political advertising erode common ground by creating enclaves of “partisan fact and definition.” As our Kerry-McCain case study illustrates, these tendencies can bleed into the legislative realm in ways that threaten civil engagement and clarifying argument.

The backdrop of the exchange between the two senators is more than half a century of Democratic attack on Republicans for their presumed plans to “cut,” “destroy,” or “eliminate” social programs. These exchanges frequently center on contested definitions and facts. What the Republicans cast as “reductions in the rate of growth,” Democrats label “cuts.” What the George W. Bush Social Security Plan characterized as “personal retirement savings accounts,” the Democrats saw as “privatization.” And each envisioned different consequences if the other’s point of view prevailed.

Our story begins with Democratic Senator Kerry from Massachusetts implying that on the sensitive and occasionally electorally decisive issue of Medicare, the Republicans, in general, and, by implication, the Republican Senator McCain from Arizona, are engaging in distortive scare tactics, falsely

sonal authority. In the debate, the 2004 Democratic Party presidential nominee states:

I want to go back to the comments of the Republican nominee for president last year. This is a quote. John McCain, from an article in the *Wall Street Journal*: “John McCain would pay for his health care plan with major reductions to Medicare and Medicaid, a top aide said, in a move that independent analysts estimate could result in cuts of \$1.3 trillion.”

The use of the word “reductions” is attributed by a news source to an anonymous McCain aide in 2008 and not to the Arizona senator himself.

One way to find common ground from which to engage would be agreeing on common definitions and an arbiter of evidence that both trust. In many legislative debates that source is either the Congressional Budget Office or the Government Accountability Office, nonpartisan federal agencies that provide data for Congress. In this debate, both Senators relied on FactCheck.org, the independent watchdog website run by the Annenberg Public Policy Center of the University of Pennsylvania. With both senators citing information from Factcheck.org, the site becomes an uncontested and credible source. In

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pretending to protect senior citizens and, in the case of 2008 Republican nominee John McCain, using lines of argument inconsistent with his own past rhetoric.

Although the form of metacommunication Kerry is using can be grounded in substantive differences—after all, he argues that the Republicans are attacking the Democrats for a position their own 2008 presidential nominee espoused—such allegations can be easily heard as a personal attack on the integrity of both Republicans and on the specific members of the Democratic party who had been speaking in the previous half hour. Whether accurate or not, by the definition we offered earlier, Kerry’s remarks are comity-shattering. And, if past is prophet, such an attack will elicit a counter-attack rather than substantive engagement.

Instead of simply asking McCain to explain how the Democratic “cuts” he was attacking differed from “the reductions in rate of growth” McCain proposed in 2008, Kerry tagged the difference he saw between the two McCain positions as “ironic” and also seemed to identify his Senate colleague as among those who “for the last hour or so” have employed “scare tactics,” been “jumping up and pounding out one sort of misstatement or one distortion or another” and “claiming [but obviously, from Kerry’s perspective, not actually intending] to protect seniors.”

Importantly, Kerry quotes others to demonstrate the inconsistency and does not warrant the claims from his own per-

fact, Senator McCain asked that evidence from Factcheck.org become part of the record.

To dampen tensions, senators customarily refer to each other as “colleague,” a term designed to protect comity but one that seems strange when one has just implied that the other is a deceptive scare monger. Nonetheless, it is a characterization Kerry invokes. Where in the earlier attack he referred to McCain as the senator from Arizona and the person who ran for president in 2008, McCain is now cast as “my colleague.” In a dramatic shift from his earlier tone, Kerry then identifies McCain as his “friend” and moves to clarify their substantive disagreement. Gone are third-person labels and accusations of scare tactics and deception. Kerry even replaced the word “reduction” with “savings” in his characterization of the McCain 2008 plan.

Senator McCain then extends the discussion by elaborating on their disagreement. The senators are no longer accusing each other of distortion or hypocrisy. Nor are they selectively attacking each other for proposing cuts in sacred programs. Whether realistically or not, each side is conceding that “cuts/savings/reductions” can be made without reducing benefits. Their disagreement turns to a focus on how the funds freed by the “savings/reductions/cuts” will be used.

Overall, the exchange was not ideal. Because McCain’s 2008 proposal has not been translated into legislation before the chamber, there is not a ready way for the two to engage on the

merits of the way each would use the funds. Nor has either senator assumed responsibility for showing exactly where that large amount of funding was hiding in the current system. But at the exchange's end, they are talking to, and not past, each other. Hostility and tension have been reduced. And McCain and Kerry are modeling mutual regard, respect for evidence, and a form of exchange recognizable as argument and engagement.

Because a substantial body of psychological study suggests humans learn by modeling, instances of civil engaged argument are worthy of public exposure, study, and emulation. However, because conflict is a basic journalistic norm in the United States, examples of it are far more likely to be featured by the news media than are models of constructive civil argumentative engagement. And dysfunctional models can spawn offspring of like sort.

To further complicate matters, in addition to modeling ridicule, cable television and talk radio sometimes showcase talking over or shouting down those who disagree. Witnessing such moments may discourage those in the audience from attempting to thoughtfully engage those of different persuasion encountered in neighborhoods, classrooms, or work places. Tie the effects of such modeling to our disposition to marry, live near, and talk politics only with those with whom we agree, and the chances plummet that we will practice civil engaged argument with those who hold opposing views. ■

NOTES

1. John Jay, "An Address to the People of the State of New York on the Subject of the Constitution," *Pamphlets on the Constitution of the United States*, ed. P.L. Ford (1888). This section of the essay is drawn from Jamieson's chapter titled "What Should We Really Expect? How They Talk to Us," *Everything You Think You Know about Politics and Why You're Wrong* (New York: Basic Books, 2000). Portions of the next section of the essay are drawn from Jamieson's *Dirty Politics: Deception, Distraction and Democracy* (New York: Oxford University Press, 1992).
2. Where the Fox finding was consistent across these two studies, the CNN one differs somewhat from Jamieson and Cappella's that in 2004 CNN's viewers were more likely to accept the liberal view of contested claims.

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