

DISQUALIFICATION OF THE DEBATE ON THE EQUAL RIGHTS AMENDMENT FROM THE PUBLIC SPHERE

Dr. Sonja K. Foss,
Professor, University of Colorado Denver

I am baffled by Alan Gross's (2012) contribution to the forum commemorating Habermas's work both because he went back to articles published in 1979 to find evidence for his claim and also because of the claim itself. As far as I can tell, Gross's primary claim concerning the controversy over the Equal Rights Amendment (ERA) is that there was an "absence of public debate" on the Amendment (p. 143). Both my analysis of the debate on the ERA and my experience at the time suggest otherwise. This was a debate that seemed to be precisely the kind of debate Habermas idealized. It was a vibrant debate that took place in Congress, state legislatures, political organizations, churches, bars and restaurants, and popular magazines and scholarly journals. It involved an issue of "common concern" (Habermas, 1989, p. 36)—the nature of the rights of women accorded by the state, which would affect how women and men would live together in public arenas. Why would this not fit Habermas's model of debate in the public sphere? I can think of only two reasons why Gross does not believe it does.

The first reason could be that Gross holds a restricted view of debate in terms of appropriate kinds of proofs, relationship between rhetorical visions and argumentation, and the role of values in debate. For him, debate seems to consist only of *logos* and is not the holistic rhetorical act that Aristotle and a long tradition of rhetorical theorists have seen it to be. From his perspective, only *logos* counts as proof for an argument in the public sphere, and *ethos* and *pathos* cannot be involved. He particularly dismisses the role of *pathos* and seems to think that, because "emotional valence" (Gross, 2012, p. 143) played a key role in the ERA controversy, debate did not occur.

Moreover, Gross seems to think that, because the advocates on both sides created rhetorical visions, they could not be engaged in argumentation. But rhetorical visions provide a common set of assumptions about the proper way to provide good reasons for arguments. As Bormann (1985) explains, argument is "ultimately related to shared fantasies in that the latter [are] a necessary and prior condition for the former" (p. 16).

Gross also restricts his view of debate to argumentation that involves values shared by all members of an audience. He seems to believe that the arguments in the ERA debate were not appropriate because the rhetoric of the proponents was not based on values shared by all U.S. women, which he claims was the case with the rhetoric of the opponents. Values are precisely the point here; this was a controversy over values, which are "objects of agreement in regard to which only the adherence of particular groups is claimed" (Perelman & Olbrechts-Tyteca, 1969, p. 74). Aligning with the values of all is not a requirement for arguments in which values are the starting point.

A second reason for Gross's view that the debate on the ERA was not a proper debate might be that he does not see those who were the subjects of and the primary advocates in the debate as legitimate participants in the public sphere. Habermas's model public sphere

was dominated by white, property-owning males, and other voices such as those of "women and dependents were . . . excluded from the political public sphere" (Habermas, 1989, p. 56). Is Gross's issue, then, with the fact that women, who were not historically included in the public sphere, inserted themselves into that sphere and engaged in the kind of debate conventionally done by men? Did they debate topics in the public sphere that did not belong there because they were topics important to women? Does he see these apparently illegitimate rhetors as uppity? Out of bounds? Talking out of turn? Talking too much?

Neither of these reasons why Gross does not see the debate on the ERA as appropriate public debate makes sense to me. He is an argumentation scholar, so his view of the nature of debate should not be as restricted as it seems to be. He lived through the debate on the ERA, so he should remember its lively nature and its extensive reach. Perhaps future conversation prompted by the forum will help me make better sense of his claim.

REFERENCES

- Bormann, E. G. (1985). *The force of fantasy: Restoring the American dream*. Carbondale: Southern Illinois University Press.
- Gross, A. G. (2012). The public sphere and rhetorical criticism: A cautionary tale. *Argumentation and Advocacy*, 49(2), 140-143.
- Habermas, J. (1989). *The structural transformation of the public sphere: An inquiry into a category of bourgeois society* (T. Burger & F. Lawrence, Trans.). Cambridge, MA: MIT Press. (Original work published 1962).
- Perelman, C., & Olbrechts-Tyteca, L. (1969). *The new rhetoric: A treatise on argumentation* (J. Wilkinson & P. Weaver, Trans.). Notre Dame, IN: University of Notre Dame Press. (Original work published 1958).