

A Note on the Rhetorical Patterns at the 1999 New South Wales Drug Summit

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Introduction

The New South Wales Drug Summit, held over the week 17 to 21 May 1999 at the instigation of NSW Premier Bob Carr, represents something of a watershed in the debate over the appropriate nature of public policy on illicit drugs in Australia. Not only did this Summit endorse the 'centrality' of the current *National Drug Strategic Framework 1998-1999 to 2002-2003 – Building Partnerships*, but it also advanced 20 'principles' and 172 'recommendations' aimed at strengthening and extending existing policy (NSW Drug Summit Communique 1999). Commenting on the significance of the Summit, Wodak and Baume (1999:12) have argued that 'the effects of the five-day Summit may well last for years, and it will take years before we will know if the Summit was successful, a success that (if it comes) will be measured in declining drug use, deaths, disease, crime and corruption'.

The central policy propositions to emerge from the Summit have been summarised as follows:

- Drug use is a multisectoral problem;
- Drug use is a chronic relapsing problem for which several courses of treatment may be necessary before abstinence is achieved;
- Treatment services and needle and syringe programs need more funding and need to be expanded;
- Drug addicts should be diverted, if possible, from the criminal justice system to treatment;
- There should be auditing, evaluation, regulation and guidelines for both public and private treatment drug clinics;
- Safe injecting rooms should not be vetoed but their establishment should always involve consultation with government and affected communities' (Wodak & Baume 1999:12)

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Although the likely efficacy of these propositions in illicit drugs policy and their scientific validity are crucial questions in their own right, these have been explored elsewhere in detail (see, for example, Bookman Press's recent *Heroin Crisis* (1999)). In the present context we are concerned with examining the rhetoric surrounding the Drug Summit and any patterns which may underlie this rhetoric. In particular, the limited purpose of this short note is to draw on the tripartite rhetorical topology developed by Albert Hirschman (1991) in his pioneering *The Rhetoric of Reaction* to explore the debate engendered at the Drug Summit. If it is indeed the case that all social reforms stimulate discernible and predictable 'reactionary theses' by opponents of the reforms and correspondingly uniform 'progressive counterparts' by advocates of the reforms, as hypothesised by Hirschman, then this can assist in not only the formulation of public policy, but also in the analysis of the problems encountered in policy implementation.

The note itself is divided into three main parts. The first section provides a brief review of the Hirschman's (1991) typologies of reactionary rhetoric and progressive counterargument and seeks to place it in the context of paradigmatic policy change. Section two attempts to employ these taxonomies to explore Drug Summit rhetoric as reported in several newspapers. The note ends with some brief concluding comments on the usefulness of examining rhetorical patterns in public policy debates.

The Rhetoric of Reaction

According to McCloskey (1994:xiii) 'the word "rhetoric" has always had two definitions, the one Platonic and the other Aristotelian, the one mere flattery and cosmetics, the other all "the available means of (uncoerced) persuasion" as Aristotle put it'. Both types of definition have been proposed by the *Oxford English Dictionary* (Simpson & Weiner 1987). While the Platonic version is apparent in its definition of rhetoric as 'language characterized by artificial and ostentatious expression', its alternative definition of rhetoric as 'the art of using language so as to persuade or influence others' (Simpson & Weiner 1987:857) is a less 'deprecatory' or pejorative interpretation that comes closer to the 'Aristotelian sense of honest argument directed at an audience' (McCloskey 1994:287). By focussing on the functions of rhetoric, both concepts suggest that when applied to policy reforms, rhetoric should be treated as an input into processes of political interaction.

In *The Rhetoric of Reaction*, Hirschman (1991) argues that each major advance in the development of citizenship in Western democracies – from civil to political to socio-economic citizenship – has provoked a strong reaction in which the opponents of reform have 'unfailingly made' three common or typical arguments. Hirschman labels these three lines of argument 'the perversity thesis', the 'futility thesis' and the 'jeopardy thesis'. Although he relates these theses to the issue of the development of citizenship, he makes it clear that they can apply to any reform process that has the cumulative effect of bringing about a radical redirection rather than incremental adjustment to public policy.

According to the perversity thesis, attempts to reform the institutions of society may have unintended perverse consequences in the sense that they exacerbate the very conditions the reformers are seeking to remedy. Put differently, '... the attempt to push society in a certain direction will result in its moving all right, but in the opposite direction' (Hirschman 1991:11). Hirschman cites numerous historical examples, including dire predictions about the extension of universal suffrage, the poor laws and Edmund Burke's perceptive prognosis of the French Revolution. But in contemporary Australia perhaps the following example by Hirschman (1991:27) has the greatest resonance:

In economics, more than in the other social and political sciences, the perverse-effect doctrine is closely tied to a central tenet of the discipline: the idea of a self-regulating market. To the extent that this idea is dominant, any public policy aiming to change market outcomes, such as prices or wages, automatically becomes noxious interference with beneficent equilibrating processes.

By contrast, the futility thesis holds that reforms will simply have no effect – they will ‘fail to make a dent’. Although at first sight the claims made by the futility thesis may seem more ‘moderate’ than those proffered by the perversity thesis, Hirschman (1991:45) argues that they are in fact ‘more insulting’ to ‘change agents’. By demonstrating that a proposed course of action is entirely ineffectual, opponents of reform leave its advocates ‘humiliated’, ‘demoralised’ and ‘in doubt about the meaning and true motive of their endeavours’. A persuasive modern instance of the perversity thesis resides in the attack on Keynesian economics by the ‘rational expectations’ school of modern macroeconomics. Rather than criticise the Keynesian system along perversity lines that its prescriptions for government intervention would unintentionally deepen recessions, rational expectations theorists instead formulated their arguments in futility terms by holding that since interventionist policies are ‘widely anticipated’ subsequent behaviour by market participants would ‘nullify’ these policies thus rendering them ‘futile’ (Hirschman 1999:74).

Finally, the jeopardy thesis ‘... asserts that the proposed change, though perhaps desirable in itself, involves unacceptable costs or consequences of one sort or another’ (Hirschman 1991:81). According to Hirschman, this kind of rhetorical attack on some proposed policy reform is usually structured to concede the desirability of the policy reform *per se* but also to argue that its passage would imperil some previous beneficial and hard-won reform. For example, a common form of the jeopardy thesis may be found in the debate surrounding the welfare state, perhaps best exemplified in Hayek’s (1944) famous *Road to Serfdom*. Here Hayek argues that although many of the social welfare measures proposed in the Beveridge Report (and endorsed by public opinion at the time) were essentially benevolent, they nevertheless endangered individual liberty. Put differently, ‘... the propensity to “serfdom” of any country is a direct, monotonically increasing function of the “scope” of government’ (Hirschman 1991:113).

Although Hirschman focuses primarily on the recurrent patterns of argument that typify reactionary rhetoric, he also finds that in public policy debates the perversity, futility and jeopardy theses have their ‘progressive counterparts’. The jeopardy thesis is thus often met with the ‘imminent danger thesis’ which highlights the dangers of inaction and holds that a proposed reform is needed to stave off future threats to the sustainability of particular social systems. For instance, in response to jeopardy-style arguments against the extension of the welfare state by reactionaries, progressives have cited ‘threats of social dissolution or of radicalisation of the masses... as compelling arguments for instituting welfare-state provisions’ (Hirschman 1991:152).

In response to the perversity thesis, progressives may invoke the ‘desperate predicament thesis’ in which ‘it is implicitly or explicitly argued that the old order must be smashed and a new one rebuilt *regardless* of any counterproductive consequences that might ensue’ (Hirschman 1991:162). For example, the Burkean critique of the French Revolution and the catastrophic course of the Revolution itself ‘... led to an *escalation* of revolutionary and progressive rhetoric’ (Hirschman 1991:161, original emphasis). Similarly, in our own era anti-feminist rhetoric in the 1970s was met in some cases by extreme counterargument, like the Leeds separatist movement and its calls for ‘political lesbianism’.

Finally, the futility thesis finds its counterpart in the 'futility of resistance' thesis which holds that various 'global megatrends' or 'forces of history' make radical change inevitable and resistance to such change futile. The futility thesis and its 'having history on one's side' antithesis share a common denominator – a claim that they are based on some immutable underlying 'iron laws' or 'laws of motion' which govern society. Hirschman (1991:157, original emphasis) has stressed their symmetry as follows:

If the essence of the 'reactionary' futility thesis is the natural-law-like *invariance* of certain socioeconomic phenomena, then its 'progressive' counterpart is the assertion of *similarly law-like* forward movement, motion, or *progress*.

The typologies developed by Hirschman (1991) in his *Rhetoric of Reaction* are not without their critics. A recent critique of Hirschman by Hood (1998) compared the latter's fourfold taxonomy of world views in public administration (namely, 'hierarchist', 'individualist', 'egalitarian' and 'fatalist') with the former's dichotomy between 'reaction' and 'progressivism'. Hood (1998:185) drew the following conclusion:

A simple distinction between 'reaction' and 'progressivism' is not rich enough to capture the differences among the four different polar world-views of public management considered in this book. Each of those polar types incorporates a rather different view of what 'reaction' and 'progress' means, and hence each readily lends itself in principle to an ironic demonstration of unintended and reverse effects likely to be associated with the other recipes. In that sense, it would be surprising if only one of the polar world-views was particularly suited to the use of irony.

Whilst there can be little doubt that Hood's argument carries weight, a simple bipolar dichotomy can nevertheless serve a useful heuristic function in the evaluation of contemporary policy debates, like the NSW Drug Summit.

Hirschman's Taxonomy and Drug Summit Rhetoric

Apart from the NSW Drug Summit 1999 Communique issued on 21 May 1999, conference proceedings were made available on line daily throughout the Drug Summit.¹ However, given that from the perspective of normal citizens' media reports represented the most important source of information, we decided to rely on published newspaper reports of the conference. We drew on articles from 'quality' newspapers, including *The Australian*, the *Courier Mail* and *The Sydney Morning Herald*. We now attempt to identify the perversity, futility and jeopardy arguments and their progressive counterparts as contained in newspaper reports at the time of the 1999 Drug Summit.

Perversity Arguments

As we have seen, the focus of the perversity thesis is usually on the possibility that proposed reforms may actually leave a policy sphere worse off in terms of the values explicitly espoused by the reformers. At the Drug Summit numerous speakers called for a 'liberalisation' of current illicit drug policy, in the form of a 'decriminalisation' of illegal drug use, the introduction of safe injecting rooms or 'shooting galleries', and the like.

'Liberalisation' policy reform proposals were often countered by perversity arguments. For example, Detective Inspector Ava Brannmark of the Swedish National Police Board was adamant that Australian policymakers should not give drug users 'what they want' and argued that 'liberal drug laws' in Sweden in the 1960s and 1970s had 'resulted in policy and the community losing control and a massive explosion in the number of drug users' (Morris

1 See: <<http://www.forums.socialchange.net.au>>

& Bradford, 18 May 1999). Similarly, it was argued that even modest reforms, like the establishment of methadone clinics, had had perverse and unintended effects. NSW Police Commissioner Peter Ryan contended that methadone clinics 'tended to attract drug dealers and lead to districts becoming run down'. Further, 'drug dealers prey on addicts, businesses close down, there is a degradation of the social fabric in the area, which begins to fall into dereliction' (Robinson, 18 May 1999). A somewhat different perversity response to the 'harm minimisation' strand of 'liberalisation' reforms came from former NSW Supreme Court Judge Athol Moffitt, who argued that 'setting up safe injecting rooms for heroin addicts' would have the unintended and undesired effect of doing 'no more than increase the number of addicts and deaths by overdose' (Brown, 17 May 1999).

Whilst instances of perversity argumentation against drug 'liberalisation' were comparatively easy to find in the rhetoric of Drug Summit participants, this was not the case with the countervailing 'desperate predicament thesis'. Nevertheless, it was possible to identify some rhetoric which fitted this Hirschmanian category of 'progressive counterparts'. For example, several speakers chastised the current policy status quo in catastrophic terms as a 'war on young people' and thus indefensible even if 'liberalisation' could be shown to have deleterious effects. Dr Lisa Maher linked the 'brunt' of 'zero tolerance drug policies' with emotive descriptions of 'beautiful young women' transformed into 'emaciated skeletons' and 'sweet young men' metamorphosed into 'hardened criminals' (Maher, 19 May 1999) as a means of advocating 'harm minimisation' regardless of any attendant adverse outcomes.

A common feature of these perversity arguments is that they suggest a broader conception of the *desiderata* of 'liberalisation' – like individual and social damage from drug usage – and then suggest, often tentatively, that its impact on these more broadly conceived values may be not only ambiguous, but potentially perverse. The purpose of these arguments would therefore seem to be to induce policymakers to be more cautious in their implementation and more careful in their evaluation of these reforms.

Futility Arguments

Hirschman (1991) makes much of the difference between perversity arguments and the futility thesis that attempts at social transformation will simply be unavailing. He recognises that both theses are based on the notion of the unanticipated consequences of human action with the futility thesis seeming to be the milder version, since when it is invoked 'the unintended side effects simply cancel out the original action instead of going so far as to produce a result that is the opposite of the one that was intended' (Hirschman 1991:72). He contends nevertheless that the futility thesis is actually 'from the point of view of evaluating the chances of success of purposive human action... more devastating than the perversity thesis' (Hirschman 1991:75). This is because it demeans the significance of reform initiatives: it argues that while they might manifest themselves on the surface in a flurry of activity and change, they have no deep and lasting effect on the underlying social structures. In this regard, and as we argued earlier, the futility thesis is more 'insulting' than the perversity thesis since it suggests that as much as things *appear* to change they actually remain the same.

Although reliance on perversity arguments against drug 'liberalisation' appears much more widespread at the Drug Summit than the appeal of futility arguments, it is nonetheless evident that the latter form of persuasion was employed. For example, NSW Premier Bob Carr observed that 'the view I take is that life is an inherently disappointing experience for most people' and since some people 'can't cope with that', they will always turn to illicit drugs (Humphries & Totaro, 22 May 1999). By contrast, progressive advocates often used

'the futility of resistance' thesis against their reactionary opponents. For instance, Professor David Pennington argued that 'a heroin trial was an inevitable part of law reform, along with safe injecting rooms and the decriminalisation of marijuana' (Baird, 18 May 1999). Similarly, Professor David Dixon maintained that 'given that prohibition is unattainable, our goal should be to agree on which kind of drug markets we least like and to develop a strategy that will push them in the least undesired direction' (Dixon, 17 May 1999). An analogous argument was advanced by Rand Corporation economist Professor Reuter who noted that 'liberalisation' was inevitable since 'tough punishments did not work in the war against illicit drugs, serving only to lower prices and increase availability' (Totaro, 19 May 1999). Literally dozens of other 'futility of resistance' arguments can be identified.

Jeopardy Arguments

In essence, jeopardy arguments seek to persuade people that although some proposed reform may be desirable in its own right, it nevertheless involves unacceptable consequences of one kind or another. This form of rhetorical sophistry was used in abundance at the 1999 NSW Drug Summit. For example, NSW Premier Bob Carr argued that despite 'the weight of the scientific presentation' in favour of 'liberalisation', 'I will not accept the normalisation of heroin as part of our society' (Stephens, 22 May 1999). Similarly, in an editorial, *The Sydney Morning Herald* conceded the efficacy of many 'harm minimisation' proposals but nevertheless held that 'heroin and other dangerous substances are not a normal part of society and nothing in the law or government should suggest they are' (*The Sydney Morning Herald*, 22 May 1999).

As we have seen, Hirschman (1991) has suggested that jeopardy argumentation by reactionaries is often countered by 'imminent danger' rhetoric on the part of progressives who advocate reform. The 'imminent danger' thesis attempts to highlight the dangers of inaction and holds that reform is imperatively needed to stave off future threats to sustainability of particular social systems. Using this line of rhetoric, a report by the University of NSW School of Medical Education, presented to the Drug Summit, argued that current policing of illicit drugs in NSW 'increased the risk of near-fatal overdoses', 'risky injecting practices', 'high-risk injecting episodes', and many other potentially lethal activities. Accordingly, 'liberalisation' should proceed apace to reduce these activities (Totaro, 19 May 1999). Numerous other speakers emphasised the high costs attendant upon the *status quo* of criminalising illicit drug usage, like the jailing of drug users, adverse health consequences, and the creation of a profitable underworld of drug-related criminal activities.

A strong theme running through much of the debate surrounding the Drug Summit emphasised the mutual compatibility of 'liberalisation' measures, such as 'harm minimisation', with continued prohibition of illicit drugs. This line of reasoning is epitomised by argument that although illicit drugs should remain illegal, this '... does not mean society can avoid the harm illegal drugs do and to reduce the number of deaths they cause, while also doing everything possible to reduce their availability and to arrest and punish severely those who import them and deal in them' (*The Sydney Morning Herald*, 22 May 1999). This 'having a bet both ways' argument cannot be accommodated into Hirschman's taxonomy.

Concluding Remarks

We have sought to show that Hirschman's (1991) rhetorical taxonomies do indeed apply to the debate surrounding the 1999 NSW Drug Summit. Moreover, it would appear that the

development of a Hirschmanian pattern of rhetoric will be enhanced in situations where particular policy networks seek to forcefully implement a policy paradigm change, like advocates of 'liberalisation' at the Drug Summit. It seems that a strong dichotomising 'us versus them' flavour to a policy debate can accentuate the intransigence of Hirschmanian rhetoric and serve to factionalise a policy community. By contrast, consolidationary leadership (along the lines of that displayed by Premier Carr at the Drug Summit) may assist in ameliorating the adverse stultifying features of Hirschmanian rhetoric.

Cognitive dissonance theory can go a long way toward explaining why a Hirschmanian pattern of intransigent rhetoric can emerge at these junctures. The concept of 'cognitive dissonance' was popularised by Leon Festinger (1957). It refers to the unpleasant feeling of tension individuals experience when they have to commit themselves to particular projects or relationships. Once they have committed themselves, they will look for cognitions that support their commitments and reduce their feelings of tension or dissonance. A classic example of this is provided by automobile buyers who, after having decided to buy a particular model, mainly read literature which confirms the wisdom of this decision. Similarly, once policymakers allow public policy in a particular area to be reshaped according to principles derived from a new paradigm, they will tend to listen more to the rhetoric of its advocates than that of its rivals since this will reduce the dissonance they experience as public policy moves in a potentially radical new direction.

To counter this tendency, the advocates of rival paradigms may have to resort to the type of reactionary rhetorical tactics described by Hirschman. As reformist governments commit themselves to a particular direction and become relatively unreceptive to alternative ideas, the advocates of these ideas will have to focus negatively on the shortcomings and adverse consequences of the reforms being undertaken. Their criticisms are likely to assume a familiar repetitive pattern designed to increase the main types of dissonance experienced during the implementation of potentially far-reaching reform programs.

For the 'progressive' advocates of these reforms, dissonance will arise from the delays, obstacles and setbacks that arise in their quest to institutionalise the new paradigm as quickly as possible. To increase this dissonance, their opponents may seek to interpret any actual delays and setbacks as evidence that even radical reform is subject to the futility thesis. The aim of these arguments will be to demoralize progressive efforts at reform and undermine the credibility of progressive claims to be supplying the leadership necessary to avert imminent threats to the sustainability of social systems.

For the actual opponents of the reforms, dissonance will essentially arise from the cognition that in the drive to implement reform according to principles derived from the new dominant paradigm, the interests they represent and the ideas and values they advocate will be either dismissed or ignored. To counter this dissonance and reinforce their persistence in opposing the forward momentum of the reform process, these 'reactionaries' will tend to repeat versions of the jeopardy thesis to one another.

However, many policymakers are unlikely to be comfortable with either a progressive commitment to advance a reform process to its logical destination or a reactionary commitment to resist its forward momentum. To a greater or lesser degree they could be characterised as having a preference for a cyclical approach to policy development in which open-ended evaluation and learning from the outcomes of policies tends to ensure that no one cluster of values or interests dictates the direction of policy for too long. While they may give their support to a paradigmatic reform process and may even hand over the reins of policy leadership to radical reformers, they typically rationalise these actions as a pragmatic response to past excesses. Arguments based on the perversity thesis will tend to increase the dissonance they experience from giving 'progressives' free rein to reconstruct policy through a 'straight line' quest for coherence. As Hirschman (1991) points out, these arguments will be more 'reasonable' in tone than the futility arguments 'reactionaries' direct at 'progressives'. This is because the purpose of these arguments is to increase the dissonance, or the unease, pragmatists experience during the period of rapid reform. In this way pragmatists could be encouraged to insist on a more measured, balanced approach in which the evaluation of reform is restored to its place of equality with the concerns about implementation that tend to be ascendant during times of discontinuous policy change.

The impact of reactionary arguments on these three sources of dissonance may, of course, be offset to the extent that 'progressives' counter them with imminent danger, desperate predicament and futility of resistance arguments. For Hirschman (1991), the emergence of the pattern of argument and counter-argument constitutes a problem in that it can impoverish democratic discourse. In a sense he advances a jeopardy thesis of his own, arguing that where neither side is willing to reconceptualise or reformulate their arguments in response to the ideas or evidence advanced by their adversaries, the social capital that is formed through a process of reasonable deliberation between the advocates of rival paradigms and worldviews is likely to be damaged by the 'rhetorics of intransigence' that, according to Hirschman (1991:168), may be 'practiced by both reactionaries and progressives'.

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