

# On Rhetorical Ethos and Personal Deeds: A 2011 Spanish Public Controversy<sup>1</sup>

PAULA OLMOS

## The two sides of *ēthos* theory

Within the conceptual framework of Rhetorical Citizenship, the notion of the individual citizen's identity and its enactment through rhetorical participation becomes a crucial concern. Any rhetorical act both takes advantage of and helps to construe the orator's identity as a public image, for public purposes. In other words, her disclosed and received character or public *ēthos* is both a substantial ingredient and one of the most conspicuous outcomes of her involvement in civic interaction. That is why rhetorical attention to *ēthos* theory and *ēthos*-centered criticism of argumentative discourse are an inescapable feature in any study of rhetorical agency.

According to Aristotle's *Rhetoric* (1356a9-10), *ēthos*, the orator's character – a basic source of persuasion, together with *logos* and *pathos* – should be understood by means of the orator's own discourse (*dia tou logou*) and not through any previous information and opinions we may have about her acts and person (*alla mē dia to prodedoxasthai*, i.e., “but not through what was previously known/opined”). In this Aristotelian caution, we may see the origins of a long and complex rhetorical tradition, a conception of *ēthos* as “the self-image that a speaker, either willingly or unwillingly, construes through her own discourse” (Bokobza Kahan 2009, p. 2; cf. Amossy 1999, 2006 [2000], 2009), as something distinguishable from her biographical self. Contemporary rhetoricians and discourse analysts seek to study the relationships between such a *discursive* *ēthos* and: i) the speaker's discourse as such, ii) the speaker's biographical and social self

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and iii) the social and institutional context of her discursive practice; in what constitutes a “complex conception of *ēthos*.”<sup>2</sup>

According to R. Amossy (1999), the analyst’s aim is not at all to exclusively identify the speaker’s *ēthos* with either of the two extremes: her biographical self or her pure discursive image, but rather to articulate an integrated approach to the concept of *ēthos* as a constellation of relationships including both textual and extra-textual elements. Amossy also alludes to the possible differences between what the speaker projects and what the audience receives, which is ultimately beyond her control. Literary studies have particularly focused on the exploration of various “ethotic games” which might be described and analyzed through the use of a collection of opposable notions, such as “author/author’s image,” “responsible/responding author,” ‘actor-author/*auctor*-author.’<sup>3</sup>

But going back to Aristotle’s *Rhetoric* and regarding, then, the “orator’s character” as an “available means of persuasion” (1355b25-26) and not just a literary proposal, Aristotle’s caution that we should focus on the explicitly discursive *ēthos* (*ēthos dia tou logou*) does not seem to be entirely justified; least of all if we are thinking about a civic context and an audience that is to decide on political matters (the paradigmatic referent of ancient rhetoric). Why should we renounce the information we already have about the orator in our reception of her discourse? Is this at all operative or commendable in such contexts?

In spite of the contemporary rhetorical and literary resonance of Aristotle’s caution for a modern informed reader, the philosopher was in fact responding in an innovative way to certain aspects of 4<sup>th</sup> c. BCE Greek rhetorical theory. The allegedly more conventional *Rhetoric to Alexander*, attributed to Anaximenes of Lampsacus, and what we know about Isocrates’ rhetorical teachings reveal to us the crucial importance placed by these two authors and their schools on the opposition between an interlocutor’s dis-

<sup>2</sup> A complex conception of *ēthos* would try to include and account for a whole array of notions, ranging from the speaker’s own real traits and characteristics, her widely and publicly known traits, her visible traits, to their translation into her verbal and discursive traits (as “sujet de l’énonciation”) and even explicit ethotic self-references (as “sujet de l’énoncé”).

<sup>3</sup> Cf. Mainguenu (2009), who talks about a complex “ontology of authorship” which we could reconstruct as an “ontology of *ēthos*.”

course and her previously known character. The contrast between these two aspects is a conspicuous part of the argumentative techniques studied and recommended by the *Rhetoric to Alexander* (RA). Several “types of proof” or means of persuasion defined and proposed in this text are based on the rhetorical exploitation of possible pragmatic inconsistencies between a person’s discourse and her deeds or character. M. Kraus (2011) offers the following schema of the types of proof presented and studied in the RA.

| Internal proofs                                               | External proofs (epithetoi) |
|---------------------------------------------------------------|-----------------------------|
| a. <i>eikos</i> (based on what is plausible)                  | a. <i>doxa tou legontos</i> |
| b. <i>paradeigma</i> (example)                                | b. witnesses                |
| c. <i>tekmērion</i> (indication of a pragmatic inconsistency) | c. torture                  |
| d. <i>enthymema</i> (indication of a contradiction)           | d. oaths                    |
| e. <i>gnomē</i> (maxim)                                       |                             |
| f. <i>sēmeion</i> (sign)                                      |                             |
| g. <i>elenchos</i> (direct effective refutation)              |                             |

The type of counter-argumentative proof known as *tekmērion* explicitly concentrates on well-, or in any case previously, known information about the interlocutor’s character (Noël 2011). The *tekmērion* exploits, thus, the notion of an *ēthos dia tōn ēthōn* (a biographical *ēthos*) with a constant reference to the extra-discursive realm of the arguers’ real biographical characteristics. Moreover, Pisani (2011) explores the contrast between the RA’s *enthymeme* and *tekmērion* in a way that points to a conception of the former which may also be rather *ethotic* in content.

Kraus (2011) also notes another ethotic element present in the RA, namely the kind of external proof rather ambiguously called *doxa tou legontos*: i.e., the opinion “of” or “about” the speaker, according to divergent interpretations. Kraus’s own position is that it is more plausible to interpret this as the “speaker’s reputation,” rather than referring to his own opinions (2011, pp. 275-278). This would mean that there is something akin to Aristotle’s *ēthos* in the RA, although precisely and explicitly pointing to a biographical *ēthos* that is somewhat opposed to Aristotle’s explicit caution.<sup>4</sup>

<sup>4</sup> Kraus ultimately claims that there is still the possibility of accepting a reasonable amount of ambiguity in the expression, which would thus refer to the speaker’s reputation *as based on* his known opinions. This possibility would make the *doxa tou legontos* a type of proof,

We could try to solve the theoretical conflict between Aristotle and Anaximenes in a rather trivial way, by claiming that with his caution Aristotle is simply giving instructions to a prospective orator. He would be talking about what the speaker can control, i.e. her *ēthos dia tou logou*, the only possible *technical ēthos*. Her previous life, character or actions known to the audience would be *atechnoi*, i.e. beyond rhetorical control. We could then say that the *RA*, for its part, shows a characteristic practical bent towards controversy (especially legal *adversarial* controversy). This would contrast with Aristotle's focus on a single orator's "persuasive discourse," and thus, it would be consistent for it to emphasize the role of dialectical moves (arguments and counter-arguments between proponent and opponent). In neither case would we be reading about technical recommendations or suggestions for "argument assessment" by either the audience or an "external analyst," an omnipresent figure today, but rather absent in Greek rhetorical theory.

I contend, nevertheless, that we can make more fruitful use of Aristotle's caution and its focus on discursive *ēthos* within the context of a contemporary approach heedful of the normative evaluation of arguments. We could ask ourselves how an argument analyst should proceed in the face of the ethotic aspects of discourse. Should she focus on the argumentative interchange or exploit the information she has from other sources? Is it reasonable and legitimate to bring in external information? Or is it reasonable, on the other hand, to neglect such information and ask for a "candid" reception of the discourse?

My position is not that we should always do either one or the other. These are not entirely incompatible approaches and a judicious combination of the two is surely the best option, depending on the context and the social practice involved. However, I believe that Aristotle's caution deserves additional attention. Although it should not be taken as a permanent rule (that would preclude exposure, in the appropriate context, of the speaker's imposture), it is nevertheless a useful initial imperative of ethical value, embodying a defeasible presumption about the speaker's pragmatic consistency which may help us better understand her discourse.

Aristotle's indication seems to dictate a somewhat difficult, almost unnatural, attitude on the part of the audience and the analyst (and this

a means of persuasion, rather akin to the modern and complex idea of a doubly conceived (intra- and extra-discursive) *ēthos*.

will be clearly revealed in the case we are going to present and analyze). Additionally, it recommends a stance that is intellectually problematic in epistemic terms, suggesting a temporary cancellation of information we may have about the people involved in a controversy. However, we could take it as a methodological suggestion, a tactical presumption that may help us examine certain possibilities which could be relevant from an argumentative and communicative point of view and which might pass unnoticed.

To maintain an initial presumption about the exclusive internal relevance of the discursive *ēthos* (vs. a biographical *ēthos*) may help us comply with the ethical imperative of offering the speaker a renewed opportunity (independent of her previous life) to put forth her arguments. It is also the basis of the exercise of advocacy, allowing an orator to represent other people's interests, which she may or may not share. Finally, an initial focus on discursive *ēthos* and a cautious subsequent broadening of perspective to take into account other available information may in certain cases help us examine issues related to the relevance and right to participate of some voices in a particular controversy. This is also something that the "Rico Scandal" we are about to examine will shed light on.

### A 2011 Spanish Controversy: The Rico Scandal

During the early months of 2011, an article published in the opinion section of the Madrid newspaper *El País* by a rather well-known university professor and specialist in Spanish literature, Francisco Rico, gave rise to a prolonged scandal in which very different people took part quite passionately. A critical analysis and rhetorical assessment of this interesting case – involving a publicly conducted and extended exchange of opinions on an issue of public policy by people not directly engaged in politics – may help us see the workings, the perils and the role of discursive *ēthos* in the context of rhetorical interaction and conscious representation of both receptive and participatory citizenship.

The original article by Rico criticized the new smoking bans enacted by the government and offered a number of arguments against the prospective policy. However, it contained a very controversial claim that aroused the anger of many readers. Let us take a look at the overall chronology of the scandal in order to get a general picture of its length, scope and actors:

Jan. 11 Article published by Francisco Rico in *El País*: "Teoría y realidad de la ley contra el fumador" ("Theory and reality of the law against smokers").

- Jan. 16 Long commentary by *El País* ombudswoman Milagros Pérez de Oliva: “La impostura del fumador” (“The smoker’s deception”), including excerpts from some letters to the editor and from Rico’s oral and written responses.
- Jan. 19 Additional letter by Rico published in *El País*: “Sobre la prohibición del tabaco” (“On smoking bans”).
- Feb. 13 Written defense of F. Rico published in *El País* by writer and friend Javier Cercas “Rico, al paredón” (“Rico, facing the firing squad”).
- Feb. 15 Satirical rejoinder against Cercas, published by Arcadi Espada in rival paper *El Mundo*.
- Feb. 20 Final “judgment” by the *El País* ombudswoman: “En defensa de Cercas y de la verdad” (“In defense of Cercas and truth”).
- Mar. 06 Syntactic note and clarification by writer and *El País* contributor Javier Marías: “Dos postdatas” (“Two postscripts”).

The original article by Rico, in a literary style, offered a particularly well-written and rather structured argumentation – although, of course, defeasible and subject to contrary opinion – against prospective smoking bans that could have begun an argumentative dialogue on certain quite substantive issues. We can summarize his arguments and reasons for opposing the government’s policy as follows:

- Ro (mentioned but left unjustified by means of an explicit *praeteritio*, “let’s leave aside...”): There is lack of scientific rigor in “arguments against tobacco.”
- R1: the law is a *low blow* against freedom, because the excessive expansion of bans represents a change in policy, from “space segregation” to “impediment.”
- R2: There is “stolidity” in the law’s wording (he uses a difficult, bookish word and provides the definition: “*estolidez*” is “lack of reason and discourse”). Articles 7 and 8 provide a list of places where smoking is banned which could be compared in its unintelligibility with the well-known classification found in J.L. Borges’ Chinese Encyclopedia.
- R3: It also advocates a “vile” procedure, encouraging people to report violators (moreover, anonymous, online reporting). This kind of “vileness” (“*vileza*,” another bookish word) is explicitly associated with the social blindness of the legislators: “sons of an abstract morality and deprived of any human understanding, they despise real people and real situations.”

So far, so good. However, the article included a *postscriptum* which we will for these purposes call reason R4. It did not provide an additional direct argument against the law, but sought to grant credibility and authority to the entire argumentation by means of an ethotic assertion about the writer (as “sujet de l’énoncé”): “I haven’t smoked a single cigarette in my whole life” (“En mi vida he fumado un solo cigarrillo”). This *postscriptum* was the source of the scandal.

Five days after publication of this piece, Milagros Pérez de Oliva, the paper’s ombudswoman, issued a long commentary stating that she had received a number of complaints from the newspaper’s readers, had passed them on to Francisco Rico and obtained from him an initial reaction. The title of this commentary was quite expressive: “The smoker’s deception.” In her report, Pérez de Oliva mentioned several remarks about Ro, many of them made by doctors, who could not imagine how the alleged “lack of rigor” could be supported. There were also complaints about the article’s aggressive and contemptuous tone, but mainly infuriated denunciations of Rico’s own compulsive smoking habits. According to these readers, he had simply lied.

The ombudswoman would have to hear both parties, however, before issuing a verdict. As she claimed that she did not fully understand Rico’s reaction on the phone, she chose to transcribe parts of a letter which he had subsequently sent to her:

The *postscriptum* means some things literally, and others not so literally, but these are obvious: that “Je est un autre” (Rimbaud), that writing isn’t autobiography, that “truth is true, whether it is Agamemnon or his pigman who tells it” (A. Machado). The *postscriptum* has given me the sad satisfaction of confirming my diagnosis: this law is a school of vileness. Most of those who are against my article are prying into my life and habits, spying on my friends and looking for criminal records. They scarcely touch my arguments.

He also insisted on a particularly sensitive point for him, mentioning “the vileness [again] of certain articles in the law: especially the smoking ban on hospitalized, particularly dying patients.” But the ombudswoman was not very sympathetic to Rico’s stance, nor touched by his concerns. Her evaluation was entirely negative: “lies” such as Rico’s were not admissible in the opinion section:

An article in the opinion section is not a piece of literary fiction, and less so in the case of a text with so many political implications. It isn't an error or witticism. It is a question of truth and falsity. In the end, the question is if it is acceptable to use a lie to defend a true position.

She simply assumed that Rico had only tried, unsuccessfully, to conceal his biographical reality in an attempt to claim a lack of personal concern and made it clear who could legitimately be considered to have no "conflict of interest" with regard to legislation on tobacco:

[it] is usually assumed that the absence of a conflict of interest may reinforce an argumentative stance. In this case, those who have no links to tobacco companies or are non-smokers are free from a conflict of interest.

Rico probably felt he had not been at all understood by either the readers or Pérez de Oliva, but apparently did not find much else to say on R4, so he gave up pursuing that point further. But he was still interested in the discussion and in having his main arguments stand. So, just three days later, he sent an additional letter to the paper entitled "On smoking bans," in which he sought to justify his support for Ro, the only one of "his substantive arguments" that had been duly opposed by the infuriated readers. He was not talking about the scientific rigor of medical studies identifying the physical damage suffered by individual active or passive smokers. He referred instead to the more controversial studies about the real social effects of such restrictive measures as those prescribed by Spain's forthcoming law. He cited academic studies (published in the *British Academic Review*, for example) in which it was claimed that smoking bans in leisure spaces had the effect of restricting smoking to private homes, which were less suitable places for such a habit, with further exposure for children, etc. Thus, he could insist on his cherished point about the necessity to understand real social situations instead of thinking about "abstract" laboratory conditions.

This might have been the end of it, because nobody tried publicly to continue discussing either this or any of his other arguments against smoking bans with Rico. The infamous *postscriptum* and the angry reactions to it had apparently succeeded in "poisoning the well." However, about a month later, Javier Cercas, a widely known writer and Rico's pupil and friend, attempted to defend him from his critics, focusing again, almost exclu-

sively, on his ethotic assertion. Cercas' column – published in the same paper, *El País*, under the title “Rico, facing the firing squad” – was long and rather confusing. It advanced different lines of argument, not all of them adequately coordinated, in defense of Rico's *postscriptum*. It contained first a rather polemic *argumentum ad Hitleri* directed at his critics: “Beware of those who demand truth at all costs: Hitler did that,” combined with a paradoxical kind of maxim: “emphasis on truth usually reveals a liar.” It subsequently engaged in a defense of “literary license” in both fiction and history (supported by R. Carr's “imaginative conception of history”), only to assume in the end that the assertion was simply a joke, made after a piece of argumentation that nobody had really tried to respond to. It was a joke because: “Everybody knows that Rico is like a *chimney*.” So, the intelligent thing would have been to disregard it with humor – the critics and the ombudswoman had proved to be “humorless people.” The *postscriptum* had no real argumentative value and the critics had not taken on the true arguments. Cercas thus assumed, in the long run, the irrelevance of R<sub>4</sub>, and incidentally of all ethotic resources, because he insisted on claiming that arguments are “independent” of their source.

In my opinion, Cercas' defense was not very brilliant, nor was it really effective. Javier Cercas is also somewhat of a public figure in Spain, who often writes opinion and literary columns and has his friends as well as his enemies in the literary world. He had probably exposed himself too much with his complicated and confusing defense, had revealed too many weak spots, and someone was prepared to take advantage of this. Two days after the publication of Cercas' column, another well-known polemist and columnist, Arcadi Espada, tried to show in the pages of the rival paper, *El Mundo*, that he, at least, was not at all a humorless person. He played a rather mischievous joke on Cercas, making use of his own supposed literary precepts. In his column, Espada feigned sorrow at the (totally fictitious) arrest of J. Cercas at a brothel in Madrid's Southern district of Arganzuela. This “unfortunate situation” was preventing him from responding, in due form, to Cercas' article on Rico and about literary and rhetorical imposture:

I feel terrified and ashamed that his name has been dragged through the mud of brothels which are not those of Arganzuela. The story reveals that we're just innocent soldiers, solely interested in the maneuvers of rhetoric, style and truth.

The tone was satirical enough and the irony was not much disguised, but Cercas was indignant and sued Espada for libel. His own paper, *El País*, considered this article “a defamation of Cercas.”

This second scandal, in which Rico took no part, led Milagros Pérez de Oliva to return to the issue in a rather self-reassuring piece entitled “In defense of Cercas and truth.” It contained a maternal rejoinder against Cercas along the lines of: “look what may happen if one follows Rico’s practices that you so advocate...” and a complete reassertion of her initial stance: “Lies cannot be used in defending truth”; “Journalism has nothing to do with fiction.” She also rejected Cercas’ thesis that Rico’s *postscriptum* was a joke, because the larger audience did not know him personally. Pérez de Oliva’s final sentence again condemned Rico’s choice, claiming that Arcadi Espada had clearly shown that, if we leave that possibility open, there is no limit to what can be expected.

Things calmed down somewhat after this sober and commonsensical commentary and it seemed as though there was nothing more to be said about either Rico’s *postscriptum* or his other arguments, completely forgotten by now, against smoking bans. However, about two weeks later, another well-known writer and friend of Francisco Rico (and regular contributor to *El País*), Javier Marías, decided to try a different line of defense in a shorter column entitled “Two postscripts.” His was just a grammatical note that attempted to clarify something pointed out by Rico in his first written answer to Pérez de Oliva: “The *postscriptum* means some things *literally*.” Marías claimed again that it was a kind of joke, but not simply an ironic remark, because it had in fact played with the syntactic ambiguity of the sentence:

It seems it was just me, but when I read the infamous *postscriptum*, knowing that Rico is an even more compulsive smoker than myself, I didn’t take it as a lie, but as a syntactic witticism: “I haven’t smoked a single cigarette in my whole life” means, for me, literally “Never a single one; never in my whole life; always more than one.” Or: “It was always the same cigarette. Only one: i.e. it has been a *continuum*.”

This was a nice and funny final remark that at least granted Rico some literary merit and linguistic ingenuity. Nevertheless, although such a witticism might have been present in Rico’s mind during the process of selecting the wording of the *postscriptum* (or, at least, at the moment he wrote his first answer to the ombudswoman), I seriously doubt there was nothing more to it. We have to

take into account that Marías' interpretation is not a natural one, nor even an absolutely correct one from the point of view of Spanish grammar. But, more importantly, the widespread "negative" interpretation of the *postscriptum* was not only due to the application of syntactic rules. It was of course also a question of pragmatic relevance, in this case, of specifically argumentative relevance.

### **An appraisal of R<sub>4</sub> from a rhetorical point of view**

So there were ultimately three different public evaluations of Francisco Rico's R<sub>4</sub>. For M. Pérez de Oliva, it was an inadmissible – false and dishonest – ethotic argument. Rico wanted to deceive the readers and had failed and been exposed. In the event he wanted to continue with the discussion, he should withdraw the claim and start again. But this time there was a presumption against the rest of his arguments, as the newly revealed ethotic information (that he was, indeed, a smoker) meant that he had a conflict of interest with regard to the issue under discussion.

For J. Cercas, it was simply a joke for the (many) people who know him. In any case, those who did not know him did not have to react, because it was not a substantive part of his argument and Cercas maintains that arguments should be understood and assessed independently of their author. In short, he was not trying to deceive, but only being ironic with an argumentatively irrelevant *postscriptum*. Finally, for J. Marías, it was just a syntactic witticism; a joke, again, but more sophisticated than simple irony, although also irrelevant to his argument. None of these interpretations took it seriously as a relevant move from a discursive or rhetorical point of view. Nor did they feel that it should be read in combination with the rest of his arguments as building a particular *ēthos*, selected for a concrete stance in relation to the issue at hand.

The first thing we have to take into account is that, in my opinion, Rico could never have thought that the falsehood would simply prevail (as Pérez de Oliva assumed time and again). Of course, not everybody knows him, but he is enough of a public figure and the people who know him best are in fact women and men of letters, writers and journalists: it was impossible that it could pass unnoticed or undisclosed. So my first claim, which I think is more than reasonable, is that he *wanted* to "continue the discussion," he *wanted* it to be pointed out to him that he is a smoker and he already had part of his response prepared. I cannot imagine he wanted the deception to stand permanently.

But with this starting point in mind, we may still allow for a rather cynical interpretation of his move, as a dialectical trap. According to this possibility, he would have foreseen his critics attacking his position as a “contaminated” arguer and not taking on his more substantive points. This would have granted him the opportunity to crush them with the “sad satisfaction” mentioned in his first letter, his recourse to the “vileness” spread by the spirit of the law (thus reinforcing one of his “substantive” reasons), etc. A certain superior tone in Rico’s language and attitude may support this idea, which would make his *postscriptum* a kind of *red herring* argument that, in the end, would block further discussion by humiliating the opponent. I think, however, that this was only a possibility which emerged later, when Rico realized that the initial reactions to his proposal were so negative, and it made his first written response neither very satisfactory nor constructive. Nevertheless, the fact that he sent the second letter about what we have called Ro would seem to indicate that he was still interested in discussing his stance and that the point about “the scientific rigor of studies on smoking bans” was not a completely independent line of argument, but instead was rather coherent with his main position against “abstract or symbolic legislation.”

To maintain, instead, that the *red herring* outcome was Rico’s idea from the beginning presupposes his complete lack of confidence in his other arguments, yet he certainly took pains to present them carefully, in an orderly manner and with carefully chosen vocabulary and wording. A methodological “principle of charity” encourages us to seek a more sympathetic account of *at least* his initial intentions. We might thus assume the *postscriptum* can be viewed as a “sincere” ethotic argument – one that could even have been presented face to face with a cigarette in hand, in which case, I presume it might have been more successful – not precisely referring to Rico’s biographical *ēthos*, but rather to a discursive *ēthos* assumed and construed on a specific occasion, for a particular discussion. In such a case, it would simply mean that the entire argumentation was presented *as* defended by, and thus *as* defensible by, a non-smoker (it would have been an undisguised, overt “*Je est un autre*”).

Under this interpretation, instead of counting on avoiding exposure, Rico would have (probably too naively) counted on the stark evidence of the irony (as J. Cercas suggested), not, however, to make a joke, but to bring to our attention the allegedly “universal” character of his arguments. R1 to R3 in fact focus on issues like “a suitable balance of freedoms,” “the legal

requirement for comprehensible and univocal principles,” “the problems of abstract morality and symbolic policy making” and seem to be carefully selected to address a “universal audience” (Perelman and Olbrechts-Tyteca, 1958). These are questions about which citizens in general should, in principle, be concerned and pose possible problems that create a presumption in favor of, at the very least, further examination of the case at hand. In my opinion, although they can of course be contested and are not conclusive in any sense, they at least succeed in passing the onus on to the respondent (Pinto 2001).

The problem is that with the large and varied audience represented by the readers of a national newspaper (with different degrees of personal knowledge about the author), this ethotic game was somewhat difficult to manage ... unless they had all been devoted followers of Aristotle’s *Rhetoric* and its caution about discursive *ēthos* (not a very plausible presumption). Both the initial reactions on their part and Rico’s own initial response did not succeed in reestablishing the grounds for mutual understanding. Rico’s choice was ultimately not effective in rhetorical terms as it was unsuitable for such a large audience. He could have chosen a different way of signaling the alleged “objectivity” and “universality” of his stance; for example, by making its independence from his personal status as a smoker explicit or by openly stating as an assumption that he was arguing “*as a non-smoker*.” He chose instead the rhetorical impact of an unexpected claim in an ambiguously positioned *postscriptum*, naively trusting in the unpredictable outcome of a process of revelation and possible objection – in addition to (according to J. Marías’ interpretation) taking advantage of a certain syntactic ambiguity. But things got somewhat out of hand.

Now, leaving aside Rico’s own mindset when designing his strategy, I also think there is another significant point to this story that is worth emphasizing and which is in fact related to the concept of Rhetorical Citizenship (Kock and Villadsen 2012). Rico’s confidence that he could naturally adopt the role and *ēthos* of a non-smoker places him in direct opposition to Pérez de Oliva’s explicit account of the agents to which we could attribute a “conflict of interest” in this particular matter. The *El País* ombudswoman claimed that both “tobacco companies” and “smokers” were in such a dubious position, as opposed to “non-smokers unrelated to the tobacco business.” But Rico’s stance against the smoking bans had, according to his own projected *ēthos*, nothing to do with defending interests like those of the

tobacco companies. After his habit is revealed, Rico presents himself as only incidentally a smoker, but more precisely as a conscious citizen with other concerns in mind, seeking a solution that he allegedly believes is better for a mixed community of smokers and non-smokers. For him, the relevant distinction is not, therefore, the one between smokers and non-smokers, who are all individual citizens, very possibly changing sides over the course of their lives, and whose interests cannot be equated with those of the tobacco companies. In fact, with some political and economic imagination, the distribution of tobacco could conceivably be organized as a non-profit activity.

For Rico, the relevant dichotomy in this case, mentioned repeatedly in all his texts throughout the controversy (and never taken on by any other participant), would be the divide between “abstract thinkers and symbolic policy makers” on one side, and “people interested in the workings of social reality” on the other. Pushing this line of interpretation even further, Rico’s ethotic claim could be understood as a way of protesting against hasty “presumptions of partiality” and a vindication of the speaking rights of both smokers and non-smokers in the debate, provided that they act as conscious citizens in a proper deliberation based on issues and principles of common interest (Vega and Olmos, 2007).

His assumed discursive *ēthos*, although not exactly coincident with some of his biographical traits, was in principle a coherent one for a “generic citizen” allegedly concerned with principles such as those tacitly used to warrant his “substantive reasons.” His ethotic choice, although controversial and defeasible, should not, in my opinion, have been attacked by simply revealing the pragmatic inconsistency between his biographical and his discursive *ēthos*, but ultimately by rebutting the plausibility of a non-smoker presenting and defending R<sub>1</sub> to R<sub>3</sub>, given that Rico himself was not, in the end, an example of confirmation of such a claim.<sup>5</sup> It was not a question of the truth or falsity of the ethotic *postscriptum*, but of the plausibility and coherence of the assumed discursive *ēthos* together with the rest of the arguments. However, unfortunately, nobody (to my knowledge) took up that challenge.

Of course, under this more qualified interpretation, Rico’s rhetorical strategy and discursive decision cannot be equated with or compared to something like Arcadi Espada’s practical joke on Cercas, which was in any

<sup>5</sup> i.e. The claim that “R<sub>1</sub> to R<sub>3</sub> are reasons which a non-smoker could plausibly present and defend.”

case a satirical, although rather extreme and somewhat defamatory, response to the latter.

### Absolutely True *Postscriptum*

I (Paula Olmos' biographical *ēthos* speaking) have never been a smoker. Additionally, I do not think that Francisco Rico's argumentation against smoking bans was especially conclusive, strong or truly difficult to oppose. Regardless of this, I do believe it was a more interesting and qualified argumentative piece than the subsequent controversy assumed. Rhetorical theory has helped us to suggest alternative interpretations that link Rico's move to a tradition of adopting a somewhat detached and civil *ēthos* in a deliberation about a public policy, a tradition that is an essential part of rhetorical agency and citizenship.

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