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METAPHORS, MEANING, AND HEALTH REFORM

SIDNEY D. WATSON*

“I don’t want government messing with my Medicare.”¹

“The America I know and love is not one in which my parents or my baby with Down Syndrome will have to stand in front of Obama’s ‘death panel’ so his bureaucrats can decide, based on a subjective judgment of their ‘level of productivity in society,’ whether they are worthy of health care. Such a system is downright evil.”²

INTRODUCTION

These are two examples of the loud, passionate objections that erupted as Congress attempted to craft legislation that would expand Americans’ access to affordable quality health insurance and health care. Yes, these speakers get their facts wrong: Medicare *is* a government health insurance program.³ No, the pending legislation did *not* propose any sort of government panel to decide who gets health care.⁴ When politicians and political pundits use this language, we may be suspicious of their motives, but this language and these metaphors of government “death panels,” “government rationing,” and

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1. *Presentation by Mr. Spencer Schron on Medicare Before the Comm’n on Aging*, (Nov. 19, 2009), <http://www.montgomerycountymd.gov/content/hhs/ads/COA/Coaminutes2009/coaminof11-19-09editjjaffe12-14-09.pdf> (utilizing a statement of a fictional character, John Q. Public).

2. Posting of Sarah Palin, Former Alaska Governor and United States Vice-Presidential Candidate, to Facebook, http://www.facebook.com/note.php?note_id=113851103434 (Aug. 7, 2009, 15:26 EST); *see also* M.J. Stephey, *Death Panel*, TIME.COM, Dec. 08, 2009, http://www.time.com/time/specials/packages/article/0,28804,1945379_1944799_1944810,00.html (discussing Sarah Palin’s posting).

3. 42 U.S.C. 1395a(a) (2009); Susan Jaffe, *Health Policy Brief: Key Issues in Health Reform*, HEALTH AFF., Aug. 20, 2009, http://www.healthaffairs.org/healthpolicybriefs/brief.php?brief_id=10.

4. *See id.* (discussing the bill’s provisions on advance care planning).

“getting government out of Medicare” resonated deeply and galvanized a vociferous outcry from the American public.⁵

This Article first examines why the 2009 health reform debate provoked vehement opposition and then theorizes that proponents of health care reform invited this type of protest. Since the Clinton era, health policy experts have grounded policy proposals for legislation to extend health care to all Americans, in economic theory, arguing that using market competition in health care will lower the cost of medical care, control costs, and enable the nation to cover everyone.⁶ Economic theory, grounded in Enlightenment theory, posits that we are all rational economic actors who will, by acting in our own self-interest, behave in a way that provides for the greater good.⁷ Reform-minded health policy experts believe that if they explain to the American public how universal health care is in the public’s economic self-interest—avoiding misrepresentations by those with other economic incentives—the American public will support health reform.

But this Enlightenment-based view of rationality fails to take account of the metaphoric reasoning that shapes American values and how we perceive the world, ourselves, our nation, and our government. Those Americans who speak out about “death panels,” “government rationing,” and “getting government out of Medicare” are not irrational. Nor are they stupid or ignorant. Their words are metaphors that reflect their moral values.

5. Kate Brumback, *Thousands in Atlanta Protest Health Care Reform*, WASH. TIMES, Aug. 15, 2009, www.nhregister.com/articles/2009/08/09/news/a10-copy_of_townhalls_085924.txt.

6. See Robert H. Miller, *Competition in The Health System: Good News and Bad News*, 15 HEALTH AFF. 107, 107 (1996) (stating that advocates for healthcare competition argue competition yields efficiency); Paul B. Ginsburg, *Competition in Health Care: Its Evolution over the Past Decade*, 24 HEALTH AFF. 1512, 1519–20 (2005) (discussing the move from managed care models of competition to consumer-driven health care). But see Robert A. Berenson, *Which Way for Competition? None of the Above*, 24 HEALTH AFF. 1536, 1539 (2005) (criticizing consumer-directed health care as a market solution); Thomas Greaney, *Competition Policy and Organizational Fragmentation in Health Care*, 71 U. PITT. L. REV. (forthcoming 2010) (manuscript at 11, available at <http://ssrn.com/abstract=1395792>) (listing changes in health care structures that did not yield economic efficiencies).

7. See, e.g., STEVEN SHAVELL, FOUNDATIONS OF ECONOMIC ANALYSIS OF LAW 1–2 (2004) (“[T]he view taken [under economic theory] will generally be that actors are ‘rational.’ That is, they are forward looking and behave so as to maximize their expected utility.”); Russell B. Korobkin, *A ‘Traditional’ and ‘Behavioral’ Law-and-Economics Analysis of Williams v. Walker-Thomas Furniture Company*, 26 U. HAW. L. REV. 441, 447 (2004) (“[Economic theory] posits that individuals will take actions designed to maximize the differential between expected benefits of their actions and expected costs.”); see James R. Hackney, *The Enlightenment and the Financial Crisis of 2008: An Intellectual History of the Corporate Finance Theory*, 54 ST. LOUIS U. L.J. 1257, 1257–62 (2010); see also STEVEN SHAVELL, FOUNDATIONS OF ECONOMIC ANALYSIS OF LAW 1–2 (2004) (“[T]he view taken [under economic theory] will generally be that actors are ‘rational.’ That is, they are forward looking and behave so as to maximize their expected utility.”).

Over the past forty years, cognitive science and neuroscience have provided a scientific view of how the brain and mind work that has altered our understanding of rationality.⁸ The values and the metaphors we use to understand and express our values—and to reason about which policies comport with our values—form the framework within which we reason.⁹ Talk of markets and competition are heard through a value system that often forecloses policy solutions that include guaranteed health care for everyone.

But Americans also share a moral system that values mutual support, fairness, and equal opportunity for all.¹⁰ When we talk about health care reform, we need to talk about how and why these values propel us to enact legislation to guarantee health care for all. This Article, in the spirit of the Childress Symposium, examines what we can learn from cognitive science and linguistic theory, how conceptual metaphors frame moral issues, public policy, and reasoning for Americans, and what such framing can teach us about reflecting upon, discussing, and crafting health reform legislation.

I. COGNITIVE SCIENCE, MORAL VALUES, AND THE ROLE OF GOVERNMENT

Enlightenment philosophy posits that reason is conscious, literal, and logical; it is disembodied, and it is devoid of emotion or passion.¹¹ In the Enlightenment view, reason is abstract and functions to serve our conscious self-interests.¹² In other words, to make a rational choice we consider all the options, weigh the benefits against the costs, and choose the option that maximizes self-interest. In the Enlightenment view, people use reason rather

8. See generally ANTONIO DAMASIO, *DESCARTES' ERROR* (2006) (discussing the physiological basis for emotion); Drew Westen, *The Political Brain* 49–115 (2007); John A. Powell & Stephen Menendian, *Remaking Law: Moving Beyond Enlightenment Theory*, 54 ST. LOUIS U. L.J. 1035, 1073–75 (2010) (discussing modern developments in the mind sciences).

9. GEORGE LAKOFF & MARK JOHNSON, *METAPHORS WE LIVE BY* 3 (1980) (“Our ordinary conceptual system, in terms of which we both think and act, is fundamentally metaphorical in nature.”).

10. This is also evidenced in our fundamental legal documents. See, e.g., U.S. CONST. pmbl. (“[I]n Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defence, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity”); THE DECLARATION OF INDEPENDENCE para. 2 (U.S. 1776) (“We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain inalienable rights, that among these are life, liberty and the pursuit of happiness.”); Pledge of Allegiance to the Flag, 4 U.S.C. § 4 (2006) (“[P]ledge allegiance to the flag of the United States of America, and to the republic for which it stands, one nation under God, indivisible, with liberty and justice for all.”).

11. See generally PETER GAY, *THE ENLIGHTENMENT: THE SCIENCE OF FREEDOM* 188–89 (1969) (noting that, for example, David Hume once stated that “I forgive everything that is inspired by passion . . .”) (internal citation omitted).

12. See generally *id.* at 192 (1969) (stating that Rousseau explained that reason will guide people’s actions: “With the help of good sense, we save ourselves in the arms of reason.”).

than emotion to make decisions: If we tell people the facts and figures, they will reason to a correct conclusion. And, since reason is universal, if everyone has the same facts and figures, they will all reason to the same conclusion.¹³

Scientific research in neuroscience and cognitive science has shown just the contrary. First, most reasoning is unconscious. Most of our ideas—perhaps as much as 98%—are structured in significant ways before they become conscious.¹⁴ This unconscious reasoning draws upon different parts of the brain, separate from our conscious reasoning.¹⁵

Second, the brain is embodied, not neutral.¹⁶ The brain's neuron structure depends on what we have experienced.¹⁷ Our brains get input from our bodies; thus our bodily experiences structure our unconscious minds and the cognitive processes.¹⁸

Third, emotion is necessary for rational thought. In *Descartes' Error*, neurologist Antonio Damasio studied people with prefrontal brain damage who could not link feelings to thoughts, and he found that those people could not reason.¹⁹ The reasoning process involves not just weighing facts about costs, benefits, and probabilities, but also gauging what makes us—and others—happy or sad.²⁰ Empathy for others has a physical basis and, similar to self-interest, lies behind reason.²¹

Fourth, reasoning takes place within mental structures called “frames” that are hardwired into our unconscious brains based upon our prior experience, especially our very earliest experiences. These frames are culturally shared. As Deborah Tannen explains:

People approach the world not as naive [sic], blank-slate receptacles who take in stimuli . . . in some independent and objective way, but rather as experienced and sophisticated veterans of perception who have stored their

13. For a fuller development of Enlightenment theory, see generally powell & Menendian, *supra* note 8.

14. john a. powell, *Understanding the Unconscious Side of Racism*, HUFFINGTON POST, Dec. 2, 2009, http://www.huffingtonpost.com/john-a-powell/understanding-the-unconsc_b_377213.html.

15. powell & Menendian, *supra* note 8, at 1075–80 (citing MARVIN MINKSY, *THE EMOTION MACHINE* 14 (2006)).

16. GEORGE LAKOFF & MARK JOHNSON, *PHILOSOPHY IN THE FLESH* 3 (1999) [hereinafter *PHILOSOPHY IN THE FLESH*].

17. Inah Lee et al., *A Double Dissociation between Hippocampal Subfields: Differential Time Course of CA3 and CA1 Place Cells for Processing Changed Environments*, 42 *NEURON* 803, 811 (2004).

18. FRANCISCO J. VARELA ET AL., *THE EMBODIED MIND* 49, 280–81 (4th prt. 1995); *PHILOSOPHY IN THE FLESH*, *supra* note 16, at 13.

19. ANTONIO DAMASIO, *DESCARTES' ERROR* 208–12 (1994).

20. See DREW WESTEN, *THE POLITICAL BRAIN* 29–33 (2007).

21. GEORGE LAKOFF, *THE POLITICAL MIND* 102–03 (2008) [hereinafter *LAKOFF, POLITICAL MIND*]; see also WESTEN, *supra* note 20, at 31–32.

prior experiences as “an organized mass,” and who see events and objects in the world in relation to each other and in relation to their prior experience.²²

Mental frames, like picture frames, shape our view (perception) of information. Not only do frames influence what people think and feel about new situations and issues, but also what they do *not* think about.²³ Like picture frames, a mental frame literally determines what is in and out of view.²⁴ For example, our brain processes the spoken word “PEN” differently depending up whether we perceive it within the frame of “ATM” or “writing.”²⁵

Fifth, reasoning is not literal: metaphors provide the conceptual construct that mediate between the physical world that our bodies sense and feel, and the thinking process of our brains. For example, the metaphor “knowing is seeing” takes the physical experience of *seeing* something and applies it to the conceptual process of *understanding*.²⁶ The experience of knowing something is conceptualized as detecting information in your “mind’s eye” and constructing a “mental representation” of the information that you understand.²⁷ These conceptual metaphors are not just literary devices; these metaphors structure our thoughts, actions, and conceptual systems and allow us to apply experience from one domain to another, often more abstract, area.²⁸ For example, people often conceptualize morality in financial transactions and accounting terms: “If you do me a big favor, I will be *indebted* to you, I will

22. Deborah Tannen, *What’s in a Frame? Surface Evidence for Underlying Expectations*, in FRAMING IN DISCOURSE 20–21 (Deborah Tannen ed., 1993).

23. WESTEN, *supra* note 20, at 264; *see also* GEORGE LAKOFF, THINKING POINTS 35 (2006) [hereinafter LAKOFF, THINKING POINTS]. Erving Goffman, a sociologist, was the first to notice frames. *Id.* He studied how mental frames determine how we behave in institutional and social settings. *Id.* *See generally* ERVING GOFFMAN, FRAME ANALYSIS (1974), for further, more detailed discussion on this topic.

24. WESTEN, *supra* note 20, at 264 (attributing the picture frame analogy to Kathleen Hall Jamieson and her colleagues). Frames go by a variety of other names, including categorization, schemata, and scripts. Tannen, *supra* note 22, at 15. Each of these different conceptual metaphors tends to stress a different role that these organizing principles play in the brain. *Id.* at 16–17. The “frame” metaphor highlights the way these organizing principles cordon off and define how we understand issues and solutions. *Id.*

25. *See* LAKOFF, THINKING POINTS, *supra* note 23, at 26.

26. PHILOSOPHY IN THE FLESH, *supra* note 16, at 126.

27. *Id.*; *see also* METAPHORS WE LIVE BY, *supra* note 9. The source domain is the physical process of vision. PHILOSOPHY IN THE FLESH, *supra* note 16, at 126. The experience of *seeing* something entails light detected on the eyes’ retinas, which transmits information through the optical nerve into our brains to construct a neural representation of the information carried by the light. Here, the target domain is the conceptual process of understanding. Other examples of the “seeing is knowing” metaphor include “I see what you mean,” “I didn’t see that one coming,” and “What you are saying is clear as mud.” *See id.*

28. METAPHORS WE LIVE BY, *supra* note 16, at 3.

owe you one”²⁹ When we use these words, we are not just talking about morality in terms of paying debts, but we are thinking about morality as debt-paying. Much of moral reasoning is metaphorical.³⁰

It is impossible to think or communicate without activating conceptual metaphors and frames. Particular metaphors activate particular frames.³¹ Which frame becomes activated determines how a fact is processed and understood—and whether it is perceived as true, irrelevant, or threatening.³² The particular activated frame also determines how a problem is defined and which solutions are appropriate. For example, when something undesirable happens, we often call it a “bad apple.”³³ The apple metaphor defines the problem as something isolated and removed. In contrast, describing the problem as “rot” creates an opposing frame that describes the bad as seeping and infiltrating and not amenable to being excised.³⁴

Frames and metaphors can lie at the surface, and a great deal of marketing, media work, and advocacy involves the choice of metaphors and frames in language.³⁵ But deep frames and conceptual metaphors operate on a much more fundamental, unconscious, and emotional level.³⁶ Deep frames constitute our “moral worldview,” “political philosophy,” and “overall ‘common sense.’”³⁷ Deep frames provide a foundation for surface frames. Without deep frames, slogans, sound bites, and advocacy issue statements do not resonate—they become mere “spin.”³⁸

Deep frames unconsciously structure our values, morals, and worldviews. Language is not neutral or objective, but rather it is defined by its frame or conceptual metaphor.³⁹ Facts need a context so that we may understand

29. GEORGE LAKOFF, *MORAL POLITICS: HOW LIBERALS AND CONSERVATIVES THINK* 4–5 (2002) [hereinafter LAKOFF, *MORAL POLITICS*].

30. *Id.* at 4–5 (1996).

31. See GOFFMAN, *supra* note 23, at 309 (discussing different frames enlisted according to homophonic interpretation).

32. See *id.* at 310 (giving an example of a police officer breaking down a door after hearing “Help Me!” only to discover a mynah bird).

33. LAKOFF, *THINKING POINTS*, *supra* note 23, at 126.

34. See LAKOFF, *MORAL POLITICS*, *supra* note 29, at 89.

35. For excellent articles on metaphors on legal advocacy, see *Using Metaphor in Legal Analysis and Communication*, Symposium, 58 Mercer L. R. (2008) (issue 3). See also LAKOFF, *THINKING POINTS*, *supra* note 23, at 11–13.

36. LAKOFF, *THINKING POINTS*, *supra* note 23, at 29.

37. *Id.*

38. *Id.* at 12.

39. For the seminal work applying this theory to the law and legal analysis, see STEVEN L. WINTER, *A CLEARING IN THE FOREST: LAW, LIFE, AND THE MIND* (2001). See also Tannen, *supra* note 22, at 18.

them.⁴⁰ Truth needs to be properly framed to be seen as truth. Understanding is therefore frame-based, not fact-based; theory-based, not data-based.⁴¹

Since deep frames get hardwired into our brains early in life, it is not surprising that our experience and cultural ideals about “family” create all sorts of frames and conceptual metaphors for understanding relationships and making sense of the world and our humanity. Religions commonly conceptualize God as “Father” (and, sometimes, “Mother”). Social institutions rely on family as metaphors to explain their organization—sororities, fraternities, International Brotherhood of Teamsters.

Family also serves as a conceptual metaphor and frame for understanding nations and government. Metaphors of “nation as family” abound across cultures: “Mother Russia,” “Uncle Sam,” and “The Fatherland;” statements like “sending our sons—and now daughters—off to war;” organizational names like “Daughters of the American Revolution;” and literary allusions like George Orwell’s totalitarian despot “Big Brother.”⁴² The nation as family is not just a literary allusion, it is a conceptual metaphor and frame that arises from our earliest experience of being in a family and gives us a frame for understanding the role of government and governing at an unconscious level.⁴³ A whole system of frames in our brains get organized within the family of dynamic: homeland as home, citizens as siblings, government as parent, and government’s duties to citizens is as a parent’s duties to a child.⁴⁴

But as George Lakoff, the linguist, documents in his book *Moral Politics*, Americans have two different idealized models of family that produce fundamentally opposed moral frames for understanding nation and government.⁴⁵ Lakoff has labeled these two models the “strict father family” and the “nurturant parent family.”⁴⁶ When applied to the “nation as family,” these opposing metaphors of the good family explain the unique values that underlie American conservatism and American progressivism—values that

40. See Tannen, *supra* note 22, at 14–15 (declaring that to make sense of the world, new objects cannot be viewed apart from other connections).

41. See *id.* at 21 (suggesting that frames facilitate interpretation of reality).

42. LAKOFF, *MORAL POLITICS*, *supra* note 29, at 153 (2002).

43. *Id.* at 153–61 (outlining the conceptual metaphor using cognitive modeling as the basis for the Nation as a Family metaphor and then further subdivided into the Strict Father and Nurturant Parent).

44. *Id.* at 153.

45. GEORGE LAKOFF, DON’T THINK OF AN ELEPHANT!: KNOW YOUR VALUES AND FRAME THE DEBATE 39 (2004) [hereinafter LAKOFF, DON’T THINK OF AN ELEPHANT!]; see also LAKOFF, *MORAL POLITICS*, *supra* note 29, at 63–64.

46. LAKOFF, DON’T THINK OF AN ELEPHANT!, *supra* note 45, at 39–40; see also LAKOFF, *MORAL POLITICS*, *supra* note 29, at 63.

result in American political values being different from those in other countries that have different cultural metaphors for family.⁴⁷

The strict father family posits a difficult and dangerous world of constant competition with inevitable winners and losers in which children are born bad and must be made good. The strict father is the moral authority who must support and defend the family and teach the children right from wrong. Morality is a set of absolute rights and wrongs, and the strict father is the moral authority. As head of the family, the strict father is inherently moral, he knows right from wrong, and his authority and decisions are not to be challenged. Discipline is strict, and punishment is the way the father teaches children the internal discipline to pursue their self-interest to become self-reliant. Once grown, these self-reliant, disciplined children are on their own—the father does not meddle, aid, or assist.⁴⁸

When this view of family is projected onto the nation, good citizens are the disciplined ones—those who are already wealthy or at least self-reliant—and those who are on their way. Business competition via free and unregulated markets encourages disciplined individuals to become self-reliant, and wealth becomes a benchmark for discipline. Thus, government should not interfere with markets. Taxes, regulation, worker rights, and class action lawsuits are all distasteful.⁴⁹ This view of morality believes in the “bootstrap,” that with enough discipline anyone can do it.⁵⁰ Government has no responsibility to help.⁵¹ Charity is the act of individual virtue not a responsibility of government. Citizens are spoiled by social handouts from the government. They become complacent and dependent, receiving items they have not earned.⁵² Government’s only role is to protect the physical security of the nation, administer justice through punishment and to provide for the orderly conduct of and the promotion of business.⁵³ Under this model, taxes beyond the minimum needed for these purposes serve only to punish the good,

47. LAKOFF, DON’T THINK OF AN ELEPHANT!, *supra* note 45, at 41; *see also* LAKOFF, MORAL POLITICS, *supra* note 29, at 64.

48. LAKOFF, DON’T THINK OF AN ELEPHANT!, *supra* note 45, at 40–41; *see also* LAKOFF, MORAL POLITICS, *supra* note 29, at 67–70, 223.

49. LAKOFF, DON’T THINK OF AN ELEPHANT!, *supra* note 45, at 41; *see also* LAKOFF, MORAL POLITICS, *supra* note 29, at 94–95, 164 (arguing that the Strict Father model believes interference with its system of reward is immoral).

50. LAKOFF, DON’T THINK OF AN ELEPHANT!, *supra* note 45, at 41; *see also* LAKOFF, THINKING POINTS, *supra* note 23, at 61; LAKOFF, MORAL POLITICS, *supra* note 30, at 94 (“In the Strict Father model of the family, people become self-reliant by using their self-discipline to pursue their self-interest.”).

51. LAKOFF, THINKING POINTS, *supra* note 23, at 61.

52. LAKOFF, DON’T THINK OF AN ELEPHANT!, *supra* note 45, at 41.

53. *Id.*

disciplined individuals who have succeeded by taking away the wealth they have earned and spending it on those who have not.⁵⁴

In contrast, “[T]he nurturant parent family assumes that the world, despite its dangers and difficulties, is basically good, can be made better and it is one’s responsibility to work toward that.”⁵⁵ Children are born inherently good, and their parents can improve them.⁵⁶ A fulfilling life is assumed to be a nurturing life in which one is “basically happy, empathetic, able to care of oneself, responsible, creative, communicative and fair.”⁵⁷ Both parents share responsibility for raising such children and children learn not primarily through fear of punishment but out of love and respect for their parents.⁵⁸ There is an emphasis on building strong, open relationships and a belief that “children become responsible, self-disciplined and self-reliant through being cared for and respected, and through caring for others.”⁵⁹ The most important lesson for children to learn is “empathy for others, the capacity to nurture, cooperation, and the maintenance of social ties.”⁶⁰ These lessons cannot be taught without the “strength, respect, self-discipline and self-reliance” acquired by caring for others and being cared for.⁶¹ The nurturant family cultivates values that stress community—because no one makes it alone.⁶²

When the nurturant family model is applied to the nation it posits a country in which promoting “the common good is necessary for individual well-being.”⁶³ Citizens do not succeed on their own but only as part of a larger nation. Citizens collectively bring their wealth and support together for the common good by paying taxes in order to build infrastructure that benefits all and that contributes crucially to the pursuit of individual goals.⁶⁴ The government infrastructure provides protection via police, military, and firefighting. Government allows for opportunity and fulfillment through schools, parks, roads, and a banking system that allows individuals to start businesses and families to purchase homes. Government assures fair standards and promotion of the common good through consumer, environmental, and

54. *Id.*

55. *Id.* at 39.

56. *Id.*

57. LAKOFF, MORAL POLITICS, *supra* note 29, at 111; *see also* LAKOFF, DON’T THINK OF AN ELEPHANT!, *supra* note 45, at 40.

58. LAKOFF, MORAL POLITICS, *supra* note 29, at 108.

59. *Id.*

60. *Id.* at 109–10.

61. *Id.*

62. *Id.* at 113; *see also* LAKOFF, THINKING POINTS *supra* note 23, at 53.

63. LAKOFF, THINKING POINTS, *supra* note 23, at 54.

64. *Id.*

public health standards. Government creates a host of freedoms and promotes fairness and equality so that all have the opportunity to prosper.⁶⁵

These two distinct metaphors for family—the strict father and the nurturant parent—are deep frames shared by all Americans. We grow up experiencing variants of these models in our personal lives and as part of the larger culture through movies, television, books, and other media. Both frames have been seared into our brains. That is why we, as a culture and as individuals, understand both “Terminator” movies and Oprah Winfrey’s television show. The metaphors are idealized versions of family—not literal—but they allow us to understand a whole host of other areas of life, including the nation as family.

While some Americans lie at the extremes, and use the frame of strict father or nurturant parent exclusively, most of us move between the two frames of family in various parts of our lives. George Lakoff theorizes that what made Ronald Reagan “The Great Communicator” was that he intuitively understood that people draw upon both frames, instinctively appreciating that many American “blue collar workers are strict parents at home, but nurturant parents at work embracing the values of labor unions.”⁶⁶ President Reagan spoke from his strict father frame when he talked about the role of government.⁶⁷ He genuinely understood the values created by that frame, and that is why his calls of “government is bad” and “no new taxes” resonated so strongly with Americans. President Reagan and the American public connected within a deep frame of strict father morality.⁶⁸ President Reagan was able to communicate how strict father values should shape the role of government, the role of business, and the role of punishment.⁶⁹

The Reagan era heralded a sea change in American public policy because we can only think within one frame at a time. Language sets off one frame of family as nation—either the strict father or the nurturant parent frame. Whichever frame is set off subsequently structures how we process information and understand the facts. If language sets off the strict father frame, we use the values of competition—winners and losers. Reagan profoundly altered the prevailing frame for American public policy; he replaced the nurturant parent model that had framed the policies of the New Deal and the War on Poverty with a new strict parent morality of the War on Drugs (punishment) and cuts to Head Start (the bootstrap is all one needs to succeed). Since the 1960s, strict-father conservatives have generously funded

65. LAKOFF, DON’T THINK OF AN ELEPHANT!, *supra* note 45, at 40; LAKOFF, THINKING POINTS, *supra* note 23, at 54.

66. LAKOFF, DON’T THINK OF AN ELEPHANT!, *supra* note 45, at 21; LAKOFF, MORAL POLITICS, *supra* note 29, at 194–96.

67. LAKOFF, MORAL POLITICS, *supra* note 29, at 195–96.

68. *Id.* at 195.

69. *Id.*

policy think tanks to help translate the strict father metaphor into public policy and to disseminate that information to universities, law schools, and the American public.⁷⁰ Consciously or unconsciously, strict-father conservatives have done an extraordinary job of clearly expressing their values, connecting those values with specific policy issues—be it taxes, abortion, or health reform—and communicating those frames to the American public.⁷¹

Repetition reinforces frames. The more a particular frame is used, the deeper it sears into the brain and the easier it becomes to activate the frame.⁷² While almost all Americans are bi-conceptuals—with both the strict father and the nurturant parent frame seared into their brain neurons—strict-father conservatives have been more consistent in using their strict father values to talk about public policy.⁷³ The more frequently a frame is used, the deeper it sears into the brain neurons, and the easier it is to activate the frame—either intentionally or unintentionally.⁷⁴ These metaphors and frames for nation as family and the way that language activates one or the other frame—but never both—helps explain why the public debate over health reform erupted into outcries about “death panels,” “government messing with my Medicare,” “government rationing,” and why discussion of a possible public option sparked fears of a “government takeover” of health care. Proponents of health care for all inadvertently activated the strict father frame in their public discourse about health reform.

II. METAPHORS & FRAMES: REASONING ABOUT HEALTH CARE FOR ALL

For almost twenty years, since the Clinton-era health reform debate, much of the talk about health care and health reform has been couched in the language of markets and competition.⁷⁵ President Clinton’s reform effort proposed that the country adopt a new “managed competition” approach to

70. LAKOFF, THINKING POINTS, *supra* note 29, at 103, 144–45; *see also* DON’T THINK OF AN ELEPHANT!, *supra* note 45, at 15–16, 28. Two examples of these think tanks are the Heritage Foundation and the Cato Institute, both of which have been active in health policy. In the legal community, the Federalist Society has provided outstanding support, assistance, and research that is consistent with the strict father frame for moral values.

71. LAKOFF, THINKING POINTS, *supra* note 23, at 25 (discussing the fact that frames are unconscious).

72. *Id.* at 37.

73. *Id.* at 14.

74. DREW WESTEN, THE POLITICAL BRAIN 3–4 (1997). Westen prefers the term “networks of association” when talking about the neurological phenomenon this article calls a “frame.” *Id.*; *see also* LAKOFF, THINKING POINTS, *supra* note 23, at 37.

75. LAKOFF, THINKING POINTS, *supra* note 23, at 67.

health insurance modeled on the ideas of economist Alan Enthoven.⁷⁶ Even though that reform floundered, market based health care policy prospered: Private health insurers migrated to new “managed care” models that promised to use market competition to lower costs, increase access, and improve quality.⁷⁷ The Medicare Modernization Act introduced new market competition into Medicare, through competing private drug plans and increased use of private managed care.⁷⁸ Advocates of transparency in medical care pricing couch their efforts in terms of improving the market for health care.⁷⁹ Patients are now routinely referred to as “consumers.” Hospitals that used to have “service areas” now have “markets.” We typically talk about having three markets for health insurance: larger employer market, small employer market, and the individual market. The language of competition and markets pervades health care.

As the country moved into the most recent federal reform effort, many of those who favored comprehensive reform couched their arguments in this familiar language of markets. The centerpiece of President Obama’s thirteen-point summary of “The Obama Plan” is “a new insurance marketplace—the Exchange—that allows people without insurance and small businesses to compare plans and buy insurance at competitive prices.”⁸⁰ Some of the foremost proponents of including a government-sponsored health insurance plan among those offered through the Exchange were economists who phrased their arguments in terms of increased “competition” and improving the market for health insurance.⁸¹

76. See Alain C. Enthoven & R. Kronick, *A Consumer Choice Health Plan for the 1990s: Universal Health Insurance in a System Designed to Promote Quality and Economy*, 320 NEW ENG. J. MED. 29, 37 (1989).

77. See Jacob S. Hacker & Theodore R. Marmor, *How Not to Think About “Managed Care,”* 32 U. MICH. J.L. REFORM 661, 661–62, 670 (1999).

78. Marsha Gold, *Medicare’s Private Plans: A Report Card on Medicare Advantage*, HEALTH AFFAIRS 41, 41, Nov. 24, 2008, <http://content.healthaffairs.org/cgi/content/abstract/hlthaff.28.1.w41>; see also Brian Biles et al., *Medicare Advantage Déjà vu All Over Again?*, HEALTH AFFAIRS 586, 586, Dec. 13, 2004, <http://content.healthaffairs.org/cgi/reprint/hlthaff.w4.586v1>.

79. See Uwe E. Reinhardt, *The Pricing of U.S. Hospital Services: Chaos Behind A Veil of Secrecy*, 25 HEALTH AFFAIRS 57, 65 (2006) (discussing the use of consumer-directed health care packages in order to increase the amount of transparency); see also Margaret K. Kyle & David B. Ridley, *Would Greater Transparency and Uniformity of Health Care Prices Benefit Poor Patients?*, 26 HEALTH AFFAIRS 1384, 1384–85 (2007).

80. THE WHITE HOUSE, THE OBAMA PLAN: STABILITY AND SECURITY FOR ALL AMERICANS (2010), http://www.whitehouse.gov/assets/documents/obama_plan_card.PDF.

81. See JACOB S. HACKER, HEALTHY COMPETITION: HOW TO STRUCTURE PUBLIC HEALTH INSURANCE PLAN CHOICE TO ENSURE RISK-SHARING, COST CONTROL, AND QUALITY IMPROVEMENT (Apr. 2009), http://www.ourfuture.org/files/Hacker_Healthy_Competition_FINAL.pdf; see also LEN M. NICHOLS & JOHN M. BERTKO, NEW AMERICA FOUNDATION: A

This language of competition and markets activates a strict father frame of nation as family: Competition is about winners and losers. Markets are about being on one's own. For markets to work, government cannot play a role. Within the strict father frame, some people lose and it is their own fault.⁸² The government does not have a role in helping those who lose.⁸³ In fact, government—when it does anything more than provide for physical security through police, fire, and military—is bad. The federal government is particularly illegitimate.⁸⁴

The strict father frame was already activated when, in August 2009, Sarah Palin wrote her blog entry that the health reform legislation would create a government “death panel” to decide who got health care.⁸⁵ The phrase went viral—radio, TV, and print took up the cry against “death panels.”⁸⁶ Elected officials railed against them.⁸⁷ Placards demanding “no death panels” appeared at congressional Town Halls all over the country.

“Death panels” resonated so strongly because Americans were already conceptualizing health reform through the strict father frame of nation as family: “Death panels” fit the strict father frame. Americans know that end of life care and other costly care is burdening the health care system. If government is going to control costs and cut costs, that means government is going to be doing something it should not be doing. It did not matter that nothing in the bills created “death panels” or any government review panel to determine who would receive care.⁸⁸ Facts need a frame to be understood. The strict father frame has no way to conceptualize government's role except

MODEST PROPOSAL FOR A COMPETING PUBLIC HEALTH PLAN 6 (Mar. 2009), http://www.newamerica.net/publications/policy/modest_proposal_competing_public_health_plan.

82. LAKOFF, DON'T THINK OF AN ELEPHANT!, *supra* note 45, at 41; *see also* LAKOFF, MORAL POLITICS, *supra* note 29, at 67–68.

83. LAKOFF, THINKING POINTS, *supra* note 23, at 61.

84. *See* GEORGE LAKOFF ET AL., A ROCKRIDGE INSTITUTE REPORT, THE LOGIC OF THE HEALTH CARE DEBATE 5 (2007) (explaining how use of market competition theory activates strict father morality, which is inconsistent with a government role in structuring health care).

85. *See* Palin, *supra* note 2.

86. *See, e.g.*, Kate Snow et al., *Experts Debunk Health Care Reform Bill's 'Death Panel' Rule*, ABC NEWS.COM, Aug. 7, 2009, <http://abcnews.go.com/print?id=8295708>.

87. *Id.*

88. Apparently, the blog entry referred to a section of the House Bill that would have allowed Medicare to pay physicians who take the time to counsel patients about choices that are likely to arise about end-of-life treatment decisions. *See* Susan Jaffe, *Health Policy Brief: Key Issues in Health Reform*, HEALTH AFFAIRS 5–6, (2009), http://www.healthaffairs.org/healthpolicybriefs/brief.php?brief_id=10, (discussing the bill's provisions on advance care planning).

as the harsh disciplinarian and punisher—not the actor one wants making end-of-life decisions for you and your loved ones.⁸⁹

Similarly, even those who have had good experiences with Medicare cannot reconcile that Medicare as a government program within their frame of “government as bad.” While calls to keep government out of Medicare seem nonsensical because Medicare is a government health insurance program, such sentiments reflect how the deep frame of strict father as nation structure not only our worldview but our understanding of facts—and cause us to reject facts that do not fit our frames.

George Lakoff, Frank Weston, and others warned President Obama that the phrase “public option” would spark a frame that equated health reform with socialized medicine, single payer, and government-run health care.⁹⁰ As predicted, Frank Luntz, the Republican phrase-maker, dubbed the public option a “government takeover” that put bureaucrats between patients and their doctors.⁹¹ Luntz’s phrase, like Sarah Palin’s death panels, resonated within the strict father frame, quickly capturing the American imagination and dominating the reform debate.

Americans are not going to rally to support “health care for all” if it is framed in terms of markets and competition in health insurance.⁹² Enlightenment-style economists may understand cost-benefit analysis and theories of regulated markets that model how regulated markets can efficiently distribute scarce health care resources. But these economic theories do not resonate within the deep frames that shape Americans’ value and reasoning about the appropriate role of governments. Competition and markets activate

89. See Drew Westen, *Why the President Has Been Losing on Health Care, and What He Needs to Say*, HUFFINGTON POST, Jan. 28, 2010, http://www.huffingtonpost.com/drew-westen/why-the-president-has-bee_b_278971.html.

90. See Drew Westen, *Health Care Reform: It's How You Say It*, STARTRIBUNE.COM, July 1, 2009, <http://www.startribune.com/opinion/commentary/49631647.html>.

91. FRANK I. LUNTZ, THE LANGUAGE OF HEALTHCARE 2009 1 (2009) (“You’ll notice we recommend the phrase “*government takeover*” rather than “*government run*” or “*government controlled*””); FRANK LUNTZ, THE LANGUAGE OF FINANCIAL REFORM (Jan. 2010), available at <http://timeswampland.files.wordpress.com/2010/04/languageoffinancialreform.pdf> (“We’re witnessing out-of-control federal spending. The *Government takeover* of health care and other industries has Americans questioning the competence of government.” (emphasis added)); see Deborah Solomon, *Questions for Frank Luntz, The Wordsmith*, N.Y. TIMES MAG., May 21, 2009, at MM17, available at <http://www.nytimes.com/2009/05/24/magazine/24wwln-q4-t.html> (discussing Dr. Luntz’s use of the term).

92. See LAKOFF ET AL., *supra* note 84 (explaining how use of market competition theory activates strict father morality that is inconsistent with a government role in structuring health care); see also FRAMEWORKS INSTITUTE, FRAMEWORKS MESSAGE BRIEF: MAKING THE PUBLIC CASE FOR HEALTH CARE REFORM 3 (2009), <http://www.frameworksinstitute.org/assets/files/healthcaremessagebrief.pdf> (reporting on results of qualitative research about people’s understanding of health care as a commodity).

frames in which government has no role in regulating free market forces.⁹³ Competition and markets activate strict father frames in which some people are winners and some people are losers and to help those who lose is only to make them more dependent.⁹⁴ Once the frame of markets and competition is activated, it is the only frame through which we can conceptualize the problems and the solutions.⁹⁵ Health care as a market commodity is inconsistent with efforts to use the government's regulatory authority to extend health care to all.

Calls for health care for all must evoke values of cooperation and mutual aid, a morality of empathy for others and responsibility for oneself and others. Health insurance provides a mechanism for pooling our premium dollars so that health care will be available when we need it because no one has the private resources to fund a lifetime of health care on their own. Creating and maintaining a first-class health care system requires us all to contribute, as we are able, to the costs of health care. Thus, we need to move from a system of voluntary health insurance—in which some people have some health insurance some of the time—to a system in which everyone has comprehensive health insurance all of the time. We all need to contribute a reasonable amount, depending upon our means, to assure a strong health care infrastructure now and in the future.

Proponents of comprehensive health reform need to rally support for government standards to protect patients and caregivers. No one should be denied health insurance or priced out of health insurance because of a pre-existing condition, illness, age, or gender: Everyone should have access to comprehensive health insurance. Private, for-profit health insurers should be prohibited from discriminating based upon health status, pre-existing conditions, gender, or other factors. Premiums should be set fairly for all and reimbursement should be adequate to assure a plentiful choice of caregivers. For-profit health insurers and other institutions should be accountable to those they insure and the public: premiums should go to pay for medical care, not to excessive profits and executive compensation.

Americans share a deep frame that conceptualizes our nation as a country in which promoting the common good is necessary for individual well-being, a country that values empathy for others and responsibility for self and others. These are the values that proponents of health reform need to articulate. Arguments for health reform that are framed in the language of competition and markets will only reinforce deep frames that see no role for the common good in promoting individual welfare and will doom this round of health reform, like Clinton's efforts during the 1990s, to failure.

93. LAKOFF, *THINKING POINTS*, *supra* note 23, at 67.

94. *Id.* at 61.

95. *Id.* at 37.

CONCLUSION

In 2009, at the time of the Childress Lecture, America was the only developed country that did not guarantee medical care to everyone who gets sick.⁹⁶ Six attempts failed over the course of the twentieth-century legislative efforts to enact a legal structure to provide medical care, most recently during the Clinton Presidency.⁹⁷ Last year's debate offered a transformative moment that called on the empathetic side of American morality. It offered a compassionate alternative narrative to the traditional epithet "government is the problem, not the solution."

In March 23, 2010, President Obama signed into law the Patient Protection and Affordable Care Act,⁹⁸ guaranteeing access to health insurance for all Americans. The new legislation creates a duty for individuals to obtain health insurance and government responsibility to help subsidize the cost of insurance for those unable to pay the full price. It reflects the values of the nurturant nation, one which promotes empathy for others and responsibility for self and others. Just as President Ronald Reagan ushered in a new era of strict father morality that altered the prevailing frame for American public policy, passage of comprehensive health reform may presage a shift away from values of unregulated markets and self-reliance to those of mutual support, fairness, and opportunity for all.

96. *World's Best Medical Care?*, N.Y. TIMES, Aug. 12, 2007, at WK9 ("All other major industrialized nations provide universal health coverage, and most of them have comprehensive benefit packages with no cost-sharing by the patients."); *see generally* T. R. REID, THE HEALING OF AMERICA: THE QUEST FOR BETTER, CHEAPER, AND FAIRER HEALTH CARE (2009) (presenting a comparative analysis of varying forms of health care).

97. *See, e.g.*, PAUL STARR, THE SOCIAL TRANSFORMATION OF AMERICAN MEDICINE 266–70, 280–86, 363–74, 405–08 (1982); PHILIP J. FUNIGIELLO, CHRONIC POLITICS 52–55, 63–65, 188–89, 210–12 (2005) (discussing general forms of government legislation and healthcare reform in the twentieth century).

98. Pub L. No. 111-148, as amended by the Health Care and Education Affordability Reconciliation Act of 2010, Pub. L. No. 111-152.