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## **Defending the indefensible: Obama's rhetoric in the aftermath of the 'torture report'**

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## RESEARCH ARTICLE

# Defending the indefensible: Obama's rhetoric in the aftermath of the 'torture report'

This article offers an analysis of Obama's response to the publication of the CIA torture report. Using rhetoric as its mode of inquiry, the article demonstrates how Obama employed epideictic discourse to define and redefine national ethos, to reconstruct and restore acts and actors and to avoid deliberation about further investigation and prosecution. The article discusses the political implications of epideictic rhetoric, the genre of speech considered the least pertinent to political life, and proposes that epideictic rhetoric can be an effective tool for political actors. Obama, the article argues, by using epideictic rhetoric shifted topic from a political issue, the accountability of members of the executive branch and the CIA, to an ethical issue, 'who Americans are'. Despite avoiding political rhetoric, Obama's epideictic affirmed torture as policy choice and left the possibility open for the use of similar practices in the future.

Keywords: rhetoric; Obama; torture; epideictic; ethos; amplification; CIA; discourse

'In our time, political speech and writing are largely the defence of the indefensible' (Orwell 1946)

## Introduction

On 9 December 2014, President Barack Obama defended the indefensible—the use of torture as interrogation technique and as a recognised policy choice by a democratic state—as he responded to the release of a Study prepared by the Senate Select Committee on Intelligence (SSCI) on the CIA's Interrogation Program. He did so not by using what in the study of rhetoric is called political or deliberative oratory, but by exploiting the opportunities that the genre of epideictic oratory offers. Combined with a strong appeal to his ethos, President Obama attempted to redefine and reevaluate subjectivities and practices, to amplify communal values and to invite the American

public to adopt a consensual approach towards a partisan affair. At the same time, he abstained from taking any responsibility for the content of the Study, but also from offering an apologetic rhetoric for the horrendous practices described in it. Although his lack of deliberative oratory closed the political horizon for future action with regard to punishment or further investigation of those involved in the report, in this article I argue that the choice of epideictic rhetoric had significant political outcomes.

The purpose of this article is to scrutinise the rhetoric that President Obama offered in the aftermath of the publication of the Study prepared by the SSCI, following a five-year-long investigation. By 'rhetoric' is here meant the content of Obama's response, which is complemented with the oratory or actual delivery of the views that he expressed (Crines 2013, p.81). The article draws its material from the official statement published by the White House on the day of the release of the Study, as well as from Obama's two televised interviews broadcasted on the same evening. The study of Obama's rhetoric, the article suggests, offers an insight in some of the ideas that infuse his stance against torture, but also civic duty, as well as in his role as national leader and shaper of views, values and behaviours. The study of rhetoric reveals the situated character of ideas. Ideas are present 'in speech and argument delivered at, and in response to, specific times and places' (Martin 2015, p. 25). Obama's responses reproduced and justified the idea that torture can be a policy choice for a democratic state experiencing 'a national trauma and uncertainty' (Obama 2014b) and for a government 'facing agonising choices' (Obama 2014a) and acting under public pressure (Obama 2014c). His choice of epideictic genre of speech also gave an account of shared American values and acceptable civic behaviour. Finally, it enhanced his own ethos as the politician who banned certain intelligence gathering techniques. In offering an

analysis of Obama's rhetoric, the article also makes the case for the political implications of epideictic oratory, which are frequently overlooked or underestimated.

The article opens with a discussion of the contribution of rhetorical analysis as methodological choice for the study of political ideas and occurrences. I demonstrate how rhetoric as mode of inquiry enables us to acquire a rounded insight into political speech and its situational character. I also offer a brief discussion of the specificity of American Presidential rhetoric, and Obama's more specifically, and what its rhetorical analysis reveals and entails. The second section features an approach to the 'exigency' that gave rise to Obama's rhetoric as a nascent crisis, whereas the third section analyses Obama's epideictic rhetoric. The final section takes on the profound lack of deliberative discourse in Obama's responses and illustrates how epideictic replaced deliberative speech in them. I conclude that Obama's rhetoric frames the discussion on torture and the audience's understanding of the events, not least because political speech creates possibilities of being and acting; it forms realities which we are invited to inhabit. The (discursive) reality created by President Obama on the occasion of the publication of the torture report leaves little space for accountability or even apology; it is a reality of obedience to state orders and rules—but also a reality of impunity, coupled with the celebration of American values.

### **Analysing political rhetoric**

The study of political discourse has long attracted the interest of those who analyse political life and, as a result, a number of approaches have emerged that place language at the centre of their inquiries. Despite the relevant polyphony, these approaches share the common belief that by attending to political communication we attend to the historical construction and functioning of social orders (Howard 2000, 5). As Murray Edelman has put it, 'political language is political reality' (cited in Campbell and

Jamieson 2008, 8). In a sense, analyses of political language can help us grasp the ideas behind words and therefore gain an insight into the discursive systems that form social and political subjectivities and reality.

Rhetoric has emerged as a promising mode of political analysis (e.g. Atkins, 2010; Crines, 2013; Finlayson, 2004; 2007; 2012; Gaffney and Lahel, 2013; Martin, 2014; 2015; Moon, 2013; Toye, 2013; Turnbull, 2005). Unlike other analytical frameworks (see Finlayson 2007), rhetoric is more than an analytical method that studies discourse and claims to expose hidden intentions and ideological presuppositions. Rhetoric works in a two-way: both as a tool to analyse political discourse and as a method to craft political speech. Rhetoricians employ rhetorical devices in order to construct realities which their audiences are invited to enter; they also use rhetorical techniques to study political arguments and ideas. Rhetoric is not incompatible or antagonistic to other approaches to political discourse; it, too, relies on the analysis of discourses, ideologies and culture, in order to demonstrate how political actors draw on them as they communicate their political ideas, whereas at the same being constrained by them (Martin 2014, 106). However, unlike other approaches, rhetoric is not merely concerned with language: ‘it describes a composite, multilayered performance embodied in communication’ (Martin 2015, 29). Rhetoric is an object of study, but also a mode of inquiry; it describes reality, but also shapes it.

Orators do not simply use figurative language, namely troping and scheming, along with their arguing, in placing their views and offering suggestions for future action. In delivering meaning and attempting to persuade, they appeal to their authority, character, or credibility, in other words to what Aristotle (1991) called *ethos*; they also attempt to rouse or instil certain emotional responses to their audiences, what classical rhetoric called *pathos*. Combined with the argument itself and the ability of the

audience to appeal to reason, synoptically understood as *logos*, as well as with the appropriate body posture and gestures, these elements aim to make the audience comfortable with the argument and the speaker, shape their judgment, and place them in the discursive reality created by the orator. As a mode of inquiry, rhetoric attends to communication as a dynamic, multidimensional performative process, which addresses the cognitive, but also the affective and aesthetic.

To appeal to rhetoric and its mechanisms in order to craft a political speech is to aim to persuade an audience on a set of values, ideas or actions. Those who find recourse to ‘rhetorical strategies’, that is to assemblages of arguments that fit into a particular occasion and utilise available techniques, aim at formulating a specific interpretation of the occasion and move the audience to respond to it in certain rather than other ways (Martin 2014, 94-95). Rhetoric as meaning-making process is situational, in that it responds to a specific situation by being context- and time-specific; but at the same time it also actually produces meaning, in the sense that it creates a framework of understanding using techniques such as the invention of arguments, common topics or stasis theory. The rhetor might, then, use this framework in order to justify a political choice, urge a certain response or even rouse an emotion. The analysis of Obama’s rhetoric that I offer in this article demonstrates how his use of epideictic rhetoric enabled him to create a rhetorical framework that (re)describes and redefines practices and actors included in the SSCI’s Study; Obama, then, uses this framework to celebrate American values and civic norms and to call Americans to embrace ‘who we are’—an identity violated by the practices described in the Report.

Presidential rhetoric has a distinct position in the study of political speech especially in the United States, where scholars of rhetoric systematically analyse and theorise the rhetoric of the President (e.g. Aune and Medhurst 2008; Campbell and

Jamieson 2008; Dorsey 2002; Frank 2011; 2014; Heidt 2012; Medhurst 1996; 2003; 2004; Shogan 2007; Tulis 1988). At the centre of these analyses are not merely particularly speech events, such as inaugural addresses, eulogies and State of the Union addresses, but also the question of the political power of the President as orator. As a result, today we don't merely talk about the practice of presidential rhetoric, but also about the rhetorical presidency as a distinct political power (see Medhurst 1996).

Presidential rhetoric is a form of public discourse with distinctive character for a variety of reasons. The rhetoric that the President offers constitutes the American people: one of his many rhetorical tasks is to persuade them to perceive themselves in ways compatible with his views of government and the world. Presidents, in other words, invite the people 'to see them, the presidency, the country, and the country's role in specific ways (Campbell and Jamieson 2008, 8). Furthermore, presidential speech as a rhetorical event 'lives on beyond the moment of its appearance', circulated, recirculated, and recycled as it is continuously (Heidt 2012, 625). Obama's rhetoric on the occasion of Senate's torture report is such an event, one that shapes the audience's understanding of the situation and of subjectivities involved in it, as well as one that amplifies the American values. As such, it is also an example of presidential rhetoric that attempts to increase presidential capital, to strengthen the president's capacity to lead the American nation and exercise his executive powers (Campbell and Jamieson 2008, 24).

As orator, Obama has attracted the interest of rhetoricians ever since he was a candidate, not least because he established higher standards of eloquence; along with his ambitious policy proposals, his exceptional rhetorical strength made him stand in stark contrast with the norms set by his predecessor, G. W. Bush (Frank 2011a, 601). The importance of Obama's rhetoric does not flow only from his institutional position; it has

also been cultivated, developed and established through a particular ‘rhetorical signature’ that characterises his discourse and has helped him to place his ideas into expression and tackle the rhetorical problems he encounters (Frank 2011b). Since 2008, operating as the distinct national persuader, Obama had the opportunity to address directly the American people on a number of crisis occasions, from gun violence tragedies to national security related issues. In overall, his rhetoric is assertively received and praised for its eloquence and technical integrity. His response to the findings of the SSCI’s study is no exception to the demonstration of his rhetorical skills. It has been claimed that Obama, with the particular stance he held, achieved to keep the balance between the intelligence community and members of the executive branch, both from his and Bush’s administration (see Bromwich 2015). But as Merdhurst notes, ‘to understand any presidential utterance, one must be willing to go beyond or behind the words to discover their real significance and meaning’ (2003, 12). This is the aim of the rest of this article.

### **Setting the facts**

On 9 December 2014 the Press Office of the White House released a statement commenting on the findings of the Study of the Central Intelligence Agency’s Detention and Interrogation programme (Obama 2014a). The Study was prepared by the Senate Select Committee on Intelligence and a 500-page executive summary had been released earlier that day, following a declassification revision process (SSCI 2014). The same evening, President Obama gave two interviews, one to José Díaz-Balart for Telemundo/MSNBC (Obama 2014b) and a second to Jorge Ramos for Fusion (Obama 2014c). It is the rhetoric he employed and the oratory he delivered in these three rhetorical events that this article examines.

To better understand what is at stake in these three responses, a brief consideration of the context within which they emerged would be useful. For the task of rhetorical scrutiny pursued here, attentiveness to what Martin (2014, 100) calls ‘rhetorical context’ will enable us to grasp the immediate conditions giving rise to the rhetorical acts under consideration, to identify any wider historical events related to them and to affirm the particular expectations or challenges imposed on the speaker. As Martin notes, the interpretation of the ‘rhetorical context’ helps us to acknowledge how the speaker offers a response to an ‘exigence’, to a particular problem or issue. Rhetoric aims at the formation of situational judgements, of judgements that arise as response to particular ethical, emotional and logical appeals. It is, therefore, important to consider the situations relevant to each rhetorical intervention.

As candidate for the American presidency, Obama did not merely set high standards of eloquence; he also explicitly pledged to close the detention facility at Guantánamo Bay and appeared to favour federal prosecution of terrorism suspects (White 2007; Finn 2008). In his first Inaugural Address he rejected ‘as false the choice between our safety and our ideals’ (Obama 2009a), whereas in his second day in office he signed an executive order that abolished the use of torture (Obama 2009c). A few months later he would infamously state in a speech: ‘I can stand here today, as President of the United States, and say without exception or equivocation that we do not torture’ (Obama 2009b). In this speech, Obama referred to the ‘hasty decisions’ that the previous American government made ‘faced with an uncertain threat’, decisions ‘based on fear rather than foresight’, frequently trimming ‘facts and evidence to fit ideological predispositions.’ Turning to his own actions, he confirmed that upon taking office he took three decisions to better protect the American people: first, to ban ‘the use of so-called enhanced interrogation techniques by the United States of America’; second ‘to

order the closing of the prison camp at Guantanamo Bay'; and third 'to order a review of all pending cases at Guantanamo' (Obama 2009b).

The bicameral Senate Intelligence Committee voted for initiating an investigation into the CIA detention and interrogation program in March 2009, following allegations that the CIA had destroyed videotapes of detainee interrogations (SSCI 2014, 1). The result of this process is material documented in a 6,700 pages-long study, the bulk of which remains classified. In April 2014 the SSCI voted to send the Findings, Conclusions and the Executive Summary of the final study to the President for declassification and public release (SSCI 2014, 1). Despite efforts to frustrate the report's release (Roberts 2014), the Study was eventually published on 9 December 2014.

The CIA's interrogation programme, euphemistically referred to as 'enhanced interrogation techniques' has been, apparently, a prime issue for Obama from the first term of his presidency. As the analysis of his recent rhetoric offered in this article demonstrates, there is a certain continuity between the discourse that he offered in June 2009 and that of December 2014; Obama is consistent in his views of what sort of practices constitute torture, as well as in his lack of intention to advance any sort of accountability and prosecution of actors of such practices. Yet, I argue that Obama, as skilful orator, capitalised on the occasion of the publication of the report to reinstate these ideas in order to avert a possible ethical crisis of the American nation, as well as a backlash against Americans overseas and to send 'the issue where it belongs—to the past' (Obama 2014a). Obama had to prove that the concern that CIA tortures is an issue that has now been closed; he also had to do so by placing this national experience in a context that justified it, but contrasted it to who Americans 'really' are. For this reason, the rhetoric he offered in the aftermath of the release of the Report aimed to redefine the

national ethos, reflect on the type of practices accepted as compatible with American values and civic norms and reinforce the role of the President as the national persuader.

It is not an exaggeration to say that Obama's responses to the findings of the Study aimed to avert a potential crisis following its release. The rhetoric used in the Statement and the interviews attempts primarily to (re)define the situation, feature a particular interpretation of the findings, as well as renewing the nation's role as 'the greatest force for freedom and human dignity that the world has ever known' (Obama 2014a). The rhetorical situation that he addresses is one of a nascent crisis, not least because there were fears of violence or attacks against Americans overseas (Landler and Baker 2014; Kelly 2014; Obama 2014c). At the same time, it was the task of the President to avert a possible crisis in trust in the state, a loss of faith in the government to safeguard American values and distortion of Americans' perception of their nation's mission in the world. The exigence that Obama sought to address, then, was the emergence of a crisis at home and abroad.

The idea that rhetoric emerges as a response to a particular exigence was famously developed by Bitzer (1968), however it has been since then challenged as one-dimensional and therefore as failing to address the complexity of the functions of rhetoric (Vatz 1973; Consigny 1974). Rhetoric is not merely employed by the orator in order to provide a response to an exigence; it is also used creatively by the artful orator in order to define the situation in innovative ways, inviting a new understanding of the event whereas rendering it manageable. Rhetoric helps the audience shift perspectives and reorient itself in relation to the exigence, allowing the orator to generate common reactions (Martin 2015, 31). Obama does not merely seek to respond to a situation; he wants to go beyond it, to provide his audience with a better vision for their country than the one they probably have following the publication of Senate's Intelligence Report.

His rhetoric is creative, to the degree that it features a different reality than the blunt one described in the Study; it is inventive, for it shifts subject from the question ‘what is to be done with these findings’ to a celebration of American values, exhortation of intelligence professionals and a call to leave the matter in the past.

This is the context amidst which the rhetoric under scrutiny in this article emerged. Beyond the analysis of rhetoric itself, though, the article also aims to be a contribution to the literature that gives prominence to the—frequently overlooked or underestimated—political effects of epideictic rhetoric. The traits of this genre of speech inform Obama’s responses.

### **Obama’s epideictic**

Epideictic rhetoric proves particularly pertinent to Obama’s task, since it is the genre of speech which is probably characterised by the most versatility—and hence ambiguity. According to Aristotle, epideictic or ceremonial (display) rhetoric aims either at praise or denigration (Aristotle 1991, 80). Cope suggests that this branch of rhetoric ‘is inferior to [deliberative and forensic] in extent, importance, and interest’ (cited in Hauser 1996, 9). One of the main problems with the practice of epideictic seems to be its demonstrative character, which degenerates the audience to a spectator (*theoros*) rather than judge (*kritis*) (Aristotle 1991, 80). Evidently, though, the function and success of political and forensic rhetoric depends on the establishment of a vocabulary that expresses issues of public concern and the very idea of publicness, a task accomplished through epideictic rhetoric (Hauser 1996, 6). Effective communal action requires epideictic discourse (Frank 2014, 656).

Even in Greek antiquity, though, the epideictic had far more complex functions. The occasion for blaming or praising acts and actors was also an opportunity ‘to address fundamental values and beliefs that made collective political action within the

democracy more than a theoretical possibility' (Hauser 1996, 5). The epideictic was an important tool of statecraft, not least because it displays the community's 'timeless values distilled from past experience' (Duffy 1983, 85). Epideictic discourse is considered to be the rhetoric of consolation, identification and social unity around shared values (Cloud 2013, 75). More specifically, Condit (1985, 288) identifies three functional pairs that epideictic discourse serves: definition/understanding, display/entertainment and shaping/sharing of community. Whereas the first term in each pair refers to the function that the speech serves for the speaker, the second indicates the function served for the audience. I intend to show how certain elements of epideictic rhetoric underscore Obama's responses to the publication of the report and how they enable him to perform his task.

Epideictic rhetoric, I contend, is particularly relevant to crisis exigences. Unlike the other two genres of rhetoric—deliberative or political and judicial or forensic—the time-orientation for epideictic rhetoric is not clear. That said, although the most important reference point in time for epideictic rhetoric is the present, this genre might also invoke the past or the future in making 'additional use of historical recollection or anticipatory conjecture' (Aristotle 1991, 80). Epideictic's time is mythic time, time out of time, 'which allows one to experience a universe of eternal relationships', whereas it also 'has the potential to be reenacted, made present once again' (Campbell and Jamieson 2008, 46). The performance of epideictic enables the orator to capitalise on experiences and values already shared by his audience in making himself seem credible and his arguments appealing. This is exemplified in Obama's Statement, where his effort to address a situation in the present is blended with reference to past events ('In the years after 9/11...'), as well as with some references to the future ('We will rely on all elements of our national power...'). By using mythic time as his reference point,

Obama connects the present with the past and the future and attempts to unite the people in their understanding of the report, as well as the US role in the world.

The creation of temporal continuity is significant, because epideictic rhetoric employed in crisis allows the audience ‘to reach a communal understanding of the events which have occurred’ (Dow 1989, 296). However, this understanding requires also that the events are ‘placed within a context that aligns it with past experiences and the beliefs and values that govern their understanding of such experiences’ (Dow 1989, 298). Obama referred to the United States of America as a nation which throughout its history ‘has done more than any other nation to stand up for freedom, democracy, and the inherent dignity and human rights of people around the world’ (Obama 2014a). The nation’s founding ideals infuse its choices and actions— and will continue to do so. The content of the Study demonstrates clearly which practices are ‘inconsistent’ with the values of the nation, so familiar to the Americans. It is no wonder that Americans are not perfect; ‘no nation is perfect’ (Obama 2014a). But it is a nation united, a nation that is willing ‘to openly confront’ its past, as well as face its ‘imperfections’ (Obama 2014a). Obama placed the continuity of American values at the centre of his responses, presenting the exercise of ‘enhanced interrogation techniques’ as an exception, a manoeuvre that enabled him to invite his audiences to ‘leave these techniques where they belong—in the past’ (Obama 2014a); this manoeuvre also enabled him to shift subject from future action to remembrance and celebration of the past.

Obama’s Statement employs both functions of definition/understanding and shaping/sharing of community that are typical of epideictic rhetoric according to Conduit. Obama appeals to the first functional pair to the extent that he attempts to define the content of the report for the audience by providing specific definitions for actors (‘intelligence professionals’, ‘patriots’, who performed ‘heroic service and

sacrifices') and practices ('harsh methods', 'enhanced interrogation techniques'). By doing so, Obama does not merely seek 'to explain a social world' (Condit 1985, 288); he also seeks to delimit his audiences' understanding of the situation to a certain version of interpretation by avoiding the use of terms such as 'torture' that could be negatively associated with CIA actors and acts. He needs to leave his audience with the imagery of 'patriots' doing their job, not with that of CIA agents torturing detainees.

The need to shape community is interlaced with the definitional/ understanding function of epideictic rhetoric, claims Condit (1985, 289). Obama indeed seeks to maintain a sense of community among the American people, rather than allowing the findings of the report create division among them. He appeals to the American heritage, making use of strong and well-received words associated with American ideals ('Throughout our history, the United States of America has done more than any other nation to stand up for freedom, democracy and the inherent dignity and human rights of people around the world', 'the United States of America will remain the greatest force for freedom and human dignity that the world has ever known') (Obama 2014a). He attempts to renew American peoples' self-perception as virtuous, inviting them to affirm their shared values and associate the release of the Study with the task of upholding of these values. Obama takes an explanatory role in his statement and interviews, a role typical to the epideictic orator, whose task is to explain to the audience what the event means to them, 'and what the community will come to be in the face of the new event' (Condit 1985, 289).

The choice of epideictic rhetoric enabled Obama to make extensive use of the technique of amplification and harvest the fruits of this rhetorical strategy. Not that other figures of speech such as antithesis, anaphora and tricolon, particularly, are absent from Obama's oratory; yet, it is amplification that deserves our attention here because it

is the technique that enables Obama to achieve the aim of praising the Intelligence Services and the nation. Amplification, or *auxēsis*, refers to the enlargement of propositions, ‘to the extension of a text by the multiplication and variation of its constituents [...] to heighten its rhetorical effect’ (Plett 2006, 31). Amplification, according to Aristotle, is a strategy particularly useful, even natural, to epideictic discourse, not least because the audience take the actions as agreed, so that it only remains to add greatness and nobility to them (Aristotle 1991, 110).

In the case under scrutiny, the actions are, indeed, already known to the public. What remains is for someone to attribute value to them, to interpret and explain the events to them. This is one of the main tasks of the ‘rhetorical president’ (Tulis 1987). Obama, in praising the devotion, courage and sense of civic duty of CIA agents, amplifies the role of these ‘intelligence professionals’ to ‘patriots’ who kept Americans ‘safer’ with their ‘heroic service and sacrifices’ (Obama 2014a). He also finds recourse to amplification when he refers to the previous administration as one facing ‘legitimate fears’ and ‘agonising choices’ (Obama 2014a), as well as acting under ‘public pressure’ (Obama 2014b), attempting in a way to justify its use of ‘these harsh methods’. In exhorting the virtue of CIA personnel, Obama did not merely try to restore their credibility in the eyes of the American audience; he also sought to shape this audience’s moral character, their perception of praise-worthy acts and actors. Epideictic has a didactic nature: it provides an opportunity to reflect ‘on public norms of proper political conduct’ (Hauser 1999, 17). Obama as epideictic rhetor attempts to shape his audiences’ morality (see Poulakos 1987, 318), their understanding of acceptable civic behaviour.

A rhetorical strategy connected with epideictic rhetoric and amplification is the common topic of definition. Common topics (*topoi*) are generally mechanisms for generating structured and amplified discourse (Moss 2006, 129), allowing therefore the

orator to invent arguments that enhance the appeal and persuasiveness of his case. The common topic of definition, more specifically, allows the orator to create connections between groups or sets of events and invites our attention to certain aspects of the issue at stake. Definition also allows the orator to use euphemisms and therefore to redefine events for his benefit. Presidential definition, more specifically, constructs social reality (Zarefsky 2004, 611), aiming to shift our understanding and evaluation of subjects, situations and values.

Obama craftily deployed this strategy in attempting to shape his audiences' view of the events. CIA agents used 'harsh methods' (Obama 2014a), 'enhanced interrogation techniques' (Obama 2014c), even 'some things that violated who we are, as a people' (Obama 2014c). These were, unequivocally, 'terrible mistakes' that put people in 'position of severe stress' (Obama 2014c). However, he personally banned 'torture'—one of the few times he actually uses this word in his responses—as soon as he took office. Obama, by redefining the acts described in the report using all sorts of definitions but the word 'torture', does not merely work towards persuading us that these practices were a 'mistake', yet acts committed by 'patriots' and 'heroes'; he also grasps the opportunity to further enhance his authority, his ethos.

A crucial task for epideictic orators is to successfully give the impression that their character (ethos) is of a certain type: 'creditworthy as regards virtue' (Aristotle 1991, 104). A speaker employs ethical proofs when he attempts to present himself as worthy of credence; ethos is inherent to the speech, it flows from it and is not based on any preconceived opinion the audience happens to have about the speaker. Not that persuasion is entirely disconnected from these opinions or that Aristotle was naive enough to believe that people don't form judgments based on what they already believe

about the speaker. Rather, his aim is to stress the importance of the speech itself being of a certain type: one that projects the speaker's moral and intellectual qualities and communicates his knowledgeability, good will and *phronesis*, or practical wisdom. Ethos, Aristotle, wanted to point, belongs to the art of rhetoric because it is entechnic.

Obama craftily employs his own ethos as part of his attempt to persuasion. This is not to suggest that he does not attend to the other two means to persuasion, namely *logos* and *pathos*; indeed, his oratory is framed by an attempt to enhance his arguments by appealing to the emotions of his audiences, primarily by using an appropriate vocabulary to describe the nation's experiences (e.g. 'horrific', 'agonising', 'national trauma'). Yet, I claim that ethos is the overarching scheme that Obama throws in this battle of impressions over the work of Intelligence Services, a weapon that he has carefully constructed over the years of his Presidency. Through his public speaking, Obama has established himself not merely as the leader who is aligned with the values of the nation he represents, but also as the realist interpreter of facts, 'an orator-statesman who sees through mere politics to encounter the world "as it is"' (Reeves and May 2013, 625). Obama's ethos is certainly informed by his institutional position, but it is also the result of the rhetoric that he has offered as the President of the U.S.

Obama admirably distances himself from the Bush administration on issues related to intelligence gathering techniques, explicitly reminding his audience that he 'unequivocally banned torture' when he took office, because 'in fighting terrorism and keeping Americans safe' it is important to 'stay true to our ideals at home and abroad' (Obama 2014b). Furthermore, he states that the brutal tactics employed by the CIA constituted torture to his mind (Obama 2014b). Whoever engaged in any sort of such practices during his Presidency was violating his executive orders and his policies, and was therefore breaking the law (Obama 2014b). Through reminding the audience of his

personal stance towards the issue, Obama reinforces the idea that a quest for virtue drives his administration, who are committed to the American ideals even in the fight against terrorism. Obama makes a strong ethical appeal that establishes him as virtuous and trustworthy. He draws his authority not merely from his role as the President of the US, as well as Commander in Chief of the US Army—and therefore from his executive and legal authority to act—but also from his virtuous character. Obama uses his credibility not only to differentiate himself from the Bush administration, but also as a means to persuade his audience that the practices described in the Study belong to the past. The ethical appeal functions as a means to avert a possible crisis.

This is an essential task for the American President, given the tension between his actual constitutional powers and the—established during the 20th century—practice to address the people directly. The rhetorical presidency, the idea that the American President communicates ideals, policies, visions and world-views directly to the people and not merely to the other government bodies, is a relatively new development (Tulis 1987; Medhurst 1996; Campbell and Jamieson 2008). Given the shift of his role in the 20th century, the President today runs the risk of being out of step with the other branches of government. Ethos is a vital aspect of Presidents ability to perform the tasks he is expected. Obama strives to remind the people not only of his authority, but also of his credibility and virtue, whereas at the same time he defends the choice to declassify the report and release its findings to the public. The President acts as the interpreter of the will of the people; he understands how they feel (‘we did some things that violated who we are as a people’, Obama 2014b), and communicates this back to the people. He, indeed, is a synecdoche for the United States, as stated in the Presidential seal (e pluribus unum).

## **Avoiding deliberation, defending the indefensible**

What is striking in Obama's responses to the publication of the Senate Intelligence Report is not the fact that he relied on the virtues of epideictic rhetoric; it is his limited appeal to deliberative rhetoric or, stated otherwise, the kind of rhetoric that the President failed to offer. Traditionally, deliberative is the genre that is used to inform the audience about advantage and harm, to exhort or deter decisions and practices that ought or ought not to be chosen; it is, therefore, 'nobler' and 'more worthy of a citizen' than other genres (Aristotle 1991, 68). One would expect that the first American citizen would appeal to deliberative rhetoric as part of his responses to the shocking content of the report. Instead, he limited himself to epideictic which, as I will argue, has certain political outcomes.

As I have already discussed, epideictic rhetoric is not completely strange to political deliberation and the task of assessing the practicality of a course of action, an issue that further enhances its versatility. Cicero directly connects this genre of oratory with the realm of politics, suggesting that 'there is no kind of oration which can be either more fertile in its topics, or more profitable to states, or in which the orator is bound to have a more extensive acquaintance with virtues and vices' than epideictic (Cicero 2014, XX). However, it is deliberative rhetoric that is mobilised in order to establish that a course of action will be advantageous for the audience and concerns, therefore, the contingent realm of political judgment and decision.

Aristotle associates deliberative or political oratory with the future: the speaker who practices political discourse deliberates 'about what is to be, whether urging or dissuading' (Aristotle 1991, 80). Obama's responses are only partially oriented towards the future. As discussed in the previous section, his main concern is to redefine events, subjectivities and values, rather than suggesting future action. Whenever he refers to

political decisions and the circumstances that underscore them, he actually refers to past decisions, which he eagerly justifies by placing them in the horizon of a gloomy past ('In the years after 9/11, with legitimate fears of further attacks..., the previous administration faced agonising choices', Obama 2014a). Because Obama refers to decisions that are revealed well after they were taken, public deliberation about them came after the events themselves. Yet, Obama feels the need to justify them, even ex posteriori, since the deliberation takes place in the context of a democratic society (see also Dow 1989, 302).

There are two instances where Obama indeed addresses the future. First, when he states that he 'will continue to use [his] authority as President to make sure we never resort to those methods again' (Obama 2014a). That said, Obama uses his ethos in order to uphold people's trust in his face and the institution of the Presidency. Second, he addresses the future to repeat his administration's commitment to the 'fight against al Qaeda, its affiliates and other violent extremists', for which the United States 'will rely on all elements of [their] national power, including the power and example of [their] founding ideals' (Obama 2014a). The publication of this report has no effect in the policy of the United States, which is still oriented towards the fight against extremism; Obama administration will continue to pursue the civilising mission of the United States in the world, committed to its founding ideals.

What all three responses offered by the President lack, then, is a political address of the Report's findings, a projection of a plan for the future. Obama abstains, for example, from suggesting that further action will be taken to investigate in the intelligence professionals involved in this 'brutal activity' in order to bring them to justice. Any reference to accountability or prosecution is omitted and this omission in his very first responses leaves little doubt that this is how the issue will end. Obama

looks backwards only to justify that it is time to bury CIA's 'troubling programme', as he calls it, and its techniques 'where they belong—in the past', to close the case and move forward, away from this potentially traumatic for the nation experience. In the place of political rhetoric, Obama offers a form of what Bradford Vivian calls 'neoliberal epideictic'.

According to Vivian, neoliberal epideictic 'reorients the public to its own history in a way that restricts the citizenry's collective capacity to derive resources for speech and action from the terms of civic memory' (Vivian 2006, 18). Obama's careful selection of varied terms to refer to torture, combined with the attempt to reinforce in the minds of his audience the association of United States with the principles of freedom, human dignity and human rights, is an effort to eradicate certain aspects of American history from collective memory. His praise for intelligence professionals 'solicits the polity's faith in the continuity of its enabling political processes', but at the same time forecloses 'questioning inherited institutional wisdom' (Vivian 2006, 19). Neoliberal epideictic, combined with the absence of deliberative discourse, closes the horizon of critique, response and political action.

What is also striking in Obama's rhetoric is the fact that he does not offer an apology on behalf of the American state to the victims of the 'enhanced interrogation techniques' employed by the CIA. Consequently, Obama not only explicitly denies any responsibility of his administration for these practices; he also shies away from accusing either the Bush administration or the CIA of the methods they used. However, this absence of apologetic rhetoric is a missed opportunity for Obama to strengthen his argument that 'the United States of America will remain the greatest force for freedom and human dignity that the world has ever known' (Obama 2014a). Had he offered an apology on behalf of and to American citizens, he would probably had enhanced his

credibility and strengthen citizens' perception of their state as the guardian of certain values. That said, a sort of apology, in this instance, would not function as a call to forgiveness and reconciliation; and it would not pave the way for reparation, which is the essence of apologetic rhetoric (Hatch 2003). Rather, it would be used as a rhetorical mechanism that would further enhance not only Obama's, but also the American state's ethos, serving the demand of the occasion to avert a crisis home and abroad.

### **Conclusion**

In the aftermath of the release of the Report and Obama's responses to it, there is a sense that Obama is unwilling to keep the issue of 'enhanced interrogation techniques' on the agenda. With the primaries for the next election right around the corner, it is about time to send the issue where it belongs—in the past. However, as the analysis in this article has shown, the political outcomes of Obama's handling of the issue will be relevant in the future. For Obama, through his epideictic rhetoric, actually justified torture as a policy choice and, as Mark Danner notes, now it is just 'his signature on that executive order [that] stands between us and the possibility of more torture in the future' (Danner 2014). Obama may have succeeded in ditching the issue and avert a crisis, but he has left the gate open for practices like the ones described in the Torture Report. If presidential speech 'lives on beyond the moment of its appearance', as Heidt put it, then Obama's responses to the Study will live to guide American choices and practices, as well as American people's perception of these choices. His ideas about (non)accountability, communicated through his epideictic rhetoric, established an ethos according to which the state can mistreat individuals with the excuse of acting under extra-ordinary conditions. It is in this sense that Obama's rhetoric defended the indefensible.

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