

The Making of Health Policy

Upon what conceptions of distributive justice are the political arguments regarding the Patient Protection and Affordable Care Act (PPACA) constructed?

Abstract

The Patient Protection and Affordable Care Act (PPACA) has been debated by both Republicans and Democrats. In spite of clearly expressed opinions, the normative ideas behind the arguments are not evident. My assumption is that the political agenda is normatively framed. Depending on what values a politician builds his or her conception of the world certain aspects of an issue are highlighted at the expense of others. My thesis aims at clarifying the underlying normative ideas of President Barack Obama and Speaker of the House John Boehner. I have chosen Barack Obama as a representative of the Democratic Party and John Boehner as a representative of the Republican Party. At first I clarify the arguments in favor of and against PPACA through argumentation analysis. After that I conceptually compare these arguments with the ideal types of distributional justice according to John Rawls and Robert Nozick. My analysis shows that Obama closely resembles Rawls. Boehner positions himself between Rawls and Nozick. Boehner's argumentation is perceived as less clear from a normative point of view, which opens for an interesting discussion regarding his resemblance with both Rawls and Nozick.

Key words: Distributional Justice, conceptual analysis, John Rawls, Robert Nozick, political framing

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1 Background and Research Question

Throughout the Obama era, the American healthcare system and the urgent need for its reformation have been heavily debated topics in the political arena. Currently, the United States spends more than 2 trillion dollars per year on its healthcare system, but still as much as 15% of the population remains uninsured (Woolf. 2009:1167). This situation highlights the vital part that health policy plays in contemporary politics. However, health policy goes much deeper than merely health. Among social policies, health policy and the equal provision of health are perceived as a “needed good” by the American public, not as luxury commodities (Lynch, Gollust. 2010:854). Health policy and the provision of health thus distinguish itself from other social goods by being normatively perceived as a human right. Hence, policy decisions regarding health policy are “complex and value-laden” (Kenny, Giacomini. 2005:248). Characterizing a policy process as “value-laden” (i.e. influenced by personal opinions) is something relatively new. Earlier generations of policy-analysts viewed policy as a rational, goal-oriented activity and policy-analysis as value-neutral (Kenny, Giacomini. 2005:249f).

One of the key questions during the 2008 presidential campaign for presidential candidate Barack Obama, was the promise to bring and end to the expensive and ineffective health care system of the United States. His intention was to succeed where his predecessors had not. The implementation process after his victory turned out to be both lengthy and filled with problems regarding the final content of the health care reform. In early 2010 the act was finally passed. It was described as “an ambitious and unique legal construct that combines an approach to law in which social contract principles of universality and mutual dependence are linked to a market based solution to the problem of health insurance” (Rosenbaum. 2011:10). Others, however, deemed the act to be “more an aspiration for providing health care for all Americans than a fulfillment (Kernell et al. 2012:310). One of the key features of the reform was the Medicaid expansion to 138% of the federal poverty level. Almost immediately after the act was signed into law, law suits challenging its constitutionality were filed, subsequently reaching the Supreme Court. The court’s decision on June 28 2012 largely affirming the constitutionality of the act was made possible through a surprising coalition of supreme court judges, but “limited the ability of the federal government to withhold all federal Medicaid funding unless the states accept and comply with the ACA Medicaid expansion requirements” (Swendiman & Baumrucker. 2012). This means that the implementation of the expanded Medicaid programme no longer was made compulsory for the states.

Policy-makers use different types of discourses to justify and persuade constituents of the benefits of a certain political agenda. This is called ‘framing’. Theories regarding framing investigate how media present a topic to its readers. But it is also concerned with how policy makers and politicians convey their messages to the public (Warren. 2009; Kaid & Holtz-Bacha. 2008; Chong & Druckman. 2007; Tsarhouas. 2012). This thesis aims to investigate the normative frame of political speeches. A normative frame is based on values and ideas such as justice and equality.

So, when politicians engage in debates they use framing based on different types of ideas to persuade the voters. On many occasions, facts (and fiction) are mixed with value-laden statements. “[Obamacare] has killed jobs”, Mitt Romney proclaimed during one of last year’s presidential debates (Presidential Debate 2012 on Health Care). Obama answered by saying “we have the opportunity to start bringing down costs as opposed to just leaving millions of people out in the cold” (Presidential Debate 2012 on Health Care). Both of the candidates chose threatening ways of hypothesizing what would happen if voters were to choose their opponent. Why then, do they reach such different conclusions? After all, they are speaking about the same healthcare reform.

My assumption is that when politicians argue for their policy decisions, they seldom explicitly show how impregnated with value ethics regarding for example the idea of justice their arguments are. A prominent politician may act intelligently but be vague, inexact and shallow when speaking of his goals and methods (Naess. 1992:24). In other words, it can be difficult for a voter to discern the moral fundamentals of a specific policy. Intuitively, this should make it hard for a voter to take a grounded position regarding the pros and cons of a policy reform. Although focusing on values and policy reformation is more prevalent today, studies aiming at elucidating the normative backdrop of policy presentations are - to the best of my knowledge - practically non-existent. This of course makes the research area even more interesting.

To clarify my assumption I pose the following research question:

Upon what conceptions of distributive justice are the political arguments regarding the Patient Protection and Affordable Care Act (PPACA) constructed?

2 Theory

This chapter deals with the theoretical choices used in the thesis. First, the general concept of distributive justice is presented. Secondly I explain why distributive justice is chosen as the thesis' value subject. Next, the ideal types of Rawls and Nozick are studied. Following this, framing theories are discussed, with a special focus on the idea of issue framing. Finally, the material of the thesis is presented.

2.1 Distributive Justice

I am interested in the normative aspect of political speeches. For a normatively-oriented analyst, value has the same meaning as reality has for an empiricist (Badersten. 2006:21). Badersten defines values as indicating what is good or bad in life. Schwartz & Bilksy define five features common to most definitions of values:

“Values are concepts or beliefs, about desirable end states or behaviors, that transcend specific situations, guide selection or evaluation of behavior and events, and are ordered by relative importance” (1987).

Values may be defined in general terms (the value of beauty, justice, etc.) or more specifically (e.g. the value of political participation) (Badersten. 2006:22). The value statements which we as researchers are interested in are the ones which possess intersubjective validity. In other words, the values which we choose should have a moral quality to them. This would make it possible for more than one person to perceive the value in question as meaningful (Badersten 2006:23).

For this reason I have chosen a value which is the subject of many philosophical inquiries and is known as an “essentially contested concept” (Badersten. 2006:81), namely justice. As Beckman affirms, many concepts are essentially contested due to their vague and ambiguous nature (2007:34-35). The ambiguity of the concept of justice - what it should contain and who it should affect - has intrigued philosophers throughout history. Based on Aristotelian philosophy, the notion of justice is commonly conceptually divided into distributive and compensatory justice (Badersten. 2006:82). Compensatory justice is concerned with determining the compensation for a certain act. This thesis, however, focuses on distributive justice. Distributive justice addresses how scarce

resources (in this case the amount of healthcare) should be distributed within a group or a society.

The notion of distributive justice has been discussed by many of philosophers. John Rawls and Robert Nozick are two of the greatest contemporary philosophers in terms of the notion of justice. Their definitions of justice can be seen as antithetical to each another, making them suitable to represent the two ideal types of distributive justice.

Justice as fairness is how John Rawls conceives of political justice. Rawls' justice as fairness is created in an original position, behind a veil of ignorance, which hinders the participants from taking the merits and pros and cons of their fellow citizens into account. Behind the veil of ignorance, in the original position, people know neither their own nor others' merits. This guarantees a symmetrical distribution of justice¹. Behind this veil of ignorance, two principles are established. The first secures equal basic rights and liberties for everyone. These are for example the freedom of speech and other negative (i.e. the freedom of not having the government interfering) rights. The second "[requires] fair equality of opportunities and that any inequalities of wealth and income be to the advantage of those worse off" (Wenar. 2004:271). The second principle is known as the Difference Principle and should not be used in a way that compromises the first principle. His ideas form one of the cornerstones in *A Theory of Justice* (2005) and in *Justice as Fairness: A Restatement* (2001).

Rawls' concept of justice as fairness is an example of political liberalism. Such a regime is legitimate when

"its political and social institutions are justifiable to all citizens – to each and every one – by addressing their reason, theoretical and practical. [...] This requirement of a justification to each citizen's reason connects with the tradition of the social contract and the idea that a legitimate political order rests on unanimous consent" (Rawls. 2007:13).

Justice means that morally arbitrary facts about a citizen's natural and social state should not have an impact on what a person receives when the primary goods are distributed. It is a soft egalitarian view on justice which focuses on the *consequences* of redistribution. It is an end-result principle, i.e. defines just distribution on *structural* principles (Nozick. 1986:214 and Sabbagh. 2004:8ff). It is sensitive to need but insensitive to ambition in that it only accepts inequality if it benefits the people who are worse off better than simple equality would. Simple equality means that what is distributed is distributed without taking earlier inequalities into account. The theory's sensitivity to need and acceptance of

¹ As Rawls points out in *Lectures on the History of Political Philosophy*, the idea of an original position is nothing specific for his theory, but rather a necessity for every social contract doctrine

inequality when it is to the benefit of the needy implies a redistribution of scarce resources, i.e. a welfare state².

In contrast to Rawls' view on distributive justice, the theory of individual rights, the libertarian view, sees the market not as a means to achieve the kind of distributive justice typical for the Difference Principle. Rather, the market is just in itself if the conditions for just exchange according to the principle are met. One definition of the libertarian view is that "just outcomes are those arrived at by the separate just actions of individuals; a particular distributive pattern is not required for justice" (Lamont & Favor. 2008). Robert Nozick is one of the most prominent advocates of the Libertarian Principle and elaborates on it in his book *Anarchy, State and Utopia* (1978). He presents the "Entitlement Theory" which consists of three main points:

"If the world were wholly just, the following inductive definition would exhaustively cover the subject of justice in holdings:

A person who acquires a holding in accordance with the principle of justice in acquisition is entitled to that holding.

A person who acquires a holding in accordance with the principle of justice in transfer, from someone else entitled to the holding, is entitled to the holding.

No one is entitled to a holding except by (repeated) applications of (a) and (b).

The complete principle of distributive justice would simply state that a distribution is just if everyone is entitled to the holdings they possess under the distribution" (quoted in Lamont & Favor. 2008).

As one can see, Nozick does not speak of distributive justice, but rather of justice in holdings. This notion does not imply redistribution, the legitimacy of which Nozick maintains is a contested question. Nozick rejects the idea that distributive justice should be based on needs, desert, merit or the maximization of utility. He states that these ideas are incompatible with the notion of individual autonomy (Lindensjö. 2004:124f). Furthermore, the idea of self-ownership which lies at the foundation of the notion of individual autonomy implies that taxation of whatever a person produces is a violation of the provisions of the Entitlement Theory. An egalitarian distributive justice implies a distributive pattern, which also implies a destruction of individual liberty according to Nozick. He states that every distributive pattern includes a certain amount of coercion. This limits an individual's pursuit of his or her natural talents and goals (Fraser. 2005).

Nozick advocates a minimal state where people may lead their lives in the way they feel is right as long as they do not violate another person's rights. In Nozick's

² Rawls would have preferred the term 'social choice', since the term welfare "suggests that the implicit moral conception is utilitarian" (1971:259).

minimal utopian state, people will be able to create communities which best suit their own needs.

2.2 The Normative Framing of Political Discourse

Framing in political communication has many definitions, and over the years scholars have offered different perspectives on the matter (Encyclopedia of Political Communication). Chong and Druckmann offer one general definition saying that “[f]raming refers to the process by which people develop a particular conceptualization of an issue or reorient their thinking about an issue” (2007:104). Chong and Druckmann divide framing into emphasis or issue framing effects and equivalence or valence framing effects (2007:114). Equivalency effects typically involve “casting the same information in either a positive or negative light” (2007:114). It is also important that the information provided is the same, but stated differently. Saying 90% employment vis-à-vis 10% unemployment is one such example.

I will focus on issue framing, which is the type of framing usually observed in political discourse. It refers “to the way in which a particular issue is presented to others. [...] In other words, a frame implies what an issue is really about by highlighting certain considerations and making them appear more relevant in a debate” (Encyclopedia of U.S. Campaigns, Elections, and Electoral Behavior). One of the most famous examples of issue framing is presented by Nelson et al (1997). Two groups of persons were presented with newspaper information regarding a Ku Klux Klan rally. One article framed the issue in terms of free speech. The other article framed it in terms of disrupted social order. The results of the study showed that people were more likely to accept the rally when the information concerning the rally was framed in terms of free speech rather than disrupted social order.

Analogous to this, politicians present ideas to the public in order to legitimate a policy program. These ideas have a cognitive and a normative aspect. The normative aspect of ideas is focused on conveying long-established or new values regarding the benefits of policy reformation to the public. Throughout the reform process “the discursive politics of reform is filtered through a communicative discourse leading to the formulation, modification and elaboration of ideas to persuade the public” (Tsarhouas. 2012:164). Tsarhouas goes on to state “As policy-makers look out for valid justifications for policy change they engage in *bricolage* by framing solutions to policy problems in ways that enhance the legitimacy of their undertaking” (2012:164).

The Republican and the Democratic parties are directly and indirectly concerned with the notion of distributive justice regarding healthcare. When these

platforms and the policy reforms that they generate are presented to the public, the politicians are responsible for interpreting the policy and its goals.

This being said, it is important to keep in mind that even if the ethical values of a certain politician are hidden in the political discourse, this does not necessarily mean that the politician himself is unaware of their importance. According to Chong & Druckman “[p]oliticians often adopt communication frames used by other politicians, the media, or citizens” (2007:109). This further stresses the importance of clarifying the normative framing of political discourse in order to understand its goal.

2.3 Material

Since I am interested in how a policy reform is presented to the public, I have chosen political speeches given by high-profiled representatives of the Democratic and Republican Party respectively. The thesis will not study the health policy per se, but rather its reproduction through political speeches, where the political speech is seen as one of the most important tools a politician has. I looked for high profile politicians, and have chosen President Barack Obama as representative of the Democratic Party and Speaker of the House John Boehner as representative of the Republican Party. Presidential speeches have been chosen, since the healthcare reform was a redistributive, i.e. a reallocational reform. This type of reform tends to yield high presidential involvement in the policy-making process (Gormley. 2007:303). Boehner has been chosen both because of his marked aversion towards the act but also because he as majority leader in the House of Representatives and Speaker of the House is the third person in order of succession and represents the opposition. This makes him a highly influential person in American politics. Because of the value-laden nature of policy decisions regarding healthcare and because health as stated earlier is perceived as a needed good, I have chosen to analyze speeches regarding PPACA.

As I am conducting qualitative research, the number of speeches analyzed need not be numerous if the content is adequate with regard to my research question. I have chosen speeches which mainly regard the health care reform. Where possible I have tried to reject more generally held speeches. The argumentations there might be harder to find and more difficult to assure that they actually regard PPACA and nothing else.

I am aware that focusing on political speeches comes with its own complications and complexities. Most top politicians have speech-writers. When they give speeches they are usually bound by the party’s opinion on the matter. Since politicians also engage in discourse framing to persuade their constituents, one could argue that the speeches actually reflect the opinion of the voters rather

than of the politicians themselves. The normative framing of a political speech would then reflect the values which the politician believes best suit the voters (Chong & Druckman. 2007). Even so, the speeches are given by an individual with individual beliefs and moral convictions. My assumption is that this will inevitably give the speeches a personal character no matter who has written them. The politician retains the most responsibility for the ideas conveyed through his speeches.

3 Method

This chapter focuses on the methodological choices made regarding the research problem. To answer my research question I have divided the analysis into several parts. Firstly I give a clarification of the notion of distributive justice according to John Rawls and Robert Nozick based on the content analysis given by Simon Caney (2005) and the normative taxonomy of distributive justice as presented by Clara Sabbagh (2002). The clarification is divided into five key content groups. These content groups are perceived as defining of the notion of distributive justice. Secondly, in order to shed light on the argumentations in favor of and against the PPACA, political speeches given by Obama and Boehner are analyzed using a modified argumentation analysis based on Arne Naess' pro et contra scheme (1992). The modification is derived from the "group model" presented in Evert Vedung's *Det rationella politiska samtalet: hur politiska budskap tolkas, ordnas och prövas* (1977). Finally, the now clarified arguments are analyzed conceptually using the above mentioned key content groups of distributive justice. Thereafter, the arguments are compared with the ideal types of distributive justice as presented by Rawls and Nozick. My goal is to find arguments defining Obama's and Boehner's view on distributive justice. I also discuss the problems regarding the methods of choice and why I have rejected discourse analysis as an analytical tool.

3.1 Clarifying the Notion of Distributive Justice

Methodologically, I look for a way to show the reader how the content of political speeches is "coded". This is done through content analysis. But, content analysis is a quantitative method used to analyze large amounts of text. Even so, it needs a qualitative aspect in order to understand the actual meaning of the terms studied. The qualitative aspect of a content analysis is more characteristic of a conceptual analysis, an analysis of ideas (Beckman. 2007:44 and Bergström & Boréus. 2005:43). Like Bergström and Boréus in *Textens mening och makt*, Beckman speaks of a coding table when speaking of the coding of text (2007:44). Bergström and Boréus elaborate on the coding table with a number of questions used to quantitatively study specific texts. These questions are deduced from the researchers' hypotheses and presumptions on the actual matter (2005:71). In order to specify the notion of distributional justice and reach a good understanding of it, I believe that I can use the same coding procedure with a set of questions as used for quantitative measures.

Rawl's and Nozick's concepts of justice, which I use as theoretical backdrop, are hence operationalized in order to utilize them in my analysis. I create a coding table with five key content groups by using the conceptual analysis outline as presented by Simon Caney (2005) and combining this with Clara Sabbagh's (2002) taxonomy of normative oriented theories of distributional justice. By combining key questions from both researchers the analysis is broadened. Sabbagh's taxonomy takes into account that there might be more than one principle guiding the redistribution of goods. Sabbagh also proposes that the notion of justice might focus on the individual level or on the governmental level, depending on which theory lies behind. When developing their respective theories, both Caney and Sabbagh refer to a great number of other prominent scholars in the area of distributive justice. This ensures that my conceptual framework covers the key content of the subject.

Caney is concerned with the scope of distributional justice, which is also the focus of the two first questions of his conceptual analysis' questions. Since Caney is focusing on global distributive justice, the two first questions focus on *which* entities are entitled to justice, but also *who* out of these entities is entitled. It could be, that distributive justice should only be entitled to persons belonging to a certain nation. But distributive justice could also be perceived as something universal, something that goes beyond borders (2005:3). Since my research area focuses on a health care reform in a certain country, Caney's first question regarding which entities should be entitled to justice does not fit my question. Therefore it has been excluded.

The following two questions concern what there should be fair shares of and how these 'goods', as Caney defines them, should be divided. As Caney points out, there has been a lot written on this matter and there are several different standpoints. Utilitarians and egalitarians may for example agree upon that there should be a certain set of principles conducting the fair distribution of goods. But as Caney also points out "there is little consensus as to which specific criterion of distributive justice should be adopted" (2005:4).

The question of unidimensionality and multidimensionality "refers to the number of distinctive distributive principles which are specified in the justice theory" (Sabbagh. 2002). Some theories believe in a single comprehensive principle guiding distribution in all social contexts. Others believe in the existence of multiple principle where each and every one of them cannot be reduced.

Sabbagh means that "the dimension of macrojustice versus microjustice distinguishes between principles that ensure justness of the overall distribution outcome (macro) and those which ensure a just reward to individuals in the society (micro)" (Sabbagh. 2002). Macrojustice is focused on nonindividual distributional principles whereas microjustice is formulated in individual terms. There is a built-in tension between the concept of macro- and microjustice. Even

though a distribution is just on the macro level, it may still be unjust on the micro level and vice versa

The first three questions of the conceptual analysis have been taken directly from Caney's table of conceptual analysis and the final two have been built on the taxonomy of Sabbagh:

1. Who are the rightful recipients of goods, and who is obligated to distribute these goods?
2. What should people have fair shares of (income, happiness etc)?
3. According to what criterion of distributive justice should goods be distributed (equality, according to desert, or the market)?
4. How many distributive principles are specified? Is the theory unidimensional or multidimensional?
5. Is the theory concerned with individual (micro) justice or collective (macro) justice?

Through these key content groups, Rawls's and Nozick's ideal types are presented in a stringent and easy-to-follow fashion, focusing on what is perceived as characteristic for the notion of distributional justice per se.

3.1.1 John Rawls

1. According to Rawls, the rightful recipients of goods include all human beings within a predetermined human society. Rawls means that a human society may choose to install an institution with the right to redistribute the common goods of that society. This institution, however, must give equal rights to all members of society. Existing inequalities, however, are not arbitrary as long as "it is reasonable to expect that they will work out to everyone's advantage and provided that the positions and offices to which they attach or from which they may be gained are open to all" (Rawls. 1986:198). Furthermore, Rawls states, "a legitimate political order rests on unanimous consent" (2007:13).
2. Rawls determines which goods people should have fair shares of according to two basic principles of justice regarding what he calls "primary goods". The two principles describe how the institutions of society should redistribute primary goods, such as basic liberties, wealth and education. The first principle secures equal basic rights and liberties for everyone. The second provides equal opportunities for everyone. It also aims to redistribute unequal shares of wealth and income to those who are the neediest.
3. Rawls is defined as a soft egalitarian. He advocates equality, but accepts inequality when it is to the advantage of those who are worst off.

4. Rawls builds his concept of distributive justice on two principles, which makes his theory of justice multidimensional.
5. Rawls' theory has a non-individual focus. Society may be just even though wealth is unequally distributed to the benefit of the persons who are worst off. His theory of justice is therefore an example of macrojustice, focusing on structural principles rather than on individual characteristics.

3.1.2 Robert Nozick

1. According to the Entitlement Theory, a person is entitled to those goods that he or she has rightfully obtained on the free market or produced himself. No one is obligated to distribute goods if they have not been obtained according to the principle above.
2. The basic proviso of the Entitlement Theory is self-ownership. If the right to self-ownership is not violated, then the distribution of goods in a society is seen as fair.
3. Nozick stresses that the principle of entitlement in comparison with for example the theory of justice according to Rawls is not patterned. The term patterned refers to which dimensions are taken into account when justice and its distribution is discussed. An unpatterned theory does not take merit, happiness, need or any other natural dimension into consideration. Nozick explains:

“[t]hough the resulting set of holdings will be unpatterned, it will not be incomprehensible, for it can be seen as arising from the operation of a small number of principles. These principles specify how an initial distribution may arise (the principle of acquisition of holdings) and how distributions may be transformed into others (the principle of transfer of holdings) [...]” (1986:216).

4. Even if Nozick's theory of justice is unpatterned, he still has a set of principles which work as guidelines for his Entitlement Theory. These are the principle of acquisition of holdings, the principle of transfer of holdings and the principle that if these two principles are not fulfilled, a person is not entitled to his or her holdings. This makes the Entitlement Theory a multidimensional theory.
5. Nozick has a clear microjustice approach. Redistribution as taxation is seen as equal to forced labor (Nozick. 1986:219). Only when earlier injustices are being rectified are redistributive actions allowed.

3.2 Argumentation Analysis and its Implementation

I believe that the normative framing of political debate is found in the argumentations surrounding a specific issue. An argumentation analysis may be used in order to give an overview of the pros and cons of a certain debate. Arne Naess is one of the most important political philosophers working with argumentation analysis. Naess presents two models for overviewing an argumentation in his book *Empirisk semantik: the pro et contra and the pro aut contra*. The pro et contra-overview does not weigh the pros and cons with each other, which the pro aut contra-overview does. The pro et contra is a descriptive mode of analysis where the researcher is thought to stand outside of the argumentation without taking a stand. It gives a lucid overview of the heaviest arguments for and against a certain statement in a certain discussion (1992:84). I aim to descriptively point out the pros and cons of the debate and therefore choose the *pro et contra*-overview.

Evert Vedung gives a thorough explanation of Naess's methodology in *Det rationella politiska samtalet: hur politiska budskap tolkas, ordnas och prövas* (1977:36ff). I here present his interpretation of Arne Naess's method together with the interpretations given by Bergström & Boréus and Ludvig Beckman, respectively.

To explain the argumentation the method firstly aims to find the most important formulation (*spetsformulering*) or thesis (F) and thereafter looks for pros and cons regarding this formulation. An argumentation hence consists of one thesis and several arguments (Bergström & Boréus. 2005:100f and Beckman. 2007:38ff). An example of a most important formulation could be: "All Americans should have the right to health care on equal terms". This is a normative thesis which highlights one of the core principles of Rawlsian justice as fairness, but the thesis could also be descriptive.

The actual argumentation analysis, then, looks for arguments in favor of (P) and against (C). Arguments that go directly back to F are called *first order arguments* and are further divided into arguments in favor, denominated "P1", "P2", ... "Pn" and against, denominated "C1", "C2", ..., "Cn". *Second order arguments* are arguments which weaken or strengthen first order arguments. They may further be divided into

- a. pro argument in favor of pro arguments of the first order: P1P1, P1P3. The symbols are read from left to right as follows: 1st pro argument of the second order in favor of 1st pro argument of the first order followed by 1st pro argument of the second order in favor of 3rd pro argument of the first order.
- b. contra argument against pro arguments of the first order: C1P1, C1P3.
- c. pro arguments in favor of contra arguments of the first order: P1C1
- d. contra arguments against contra arguments of the first order: C1C1.

Third order arguments are those arguments that weaken or strengthen second order arguments. The second order arguments then function as most important formulations.

Evert Vedung poses criticism against the mode of presentation of Naess's pro et contra-analysis. The arguments are presented as a scheme with the pros and cons in two columns. This type of presentation makes it impossible to see at what point in time a certain argument was posed. It also makes it impossible to see who the sender was. Furthermore, it is important to note, that the chart and the argumentations pro and con are not meant to be compared with each other, only with the most important formulation, with the thesis. An argument against the thesis is not necessarily against an argument in favor of that same thesis. The presentation hence merely shows the structure of the debate, but gives no lead to the chronological order or which persons gave which arguments (Vedung. 1977:43). In order to put focus on the persons debating, Vedung proposes a modification of the original analysis. He calls this modification the group model. This model strives to bring out the groups responsible for the arguments stated in the debate.

A general outline of the result of a group model analysis would look as follows, if we were to analyze the arguments of Barack Obama and John Boehner:

	Most important formulation	
Barack Obama		John Boehner
P1		C1P1
P1P1		
		P1C1 P2P3
P2		

(chart modified from Vedung. 1977:44)

In the actual case of the debates regarding PPACA the most important formulation for the argumentation analysis will be: *The Patient Protection and Affordable Care Act should be implemented in its entirety*. This is a normative most important formulation. Each speech will be analyzed using this same most important formulation. This, however, is still merely a descriptive approach. According to Beckman it is necessary to conduct an analysis of ideas in order to

criticize the argumentation at hand (2007:38). Conceptual analysis presented in the next section, is an example of an analysis of ideas.

3.3 Conceptual Analysis and its Implementation

The conceptual analysis is a type of analysis of ideas and is by many regarded as one of the key investigative methods of political discourse (Beckman. 2007:31). To understand a political message, it is important to understand which meaning the terms and ideals in the message have. This is what the conceptual analysis does. It “[...] aims to define the components of a conception and to establish logical relations between ideas” (Lindensjö. 2004:247). Practically I use the analysis of argumentation to uncover the argumentation used in favor of and against PPACA. The conceptual analysis will then be used to problematize the concept of distributional justice according to Obama and Boehner, comparing them with the ideal types of Rawls and Nozick. By using the argumentation analysis as my material for the notion of distributive justice I take into account that the notion of justice must be perceived contextually. Different definitions of justice may embody different political standpoints and the usage of political concepts is sometimes used in a way so that the real character and meaning of an argumentation is hidden (Lindensjö. 2004:250). The conceptual analysis may show how the same term is used in different ways. I will be using the conceptual outline by Caney combined with the normative taxonomy presented by Sabbagh, as presented in the beginning of this chapter. The clarification of the two ideal types of justice follows the five key content groups stated, and I will be using these same five groups to analyze the speeches given by president Obama and mr Boehner. The analysis will subsequently be presented using a chart dividing the notion of distributive justice according to both the two ideal types and the five content groups as is shown below:

Key Content Groups	John Rawls	Robert Nozick
1		
2		
3		
4		
5		

By compiling the results of the argumentation analysis and the subsequent conceptual analysis I will be able to fit Obama and Boehner into the boxes depending on which notion of distributive justice is most prominent for each of the five key content groups.

3.4 Possible Problems With the Analysis

Firstly, for obvious reasons, president Obama and his speeches and remarks are easier to access online than are Boehners. The webpage of the White House hosts a big data base of all of the presidents' speeches and remarks in parliament and the White House during his time in office. Boehner's official webpage also hosts an array of speeches and television appearances, but is less accessible. The speeches and appearances featured are not always broadcasted in their complete version. In order to compensate for this, I will have to analyze a larger number of Boehners' speeches and remarks than Obamas'. When performing an argumentation analysis there will inevitably be a certain amount of subjectivity in the selection of arguments. To avoid this affecting the outcome of the actual research I will critically discuss the performed analysis in my final chapter. The same problem might occur when performing the conceptual analysis. By using the analytical framework of two other researchers who in turn have studied a great number of researchers in the field of normative and conceptual analysis of the notion of distributive justice I avoid letting my own presumptions affect the research outcome.

3.5 Why Not a Discourse Analysis?

I believe that a discourse analysis does not fit my research problem. A critical discourse analysis according to Fairclough & Wodak "sees discourse - the use of language in speech and writing - as a form of 'social practice'. [...] Discourse is socially constitutive as well as socially shaped; it constitutes situations, objects and knowledge, and the social identities between people and groups of people [...]" (cited in Bergström & Boréus 2005:308). In other words, a discourse analysis is interested in larger schemes of events as represented in texts. I, however, am interested in the idea of distributive justice as a concept.

4 Results

In this chapter I present an example of the argumentation analysis. The analysis in its entirety is attached as an appendix due to space limitations. Thereafter, I present the conceptual analysis aiming at understanding the idea of distributional justice according to Obama and Boehner respectively. This last part is concluded using a chart based on the five key concepts of distributional justice introduced in the methods chapter.

4.1 Argumentation Analysis

F: The Patient Protection and Affordable Care Act should be implemented in its entirety.

P1 Deferring reform is nothing more than defending the status quo

P1P1 Health insurance is becoming more expensive by the day

P1P1P1 Families can't afford [health insurance].

P2P1P1 Businesses can't afford [health insurance].

P3P1P1 The federal government can't afford [health insurance].

P2P1 Smaller businesses and individuals who don't get coverage at work are squeezed especially hard.

P1P2P1 It's the middle class that gets squeezed, and that's who we have to help.

P1P1P2P1 This is about what reform would mean for middle-class families who will be able to afford health insurance for the very first time in their lives and get a regular checkup once in a while, and have some security about their children if they get sick.

P2P2P1 This is about what reform would mean for the small business owner who will no longer have to choose between hiring more workers or offering coverage to the employees she has.

P3P1 Insurance companies freely ration health care based on who's sick and who's healthy; who can pay and who can't.

P2 It's threatening the financial stability of families, of businesses, and of government.

P1P2 It's unsustainable.

P3 It has to change.

P4 The proposal I put forward gives Americans more control over their health insurance and their health care by holding insurance companies more accountable.

P1P4 My proposal would bring down the cost of health care for millions - families, businesses, and the federal government.

P2P4 This is about what reform would mean for the mother with breast cancer whose insurance company will finally have to pay for her chemotherapy.

P1P2P4 [The mother with breast cancer now] spends time worrying about that debt when all she wants to do is spend time with her children and focus on getting well.

P1P1P2P4 This should not happen in the United States of America. And it doesn't have to.

P3P4 It's going to provide better deals for people than they can get right now in the individual marketplace.

P4P4 It's about the millions of lives that would be touched and, in some cases, saved by making private health insurance more secure and more affordable.

P5 We have debated this issue thoroughly, not just for the past year but for decades.

P1P5 Reform has already passed the House with a majority.

P2P5 It has already passed the Senate with a supermajority of 60 votes.

P6 It's about what kind of country we want to be (Remarks by the President on Health Care Reform. March 2010).

4.2 Distributional Justice According to Obama and Boehner

To remind the reader of the conceptual framework used for the analysis, I once again present the five key content groups presented in the theory chapter.

1. Who are the rightful recipients of goods, and who is obligated to distribute these goods?
2. What should people have fair shares of (income, happiness etc)?
3. According to what criterion of distributive justice should goods be distributed (equality, according to desert, or the market)?
4. How many distributive principles are specified? Is the theory unidimensional or multidimensional?
5. Is the theory concerned with individual (micro) justice or collective (macro) justice?

The analysis is firstly presented as a discussion built upon the results of the argumentation analysis and the five key questions. The discussion is concluded with a chart where Obama and Boehner for each of the key questions are fit either into Rawls' or Boehners' boxes. When referring to speeches of Obama, I refer to their title. When referring to speeches of Boehner, I refer to them as 'speech 1', 'speech 2' and so on.

4.2.1 Who are the Rightful Recipients of Goods, and Who is Obligated to Distribute These Goods?

Obama - as does Boehner - refers to the American people as a whole when discussing health care issues. Obama has a clear redistributive goal to his policy. He speaks of tax credits for persons who cannot afford health care insurance but also about a new market place where individuals can shop for health insurance to a better prize. The government has a strong influence over the formation of the health care system and the distribution of goods, even when private health care companies are responsible for the actual distribution of health care insurances. In this sense, Obama and John Rawls resemble each other to a larger extent than does Robert Nozick. Boehner is not entirely clear on who should distribute health care. Even so, it is clear that he opposes higher tax rates and a "government takeover" (Speech 3; C1) of health care. This, however, does not necessarily mean he resembles Nozick. The aversion against higher tax rates and bigger government could also be understood as an aversion against arbitrary inequality i.e. inequality which doesn't benefit the persons who are worst off. Throughout Boehners' speeches there is, however, a clear intention to make government smaller. This in turn points towards a belief that the market and individuals should distribute health care without the interference of government. Indeed, Boehner states "[t]hey know that the President's job-killing health care plan would put bureaucrats in charge of medical decisions that should be made by patients and doctors, cause premiums to go up and the quality of care to go down." (Speech 3; P1C1). The reason for Boehner to criticize the health care reform as a governmental takeover, is because he believes that this is the will of the American people. The health care reform is a broken promise and has left the American people behind (Speech 1; C2 - P1P3C2, C4 - P2C4. Speech 10; C1, C2. Speech 8; C2, C7 - P1C7. Speech 7; C1, P4C1. Speech 6; C1 - P1C1. Speech 5; C1 - C2. Speech 4; C1. Speech 3; C1 - P1C1. Speech 2; C1 - C2, C3, P1C4.). I interpret this as breaking Rawls's proviso that a legitimate political order rests on unanimous consent. For Boehner, this is the fundamental argument against the health care reform.

4.2.2 What Should People Have Fair Shares Of (Income, Happiness etc)?

Both Obama and Boehner stress the importance of freedom and equality in the provision of health care. Both favor a free marketplace where individuals can

shop for health care insurances. Obama, however, calls for a mandatory health care insurance and also a government not-for-profit option to the private health care insurances. Rawls' two principles firstly secure basic liberties and equal rights and secondly equal opportunities. The second principle may not be used on the expense of the first one. By controlling the health insurance market, Obama seeks to provide all Americans with equal opportunities as does Rawl's second principle. Boehner focuses heavily on the monetary aspect of the health care reform, indirectly criticizing rising taxes and a growing central government. This in turn could be interpreted as a mixture of Rawls's first principle and Nozick's Entitlement theory and the right to self-ownership. Both work to secure individual freedom. Nozick's right to self-ownership could however also be interpreted as addressing the monetary aspect of the health care reform. Boehner labels the health care reform as "job-crushing" (Speech 3), which I interpret as a critique analogous with the Entitlement Theory. A person's work is one out of several expressions of self-ownership. By "crushing" jobs, the right to self-ownership is violated.

4.2.3 According to What Criterion of Distributive Justice Should Goods be Distributed (Equality, According to Desert, or the Market)?

Boehner and Obama focus on equal provision of health care and the importance of a free market. However, their interpretation of the meaning of equality differ. Where Obama focuses on how the insurance system works when people fall ill (Remarks by the President to a Joint Session of Congress on Health Care; P2 - P3P1P2, P5 - P4P5, P1P12. Remarks by the President on Health Care Reform, P1P1P2P1, P2P4 - P4P4) and how insurance companies choose who to insure and which illnesses are eligible (Remarks by the President on Health Care Reform, P3P1), Boehner's critique of the reform aims mainly at how it affects job opportunities and the propensity for small businesses to hire new workers. He warns that the effect of a governmental take-over of the health care system would result in rising taxes and a larger deficit (Speech 2; C2 - P1C4. Speech 3; C1 - C2. Speech 5; C1 - P1C2. Speech 6; P1C1. Speech 8; C1 - C3, C8. Speech 9; P1C1 - P3C2, C3, P1P1C3, P1C4. Speech 10; P1C1). Both Obama and Boehner have patterned theories of justice. Obama focuses on the unjust results of the existing health care system, while Boehner warns for the devastating economical results that the new health care reform will lead up to. He is concerned that rising taxes will lead to increasing unemployment - the market and its mechanisms are indirectly seen as capable of creating a just and equal economical system without governmental interference. Even if Boehner is more concerned with endstage results (as is Rawls), the importance of a free market resembles Nozick's principle of acquisition where the distribution of holdings is legitimate if everyone is entitled to the holdings they possess. Since taxation, then, is seen as a form of coercion, and Boehner states that the health care reform kills jobs and hinders small businesses, the market plays a key role in Boehner's view on justice.

4.2.4 How Many Distributive Principles are Specified? Is the Theory Unidimensional or Multidimensional?

Obama and Boehner alike have several guiding principles. They speak of individual freedom, equality and economical aspects such as a free market, accountability, taxation and affordability. This means that they both have a multidimensional approach, even though they do not necessarily make use of the same principles.

4.2.5 Is the Theory Concerned With Individual (Micro) Justice or Collective (Macro) Justice?

Obama uses a combination of collective and individual arguments in favor of the health care reform. He exemplifies the hardships of the existing health care reform through individual stories (Remarks by the President on Health Care Reform; P2P4 - P1P2P4) but means to solve individual problems through redistributive reform where everybody is given a responsibility for a better and more efficient health care system (Remarks by the President to a Joint Session of Congress on Health Care; P7 -P2P7). This makes his theory concerned with macrojustice. Boehner too uses both collective and individual arguments against the health care reform. He argues that the health care reform defies the will of the people as a whole, but also that it leads to a lesser degree of freedom (Speech 10; C2 and Speech 5; C2). The individual aspect is stressed through arguments such as “[...] medical decisions [...] should be made by patients and doctors” (Speech 3; P1C1) and “[...] we don’t want the government getting between our doctor, and ourselves” (Speech 4; C1). Boehner thus means that the American people as a whole wants an individual solution to the health care crisis. His theory is therefore concerned with microjustice.

4.2.6 Conclusive Presentation

In conclusion Obama’s and Boehner’s views on distributive justice are presented in the chart below.

Key Concepts	John Rawls	Robert Nozick
1. Who are the rightful recipients of goods, and who is obligated to distribute these goods?	Barack Obama John Boehner	
2. What should people have fair shares of (income, happiness etc)?	Barack Obama	John Boehner
3. According to what criterion of distributive justice should goods be distributed (equality, according to desert, or the market)?	Barack Obama	John Boehner
4. How many distributive principles are specified? Is the theory unidimensional or multidimensional?	Barack John	Obama Boehner
5. Is the theory concerned with individual (micro) justice or collective (macro) justice?	Barack Obama	John Boehner

5 Discussion

Through argumentation analysis of several political speeches I clarified arguments in favor of and against PPACA. Only very few of them could easily be categorized according to distributional justice theories. Through five key concepts I was able to show how arguments which at first did not seem defining of distributional justice, in fact were both consistently present in the analyzed speeches and typical for specific ideal types of justice.

While performing argumentation analysis, I chose to bring forward all of the arguments present in the speeches, even arguments which perhaps did not concern the issue of distributional justice. By doing so, I hope to have avoided a bias in the analysis. A bias here, in the first stage of the analysis, would greatly have affected the final outcome of the conceptual analysis.

The result in itself, showing that Obama resembles Rawls while Boehner carries a greater resemblance to Nozick, is perhaps not that surprising. The PPACA is a redistributive reform launched by the Democrats and with Obama himself as a strong advocate. What I do believe to be interesting is, that especially in the case of Boehner, it is not easy at first to understand which ideas of justice lie behind parts of his argumentation. Boehner relies heavily on economical argumentation, which in itself is not typical for any specific theory of justice. By combining economical argumentation with arguments concerning the American people's beliefs regarding the reform, Boehner positions himself somewhere in between Rawls and Nozick. He does want a small government, but at the same time, as decisions should build on a social contract and unanimous consent, his argumentation has an egalitarian approach to it.

John Rawls and Robert Nozick are both ideal type theorists. No contemporary society resembles Nozick's idea with a minimal government without taxation. Rawls, on the other hand, has a more pragmatic theory, easier to apply to actual politics. This explains why Boehner and Obama both demonstrate traits of Rawls's theory, even though Boehner wants to abolish the same health care reform that Obama wishes to implement.

Finally, Lindensjö (2004:251) argues that a conceptual analysis must be accompanied by a philosophical argumentation regarding how an argument should be formulated to be relevant and according to what criterion perceptions should be valued. I have chosen not to normatively value the argumentation and concepts at hand. One could argue, that by choosing two specific philosophers as a theoretical backdrop, I have made a value statement. This is true in the sense

that I have excluded other theoretical approaches to distributive justice. But I have not made a normative statement regarding whether one of the two theories is preferable to the other. Neither have I normatively analyzed the formulation of the argumentations. This lies outside of the scope of my thesis, but would be an interesting continuation of my work. Another interesting continuation would be to either study speeches of Obama and Boehner over time or on different issues. Is the argumentation consistent over time and over different issues?

To conclude, I would like to express my belief that the political discursive arena would be a much more interesting place would politicians only dare to discuss political issues not only from an economical point of view, but also from a philosophical and moral point of view.

6 References

- Badersten, Björn, 2006. Normativ metod. Att studera det önskvärda. Lund: Studentlitteratur.
- Beckman, Ludvig, 2007. Grundbok i idéanalys. Stockholm: Santérus förlag.
- Bergström, Göran & Kristina Boréus (ed.), 2005. Textens mening och makt. Metodbok i samhällsvetenskaplig text- och diskursanalys. Lund: Studentlitteratur.
- Buse, Kent, Nicholas Mays & Gill Walt, 2012. Making Health Policy. New York: Open University Press.
- Caney, Simon, 2005. "Distributive Justice" in Caney, Simon, Justice Beyond Borders: A Global Political Theory. [Electronic] Available at: www.oxfordscholarship.com. Downloaded: 2nd December 2012.
- Chong, Dennis & James N. Druckman, 2007. "Framing Theory", *Annu. Rev. Polit. Sci.* 10:103-126.
- Encyclopedia of Political Communication, 2008, "Framing". Kaid, Lynda Lee & Christina Holtz-Bacha (ed.). [Electronic] Available at: <http://knowledge.sagepub.com.ludwig.lub.lu.se/view/politicalcommunication/SAGE.xml>. Downloaded: 6th of January 2013.
- Encyclopedia of U.S. Campaigns, Elections, and Electoral Behavior, 2008, "Issue Framing". Warren, Kenneth F (ed.). [Electronic] Available at: <http://knowledge.sagepub.com.ludwig.lub.lu.se/view/campaigns/SAGE.xml>. Downloaded: 6th of January 2013.
- Fraser, Edward, 2005. "Robert Nozick (1938-2002)" in Internet Encyclopedia of Philosophy. [Electronic] Available at: <http://www.iep.utm.edu/nozick/>. Downloaded: 6th of January 2013.
- Gormley Jr, William T., 2007. "Public Policy Analysis: Ideas and Impacts", *Annu. Rev. Polit. Sci.* 10:297-313.
- Kenny, Nuala & Mita Giacomini, 2005. "Wanted: A New Ethics Field for Health Policy Analysis", *Health Care Analysis* 13(4):247-260.
- Lamont, Julian & Christi Favor, 2008. "Distributive Justice" in Edward N. Zalta (ed.) *The Stanford Encyclopedia of Philosophy* (Fall 2008 Edition). [Electronic] Available at: <http://plato.stanford.edu/archives/fall2008/entries/justice-distributive/>. Downloaded: 23rd of October 2012.
- Lindensjö, Bo, 2004. Perspektiv på rättvisa. Göteborg: Daidalos.
- Kernell, Samuel, Gary C. Jacobson & Thad Kousser, 2012. *The Logic of American Politics*. Washington D.C.: CQ.
- Lynch, Julia & Sarah E. Gollust, 2010. "Playing Fair: Fairness Beliefs and Health Policy Preferences in the United States", *Journal of Health Politics, Policy and Law* 35(6):849-888.
- Naess, Arne, 1992. Empirisk semantik. Oslo: Universitetsforlaget.

- Nelson, Thomas E., Clawson, Rosalee A., Oxley, Zoe M., 1997. "Media Framing of a Civil Liberties Conflict and Its Effect on Tolerance", *The American Political Science Review* 91(3):567-583.
- Nozick, Robert, 1978. *Anarchy, State and Utopia*. Oxford: Blackwell.
- Nozick, Robert, 1986. "Distributional Justice" in Robert Stewarts (ed) *Readings in Social and Political Philosophy*. New York: Oxford University Press.
- Presidential Debate 2012 on Health Care, 2012. [Electronic] Available at: http://www.youtube.com/watch?v=gON_XF4h_Ec. Downloaded: 6th of January 2013.
- Rawls, John, 2007. *Lectures on the History of Political Philosophy*. Cambridge, Massachusetts and London, England: The Belknap Press of Harvard University Press.
- Rawls, John, 2005 [1971]. *A Theory of Justice*. Cambridge, Massachusetts: Harvard University Press.
- Rawls, John, 2001. *Justice as Fairness: a Restatement*. Cambridge, Massachusetts: The Belknap Press of Harvard.
- Remarks by the President on Health Care Reform. March 2010. [Electronic] Available at: <http://www.whitehouse.gov/the-press-office/remarks-president-health-care-reform>. Downloaded: 6th of January 2013.
- Remarks by the President to a Joint Session of Congress on Health Care. September 2009. [Electronic] Available at: http://www.whitehouse.gov/the_press_office/Remarks-by-the-President-to-a-Joint-Session-of-Congress-on-Health-Care. Downloaded: 6th of January 2013.
- Rosenbaum, Sara, 2011. "Realigning the Social Order: The Patient Protection and Affordable Care Act and the U.S. Health Insurance System", *Journal of Health and Biomedical Law* 7(1):1-31.
- Sabbagh, Clara, 2002. "A Taxonomy of Normative and Empirically Oriented Theories of Distributive Justice", *Social Justice Research* 14(3):237-263.
- Schwartz, Shalom H. & Wolfgang Bilsky, 1987. "Toward A Universal Psychological Structure of Human Values", *Journal of Personality & Social Psychology* 53(3):550-562.
- Speech 1 Boehner floor speech opposing the democrats' government takeover of health care. March 2010. [Electronic] Available at: <http://www.youtube.com/watch?v=pOdvN2dtM0A>. Downloaded: 6th of January 2013.
- Speech 2 Boehner: "The American People Have Spoken: They Want us to Scrap the Democrats' Health Care Bill and Start Over. February 2010. [Electronic] Available at: <http://boehner.house.gov/news/documentsingle.aspx?DocumentID=171828>. Downloaded: 6th of January 2013.
- Speech 3 Boehner: Americans Don't Want Gov't Takeover of Health Care, "Not Today, Not Tomorrow, Not Ever". March 2010. [Electronic] Available at: <http://boehner.house.gov/news/documentsingle.aspx?DocumentID=174532>. Downloaded; 6th of January 2013.
- Speech 4 Boehner on Fox News: If the American People Stay Engaged, We Can Win this Fight. March 2010. [Electronic] Available at:

- <http://boehner.house.gov/news/documentsingle.aspx?DocumentID=175052>.
Downloaded: 6th of January 2013.
- Speech 5 Boehner: “A Somber Day For The American People. March 2010.
[Electronic] Available at:
<http://boehner.house.gov/news/documentsingle.aspx?DocumentID=177820>.
Downloaded: 6th of January 2013.
- Speech 6 On the Radio: The New Majority Will Fulfill the Will of the People,
Move to Stop the Tax Hikes, Cut Spending and Repeal ObamaCare.
November 2010. [Electronic] Available at:
<http://boehner.house.gov/news/documentsingle.aspx?DocumentID=215717>.
Downloaded: 6th of January 2013.
- Speech 7 Boehner Marks Six Months of ObamaCare’s Broken Promises.
September 2010. [Electronic] Available at: <http://www.speaker.gov/press-release/boehner-marks-six-months-obamacare%E2%80%99s-broken-promises>.
Downloaded: 6th of January 2013.
- Speech 8 Boehner Outlines What Repealing ObamaCare Means for Families,
Small Businesses, Taxpayers. January 2011. [Electronic] Available at:
<http://boehner.house.gov/news/documentsingle.aspx?DocumentID=220565>.
Downloaded: 6th of January 2013.
- Speech 9 Keeping Our Pledge: New Majority Moves to Help Create Jobs, Cut
Spending, Repeal ObamaCare. January 2011. [Electronic] Available at:
<http://boehner.house.gov/news/documentsingle.aspx?DocumentID=220906>.
Downloaded: 6th of January 2013.
- Speech 10 VIDEO: Congressman Boehner on One Year of Job-Crushing
ObamaCare. March 2011. [Electronic] Available at:
<http://boehner.house.gov/news/documentsingle.aspx?DocumentID=230333>.
Downloaded: 6th of January 2013.
- Swendiman, Kathleen S. & Evelyne P. Baumrucker, 2012. “Selected Issues
Related to the Effect of NFIB v. Sebelius on the Medicaid Expansion
Requirements in Section 2001 of the Affordable Care Act”. [Electronic]
Memorandum available at: www.crs.gov. Downloaded: 3rd of November
2012.
- Tsarouhas, Dimitris, 2012. “Political Discourse and Path Shaping in Public
Policy: Comparing Pension Reforms in Greece and Italy”, *Public
Administration* 90(1):160-174.
- Vedung, Evert, 1977. *Det rationella politiska samtalet: hur politiska budskap
tolkas, ordnas och prövas*. Stockholm: Bonnier.
- Wenar, Leif, 2004. “The Unity of Rawls’s Work”, *JMP* 1(3):265-275.
- Woolf, Steven H., 2009. “Social Policy as Health Policy”, *JAMA* 301(11):
1166-1169.

7 Appendices

7.1 Appendix 1 – Barack Obama

F: The Patient Protection and Affordable Care Act should be implemented in its entirety.

P1 Everyone understands the extraordinary hardships that are placed on the uninsured, who live every day just one accident or illness away from bankruptcy.

P1P1 Many other Americans who are willing and able to pay are still denied insurance due to previous illnesses or conditions that insurance companies decide are too risky or too expensive to cover.

P2P1 We are the only democracy -- the only advanced democracy on Earth -- the only wealthy nation -- that allows such hardship for millions of its people.

P2 Those who do have insurance have never had less security and stability than they do today. P1P2 More and more Americans pay their premiums, only to discover that their insurance company has dropped their coverage when they get sick, or won't pay the full cost of care. It happens every day.

P1P1P2 One man from Illinois lost his coverage in the middle of chemotherapy because his insurer found that he hadn't reported gallstones that he didn't even know about. They delayed his treatment, and he died because of it.

P2P1P2 Another woman from Texas was about to get a double mastectomy when her insurance company canceled her policy because she forgot to declare a case of acne. By the time she had her insurance reinstated, her breast cancer had more than doubled in size.

P3P1P2 That is heart-breaking, it is wrong, and no one should be treated that way in the United States of America.

P4 Our health care problem is our deficit problem.

P1P4 We spend one and a half times more per person on health care than any other country, but we aren't any healthier for it.

P1P1P4 This is one of the reasons that insurance premiums have gone up three times faster than wages.

P2P1P4 It's why so many employers -- especially small businesses -- are forcing their employees to pay more for insurance, or are dropping their coverage entirely.

P3P1P4 It's why so many aspiring entrepreneurs cannot afford to open a business in the first place, and why American businesses that compete internationally -- like our automakers -- are at a huge disadvantage.

P4P1P4 And it's why those of us with health insurance are also paying a hidden and growing tax for those without it -- about \$1,000 per year that pays for somebody else's emergency room and charitable care.

P1P4P1P4 Finally, our health care system is placing an unsustainable burden on taxpayers.

P2P4 Since health care represents one-sixth of our economy, I believe it makes more sense to build on what works and fix what doesn't, rather than try to build an entirely new system from scratch.

P5 [My plan] provide[s] more security and stability to those who have health insurance.

P1P5 It will provide insurance for those who don't.

P1P1P5 What this plan will do is make the insurance you have work better for you.

P1P1P1P5 Now, if you're one of the tens of millions of Americans who don't currently have health insurance, the second part of this plan will finally offer you quality, affordable choices.

P2P1P1P5 If you lose your job or you change your job, you'll be able to get coverage.

P3P1P1P5 If you strike out on your own and start a small business, you'll be able to get coverage.

P1P3P1P1P5 We'll do this by creating a new insurance exchange -- a marketplace where individuals and small businesses will be able to shop for health insurance at competitive prices.

P2P3P1P1P5 Now, for those individuals and small businesses who still can't afford the lower-priced insurance available in the exchange, we'll provide tax credits, the size of which will be based on your need.

P2P1P5 Now, that's what Americans who have health insurance can expect from this plan -- more security and more stability.

P2P5 And it will slow the growth of health care costs for our families, our businesses, and our government.

P1P2P5 If we are able to slow the growth of health care costs by just one-tenth of 1 percent each year -- one-tenth of 1 percent -- it will actually reduce the deficit by \$4 trillion over the long term.

P3P5 It's a plan that asks everyone to take responsibility for meeting this challenge -- not just government, not just insurance companies, but everybody including employers and individuals. P4P5 And it's a plan that incorporates ideas from senators and congressmen, from Democrats and Republicans -- and yes, from some of my opponents in both the primary and general election.

P6 [U]nder my plan, individuals will be required to carry basic health insurance -- just as most states require you to carry auto insurance.

P7 Likewise -- likewise, businesses will be required to either offer their workers health care, or chip in to help cover the cost of their workers.

P1P7 But we can't have large businesses and individuals who can afford coverage game the system by avoiding responsibility to themselves or their employees.

P2P7 Improving our health care system only works if everybody does their part.

P8 And I have no doubt that these reforms would greatly benefit Americans from all walks of life, as well as the economy as a whole.

C1 My health care proposal has also been attacked by some who oppose reform as a "government takeover" of the entire health care system.

P1C1 Critics point to a provision in our plan that allows the uninsured and small businesses to choose a publicly sponsored insurance option, administered by the government just like Medicaid or Medicare.

C1C1 My guiding principle is, and always has been, that consumers do better when there is choice and competition. That's how the market works.

P1C1C1 Without competition, the price of insurance goes up and quality goes down. And it makes it easier for insurance companies to treat their customers badly -- by cherry-picking the healthiest individuals and trying to drop the sickest, by overcharging small businesses who have no leverage, and by jacking up rates.

P2C1C1 But an additional step we can take to keep insurance companies honest is by making a not-for-profit public option available in the insurance exchange.

P1P2C1C1 I will not back down on the basic principle that if Americans can't find affordable coverage, we will provide you with a choice.

P9 There will be a provision in this plan that requires us to come forward with more spending cuts if the savings we promised don't materialize.

P1P9 Not a dollar of the Medicare trust fund will be used to pay for this plan.

P1P1P9 The only thing this plan would eliminate is the hundreds of billions of dollars in waste and fraud, as well as unwarranted subsidies in Medicare that go to insurance companies -- subsidies that do everything to pad their profits but don't improve the care of seniors.

P2P1P9 Now, because Medicare is such a big part of the health care system, making the program more efficient can help usher in changes in the way we deliver health care that can reduce costs for everybody.

P2P9 Reducing the waste and inefficiency in Medicare and Medicaid will pay for most of this plan. P3P9 Much of the rest would be paid for with revenues from the very same drug and insurance companies that stand to benefit from tens of millions of new customers.

P10 Now, add it all up, and the plan I'm proposing will cost around \$900 billion over 10 years -- less than we have spent on the Iraq and Afghanistan wars,

and less than the tax cuts for the wealthiest few Americans that Congress passed at the beginning of the previous administration.

P11 Everyone in this room knows what will happen if we do nothing.

P1P11 Our deficit will grow.

P2P11 More families will go bankrupt.

P3P11 More businesses will close.

P4P11 More Americans will lose their coverage when they are sick and need it the most.

P5P11 And more will die as a result.

P12 He [Ted Kennedy] repeated the truth that health care is decisive for our future prosperity, but he also reminded me that “it concerns more than material things.”

P1P12 “What we face,” he wrote, “is above all a moral issue; at stake are not just the details of policy, but fundamental principles of social justice and the character of our country.”

P1P1P12 It [...] is part of the American character -- our ability to stand in other people's shoes; a recognition that we are all in this together, and when fortune turns against one of us, others are there to lend a helping hand; a belief that in this country, hard work and responsibility should be rewarded by some measure of security and fair play; and an acknowledgment that sometimes government has to step in to help deliver on that promise.

P13 You see, our predecessors understood that government could not, and should not, solve every problem.

P1P13 They understood that there are instances when the gains in security from government action are not worth the added constraints on our freedom.

P1P1P13 But they also understood that the danger of too much government is matched by the perils of too little; that without the leavening hand of wise policy, markets can crash, monopolies can stifle competition, the vulnerable can be exploited (Remarks by the president to a joint session of congress on health care. 2009).

7.2 Appendix 2 – John Boehner

7.2.1 Speech 1

F: The Patient Protection and Affordable Care Act should be implemented in its entirety.

C1 A health care bill that no one in this body thinks is satisfactory

P1C1 Can you go home and tell your senior citizens that these cuts in Medicare will not limit their access to doctors or further weaken the program instead of strengthening it. No you cannot.

P2C1 Can you go home and tell your constituents with confidence that this bill respects the sanctity of all human life and that it won't allow for tax payer funding of abortions for the first time in 30 years. No you cannot.

C2 We have failed to listen to America

P1C2 We have failed to reflect the will of our constituents

P1P1C2 When we fail to reflect that will we fail ourselves and we fail our country

P2P1C2 This bill is not what the American people need nor what our constituents want.

P2C2 [The American people are] angry.

P1P2C2 This body moves forward against their will. Shame on us. Shame on this body.

P1P1P2C2 Shame on each and every one of you who substitutes your will and your desires above those of your fellow countrymen.

P3C2 If we pass this bill, there will be no turning back. It will be the last draw for the American people.

P1P3C2 If we're going to vote to defy the will of the American people, then we ought to have the courage to stand before them and announce our votes one at a time.

C3 Is this really the time to raise taxes, to create bureaucracies and burden every job creator in our land? The answer is no.

P1C3 In this time of recession, they wanted us to focus on jobs. Not more spending. And certainly not more taxes.

C4 By our actions today, we disgrace their values. We brake the ties of history in this chamber. And we brake our trust with America.

P1C4 In a democracy you can only ignore the will of the people for so long and get away with it.

P2C4 We're gonna be held to account by those who have placed us in their trust. We will have shattered those bonds of trust (Boehner floor speech opposing the democrats' government takeover of health care. 2010)

7.2.2 Speech 2

C1 The American people have spoken: they want us to scrap the Democrats' health care bill and start over.

C2 The President has crippled the credibility of this 'summit' by proposing the same massive government takeover of health care the American people have already rejected.

P1C2 It doubles down on the same failed approach that will drive up premiums, destroy jobs, raise taxes, and slash Medicare benefits

C3 Americans are still asking ‘where are the jobs?’

P1C3 Yet the Democrats’ new health care proposal increases the Senate bill’s tax on employers who do not provide coverage from \$750 to \$2,000 per employee.

P1P1C3 CBO and numerous health care economists have made it clear that such a provision will reduce wages and eliminate jobs.

C4 Republicans have offered common-sense reforms to help small businesses create jobs. P1C4 That’s what the American people want, not the job-killing agenda that Democrats keep trying to jam down their throats (Boehner: “The American People Have Spoken: They Want us to Scrap the Democrats’ Health Care Bill and Start Over. February 2010).

7.2.3 Speech 3

C1 The American people do not want a trillion-dollar government takeover of health care stuffed with tax hikes, Medicare cuts, and giveaways to Washington special interests.

P1C1 They know that the President’s job-killing health care plan would put bureaucrats in charge of medical decisions that should be made by patients and doctors, cause premiums to go up and the quality of care to go down.

C2 The mere threat of this bill being enacted is freezing small business owners in their tracks and keeping them from hiring new workers (Boehner: Americans Don’t Want Gov’t Takeover of Health Care, “Not Today, Not Tomorrow, Not Ever”. March 2010.).

7.2.4 Speech 4

C1 The American people have spoken loudly, and clearly, when it comes to this bill. They have said, ‘stop, we don’t want the government getting between our doctor, and ourselves.’

C2 [...] [T]he fact is, the bill they are talking about, provides public funding of abortion.

P1C2 No taxpayer funding of abortion (Boehner on Fox News: If the American People Stay Engaged, We Can Win this Fight. March 2010).

7.2.5 Speech 5

C1 By signing this bill, President Obama is abandoning our founding principle that government governs best when it governs closest to the people.

P1C1 Americans have never felt more disconnected from their government than they do today.

P2C1 Never before has such a monumental change to our government been carried out without the support of both parties.

C2 The devastating consequences of this legislation will be felt in broken promises, higher costs, lost jobs and fewer freedoms.

P1C2 Republicans will continue to stand on principle, hold President Obama accountable for his promises, and fight to repeal this government takeover of health care so we can start over on common-sense reforms that lower costs for families and small businesses (Boehner: “A Somber Day For The American People. March 2010).

7.2.6 Speech 6

C1 This is about fulfilling the will of the American people.

P1C1 I’m just hoping that my colleagues and the President will listen to what the American people had to say on Election Day and follow through on what they’re demanding: a smaller, less costly and more accountable government.

C2 I believe that ObamaCare will ruin the best health care delivery system in the world and I think it will bankrupt our country.

P1C2 That’s why we pledged to repeal ObamaCare and replace it with common sense reforms to bring down the cost of health care, and that’s exactly what we will do (On the Radio: The New Majority Will Fulfill the Will of the People, Move to Stop the Tax Hikes, Cut Spending and Repeal ObamaCare. November 2010).

7.2.7 Speech 7

C1 For the American people, ObamaCare represents everything that’s gone wrong with our government – all the uncertainty, overreaching, and broken promises.

P1C1 ObamaCare’s endless stream of mandates already has family-owned small businesses tied up in knots, making it harder to create jobs and invest in our economy.

P2C1 Premium hikes are increasing the strain on patients and families trying to keep up with the rising cost of coverage.

P3C1 These are reminders of how quickly ObamaCare has become yet another Washington program that overspends and underdelivers.

P4C1 The American people continue to speak out loudly and clearly against this job-killing monstrosity.

C2 Instead of spending more taxpayer dollars trying to market ObamaCare, Washington Democrats should work with Republicans to repeal and replace it with common-sense solutions focused on lowering costs and protecting American jobs (Boehner Marks Six Months of ObamaCare's Broken Promises. September 2010).

7.2.8 Speech 8

C1 Yesterday, 200 economists and experts put out a letter calling ObamaCare 'a barrier to job growth.'

P1C1 The letter talks about how employers are struggling to keep up with all the mandates and tax hikes in this law, flooding the job market with additional uncertainty.

P2C1 According to these economists – this law will increase spending by \$1 trillion dollars – that's 'at a minimum' – and add nearly \$1.5 trillion to the deficit.

C2 The one thing the American people wanted out of health care reform was lower costs, which the authors of this law promised, but did not deliver.

C3 Repeal means preventing more than \$770 billion in tax hikes and eliminating all the mandates and penalties so that small businesses can grow and hire new workers.

C4 Repeal means reducing spending by \$540 billion, another step in tackling the massive debt that faces our kids and grandkids.

C5 Repeal means protecting more than 7 million seniors from losing or being denied the Medicare Advantage coverage they like.

C6 Repeal means paving the way for better solutions that will lower costs without destroying jobs or bankrupting our government.

C7 And repeal means keeping a promise.

P1C7 This is what we said we would do. We listened to the people – we made a commitment to them – a pledge to make their priorities our priorities.

C8 Let's stop payment on this check before it can destroy more jobs and put us in an even deeper hole (Boehner Outlines What Repealing ObamaCare Means for Families, Small Businesses, Taxpayers. January 2011)

7.2.9 Speech 9

C1 [J]ob creation is especially what this week's vote to repeal ObamaCare was all about.

P1C1 Recently, 200 economists and experts put out a letter calling ObamaCare ‘a barrier to job growth.’

P2C1 According to these economists – this law will increase spending by \$1 trillion dollars – that’s ‘at a minimum’ – and add nearly \$1.5 trillion to the deficit.

C2 At a time when we’re dealing with near 10 percent unemployment and a \$14 trillion national debt, it’s clear what repealing this health care law means for families, small businesses and taxpayers:

P1C2 Repeal means preventing more than \$770 billion in tax hikes and eliminating all the mandates and penalties so that small businesses can grow and hire new workers.

P2C2 Repeal means reducing spending by \$540 billion, another step in tackling the massive debt that faces our kids and grandkids.

P3C2 Repeal means paving the way for better solutions that will lower costs without destroying jobs or bankrupting our government.

P4C2 And repeal means keeping a promise.

P1P4C2 Over the past two years the American people have been discussing the issue of health care, and Republicans have been listening.

C3 [...] Republicans made a Pledge to America. Key in our Pledge was a promise to repeal ObamaCare and replace it with reforms to lower costs and protect American jobs.

P1C3 This week our new House Majority honored that Pledge.

P1P1C3 We passed a bill to repeal the President’s job-crushing health care law.

C4 We cannot afford to come up short.

P1C4 Washington Democrats’ debt-fueled spending spree has left us with historic unemployment and the most debt in U.S. history.

P1P1C4 We must begin to unshackle private sector job creators and encourage innovation once again in America.

P2C4 That means repealing ObamaCare, cutting spending - and implementing spending reforms to ensure we keep on cutting (Keeping Our Pledge: New Majority Moves to Help Create Jobs, Cut Spending, Repeal ObamaCare. January 2011).

7.2.10 Speech 10

C1 If there’s a constant in the story of ObamaCare, it’s broken promises.

P1C1 Instead of creating jobs, employers have been handed more uncertainty and more headaches.

P2C1 Instead of lower costs, families and small businesses are being squeezed even further. P3C1 Instead of keeping what they like, millions are being forced off their coverage.

C2 That day, that week, [when the health care bill was passed] the people said one thing, and their government did another (VIDEO: Congressman Boehner on One Year of Job-Crushing ObamaCare. March 2011).