Appropriate Passion In Deliberative Democracy: Reflections on the health care debate

In the wake of the Arizona shooting, many pundits have questioned the inflammatory tone of recent political debate. This focus on the form of language coincides with a trend in democratic theory that wishes to eliminate emotional language in “deliberative democracy” because emotional speech is a form of rhetorical rather than “rational” speech that aims at strategic manipulation rather than communication. However, these critiques fail to realize that “rational” and emotional language can be used communicatively and strategically. Rhetorical, especially emotional, language allows the inclusion into democratic deliberation those uncomfortable or unable to contribute via formalized argumentation, through less formal means such as emotional expression. The lesson from these critiques is the need for criteria for appropriate emotional speech and expression in public deliberation. Using the American health care debate as a case study, I survey passionate discourse in the debate to illustrate emotions’ role in conveying, establishing, and forwarding political claims. Secondly, I develop appropriateness criteria for emotional responses and emotional speech that allows for the inclusion of emotional language without the dangers of undemocratic decision-making or violence. Finally, I apply the criteria to the healthcare debate to address the legitimacy of the emotion-laden claims in section I.
“The emotions are all those feelings that so change men as to affect their judgments,”
(Aristotle, The Rhetoric 1378a21-22)

“the point... is not to bring more passions into political deliberation. Instead... by showing,
partly by drawing on the neuroscience literature and partly by illuminating affective moments
in ostensibly rationalist theories of justification and deliberation, [the goal is] that practical
deliberation inevitably incorporates affect.” (Sharon Krause, Civil Passions, 22)

Despite its sometimes hysterical tone and convoluted – if not ridiculous – arguments, the
recent American health care debate has taught us at least one thing: politics is guided by passion. The
question is whether this is a good thing. Traditionally, philosophers consider emotion detrimental to
politics, and efforts have been made to push emotions, preferences, and desires to the periphery so
that the cool light of reason can dictate policy and guide deliberative democracy. People with opposing
political views might cite the passionate discourse seen in the health care debate as corroborating
evidence as to why passion must be excluded from political deliberation. I want to argue to the
contrary, at least on conceptual grounds. Recently, the authority of dispassionate reason has been
challenged, not only by postmodern critics but also by proponents of deliberative democracy itself.
They argue that (i) without affect, it is impossible to overcome the “motivational deficit” of rationalist
democratic theories; that is, Kantian rationalist accounts fail to explain how pure practical reason
motivates action. In addition, (ii) affect is needed to explain why we care or value the ends we pursue,
and (iii) affect helps provide inclusive deliberative procedures.¹ Rather than reject reason, these critics
argue that a rehabilitation of affect complements reasoned argument in political deliberation. My
claim is not that politics requires more passion, nor that passion is inevitable in politics, but rather that
appropriate passion can aid democratic processes.

However, passion is an ambiguous word. By passion we might mean emotion, concern, care,
want, or desire. Yet, each of these means potentially different things. While I might desire or prefer
chocolate ice cream over vanilla, my indignation at President Mugabe’s treatment of his own people is

¹ The first two criticisms are leveled by (Krause, 2008), the last by (Young, 2002).
not only a stronger affective response, but one with different appropriateness criteria. Emotions like regret, anger, and indignation might be closer to beliefs than they are to desires or wants.² To understand their role in politics requires a clear understanding of the passions.

Fortunately, recent work in moral psychology, neuroscience, and various schools of psychology address the question of what constitutes a passion or emotion (Anderson 1993, Baier 1999, Damasio 1995, Ekman and Friesen 1989, Nussbaum 2003, Roberts 2003, de Sousa 2001). Thus, the foundational work of integrating passion with politics is available. The more challenging task is to apply this carefully to practical and theoretical issues in political theory, something that until recently had been generally neglected.

This paper aims to address the inclusion of passions and emotions in politics indirectly, through an analysis of the American health care debate. Using the debate as a case study, I analyze the role of emotional speech in deliberative democracy. Contra traditional rationalists, I argue that appropriate affectivity should not be excised from politics, and that the health care debate supports my position. My argument will be developed in two stages. Section I presents a brief overview of models of political deliberation. Section II is a descriptive survey of passionate discourse in the health care debate and the role of passions in conveying, establishing, and forwarding political claims. This requires a minimal conceptual account of emotion that is consistent with the leading philosophical and psychological theories. I then focus on three examples of passionate discourse, (i) rhetorical appeals by politicians (ii) vitriolic appeals to death panels, and (iii) impassioned responses in the public sphere. These examples coincide with four emotional focal points: fear, love, anger, and distrust.

In the second stage, I examine the theoretical implications of affectivity in this debate. Section III considers the traditional use of emotion as a rhetorical means to further one’s ends which are independent of such means. In other words, we might employ emotions to aid understanding and

² This is the view of “cognitivist” theories of emotion, such as Nussbaum (2003), Solomon (1993), and Taylor (1985).
the persuasive appeal of an assertion that could be formulated in non-emotional propositional language. Section IV advances the controversial thesis that emotional speech may aim at emotional response as an end in itself rather than as merely a means to strategically alter another’s views: Since emotions evaluate an object or state of affairs in a certain light according to specific criteria, simply evoking an emotional response provides a way to advance a political claim that might be otherwise hard or impossible to articulate through conventional speech. This requires expanding our sketch of emotion to argue for an account that recognizes cognitive evaluations embedded within emotions, which will comprise section V. Finally, section VI aims at providing a rough articulation of appropriateness criteria for emotional speech within the process of opinion-formation in deliberative democracy. This will allow us to return to the health care debate and suggest normative guidelines for the appropriate use of emotional language.

I. The Deliberative Model of Democracy

Proponents of deliberative democracy often contrast their views with what some have called interest-based conceptions of democracy. Interest-based conceptions consider democracy “primarily as a process of expressing ones preferences and demands, and registering them in a vote.” Interest-based models make the democratic process an irrational one that entails “a privatized understanding of the political process,” (Young 1999, 200; 1997, 61). Thus, deliberative democrat critics argue that interest-based views cannot make claims to justice or the public good and defend those claims with reasons since we cannot expand beyond our own private interests.

Deliberative democrat models differ from interest-based models by focusing on the legitimacy of the democratic processes rather than the outcomes of particular debates and their relevance to one’s private interests. Whether a particular debate and subsequent policy is legitimate is determined by a normative standard of correct deliberation. Yet, there are two distinct levels of deliberation in

---

Bohman (1995) and Spragens (1990) are particularly good at highlighting the problems of interest-based conceptions.
contemporary theories of deliberative democracy, and the American health care debate was no exception. The first phase, consisting of political speeches, rallies, commercials, media blitzes, and town hall meetings – in sum, the majority of the debate – took place in the loosely ordered and unregimented public spheres of American society. This is the level deliberative democrats call the opinion-formation stage. In this stage, procedural rules are fairly minimal, and the focus is on shaping public opinion and the opinion of decision-makers. The second stage, the stage of will-formation, is where public policy is put into effect through more regimented political procedures. In the case of the health care debate, this second stage was marginal and its legitimacy generally uncontested since few people questioned the authority of Congress and most politicians voted according to party lines. The only real uncertainties were votes by “blue dog” Democrats and the potential wooing of the Republican Senators from Maine, Olympia Snowe and Susan Collins. Therefore, most of the real work in the debate focused on the opinion-formation stage, which will also be my focus.

One important point which follows from this distinction is the informal and relaxed standards of “influence” allowed in the opinion-formation stage (Habermas 1998). While their accounts vary, almost all deliberative democrats agree that the formal and procedural requirements are weaker in the opinion-formation stage. Therefore, the greatest chance to allow emotional speech would occur at this stage. Still, most deliberative democrats resist the idea that emotional speech is permissible even in the opinion-formation stage. Part of this is based on the traditional dichotomy between reason and passion. Deliberative democracy focuses on giving reasons, providing arguments that can be assessed for validity, and making rational claims. But if emotions are irrational, then they are anathema to this reason-giving process at the heart of deliberative democracy. Emotions are passive in that they can seize us in their grip. Thomas Spragens reminds us of the danger of Hitler and other demagogues stirring up hot passion, and suggests that rational democracies ought to engage the mind rather than

---

4 I say “fairly uncontested” because some individuals brought up the legitimacy and viability of procedures like “reconciliation” that required less than a 2/3 majority of the senate and others questioned whether votes split on party lines really reflect deliberation at all. Cf. Korby (2010) for a good summary.
igniting passions (Spragens, 1990). Jurgen Habermas provides another important reason to be suspicious of emotional or rhetorical speech (Habermas 1985): The difference between rational and rhetorical speech is that the first has a communicative function (its illocutionary force), while rhetorical speech has a strategic function. Rational speech aims to reach understanding and convince by way of reasons; rhetorical speech aims to manipulate another’s thoughts and intentions to one’s own ends.

Habermas’s point is valid, but drawing the distinction between rhetorical and communicative form misidentifies the problem. Instead of distinguishing between rhetorical and communicative form, the relevant contrast is in the function or purpose of each speech act. Rhetorical and argumentative forms can be used both strategically and communicatively. Therefore, we should not exclude rhetoric a priori. Moreover, this a priori rejection of rhetorical or emotional speech presupposes a flawed understanding of emotion that not only conflicts with the leading philosophical accounts of emotion but also runs counter to many common-sense views of emotion and emotional speech. To establish the possibility of including rhetorical speech within deliberative democracy requires clarifying our understanding of emotion and emotional expression.

II: Passions and Politics, the American Health Care Debate

One popular idea is that emotions are irrational impulses which overpower us. According to this line of thought, we are victims or passive bystanders caught up in emotional experience. Love takes us unaware and sometimes makes us do foolish and silly things. It is this idea that Spragens refers to when he talks of Hitler inciting passion, leading ordinary and decent citizens to do horrible things. But this suggestion runs counter to many other intuitions we hold concerning emotions. For instance, we regularly hold each other responsible for our emotions and emotional expressions. Though responsibility for emotions might differ from responsibility for actions, since we have less control or cannot directly will emotions, we still often hold each other responsible for how we feel,
and especially for how we express our feelings. This starts early in our moral education. We chastise our children for laughing at a funeral, or for not expressing gratitude for a gift. But we also get upset at ourselves if we feel angry and indignant at an unintended slight, even if the target or cause of our anger is unaware of the slight. This is particularly true with political emotions. While some emotions might be evolutionarily encoded, such as fear of snakes and spiders, almost all emotional responses in the political realm are cultivated emotions, and we do hold each other responsible for this cultivation. This is why we hold someone with racist sentiments morally contemptible, even if he or she makes efforts not to express those sentiments publicly. Thus, independently of communicated emotional expressions, we recognize that feeling particular emotions can be appropriate and inappropriate, which conflicts with the idea that emotions are irrational impulses.

Emotions are intelligible phenomena. And this intelligibility is at least partially explained by their intentionality: Emotions are object-directed. I feel anger at John for stealing my car. I am afraid of the snarling dog. To introduce some precision, call this the emotion’s target. But emotions are not merely object- or target-directed; they also evaluate that target. My fear evaluates the snarling dog as dangerous or fearsome. My indignation at President Mugabe evaluates his treatment of his people as unjust. This need not be a conscious or higher-order judgment that the dog is fearsome or Mugabe is (necessarily) unjust. The way emotions evaluate their object is a matter of considerable debate, to which I will return to in section V. For now, that emotions are evaluative is enough. In addition, our ordinary understanding of emotion captures several important points. (1) Emotions are intentional. (2) This intentionality at least partly explains their intelligibility. Thus, emotions are intelligible or minimally rational phenomena (de Sousa 2001, Goldie 2000). (3) Emotions are evaluative (Taylor 1985, Nussbaum 2003, Roberts 2003). (4) Emotions are embodied (Baier 1991, Damasio 1994, Goldie 2000). This, I think, requires little explanation. Whatever else emotions are, we feel them in and through the body. What separates my emotional experience from yours is that I feel mine and
you feel yours. Without this corporeal and visceral element, emotions are not emotions. (5) Finally, emotions can be (in)appropriate.

Much the same can be said for emotional expression. But there are also some relevant differences. While both emotions and their expression are passive in the sense of being something we undergo rather than actively choose or will - hence the etymology of the term passion from the Latin passio and Greek passion – the degree of passivity of emotional expression compared to emotions proper is significantly less. We can and often do control expressions of emotion for moral, pragmatic, and even aesthetic reasons. This has implications for the appropriateness and responsibility of emotional expression. It is this very point that many deliberative democrats press. When we engage in public debate, we ought to suppress our emotional expressions and assume a dispassionate attitude, presenting arguments in logical fashion and endorsing those that withstand criticism. But this ignores the rationale for why the emotion is experienced in the first place, i.e. the source of the emotional expression. If the emotion is intelligible and appropriate, then to some degree the emotional expression is apt as well. By assuming a dispassionate attitude, we might actually block or reject certain claims or potential claims. It also ignores the fact that adopting a dispassionate attitude is itself a particular affective response that carries an emotional tone of “calm and distance.” The idea of disembodied and emotionless speech is a fiction (Young 2002, 53). For example, restricting deliberative speech to dispassionate, formal arguments would have ruled out many strategies of the desegregation movement (Bohman 1996).

Given this basic understanding of emotion, I would like to temporarily bracket what types of speech or expression are appropriate, and look at what actually occurred in the recent health care debate. The point of this descriptive analysis is twofold. First, analyzing the emotional undercurrents

---

5 It is also this point that certain supporters of affect in politics miss. For example, even if Krause (2008) is correct that all judgments are partially constituted by emotion and that emotions are integral to what we value, we could still argue that the expression of emotion is detrimental to deliberative democracy. In what follows, however, it is this latter point that I want to contest, partly by drawing on what these expressions are expressions of.
allows us to articulate several claims and reasons each side offers in justification of their position. Secondly, despite the variety of rhetoric, much of this speech crystalizes around four types of emotional responses and these responses help us make sense of and conceptualize the debate.

I focus on three aspects of the health care debate, (a) the rhetorical speech of leading politicians of both sides, (b) private individuals with considerable political influence’s appeals to so-called ‘death panels’ and (c) the general public’s responses to (a) and (b). Since there is considerable evidence that – contrary to public perception – the leading messages and claims of the health care debate were proffered by the intellectual and political elites (Nyhan 2010), let us begin here.

President Obama, throughout his campaign and the early days of his presidency, championed health care reform as a focal point of his administration. How this messaging occurred, however, varied considerably based on context and time. Often, President Obama simply stated the need for reform, listing statistics and policies considered unfair and unjust. Yet, at other times, Obama narrowed his message, focusing on individuals affected and the cost of not reforming health care. In a speech on September 10th, 2009 in Washington, D.C., Obama tells a story given to him by a nurse, Theresa Brown. “A few weeks ago, Theresa wrote a blog post about a patient of hers. He was in his 60s, a recent grandfather…[who]… spent the last three months of his life worrying about mounting medical bills.” (Obama 2009a). In that same speech, Obama pointedly recalls that his family faced similar worries when his youngest daughter Sasha became ill with meningitis. Almost a year later, on June 22nd, Obama calls attention to the plight of Nathan Wilkes and his family:

I met Nathan Wilkes, from Englewood, Colorado, last August. His son, Thomas, was born with hemophilia in 2003. At the time, the Wilkes family had high-quality insurance through the high-tech company that Nathan helped to found. But when that insurer saw Thomas’s claims, it began jacking up premiums for all of Nathan’s employees and their families. No other insurer would take Nathan as long as Thomas was on the policy…. So as Nathan’s family neared their lifetime limit, a social worker actually suggested that Nathan and his wife get divorced so that she could go on Medicaid. Nobody should face a choice like that in America. So Nathan, you and your family, you’re why the Affordable Care Act bans those lifetime limits and ends the discrimination that young Thomas faced. (Obama 2010b)
However, the most famous of President Obama’s rhetorical examples was the story of Natoma, a sixteen-year cancer survivor who, despite having insurance, paid $10,000 out of pocket for her own medical expenses. Still, that was not enough:

[Natoma] just could not afford it. She didn't have the money. And despite her desire to keep her coverage -- despite her fears that she would get sick and lose the home her parents built -- she finally surrendered and gave up her health insurance. January was her last month of being insured. Like so many responsible Americans -- folks who work hard every day, who try to do the right thing -- she was forced to hang her fortunes on chance...But then Natoma's worst fears were realized. Just last week, she was working on a nearby farm, walking outside -- apparently, chasing after a cow -- when she collapsed. She was rushed to the hospital. She was very sick. She needed two blood transfusions. Doctors performed a battery of tests. And on Saturday, Natoma was diagnosed with leukemia...The reason Natoma is not here today is that she's lying in a hospital bed, suddenly faced with this emergency -- suddenly thrust into a fight for her life. She expects to face a month or more of aggressive chemotherapy. And she is racked with worry not only about her illness but about the cost of the tests and treatments she will surely need to beat it. I'm here because of Natoma. (Obama, 2010)

After this tragic story, Obama again added a personal message when he spoke about the struggle his mother faced in the last six months of her life, arguing with insurance companies rather than spending time with her family. The usual thought is that politicians invoke personal narratives, such as Natoma’s and Nathan’s, to concretize their message; to put a personal face on abstract or general policies. However, the cases of Natoma and Nathan, especially considering Obama’s personal addendums, suggest another interpretation – personal narratives make policies concrete and accessible because they are emotionally laden. Obama evokes the worries and fears Natoma faced trying to make ends meet and trying to battle for her life. He also evokes our compassion, our love and sympathy for friends and family who must undergo similar situations. Nowhere is this more apparent than when he refers to his own family, and his responsibilities as a father and a son.

Obama and those supporting the Democratic plan for health care reform did not have a monopoly on rhetorical emotional appeals. Rep. John Boehner and other Republican leaders also evoked emotional responses. Boehner and Republican Policy Committee Chairman Thaddeus McCotter issued a joint statement on July 29th, 2009 attacking many end-of-life policies included in the
reform bill. As Boehner explains, the reform bill challenges some Americans’ mostly deeply held beliefs on freedom and life: “Instead of being regarded with reverence, and cherished, human life is subject in this view to a utilitarian cost-benefit calculus and can be sacrificed to serve fiscal policy and the sacred imperative of trimming a budget.” Although they do not invoke specific examples, the appeal is clear. This bill is a direct and dangerousthreat to human life: “Health care reform that fails to protect the sanctity and dignity of all human life is not reform at all,” (McCotter 2009).

Another Republican, Rep. Michelle Bachmann of Minnesota, provides an even clearer example. She challenges opponents of the Democratic reform bill to slit their wrists and “become blood-brothers” to defeat the bill, adding that “you’re either for us or against us.” The image Bachmann paints is clear. The sides are drawn and those who are on her side must become closer than family, “blood-brothers”. She appeals less to the content of the bill and more to camaraderie, love, and friendship needed to defeat it. Yet, she adds a final ominous message: “This is slavery,” Bachmann said after claiming many Americans pay half their income to taxes. “It’s nothing more than slavery,” (Luning 2009). The need for becoming “blood-brothers” is great, and the threat or danger is equivalent to enslavement.

These appeals by Bachmann and Boehner to the dangers of the health care bill lead to the next cluster of rhetorical appeals I wish to focus on, the infamous death panel discussions. One aspect which separates this from the previous discussion is that the original figures promoting this death panel talk were not active politicians but were private individuals offering their perspectives on the issue. It was only after this message gained momentum that some Republican leaders capitalized on the power of the rhetoric. The specter of death panels in the proposed legislation was introduced by Betsy McCaughey, a conservative who helped block the earlier Clinton health care bill, on former Senator Fred Thompson’s July 16th radio show:

And one of the most shocking things I found in this bill, and there were many, is on Page 425, where the Congress would make it mandatory –absolutely require –that every five years, people
in Medicare have a required counseling session that will tell them how to end their life sooner, how to decline nutrition, how to decline being hydrated, how to go in to hospice care....All to do what’s in society’s best interest or your family’s best interest and cut your life short. These are such sacred issues of life and death. Government should have nothing to do with this. (McCaughey, 2009e)

Although McCaughey does not specifically mention death panels, her language is clear and provocative. The government will tell us how to end our lives sooner. We will have to sacrifice our goals for “society’s best interest” and like Bachmann and Boehner point out, government will be deciding such “sacred issues of life and death.”

McCaughey repeated this claim in opinion pieces in the New York Post and Wall Street Journal (McCaughey B., “Deadly Doctors: Advisors want to Ration Care,”, 2009)(McCaughey B., Dissecting the Kennedy Health Bill, 2009). McCaughey sums up her position by writing, “Translation: Don’t give much care to a grandmother with Parkinson’s or a child with cerebral palsy” (The New York Post Op-Eds. July 24, 2009). Here, there is a more direct reference to real individuals, the “grandmother with Parkinson’s” and a “child with cerebral palsy.” McCaughey implies that if you can feel neither sympathy nor compassion, and thus do not protect these defenseless individuals, there is something wrong with you. Any position that advocates minimizing care to the defenseless is simply wrong.

Yet, it was not until former vice presidential candidate Sarah Palin posted two messages on her Facebook page referring directly to death panels that this appeal gained real traction. Palin writes,

And who will suffer the most when they ration care? The sick, the elderly, and the disabled, of course. The America I know and love is not one in which my parents or my baby with Down Syndrome will have to stand in front of Obama’s 'death panel' so his bureaucrats can decide, based on a subjective judgment of their 'level of productivity in society,' whether they are worthy of health care. Such a system is downright evil (Palin 2009b).

Just ten days after her initial Facebook statement, the Washington Post media critic Howard Kurtz counted 34 mentions of ‘death panels’ in the Post and New York Times alone, and at least 154 references in network and cable news (Kurtz 2009). What made Sarah Palin’s claim so potent, and why did it gain so much traction? For one, the speaker. Sarah Palin is someone who is always in
the media spotlight, and is loved and hated by many Americans. These emotional responses amplify her message: Those who love Palin are likely to accept and repeat her claim, and those who hate her are just as likely to repeat the death panel claim, if only to try to counter it. Yet, as Nyhan points out, there appears to be a rebound effect when trying to counter political misperceptions. Simply by repeating a claim, even if that claim is definitively proven false, leads supporters to strengthen rather than weaken their support for that claim (Nyhan 2010). The mere fact that the death panel claim was repeated was enough to perpetuate it.

But what provides the particular death panel claim such potency is the emotional responses it provokes. The likely fear that “my parents or my baby with Down Syndrome” will have to go in front of a death panel, and that your family members (or yourself) might too is a powerful force. Yet, Palin also appeals to patriotism, and familial love, and this is something often overlooked. “The America I know and love” is an appeal to a higher patriotic vision while her examples, appealing to parents and children, recalls the bonds of family and the unstated claim that moral demands from the family are more sacred than those from government. This was seen in Bachmann’s speech. Finally, the outcome of such consequences is anger and outrage: “Such a system is downright evil.” For a message delivered in electronic format, Palin’s posting conveyed considerable emotional tone. Palin defended these claims after being attacked from numerous angles by referencing McCaughey and articles written by Obama advisor Ezekiel Emanuel (Palin 2009a). Despite independent fact checkers debunking McCaughey and Palin’s claims, the death panel rhetoric was repeated by politicians opposed to the health care legislation, their constituents, and those repeatedly trying to dismiss or reject the charge.

Perhaps the most memorable line in the whole debate was delivered at a town hall meeting hosted by Rep. Robert Inglis (R-SC). One angry constituent told Inglis to “Keep your government hands off my Medicare.” While Inglis tried politely to convey to the audience member that his
health care was being provided by the government, the individual “wasn’t having any of it” (Cesca 2009). On a purely semantic level, we can say that this individual’s remarks were contradictory or meaningless. Yet, on a more charitable level, it is clear that the individual did convey something to Inglis. He conveyed his outrage and indignation.

President Obama received a similarly phrased letter: "I got a letter the other day from a woman. She said, 'I don't want government-run health care. I don't want socialized medicine. And don't touch my Medicare.'" (Cesca 2009). Again, the locutionary content of the message is contradictory, but some message is being conveyed. There is an angry and offended tone, mixed with distrust. If the President or government “touches” her Medicare, something bad is going to happen. This distrust in the government’s handling of Medicare permeated the entire debate. The message conveyed during town hall meetings, citizen’s blogs, op-eds, and throughout the health care debate was one of frustration, anger, indignation and distrust. In fact, media reports often focused on these feelings rather than on particular complaints or claims people put forth. Part of this may have been a way to summarize the experience of a town hall meeting, but it might also have to do with the fact that many worries and complaints raised by constituents were fairly inarticulate. I will return to this important point in section VI.

From these different types of emotional speech, four emotional focal points emerge: fear, anger, sympathy, and distrust. Opponents of the proposed reform were fearful and distrustful of the government’s increased presence and influence in health care decisions. Supporters were fearful of the power of the insurance companies and fearful of losing coverage or being without adequate health care when they needed it. Sympathy, love, and compassion were often invoked through personal narratives to show both the advantages (for supporters) of reform and its troubling changes (for opponents). Finally, the most recognized response was anger and indignation. This leaves us with
three important questions: (1) what are we to make of this passionate dialogue? (2) What are these emotions responses to? (3) How might they figure in deliberative processes of democracy?

III. The Return of Rhetoric

I have challenged the a priori rejection of emotionally laden speech on grounds that it conflates the distinction between emotional and unemotional speech with that between strategic and communicative intent. This broadens the conceptual space and allows the possibility that emotional speech may be included in models of deliberative democracy and the ethical and politic debates conducted within. I have also provided a brief descriptive analysis of emotionally laden aspects of the American health care debate. However, I have yet to offer any positive arguments why we should allow rhetoric or emotional speech in deliberation or what these emotionally laden expressions add to the public deliberation. Several of the examples provided might have only made this seem more unpromising. So, one step toward addressing these worries and developing my positive argument is to expand the role and importance of rhetoric.

As Iris Marion Young explains, rhetoric involves “the ways that political assertions and arguments are expressed.” More generally, it “refers to the various ways something can be said, which colour and condition its substantive content,” (Young 2001, 53, 65). This coloring and conditioning occurs through affect and emotional language. But rhetoric also addresses the context of speech: “Rhetoric names the forms and styles of speaking that reflexively attend to the audience in speech,” (Young 1996, 130). Thus, rhetoric involves the form or manner in which deliberative claims are conveyed. By focusing on the manner in which something is conveyed, rhetoric “reflexively” and purposefully takes into account the audience. Rhetoric acknowledges the “situatedness” and embodied character of communication, something especially relevant with emotional language. What makes this situatedness important is that it takes into account the receptive capacities of the audience. As Benjamin Barber points out, deliberation encompasses more than simply making assertions and
giving reasons. Deliberation involves both speaking and listening, and rhetorical, often emotional, language helps convey a message that is acceptable to the audience (Barber, 1984). 6

Secondly, there is a strong connection between emotional language and narratives. Some philosophers of emotion have argued that emotions are essentially narrative in structure (Goldie 2000, Calhoun 1999), or they are at least made minimally intelligible in relation to narratively structured “paradigm scenarios,” (de Sousa 2001). For instance, our understanding of the concept of the emotion of jealousy might be learned and conveyed only in relation to personal or literary narratives, such as the story of Othello or through a “paradigm situation” such as that of the jealous husband who finds his wife in bed with a lover. As de Sousa explains, “[A]lthough some form of sexual jealousy seems institutionalized in most cultures, the actual form it takes is determined entirely by the prevalent sexual mores. Although jealousy is experienced as a private emotion, it is also a part laid out by certain social conventions, which the individual has merely to play out,” (De Sousa 2001, 255 emphasis added). Narrative may enter developmentally in the psychological acquisition of emotion concepts to particular feelings. It might also enter into the way emotions are expressed and even experienced, shaping the defining features of particular emotions.

It is therefore unsurprising that many political narratives employ emotional language, as seen in the examples offered by Obama and Palin. Likewise, it is unsurprising that emotions are shaped and experienced as a result of the narratives we tell, and the roles we play in a particular society. According to Young, ‘narratives’ in the sense of personal biographical narratives are an important, yet often excluded, element in deliberative democracy. These narratives “reveal the particular experiences of those in social locations, experiences that cannot be shared by those situated differently” but that must be understood in order to do justice to the others.” In addition, narrative “reveals a source of values, culture, and meaning…Values, unlike norms, often cannot be justified through argument” in

6 Young draws on what she sees as three different elements that allow for inclusion, “greeting, rhetoric, and storytelling/narrative.” Since I believe there are strong connections between narrative and emotion, I develop these elements as interrelated phenomena. Cf. Young 1996, Young 2002.
the narrow sense of formal argument (Young 1996, 131-132). Although she does not explain why they cannot be justified, the fact that these values are embedded in emotions that are difficult to articulate explains the problem of justifying historical narratives while allowing us to remain optimistic that narratives are a justifiable type of speech in public discourse: Narratives may offer a justified mode of discourse, just not one that is conveyed, or justified, strictly through propositional logic.7

Finally, Young argues that any formal requirement about the type of speech employed in deliberative democracy often perpetuates inequalities and the status quo. As Young explains:

Actual situations of discussion often do not open themselves equally to all ways of making claims and giving reasons. Many people feel intimidated by the implicit requirements of public speaking; in some situations of discussion and debate, such as classrooms, courtrooms, and city council chambers, many people feel they must apologize for their halting and circuitous speech (Young 2000,39).

If it were only the case that certain people are embarrassed or are not as skilled as others, then this would not constitute a legitimate complaint. Differences in argumentative abilities among individuals are irrelevant since we have already accepted a deliberative rather than interest-based conception of democracy because, as suggested earlier, interest-based accounts have difficulty in avoiding inherent irrationality in the political process and in explaining how appeals to justice and the common good can be defended by argument. Deliberative models do not have this problem, and this shifts the focus from the persuasive power of one’s individual interests to publicly articulable- and possibly generalizable – reasons claims. Therefore, what matters is not what is more strategic or advantageous for my interests, but the force of the stronger argument. However, Young claims that the “implicit requirements of public speaking” such as the use of parliamentary procedure or unemotional speech privilege certain social classes, notably white males in Western society.8

Moreover, if there are other ways to assess the validity of such claims, as I argue below, then

8 Young’s criticism is not solely that the interests of white males will be deliberated upon, although that might be true, but rather that some legitimate claims might never be raised because they are disclosed only by those who are not white males.
defending the necessity of formal argumentative language seems to unreasonably exclude certain types of individuals from discussion.

All three of Young’s reasons in favor of rhetorical, emotional speech, attempt to mitigate what she calls “internal exclusion.” According to Young, while participants are often kept out of the “fora of debate or processes of decision-making,” at other times the means of exclusion are more subtle. Participants may be physically allowed in the debate but “the interaction privileges specific styles of expression” and thereby effectively silences certain participants (Young 2000, 52-53). Emotional language is fundamentally important for deliberative democracy because it allows deliberative democracy to include more people into the discussion by relaxing the standards of ‘political deliberation.’ If formal argument is unnecessary – even if it is ideal for reasons of articulability and ease of assessing validity claims – then restricting deliberation to formal argument is exclusionary.

Yet, Young does not provide the only reasons to allow emotional speech in deliberative democracy. Another argument in favor of emotional speech relies upon a more familiar debate in deliberative democracy. Certain proponents of a deliberative conception of democracy and the use of “public reason” in determining political policy have attempted to exclude, a priori, the use of religious language in public deliberation. In his discussion of “public reason” and the overlapping consensus in Political Liberalism, John Rawls advances a position requiring religious neutrality. Any argument offered in the public sphere must appeal to public reason, and therefore cannot appeal only to principles or justification given by a comprehensive conception of the good such as one’s religious beliefs. Robert Audi has suggested a similar principle of religious neutrality claiming that reasons based on religious convictions are valid only if there is “adequate secular reason for this advocacy or
support…” (Audi 2000, 86). Against this exclusion of appeals to religious premises, Philip Quinn argues that Rawls’ requirement for an overlapping consensus often leads to indeterminacy:

My suspicion is that public reason will fairly often fail to determine a balance of liberal political values that can be seen to be reasonable by all citizens of a democracy as deeply pluralistic as ours. I have little confidence in its resolving power, its ability to ‘give guidance where guidance is needed.’ (Quinn 1995, 44)

Quinn also argues that Audi gives no reason for separating “secular reasons” from “religious” ones and that in advocating for this secularity thesis, Audi restricts deliberation in such a way that it discriminates against religious citizens (Quinn 1995, 28). Kent Greenawalt comes to similar conclusions about the indeterminacy of public reason criteria based on his review of several case studies (Greenawalt 1988). In one sense, the debate between religious inclusivists and exclusivists might concern the content of the reasons offered: Is the reason given one that appeals to a specifically religious doctrine or revelation? If this is all that is at stake, then the parallel between religious and emotional inclusivism/exclusivism is not apt since most deliberative democrats reject emotional speech not based on any content in that speech – leaving unclear what that might mean at present – but rather the rhetorical form of the assertion. However, we might also interpret the debate in terms of justificatory processes or procedures. Here, the focus is about form and the analogy is apt: In appealing to religious beliefs, is the justificatory procedure legitimate? The focus is not on what is being proposed but on the methods and form in which it is offered. According to the religious inclusivist, without alternative (non-secular) forms of justification, we are left with indeterminacy.

More importantly for Quinn, the restriction of form to secular reasons discriminates against religious

---

9 This position is weaker than Audi (1989)’s claim since the principle of secular rationale only applies to policies or advocacy aimed at limiting liberty, not on religious expression.

10 I understand Quinn and Greenawalt’s claim that the problem with Rawlsian public reason arguments is a form of indeterminacy in failing to provide sufficient reason for one substantive political choice over another. Read in this manner, public reason is under-determinative in a negative way since the criteria cannot provide rational guidance in deciding important political considerations.

11 Cf. Davenport (2009) for the distinction between religious content and religious justification.

12 Following Davenport, I think the inclusivist is in a weaker position in terms of religious (or revelatory) procedures of justification, I think that the inclusivist brings out relevant worries that a confined and narrow account of public reason lead to. Thus, I think exclusivism in general has significant problems, and that these problems are much greater when trying to exclude emotional speech since there are no institutional reasons to exclude emotional speech.
citizens and puts them at a disadvantage.\textsuperscript{13} Regardless of the validity of religious inclusivists, concerns over indeterminacy and discrimination reflect similar concerns for including emotional speech in political deliberation. This indeterminacy occurs at the motivational level leading to a “motivational gap.” It also potentially occurs at the epistemic level of knowing what we value and care about since emotions are a key component in constituting our evaluative position. (Krause 2008).\textsuperscript{14}

\textit{IV. Rhetorical Ends}

Excising passion from deliberation is therefore potentially exclusivist, discriminatory, and epistemically and motivationally limiting. Matters become only more problematic when we consider a less acknowledged, albeit controversial, claim. I call this the emotional end thesis: Roughly, emotional expressions are often asserted \textit{so as to inspire an emotional response in another as its proximate end.} This resulting emotional response is not used as an instrumental means to some further end, but is instead the (proximate) end because this emotional response embeds a relevant if often inarticulate moral/political claim.\textsuperscript{15} The emotional response is the end “because” there is an important claim embedded in the emotion. The “because clause” highlights how this connection cannot be merely accidental. Thus, the emotional end thesis claims that an emotional response can be \textit{intentionally} the (proximate) end of action, and is not merely a means to a further immediate end.\textsuperscript{16}

James Bohman suggests a similar idea concerning Thurgood Marshall’s efforts to end segregation in \textit{Brown v. Board of Education}:

…this forceful presentation of sentiments was connected to a general claim about ‘fairness’ and to bringing ‘school segregation under the norms of equal protection.’ The symbolic expressions and testimonials of activists do more than merely lead to deliberation, then. They are themselves deliberative if they press (however implicitly) justice claims, or claims about the

\textsuperscript{13} Wolterstorff (1997) makes a similar argument.

\textsuperscript{14} Emotions go beyond addressing motivational indeterminacy. They also can provide important counterbalances to discouragement and strengthen our commitment and convictions. However, I cannot argue this point here.

\textsuperscript{15} Krause (2008) makes a similar point in discussing the anger and indignation of ACT UP in the early 1990’s who responded to the lack of concern for gay AIDS victims. She adds that “deliberative expressions [are] those that express and engage sentiments to make claims —whether through the logical presentation of reasons or in some other fashion—about justice or the common good, or that are tied to an agent’s effort to advance such claims (119).

\textsuperscript{16} Since all our means/ends are arranged in holistic webs, it is implausible to say the emotional response is the sole end.
common good, and thereby contribute to individual and public reflection on matters of law and policy (Bohman 1996, 67).

To make sense of the emotional ends thesis and Bohman’s related example requires appealing to an older tradition of rhetoric than the one Young presents. This older tradition incorporates not only the forms or styles of address but also the goals or ends of expressive acts. Young understands the importance of rhetoric in deliberative politics, but cannot fully explain why rhetoric is important because her conception of rhetoric limits her efforts. A tradition of rhetoric that traces back to Aristotle understands rhetoric in a more comprehensive sense. According to Aristotle, “rhetoric exists to affect the giving of decisions [such as when the] the hearers decide between one political speaker and another” (Aristotle 1377b21-22). In addition, he adds that “the orator must not only try to make the argument of his speech demonstrative and worthy of belief; he must also…put his hearers, who are to decide, into the right frame of mind” (Aristotle 1377b24-25). For Aristotle, the emotional state of the audience is one of the most important elements involved in putting the hearers “into the right frame of mind.” The reason for this is that Aristotle believes emotions are based on cognitive phenomena (Aristotle 137a21-24; Nussbaum 1999; Cates 2008).

Recall that emotions are intentional and evaluative. Fear is directed at an object and appraises something as dangerous or fearsome. Part of this appraisal is an evaluative claim; the target merits fear because it is dangerous. Now, when the rhetorician is trying to manipulate someone, he tries to make them feel fear toward a particular target that is not actually dangerous. For example, Joseph McCarthy famously instilled fear of the red threat throughout the American political landscape of the 1950’s, greatly out of proportion to the actual threat or danger. This is why rhetoric and emotions are often denigrated. However, Aristotle’s account of rhetoric points out that this rhetorical manipulation of fear is parasitic on the fact that normally our fear is intelligible and rational because it correctly appraises the situation as dangerous or fearsome. Fear focuses our attention (Faucher and Tappolett 2002). In doing so, fear leads us to recognize what is salient, i.e. what is presently dangerous or a
threat. The non-deceptive but successful rhetorician simply conveys a claim that has the appropriate emotional tone. This is partly, as Young points out, because rhetoric helps situate deliberation, includes a wider audience, and does not privilege certain social positions. More importantly, it is often because the speaker’s emotional expression evokes an emotional response from the audience.

While Aristotle tends to focus on this in terms of the speaker’s goals (The Rhetoric) or for dramatic purposes (The Poetics), this assumes a further pragmatic goal than is conceptually necessary; the emotional response might be the proximate goal itself. If fear appraises something as dangerous or fearsome, anger as offensive, indignation as unjust, then simply evoking these responses helps attune the recipient to the relevant features at hand. For instance, Obama’s evocation of the fear of losing health care depicts the danger and frightening experience of what it is like to be without health care. This evocative experience might be much easier to comprehend on an emotional level than it is on an intellectual level. Similarly with Boehner’s appeal to freedom or Bachmann’s appeal to the affective ties of becoming blood-brothers. What this suggests is that claims or reasons for or against a proposal might be imbedded in particular emotional responses. Yet, articulating these reasons might be beyond the current, or even possible, grasp of the experiencing subject. I might feel a particular emotional response and recognize the merit of that response without being able to articulate why.17

Recent work on empathy supports these claims. As Darwall (1998) explains, empathy is different from sympathy. The first, literally “feeling-with” someone, is distinct from feeling sorry for another. Sympathy is a third-person emotional response while empathy, an act or feeling of identification with another’s feelings, is an awareness of what the other is feeling by way of feeling those same feelings. Empathy is a kind of vicarious feeling, which can occur via contagion and emotional ‘mirroring’ or through higher-order imaginative acts (Prinz 2010, Debes 2010).

---

17 As I argue in section V, I think there is an articulability requirement for emotional responses to be valid political (or moral) claims. What I am suggesting here is that the experiencing subject need not necessarily be the one who does the articulation. Moreover, the articulation must be merely possible, not fully present.
Empathy allows a convergence and sharing of feelings, even if the object of those feelings is inarticulate and vague. Negative forms of this – as in the Hitler example – allow for certain affective responses to spiral out of control when a feeling is literally conveyed through ‘emotional contagion’ to members of a crowd, rousing them to irrational and possibly destructive behavior. However, positive forms of empathy often occur through high-order cognitive imaginative acts of empathy. For instance, if I see you in deep distress, I will often also feel that distress and in “feeling-with” I will seek to discover and understand the source of your distress. If this distress is a result of your daughter’s sickness and lack of adequate medical attention, I can come to understand the force of a moral demand for adequate medical attention via an emotionally directed process. Simply by identifying with your emotional responses provides deep understanding of your situation in ways that intellectually grasping the situation cannot. And the force and relevance of this understanding is often more profound than recognizing the cogency of a formalized argument.

Yet, it is a mistake to think that higher-order empathic responses might be beneficial while emotional contagion is always detrimental. Emotional contagion can also work in our favor. As Adam Smith recognized, if I am able to successfully garner your sympathy through a rhetorical appeal, then you “must, to some degree, approve of how I feel. For, you don’t just know that I feel some way or another, it makes sense to you that I feel as I do.”\(^\text{18}\) Any experience of empathy conveys some limited normative force, because in empathizing, you are able to understand what another is feeling. Since emotions are intentional and intelligible, we can at least potentially come to understand the source of that emotional response and thus, the evaluative claim imbedded in it.

Still, emotional contagion remains more problematic than higher-order empathic identification because it usually occurs unreflectively and we often do not take the additional effort to understand the source of the empathically shared emotional response. In failing to make this additional effort, we

\(^\text{18}\) Remy Debes “Which Empathy? Limitations in the mirrored ‘understanding’ of emotion” *Synthese* 175 (2010): 223. I thank Remy for calling my attention to this element in Adam Smith’s *The Theory of Moral Sentiments* (section I.i.3.1).
often fail to critically examine whether the emotional response is appropriate (rather than merely intelligible). This is the warning Hitler’s contagious hate reminds us of. Simply to feel another’s response is not enough, empathy is not always appropriate or the ‘right’ response (Prinz 2010). Yet, empathy does allow us to understand another’s situation, and in doing so, we can learn to assess their claims in ways other than through formalized argumentation.

Empathy is susceptible to a number of faults to which individual emotional responses are not prone (Prinz 2010). For example, while many moral emotions have been shown empirically to be highly motivational, empathy is not strongly connected with motivated action (Carleson et al. 1988, Eisenberg et al. 1989).19 However, the greatest fault is the way empathy can uncritically ‘take on’ or experience another’s emotional response. Empathic and emotional experiences are double-edged swords. Negatively, empathy allows us to feel another’s inappropriate emotional response. This can also occur without empathy when our own emotional response is inappropriate. The difference between the two situations is that in the latter, there are generally more resources to correct the inappropriate emotional response, e.g. if I feel indignation toward some element of the health care debate, I can, knowing the target of that indignation, attempt to articulate what prompted it. With empathy, it is more common that we do not know the source or target of someone else’s feelings, even if we empathically ‘take on’ those feelings. It requires additional efforts to locate and then articulate the source of these emotional responses. For this reason, I am cautious of positing a strong role for empathy in political deliberation.

At the same time, there is a positive aspect to empathy. Empathy allows us to recognize claims and expand the deliberative circle by imposing weaker requirements than formal argumentation. Yet, these benefits can be accomplished without relying strongly on empathy and

---

19 Thus, empathy seems to provide little aid in bridging the ‘motivational gap Krause criticizes ‘rationalist’ theories for.
instead focusing more on our own emotional responses. I can feel compassion for your sorrow and

grief. Here, there is no empathic response but rather an emotional response toward your emotions.

Like empathy, emotional responses to emotions allows for legitimate but inarticulated claims and
demands to be asserted even if they are not presently articulated in propositional form. This is
precisely what occurs when the goal or end of a particular speech act is an emotional end. To lead
someone to feel indignation is to prompt them to recognize an injustice.

V. Emotion: Extending the Account

In the last section, I argued that emotions proper might be the ‘end’ or aim of a particular
speech act since emotions contain evaluative claims embedded within them. This extends the role of
emotional language beyond rhetorical form to the very content of the political claim asserted. To
develop this last claim requires extending our account of emotion, but only minimally. The claim
advanced by the emotional end thesis, and the importance of rhetoric, even narrowly construed,
requires a more robust account of emotion than our earlier sketch. While I don’t have the space to
defend substantive additions to this account, those I posit are widely supported in the literature.
Moreover, we can remain agnostic concerning many details in the debates in emotion-theory in
philosophy and contemporary psychology, since the addition I suggest is amenable to a variety of
views. I argue that the only way to make sense of the intentionality and appropriateness of emotions
is by way of their representational content. In this, I follow the majority of cognitive and non-
cognitive theories of emotion.

To explain this representational content, the ‘what the emotion is about’ requires analyzing the
evaluative character of emotions. Fear construes its object as fearsome or dangerous, indignation as
unjust. Each emotion has a token evaluative content or axiological property that corresponds to it.
However, this means that appropriate emotions will be responses to legitimate evaluative claims.
Thus, it makes perfect sense that emotions might be an end (emotional end) if the goal of political
deliberation is to forward and discuss evaluative claims. Habermas’ worry that emotions and rhetoric are merely strategic is misguided. Emotional responses can be just as much an assertion of a political claim as a formalized argument. Since they are responses to a target or real object in the world, they can be assessed for a type of validity.

VI. Normativity

If I am right that emotional form (rhetoric) and emotional response are sometimes legitimate, viable appeals as the ends of communicative action, we are left with a final question of what types of emotional appeals are legitimate or viable in deliberative democracy, and more specifically, in the recent health care debate. How do we know or evaluate whether a token emotional appeal is appropriate? Emotional speech is a form of communication (Gibbard, 1992). Thus, emotional speech has the same communicative requirements as any other form of communication. These include being understandable, truthful, honest, and relevant or pertinent (Habermas 1973). While these requirements need to be slightly modified due to the particularity of this type of communicative act, the overall structure follows the structure of communicative speech acts.

There are three familiar responses to how to programmatically develop an account of politically appropriate emotional responses. The first response is to limit or prohibit emotional responses, at least in deliberative situations. Without repeating my arguments from earlier, the main problem with this approach is that it excludes whole groups from discussion, and also radically limits meaningful political deliberation.

A second approach is not to limit speech at all. However, the problems here are equally apparent. As Martha Nussbaum points out, we do limit free speech using the “Miller test” for obscenity (Nussbaum 43). We also have similar bans on inflammatory language. While “hate speech” might not be banned under First Amendment rights, hate crimes are punished for “inflict[ing] distinct
emotional harms on their victims.” (Posner 1999). These are more than instrumental conventional rules or descriptive claims about how American society is organized. The “Miller test”, rules against incendiary speech, and hate crime laws are aimed at providing legitimate grounds for why something is obscene, inflammatory, and inspired by hate. Each provides important limits to free speech.

A third possibility has been recently offered by Nussbaum. Nussbaum recognizes potential benefits and harms of emotionally-laden speech in political society. Her approach is to eliminate particular emotional responses as a class. For instance, she argues that as a liberal society we ought to rule out disgust as a legitimate, political, emotional response in any situation. Nussbaum sees a conflict between liberal democratic ideals – the same or similar ideals espoused by deliberative democrats – and the ‘content’ of disgust. Nussbaum’s criterion for appropriate disgust is contamination, especially of the body and relating to mortality and animality. This response (disgust) can occur not only with physical contamination, like when we feel disgust at seeing rotting meat; it also includes psychological contamination. Nussbaum thinks this appeal to disgust as justification for political claims, such as feeling disgust at homosexual behavior, is inappropriate. While some emotional responses like anger and indignation have positive social functions, disgust is profoundly anti-social.

In addition, Nussbaum claims that since are no “set of reasons that can be used for purposes of public persuasion…..There are no publicly articulable reasons to be given that would make the dialogue a real piece of persuasion.” Disgust is a private and publicly unjustifiable emotional response (Nussbaum, 27). Finally, Nussbaum argues that disgust as a whole is inappropriate “because it concerns contamination rather than damage; because it is usually based on magical thinking rather than on real danger; and because its root cause is our ambivalent attitude to what we are, namely

---

20 The U.S. Supreme court provided 3 reasons why hate crimes were subject to additional punishment. Hate crimes were “more likely to provoke retaliatory crimes, inflict distinct emotional harms on their victims, and incite community unrest.” Judge Posner (1999) shows how reasons #1 and #3 are empirically and conceptually problematic and thus the only legitimate claim is the second one.
mortal animals.” (Nussbaum, 27). Thus, disgust “collaborates with evil; it offers us nothing to keep our political hearts warm.” (Nussbaum, 55).

While Nussbaum is correct that certain responses of disgust are inappropriate, and that disgust might often be counter-productive to liberal democratic politics, she is wrong to rule out any single class of emotion. *Pace* Nussbaum, psychological or perhaps ‘spiritual’ contamination can be very real. Although there is a fine line between contamination and excluding ‘otherness’ altogether, to think that toleration is *always* correct is to ignore that certain experiences can fundamentally alter our personality, as well as mental and physical capacities, for the worse.21 Nussbaum might be correct that disgust toward homosexual behavior has no claims to legitimacy or appropriateness, but she cannot rule out that an emotional response to psychological contamination, whatever that may entail, might be an important response. More importantly, her suggestion that disgust is a response to contamination, suggests that there are publicly identifiable reasons available “for purposes of public persuasion” to indicate the legitimacy of disgust. These reasons are the same reasons that justify asserting that something is contaminating.

Despite its flaws, Nussbaum’s approach provides resources to establish criteria for emotional speech to be included in communicative speech acts. An emotional appeal is appropriate when the object or target of that emotional response *merits* that response.22 As Nussbaum’s discussion of disgust illustrates, the reason disgust is problematic is not because of its worrisome consequences. Disgust is *generally* not merited or appropriate because the object of my disgust does not possess the ability to contaminate me. Another’s homosexual lifestyle cannot contaminate me and my body, the way that eating a piece of rotting meat causes real contamination. Even if we extend this contamination to psychological contamination, it is hard to see how a homosexual union in California

---

21 This is the point Socrates makes to Calicles in the *Gorgias*. It is also a common response to Mill’s qualitative hedonism.
22 This accuracy requirement accounts for the truthful and honesty requirements. Moreover, this neo-sentimentalist claim is compatible with such diverse metaethical views as phenomenological moral realism, Wiggins (1987) and McDowell’s (1985) “response-dependent property” accounts of moral realism, and Allan Gibbard’s (1991)expressivism.
can contaminate me in New York. Thus, the reason disgust is generally inappropriate in political contexts is because the objects of disgust, such as homosexual unions, do not merit disgust. While there might be any number of reasons for or against homosexual unions, there is little plausible ground that they merit disgust, at least if Nussbaum is correct that disgust is properly related to physical or psychological contamination.  

Now, if we had a univocal rather than pluralistic and contested account of moral value, answering how an object merits a particular response would be simple and straightforward: If the object instantiates a particular value that correlates to emotion, it is merited. On this straightforward account, if the emotion’s target, e.g. my friend Jack, steals my car, then he merits anger. The state of affairs “Jack steals my car” instantiates a negative value and my anger responds to this offense. Similarly, if a homosexual union merits disgust, it would be because that target (the present state of affairs) instantiates the property of disgusting by possessing the capacity to contaminate. The criterion here is one of accuracy, does the object or state of affairs accurately possess or instantiate a particular axiological property.

My proposal makes two significant changes to avoid metaphysical questions about the ontology of value and in response to value-pluralism while retaining the important and necessary objectivity of value. First, it appeals to a different justification for an object meriting a particular emotional response. Like the traditional realist, anger is correlated with the perception of an unjustified offense. Unlike the traditional realist, my anger does not respond to some ideal property of “being offensive”. Emotions are responses to particular first-order events. I am angry at Jack for stealing my car. Yet, in experiencing my anger, I evaluate Jack’s stealing my car according to a

---

23At times Nussbaum suggests that what makes disgust inappropriate is its idiosyncratic or individualistic nature. I feel disgust, and this is solely an individualistic emotional evaluation. Surely this is not what she means, since all emotional responses are social in that we learn what “contaminates us” from others, and the objects or events that elicit contamination are often cultural objects or socially mediated conceptualized particulars (e.g. ‘homosexual’). Thus, we should interpret her rejection of disgust due to its incompatibility with liberal values. This is why my approach, to examine discrete instances of disgust and whether a target merits disgust, offers a better and more precise alternative.
second-order axiological property of being an unjustified offense. Similarly, when I feel indignation at
President Mugabe’s treatment of his people, it is the treatment of his people which motivates my
indignation. But my indignation evaluates the situation in accordance with a second-order axiological
property, being unjust. What is different from the traditional realist picture is that these emotions
are not responses to value per se, instead they are responses to particulars in the world that instantiate
second-order evaluative properties.

Sometimes emotional responses can be mistaken. I might feel indignation when you step on
my toe moving furniture. But, if your action was an accident due to the heaviness of the couch, then
it is inappropriate to feel indignation here because I was not treated unjustly. My indignation construes
the action as unjust when in fact it is not unjust. Emotions might also be mistaken by being
disproportionate. Feeling rage over a small slight would be mistaken or inappropriate not because
there was not slight, but because the emotional response was too great. So we explain emotional
appropriateness by a related analogy to perception. Just as perception is accurate when what I
perceive is actually a valid perception, e.g. the snake is actually a snake and not a coil of rope, so too
my emotions are accurate or merited when my indignation actually occurs due to a real injustice, and
one that is proportionate.

Determining when emotions are appropriate is often more difficult than determining when
perception is accurate. With perception, we appeal to direct experience. But emotions are concerned
with axiological properties, which are often contested. In the context of political deliberation, I argue
that we should construe this appropriateness condition negatively and with a principle of charity:

An emotion is inappropriate or unwarranted when the target of that emotion cannot reasonably be seen as instantiating
the second-order axiological property to which that particular emotion is a response.24

---

24 Parallels with (Scanlon, 1998)’s account of wrongness are not accidental. Where I disagree with Scanlon is in defining
emotional appropriateness in terms of judgment-sensitive attitudes, effectively making judgment the arbiter of correctness
criteria for different mental states. The reason for this is due to criticisms such as those raised by (Arpaly, 2000).
According to this criterion, the burden of proof is on anyone arguing that emotions are unwarranted or inappropriate. This incorporates a principle of charity of interpretation. It also recognizes that while the goal of deliberative democracy (and political deliberation in general) is reasoned agreement, “the telling feature of whether something is wrong is whether no one could reasonably reject the agreement,” (Chambers 1996, 81; Scanlon 1998). Thus, when determining whether a token emotion is appropriate or not, we ask whether it could be reasonably seen as possessing the relevant value-property. For instance, to determine whether fear is appropriate in a given political context, we ask whether it is reasonable for someone to find the target of that object fearsome or dangerous. If it is not reasonable, then the emotion is unwarranted and inappropriate. Just because someone actually does find something fearsome or dangerous does not mean that mean fear is appropriate. There is a normative gap that must be accounted for between actual, or even typical, emotional responses and warranted responses.

“Reasonableness” is meant to capture the reason-giving process involved in emotional and formal argumentation, recognizing that reason – broadly construed – remains the final authority in political deliberation. Yet, it is not meant to suggest a principle of reasonableness independent of the deliberative process itself. What is reasonable, as Chambers and Scanlon suggest, is itself a matter for debate. However, contested views of the reasonable occur at a different level of argumentation from questions of what emotional responses are reasonable. The first occurs at a meta-level while the latter is about token responses within the framework of the reasonable. I do not wish to presuppose a pre-existing account of the reasonable, or develop a Rawlsian original position to independently specify what is reasonable. Instead, those engaged in political discussion deliberate on the reasonable. They simply do not do this at the same time as they engage in what qualifies as reasonable. Thus, appealing to a principle or concept of reasonableness is not a problematic desideratum for token emotional responses even if is not firmly fixed either.
My criteria raise several important questions. For instance, even though a racist joke might be humorous or funny based on considerations of the delivery of the joke, its subject matter, and basic social preconceptions, we might still on a more important level claim that the joke is not appropriate. It is, after all, racist, and racism is simply morally inappropriate. Thus, the epistemic criterion of accuracy needs to be supplemented by moral and potentially pragmatic considerations. Our all-things-considered ‘emotional’ appropriateness must integrate these considerations. At the same time, because we live in a pluralistic society with a variety of moral orientations and different pragmatic interests and goals, a degree of tolerance is needed. We might be able to unequivocally revoke racist hiring practices, but how far do we wish to censure or legislate art, literature, or speech? While moral and pragmatic considerations of appropriateness influence all-things-considered appropriateness, this should influence political contexts less than they would on a purely moral level. This incorporates the libertarian insight from earlier that we should not limit speech while recognizing that accuracy imposes important constraints. Still, there are limits on free speech, such as constraining hate speech and speech that could directly lead to physical harm, as well as constraints on truthfulness (libel and slander). These are moral and pragmatic constraints that are legitimate in a liberal society and analogues of these can be applied to emotional speech.

The second modification necessary to this account of appropriateness explicitly address value-pluralism. While value pluralism and value disagreement are features of contemporary political life, this ignores the fact that value disagreement presupposes a minimal level of agreement. This is a point made both by communitarian thinkers like Alasdair MacIntyre and cosmopolitan universalists like Jürgen Habermas. To have rational agreement presupposes certain values or rights of the parties involved in rational debate. Whether this is made in the language of the ‘right’ and pre-requisites of justice, or in the language of necessary “social goods”, we cannot have rational disagreement and discussion without presupposing some value commitments. Thus, deliberative democracy
presupposes some – at least instrumental – level of moral objectivity and the reality of some shared values or presuppositions. This provides additional support for the limited form of value realism suggested by my account of the appropriateness of emotions and emotional language.

However, emotional appropriateness is not solely a ‘rationalist’ cognitive enterprise. Emotions figure into the justification of their own appropriateness in a direct way, through second-order emotions. When I feel fear of flying, or at a bee, I will also often feel embarrassment as a result of this fear. Similarly, when I feel indignation at the way Natoma suffered I might also feel an attitude or conviction of righteousness. Both feelings, the embarrassment and righteousness, are second-order emotions which evaluate my emotional response and evaluate it as appropriate in this instance. There is nothing definitive or infallible about these second-order, self-directed responses which guarantee appropriateness. We might feel a feeling of righteousness toward our indignation when we should not be feeling indignation in the first place. All emotional responses are defeasible. But appropriate emotional responses should have both a cognitive and affective form of justification.

Finally, there is a third element of justification necessary for political participation; articulation. While emotional responses or appeals need not be fully articulate or possess logical form like certain strong rationalist proponents of deliberative democracy suggest, they do need to be in principle articulable. This is the lesson learned from debates on religion and public reason and Nussbaum’s critique of disgust. As Nussbaum argues, disgust is inappropriate because there are no “set of reasons that can be used for purposes of public persuasion…..There are no publicly articulable reasons to be given that would make the dialogue a real piece of persuasion.”

---

25 This idea is from John Drummond, who claims it originates in Edmund Husserl’s unpublished “Lectures on Ethics.”

26 What prevents this second-order response from an infinite regress is that emotional responses (both first and higher-order) are governed by character traits, in an analogous way that Aristotle argues that the virtue of courage governs the emotions of fear and confidence (Aristotle 1115a8).

27 This principle of articulation refers to the possibility of articulation, not articulateness. The latter, which Young rightly criticizes as culturally dependent and subject to inequalities of social position and education levels, differs in that it requires articulateness now in the presentation of new claims. My principle of articulation merely states that to be public reasons they must be shareable, and a precondition for shareable reasons is the possibility of some level of articulation or articulability. Cf. Young(2002)pg.38-39. This principle is similar to Nussbaum’s view that there are “publicly articulable reasons to be given that would make the dialogue a real piece of persuasion.” (Nussbaum 1996, 27).
Vice,”). Similarly, Rawls and Audi’s complaints against religious inclusivists are that they appeal to essentially private reasons. As we have seen, sometimes there might be reasons or grounds for justifying disgust, and what these reasons are have to do with the articulation of disgust as a particular response to perceived contamination. The appeal to contamination provides the very set of articulable reasons necessary to determine whether disgust is legitimate or appropriate.

Similarly, in the health care debate, the recognition that certain politicians are trying to cultivate fear leads us to articulating whether there is anything fearsome, fearful, or dangerous about the situation or target of that fear. Does the health care legislation really suggest bad or poor treatment of the elderly? If so, then this would be a legitimate response, as would righteous anger or indignation. But if there are no real plausible grounds for asserting that this legislation does so, than rhetorical appeals which stir up anger and fear are in this case inappropriate. Again, the criterion is one of accuracy. Does the health care bill lead to the possible involuntary euthanasia of the elderly? To determine if certain rhetorical or emotional appeals are appropriate requires articulating (a) the rhetorical form of the appeal, (b) the emotional aim or goal of the appeal, and finally (c) what type of response merits that emotional appeal.

In the case of the death panel debate, the form is obviously an emotional appeal drawing on the love of family and fear of their loss. The goal is primarily fear, mixed with indignation, and the merited response in this case would be not to feel fear or indignation. Despite (a) and (b), there is no legitimate claim that the legislation will lead to involuntary euthanasia of the elderly, and thus appeals to fear and anger are inappropriate (FactCheck.org, 2009) (PolitiFact 2009)

The need for articulation is twofold. First, articulation leads to intelligibility. To understand our own and others’ emotions, we often need to articulate them. We have to understand the reasons for feeling a particular emotion. Secondly, in deliberative democracy, there is an additional need for articulation. Because the reasons need to be clear not only to oneself and our personal
perspective; they must be shareable and intersubjective (Chambers 1996). The criteria for legitimate democratic participation require equality, accountability, publicity, and accessibility (Habermas 1998, Young 2002). For democratic norms to be accessible and public, they must be shareable as public reasons. To be reasons, they must be in principle articulable. Yet, to be inclusive and accessible, these reasons must include passion. Since passions, especially political passions have a cognitive base, we can articulate that aspect to generate shareable reasons. In addition, this allows for the process of assessing the validity of these emotional responses in an analogous fashion to assessing the validity of formal arguments, a validity that Habermas argues is essential to communicative democracy and a central reason why he rules out rhetorical/emotional speech in the first place.

The death panel rhetoric seems like the most clear-cut example of inappropriate emotional speech. And it is likely one example critics of rhetorical or emotional speech in general would cite in favor of eliminating emotional speech. But the issue is again not between emotional and unemotional speech, nor even solely in terms of the strategic use of this speech. The relevant factor is the accuracy of this token instance of rhetorical speech. If the death panel speech was either (a) a useful or helpful way to convey a particularly relevant factual message or (b) meant to invoke an appropriate emotional response and its resulting moral or political claim, then the death panel discussions would be relevant and apt. Yet, because invoking the fear of death panels neither contributed to a true factual belief, nor led to a legitimate and focused fear response, it was an inappropriate use of emotional speech. The parallel here would be using a factual argument to advance a position when one willingly knew that an important premise was unsubstantiated.28

Let me close with a final example. Critics skeptical of emotional discourse might object on principle to Obama’s rhetorical appeal to Natoma. However, our task is determining whether

---

28 I say “unsubstantiated” rather than false because in the case of much emotional speech like the death panel rhetoric, the speaker might not be deliberately lying – often, they themselves might believe their own rhetoric to some degree. Rather, it is that the claim they are pressing, or the emotion they are instilling cannot be rationally justified. While the falsity of the premise is what makes the argument unsound and the falsity of the grounds for the emotion makes the emotional response inappropriate, the speaker themselves need not be deliberately putting forward falsehoods.
Obama’s emotional appeal was appropriate. In his appeal, Obama attempted to evoke feelings of compassion for Natoma and indignation for the type of treatment Natoma received. Thus, the criterion at hand is whether Natoma’s experiences merited compassion and indignation. This is determined by whether Natoma is (i) an appropriate target of compassion and (ii) the state of affairs she suffered – or perhaps whatever forces and people caused her to suffer – are an appropriate candidate for indignation. The first response, compassion, seems fairly straightforward. Due to her medical condition and her efforts to pay her bills, it is reasonable to claim that Natoma is an apt candidate for compassion. She merits compassion and thus the response is appropriate.

However, the most politically and motivationally important component of Obama’s appeal is the emotional end of indignation. Does the state of affairs merit indignation? More specifically, who or what merits indignation? Since indignation is an emotional response to an injustice, it is a critical political emotion, but also one that is difficult to evaluate. It also gets to the heart of the debate. This has positive and negative implications. On the one hand, it might seem that if we could determine whether indignation was appropriate or merited, the debate itself would dissolve. If we could prove, for instance, that insurance companies or drug companies merited indignation, then it would be clear that they were unjust and that some significant form of health care reform was absolutely necessary.29 And this seems to be at least part of the message Obama wanted to convey. Since the question of whether anything was unjust in the situation was a central issue in the debate, it seems we cannot prove whether indignation is appropriate. However, based on our normative criteria, emotional appeals are viable unless proven inappropriate. In aiming for political inclusiveness and a wide range of possible political claims and demands to be brought into discussion, an emotional appeal that claims, or suggests that Natoma’s situation might be unjust is an appropriate emotional end.

29 While critics of the current health care reform legislation would undoubtedly agree that some form of legislation is necessary, I think any efforts that proved the current system was unjust, rather than simply unsupportable and flawed would require significant legislative reform that likely would imply universal coverage. However, since justice is a wide reaching yet contentious issue, I may be mistaken here.
As this last example suggests, a wide variety of emotional appeals might be included under the criteria provided. However, this is simply a consequence of taking affect seriously and recognizing that political claims might be part and parcel of these emotional appeals. To exclude these appeals would be to limit political deliberation unnecessarily. At the same time, I have still provided criteria both for how emotional appeals might be incorporated into deliberative democracy, but also for determining when token emotional appeals are appropriate or inappropriate.

VII: Conclusion

In this paper, I have provided the initial defense of the inclusion of emotional language in politics and have sketched a criterion for evaluating these claims. While the examples chosen, and their appropriateness or inappropriateness, is open for discussion, this is exactly how things should be on deliberative models of democracy. I have not established any definitive decision-procedure that can easily generate answers to particular uses of emotional language. That was not my aim. Instead, I hoped to show (1) that emotional language is not anathema to political deliberation. This suggests that passions in the health care debate are not what should worry us. Rather, we should be concerned about any coercive (whether emotional or rational strictu sensu) deliberation. (2) I have shown that supporting the inclusion of emotional language in deliberative democracy needs a modest philosophical account of emotion that is ecumenical to different philosophical theories and which fits many common-sense intuitions. (3) I have tried to establish a criterion of valid or appropriate political emotional language that addresses Habermas’ worries about the validity of emotional expressions and sketches a way to adjudicate token emotional appeals, such as those that occurred in the American health care debate.

When applied to the health care debate, my criterion of appropriate emotional language in political deliberation is meant to remain under-determinative. Since political discussions are meant to incorporate a variety of different theories of the good, this value-pluralism acknowledges that moral
arguments concerning the appropriateness of emotional language might entail stronger constraints on emotional language. Yet, in liberal democratic societies, the defense of broad freedoms of speech is defended for various reasons, and thus the proposal sketched is meant to accommodate these concerns. At the same time, complete freedom of (emotional) speech is unacceptable and threatens the very legitimacy and viability of deliberative democracy at its core. Finally, while I have discussed the normativity of emotional political speech, nowhere have I discussed what sanctions or consequences follow from how we ought to speak. Considerations of sanctions or punishment remain outside the scope of this argument. It is enough, as a first step, to argue how one ought to employ emotional language in deliberative democracy. It is a separate question what political or legal consequences should follow from this analysis.

Bibliography


