

## Just Comp

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### ABSTRACT

*I make the argument that the proper content of FYC is the study of, and practice in, symbolic action for civic purposes (i.e., social justice). The many worthy objectives that some mistake as “approaches” to FYC—such as helping students see themselves as writers or coming to terms with difficulty or learning the genres of the university or studying Writing Studies’ findings as course content or even mastering situated procedural knowledge—are better understood as values that are constructed as in conflict, so that FYC’s mission can be discussed as a deeper collaboration. This mission is almost, but not quite, expressed in the WPA Outcomes. These outcomes—like all facts and evidence—have to be argued. That is, a case has to be made for them, and any such case will have to be built on the value-laden principles that situate the facts. Such cases will, at their best, keep in dialogic contact both the obligations we have (a) to treat other people with dignity and (b) to choose for ourselves how to live well—a way of making a case that ought to be the chief aim of FYC.*

### THE CHIEF VALUE OF FYC: WHO NEEDS IT AND WHY

This essay responds to a fundamental question—a question posed recently on the WPA listserv by Richard Haswell: “How do you answer the argument, which I have heard from juniors and seniors who have put off taking required FYC, that obviously they didn’t need it and the proof is their good standing as juniors and seniors?” (9 March 2011)

A key word here is “need”—key not just because it directs our attention toward interpretive questions of what is more or less important but also because it calls into question *whose* needs. If juniors and seniors of good standing do not need FYC, “obviously,” to fulfill the literacy demands of their majors, of the university, then what might we mean by insisting there

are other needs held by society, and thereby by them and us? What public need does FYC address? How is this need coherently reconciled with what is best for “us,” whether “us” be students who want quick advancement toward the degrees that confer significant benefits or compositionists who seek the personally rewarding, program-enriching resources that greater stature promises? Implicit in the ambiguity of need are, I think, two sides of justice—justice as both moral obligation and ethical preference. It is this ambiguity, recast as a productive interdependence between public and private needs, that FYC already exploits and would do well to more explicitly exploit, as a respectful response to the skepticism of stakeholders like Haswell’s students.

In developing such a response, I wish to begin by considering the WPA Outcomes. It would save a lot of trouble if pointing students toward the Outcomes were all it took to appease their skepticism, but the Outcomes do not speak for themselves—not even to insiders. Consider, for example, Elizabeth Wardle’s allusion to the Outcomes:

FYC is not, then, achieving its official goal of preparing students to write the genres of the academy. FYC teachers in this study assigned genres that were limited to the FYC course and that did not mirror the rhetorical situations to which genres in other disciplinary activity systems respond—or even appear to consciously bridge to them. (“Mutt Genres” 778; see also 767)

In the context of Wardle’s article, FYC’s failure seems to be peculiar to two classes that (a) were not taught as “boundary practice” (776)—i.e., as rhetorical practices in one context whose utility in another context might require adjustments to different audience expectations, generic conventions, and kairotic exigencies—and (b) “did not mirror the rhetorical situations to which genres in other disciplinary activity systems respond” (778). In the event that rhetorical knowledge is not taught as situated and adjustable, then FYC would seem bound for failure, but that failure seems avoidable in the not-uncommon event that FYC *is* taught as boundary practice (and, better, not just as boundary practice but also as genuine rhetorical activity within the boundary of FYC, a classroom community marked by inquiry, debate, revision).

The question of whether FYC fails to “mirror” other rhetorical situations is not at issue in the Outcomes; it is not an “official goal.” The outcomes (I argue) do nothing like require FYC work to “*mirror* the rhetorical situations to which genres in other disciplinary activity systems respond” (or to have another context “*reflected* in the FYC argument assignment” [Wardle, “Mutt” 776; emphasis added]). Such positivistic predication is, on the con-

trary, what the outcomes (like the theory that informs them) seem designed to help students move beyond. What the outcomes do recommend, under “Rhetorical Knowledge,” is that by the end of FYC students should “[r]espond to the needs of different audiences, [r]espond appropriately to different kinds of rhetorical situations, [u]se conventions of format and structure appropriate to the rhetorical situation, . . . [u]nderstand how genres shape reading and writing, [and w]rite in several genres” (“WPA Outcomes Statement” 1). If taught as boundary practice, such generic know-how will not be mistaken for *the* genres of the university, of the workplace, and of everywhere else. Quite the contrary: it will be (some of) the means by which other genres are approached, learned, evaluated, and perhaps changed. The closest the Outcomes get to what Wardle calls the “official goal” is in their recommendation that “[f]aculty in *all programs and departments can build on this preparation* by helping students learn [t]he main features of writing in their fields[, t]he main uses of writing in their fields[, and t]he expectations of readers in their fields” (1; emphasis added). Clearly not at issue, this recommendation is not for FYC but rather for how non-FYC structures and faculty can “build on” what FYC has begun. The difference between what is taught in FYC and what is practiced elsewhere, then, can be fairly regarded, by funding parties and other stakeholders, as FYC’s main strength, not its weakness; its main justification and reason for being, not its disqualification.

Or so I claim, and I so claim because while the WPA Outcomes are evidence, are facts, they are not an argument for what to do in FYC until a value-laden, principled account elaborates them as aligned with/in the service of the dialectical tension between public and private needs. Wardle and others can make a different case. But the cases we make will be written out of our convictions, not despite them. They will situate the facts and knowledge they make arguments for, not report the facts and knowledge they follow from. Our different analyses will be designed to add to the value of what we do not only to the lives of those we serve but to our own. It is this deeper collaboration between moral obligation and ethical preference I am advocating. Whether we tout templates or intuition, inventive forms or disciplinary content, process or product, lit or comp, socially received constructivism or personally cobbled integrity, we are doing so within an axiological framework in critical support of the tensions between what our society and each one of our students need. I doubt any one of us would force a student to use templates (such as those in *They Say/I Say*) if those templates blocked her or interfered negatively with her purposes, style, inventiveness, while I imagine all of us are interested in whom templates help, how they help, and to what ends (see Yeh; Delpit). We could say,

fairly enough, that what the template-example illustrates is that what matters is whatever helps this or that student writer, but more justly we could frame the two values implicit in the template example—resource opportunity (access to the templates that literacy-rich students have internalized) and welfare opportunity (the self-realization of one’s literacy resources and talents in accordance with one’s well-being and ambitions)—as precious values that are in conflict.

#### NEED: WHAT THE OUTCOMES IMPLY

One public version of how we compositionists define “need” is implicit in the Outcomes, which recommend in effect rhetoric: a situated procedural rhetoric that, despite some recent red herrings, is widely held to be transferable. Although Downs and Wardle (whose 2007 article, “Teaching about Writing, Righting Misconceptions,” has done so much to get Writing about Writing into our disciplinary conversation) were initially perceived (by Libby Miles among others) as dismissing “the importance of teaching situated procedural knowledge at the first-year level” (Miles et al. 504), they have since made it clear they believe in such knowledge and its transferability, asserting—correctly, I believe—that the “point of contention, then, is only *which* situation(s) to teach” (Downs, “Responses” 173).<sup>1</sup> Dan Fraizer’s 2010 literature review on the transferability of genre knowledge shows that this point of contention remains. The question at issue is which aspects of genre should be explicitly taught. Why this question is importantly at issue is our belief that genre influences “how we think about a topic and how we communicate and relate to each other in specific social situations” (“First Steps” 37). In underscoring “*how we communicate and relate to each other*,” I am committing to the social-justice project as that significantly influential aspect of any genre that the Outcomes say should be most emphasized and taught.

Before I explain why this commitment *is* the point of contention, let me explain the social-justice commitment in generic analysis of “how we communicate and relate to each other.” I take these terms as contractual: i.e., as what we promise one another. In “Inventing the University,” David Bartholomae interprets a student placement-exam as having “established the contract by which we may be spoken to as equals” (637). In the FYC curriculum I imagine, every assignment and paper represents a contract between the writer and reader as free and equal citizens (even if the classroom is conspicuously a place where free and equal relations are suspended). As such, equality is not just a mode of address; it is the problem the writer-reader contract addresses. Here is Bartholomae’s student-writer’s “contract”:

“In whatever form creativity takes, whether it be music, art, or science, it is an important aspect of *our* lives because it enables *us* to be individuals” (637). *Our* lives, enables *us*—in such generalization, the writer “invites” the errors of inclusiveness, as Kenneth Burke puts it, “for justice is the *universalization* of a standard” (*Rhetoric* 280).

This standard is evident in Bartholomae’s parenthetical comment, which calls the error in the student’s contract: “(For me to break that contract, to argue that *my* life is not represented in that essay, is one way for me to begin as a teacher with that student in that essay.)” (637-38). Bartholomae’s point, as I read it in context and as I amplify it for FYC, is not that the student stick to his life—stuck in what he knows. The point is more disturbing: the student is to keep writing toward that inclusiveness none of us can know—i.e., toward what would be a universal claim that justly represents everyone, that is, that makes the case that within this category of creativity our identities should be understood as equal and hence deserving of equal treatment. Generally, then, I am saying that there are underlying questions of justice when we ask what follows from a writer’s experience, opinion, syntax; when we compare stronger and weaker arguments; when we apply the values that inform our concepts of effectiveness, validity, and desirability. To bring these questions to the fore is FYC’s commitment to justice.

It is this very commitment I claim we share that is the point of contention among us. Regarding which situations to teach, Downs and Wardle say the situations we *need* to teach are those which allow the study of writing itself and not of, say, intelligent design (567-68), and in 2009 Wardle wrote that what students in her four-year study “*did need* was the ability to understand why and how texts changed across their classrooms and the knowledge of what to do to learn how to produce texts appropriate to those classrooms” (Wardle, “Continuing the Dialogue” 181; emphasis added). But if vast numbers of other students—juniors and seniors of good standing—already know how to produce “appropriate” texts by sizing up the rhetorical situation—what the teacher wants, in what form, for what purposes, and so on—why mandate rhetorical busywork *they* do not need?

There is traction to be gained, I believe, in shifting the emphasis from the production of “appropriate” texts to critical awareness of why and how texts are appropriate—to why they change and when they *should*. I believe that it is this latter focus in particular that *we* believe is needed. It may be difficult, in fact, to imagine ourselves *not* committed to this version of general education, a version in which rhetoric is, as James Boyd White puts it, “the central art by which culture and community are established, maintained and transformed. This kind of rhetoric—I call it ‘constitutive rhetoric’—has justice as its ultimate subject . . .” (qtd. Crosswhite 306 n.9). A

similar view can be found in Robert Yagelski's "A Thousand Writers Writing," winner of *English Education's* 2010 Janet Emig Award for Exemplary Scholarship:

If the overriding purpose of formal education is to enable us to imagine and create just and sustainable communities that contribute to our individual and collective well-being, as I believe it should be, then teaching writing cannot be defined exclusively by the widely accepted but limited goals of producing effective communicators and academically successful learners for the existing consumer-oriented culture and for workplaces defined by economic globalization. . . . Rather, writing instruction, like schooling in general, should ultimately be about creating a better world. (8)

I see this loftily prescriptive commitment to justice overridingly expressed—as an absolute norm by which we orient what we do—in the Writing-about-Writing movement:

Our experiences [Downs' and Wardle's] suggest that some of our criteria for student success in writing courses—such as recognizing the conversational nature of research writing or gaining confidence in and perspective on one's writing abilities and processes—are positively impacted by the writing studies pedagogy. The question is whether and for whom such gains will count as "improved writing." (Downs and Wardle 576)

This interest not only in whether our practices do any good but also in *for whom*—who benefits, how so, in whose eyes, to what ends—attests to the democratic model of constitutive rhetoric guiding those practices. If the improvements are unfairly distributed or do not count for some students, in their own eyes, as improvements, or are not regarded as improvements by the communities these students subsequently seek to join and affect, we will want to know. Wardle's recent work expresses this same desire:

Analysis of academic genres need not be unreflective or slavish; genre analysis in FYC *should* do what all good analysis does: take stock of the genre, how it works and does not work, whom it serves and does not serve, and so forth. (Wardle, "Mutt Genres" 783; emphasis added)<sup>2</sup>

In this intensive focus on service—"whom it serves and does not serve"—is no less than our obligation to constituting ourselves, analytically, as free and equal citizens doing the work of democracy by academic means.

It is my contention that something significant for WPAs follows from this normative commitment—the implicit hierarchy or hierarchical imper-

ative in our shared *shoulds*—which needs to be more explicitly acknowledged. Doing the work of democracy by academic-discursive means needs to be more explicitly acknowledged because our disagreements over, for example, what sorts of texts to assign and how to engage them can be more ethically engaged, and taken further, if we coordinate means and ends. On the question of what reading to assign, Wardle concedes that “first-year students cannot be expected to care that they might be reading seminal works in writing studies,” for “they have no *need* to be exposed to a broad sampling of all the kinds of work we do as writing studies scholars.” Her “first concern,” then, “is choosing texts that will help the students understand something more about themselves as readers and writers, texts with which the students can connect” (“Continuing the Dialogue” 178; emphasis added). It is agreed that the texts we assign should connect with students. But on what terms should those connections be made, to what ends?

The answer lies in FYC’s mission, as a general education course in the service of deliberative symbolic action for democratically civic ends, to involve students in the ethical arguments that inquire into justice, as elaborated below. That a writer might successfully report facts she has beautifully synthesized or make claims she insightfully elaborates will *not* suffice—does not exempt that writer from FYC—because such rhetoric pays insufficient respect to an audience’s justifications in claiming other facts or interpreting the same facts differently or wondering how *they* are affected by the writer’s claims.

#### FYC’S MISSION ELABORATED

An implicit commitment to justice underwrites the WPA Outcomes because rhetoric’s origins in justice continue to inform the theory that underwrites the Outcomes (Kennedy 18-19; Richards 19). Extending traditional rhetoric, the New Rhetoric’s aim, as Chaïm Perelman and Lucie Olbrechts-Tyteca claim, is to help develop “the justification of the possibility of a human community in the sphere of action when this justification cannot be based on a reality or objective truth” (*The New Rhetoric* 514). Three major implications for FYC emerge from this commitment to rhetoric, implications that are intimately inter-related: one, how justification “in the sphere of action” enlarges the scope of justice; two, how this enlarged sense of justice implicates the ethics of decision-making, deliberating, and inquiring; and three, how such acts are supported not by value-independent facts (“reality or objective truth”) but by the values that situate them.

One, whereas justice has been understood to protect the due one is owed, or deserves, attempting to respect how different each one of us is

expands the scope of justice. To put this in a way that emphasizes the advantage this expansion of justice holds for the deliberative democracy FYC educates its students to understand, value, and improve: while thinking about justice can emphasize its forensic aspect (focusing on what happened, which affects mainly the parties in question), something bigger can happen when we emphasize its deliberative aspect. Focusing on the deliberative (on what shall be done about, say, benefits for adjunct faculty) affects all of us personally (not least WPAs), by making more present the fit between how our preferences will affect others and whether equal treatment for all will suit us. Not uncommonly, feeling personally affected intensifies exigency, stimulating us to take deliberation more seriously.

Two, such deliberation's ethical obligations toward others is adumbrated in the New Rhetoric's commitment to an expanded sense of justice:

[T]he central guiding principle of argumentation is the idea of justice, which is at the heart of the very concepts of reason and argumentation. . . . [P]eople make conflicting claims on each other's being-in-the-world, an uncovering of entities; however, each of these disclosures is in some respects different from all the others. And yet these disclosures make claims on each other. These claims often need to be reconciled with the idea of justice: that beings of the same kind be treated in the same way. Argumentation is the attempt to reconcile the claims of different disclosures of the world in a way that is fair and just. (Crosswhite, *The Rhetoric of Reason* 36)

This is a different way of thinking about justice—thinking, that is, about how to reconcile “the claims of different disclosures of the world,” disclosures that are different not just epistemologically but affectively. We want different lives and imagine different ways of leading those lives well. Thinking of justice this way allows us to elaborate the two different kinds of needs addressed by justice (and, therefore, by FYC). In his 2011 book, *Justice for Hedgehogs*, Ronald Dworkin distinguishes between “ethics, which is the study of how to live well, and morality, which is the study of how we must treat other people” (13). Morality involves commandments, rules, and laws; ethics involves the question of what it means to each of us to fulfill his or her life. Dworkin offers this analogy: “Morality, broadly understood, defines the lanes that separate swimmers. It stipulates when one must cross lanes to help and what constitutes forbidden lane-crossing harm. Ethics governs how one must swim in one's own lane to have swum well” (371). This analogy has the virtue of raising questions about access to resources and about the historical, cultural, regional, able-bodied variability of value, questions that complicate rather than eliminate the pathos of what “to have



swum well” will mean to any one of us, of how it will appeal. If we consider whether to help a swimmer struggling in the lane next to us (or many lanes over, or whose cries from another pool are barely audible to us, perhaps but reported to us), our consideration must reflect “the proper respect for the importance of other people’s lives,” but it will also assess “what the cost of that help would mean to you, not what it might mean to someone with different ambitions” (Dworkin 277). One’s competitive ambitions as a swimmer, the purposes swimming serves in one’s life (meditative, therapeutic, imaginative subversively and submersibly), the threat to one’s own safety posed by helping someone in the water, etc.—these are personal “facts” (i.e., something it is important to know about ourselves and for others to know about us). These facts are concrete and singular, not generalizable. And more: they are facts we protect, and develop, as *our* needs.

Three, insofar as such facts are consubstantial with our needs, the facts by themselves will not constitute good arguments—all the more so if we subscribe to the “high demands” deliberative democracy makes on its citizens, as Patricia Roberts-Miller describes these and as envisioned by the WPA Outcomes:

Deliberative democracy makes high demands of citizens. We must treat one another with empathy, attentiveness, and trust; we must take the time to invent and continually reinvent our ideas in the light of informed disagreement; we must care enough about our own views to try to persuade others of them, but not so much that we are unwilling to change them; we must listen with care to people who tell us we are wrong; we must behave with grace when other views prevail; we must argue with passion but without rancor, with commitment but without intransigence. (*Deliberate Conflict* 187)

These ideals, which Roberts-Miller adopts for the FYC classroom, are meant to contrast with “the dominant approaches to argumentation [that] continue to assume that participating in public argument means stating one’s opinion on policy issues and listing one’s reasons” (Roberts-Miller 227; see also Phelps 136). Genres in which it is conventional to list one’s reasons cannot be dialectical and respectful—that is to say, appropriate for FYC; they cannot be appropriate for FYC because even the most unimpeachable scientific facts cannot prove our value judgments for those whose understanding of the facts, with respect to what claim those facts are to have on “the possibility of a human community in the sphere of action” (Perelman and Olbrechts-Tyteca 514), is based on, or carefully composed of, different value judgments. These value judgments must be argued; a case must be made for what we take to be evidence, a case in which we take

responsibility for what the evidence says to us and for how our principled convictions affect others (see Dworkin 418; Cohen 20, 232, 268).

This claim about value judgments applies, I believe, to WPA work: any writing program's norms are always in dialogue with what they mean to us—to how each one of us (not administrators but *this* administrator) negotiates what she owes, and is owed by, her colleagues. We might, for example, have to decide how to advise a colleague whether what would seem a norm removed from cost-benefit analysis—the rhetoric of situated, procedural knowledge, say—is the right thing to teach to a student whose utterance seems to call for a different, perhaps more personal, response (e.g., Tobin 204-5). Notice that this conflict of principled values, which we may construct as between institutional and personal or as between public and private, is not necessarily an antithesis. Rather, values may “work best for us when we conceptualize them so that they [show] conflict as a deeper collaboration” (Dworkin 120). Conceptualizing a conflict between what a norm commands us to do (e.g., ensuring that a writing program has coherence *as a program*) and how we prefer to perform that norm (e.g., unilaterally or collaboratively) is a way of coming to better terms: better terms with what it means to treat others with respect while pursuing our idea of what it means to live well.

This loose outcome of collaborative conflict is my argument's chief implication for administrative practice, and it is this very possibility that has been evident, if barely, in arguments over which genres and situations to privilege in FYC. If immersion in discursive justice is emphasized as what everyone needs from FYC, that emphasis may be taken to imply that other disciplines cannot be counted on to address this necessary work. (I am explicitly saying that they cannot be so counted on to do this work, for it is FYC's mission, not theirs.) But if framing different values so that they conflict can help advance the inquiry, then this conflict betters our relations within the discipline and with other disciplines, betters our efforts with our students, and betters our personal needs. One important instance of such framing follows: “As Russell has pointed out,” Wardle writes, referring to David Russell's “The Ethics of Teaching Ethics,” a “tendency exists on the part of instructors trained in the humanities to position non-humanities disciplines as somehow less ethical and less concerned with the ‘public good’ than humanities disciplines” (“Mutt Genres” 783). In my reading of Wardle's purpose, most salient is the given-ness of “public good” (a good removed from any cost-benefit analysis), next the ethical reminder that such disciplinarily parochial judgments should not be made lightly, and last—unmarked but telling—a displacement of what is more at issue: i.e., not so much which genres and situations should be taught as the quality of the

ethical activity going on in them (and which their formal conventions and communicative channels influence).

It helps to note that in the article Wardle cites, Russell himself (whose focus is not on FYC but on “professional communication courses for non-English majors” [“Ethics” 84]) claims ethics as one of our core values: “[A]ll teachers—and all professions and all institutions and indeed all human beings—have a responsibility to promote ethical behavior” (85). To be sure, this responsibility is very general, but it takes shape within the basic conflict within professions “between the interests of an individual and the common good” (Russell 91). While such conflict is sometimes resolved by violence or the threat of force, it is usually “resolved by the very human, very rhetorical exercise of power through persuasion and negotiation . . . [by] nonviolent means of conflict resolution, the nonviolent exercise of power” (91). FYC is surely a site of conflict: “If we teach writing as more than mere recording of value-neutral facts,” then “ethical issues will inevitably arise” (104; see also 85-86). Russell’s version of rhetoric is congenial not only for its reinforcement of rhetoric’s commitment to the unforced force of the better argument; it also honors the interdependence of morality and ethics that FYC aspires to. To join an organization or profession, Russell writes, is “to participate in its service to society and reap the rewards, material and immaterial, that society offers for that service[;] this is a crucial way that individuals serve society as well as themselves, a way they become empowered” (92). As part of the preparatory process, FYC does not exist to serve either society or the individual. Rather, the empowerment it ideally enables is complexly dialectic, which suggests another way to respond to—and begin inquiry with—students like Haswell’s: All discourse is situated, even disciplinary discourse, which means any instance of it is an argument that serves some interests rather than others, or that serves some interests better than it serves others, and as such, whatever else it does, that argument embodies questions of justice.

The sections that follow are intended as illustrations of how such an understanding might affect whether to select a text (one I happen to admire), whether to emphasize a genre (one I happen to favor), and whether to adopt a curriculum (one I happen to find congenial). All three cases will be constructed as in conflict with the model of justice I have proposed—a construction designed to clarify our *stasis*, that point at which we have decided we need to agree to disagree.

## A TEXT

Stuart Greene's "Argument as Conversation," the essay privileged to open Elizabeth Wardle and Douglas Downs' 2011 textbook, *Writing about Writing: A College Reader*, introduces and develops one of our foundational metaphors, "the metaphor of conversation" (qtd. Wardle and Downs 10), and it does so for a purpose few of us would disown: i.e., so that college students might begin contemplating research as a form of inquiry responsible for paying attention to what others have said, for responding to (not merely reproducing) what others have said, and for responding in such a way to what others have said that the exchange becomes more and more like collaborative inquiry, less and less like zero-sum debate (see also Brodkey 236; Clark). Greene's presentation of this foundational metaphor is patient, coherent, and clear—an exemplary expository summary.

Whether the presentation is exemplary inquiry is less certain. In the editorial apparatus "Applying and Exploring Ideas," Wardle and Downs ask, "Does Greene's article itself represent a 'conversation'? If so, with whom? How does he frame his argument? Would you say, in short, that Greene practices what he preaches in 'Argument as Conversation?'" (21). I take these questions to imply that it may indeed be questionable whether Greene practices what he preaches. Fair enough. I would say that Greene's essay resembles that kind of conversation in which one party has been asked by a second party to provide information and explanation that that second party seeks. Greene's thesis from the outset is that writing—especially researched writing—is more social than strictly personal in nature. This thesis is sustained. It is whether this thesis is *inquired* into—argued in the way we most wish to imagine and practice argumentation—that I find harder to discern. Inquiry into this thesis may not have been Greene's purpose, but should it have been? How we answer this prescriptive question brings us a step closer toward the disciplinary values over which we have agreed to disagree.

Consider Greene's use of Kenneth Burke, whose canonical "parlor" metaphor Greene calls "[p]erhaps the most eloquent statement of writing as conversation":

Imagine that you enter a parlor. You come late. When you arrive, others have long preceded you, and they are engaged in a heated discussion, a discussion too heated for them to pause and tell you exactly what it is about. In fact the discussion had already begun long before any of them got there, so that no one present is qualified to retrace for you all the steps that had gone before. You listen for a while, until you decide that you have caught the tenor of the argument; then you put in your oar. Someone answers; you answer him;

another comes to your defense; another aligns himself against you, to either the embarrassment or gratification of your opponent, depending on the quality of your ally's assistance. However, the discussion is interminable. The hour grows late, you must depart. And you do depart, with the discussion still vigorously in progress. (qtd. Wardle and Downs 11)

This passage raises many questions, some of which follow: Why a “parlor” scene and why not something else somewhere else? How do reflection and revision fit in here (is retreat to a quiet corner possible, for example)? Does the presumptive fact that the interlocutors are all male have anything to do with why the discussion is “heated”—or with how heated, how adversarial? Must the action presented be necessarily defensive and competitively emotional (“another aligns himself *against* you,” “your *ally*'s assistance,” “another comes to your *defense*,” “to either the embarrassment or gratification of your *opponent*”)? Why bother with such discourse? If the vibe is bad, why not just “unfriend” such interlocutors? If this statement is meant for students *as students*, how does *deciding* to enter *this* conversation and then continuing it correspond with academic writing as they have experienced it and will come to know it? Is this statement a description of how writing is or a plea for how writing should be? And in either case, does it apply to *all* writing? That is, is all writing like this, or should all writing be?

Of these and other questions that could be asked, Greene addresses only the last two: “As this passage *describes*, every *argument* you make is connected to other arguments” (11; emphasis added). Burke's metaphor is taken to describe argument; the features of conversation that are salient for argument are procedural; these procedures include some generalizable moves: identifying the questions and topics, determining the *stasis*, inventing and assessing kinds of evidence, weighing and responding to objections, considering stakes and consequences and contingencies (12). As representative of the procedural rhetorical knowledge we have earned the right to deliver to students, these moves count as legitimate disciplinary content.

But what if Burke's metaphor is read less as a description than as a plea to see intellectual inquiry as dialectically impassioned, and more to the point, what if we ask ourselves what principled desire this passage represents for us? If it is desirable to perceive argument as conversation, students (it is then hoped) might be less likely to see it as an arcane discipline that would just as soon exclude them and more likely to see it as an everyday and conventional (if not also natural) process they are already equipped to pursue. There are, however, many conventions students are not in pursuit of, let alone required to study. Why, then, should they join in argumentation, and why should we require them to join it—perhaps before they feel

ready, perhaps after they have grounds for cynicism? The answer to both questions, I submit, is the same, and it is also the answer to who we are as a discipline: the fairness principle upon which social justice depends. On this view, the question is not whether we are teaching students to be Good Writers *or* Good Citizens; we are teaching, rather, the study of, and immersion in, powerful symbolic action for civic ends (for some concrete curricula, see Kraemer). It is presumed that students should join the conversation they study: morally, to fulfill obligations; ethically, to add value to their interests. And it is our self-expectation that we should move them into it (with care, with respect, with attention) to demonstrate that a hearing is not only possible but rewarding; that responsiveness is not only possible but rewarding; that this requirement can, and must, honor both the duties they face as citizen writers (there are obligations to fulfill) and the desires and preferences they face as individual writers (there is value to add to their interests).

Given the mission peculiar to FYC and given contingencies such as ten-week quarters, I would not only hesitate to assign Greene; I would hesitate to assign textbooks like *Writing about Writing* itself (which I *have* used in an upper-division writing class for majors, and would use there again). But for a program, the question of what to assign—of whether anything is mandated—is one I would insist on having with my colleagues. For writing programs to be more committed to the questions of justice they already implicitly embrace, they might begin by extending to their colleagues the deliberative respect our discipline recommends extending to students: i.e., inviting, even requiring, *their* responses to curricular mandates in light of *their* ethical interests. The next two sections represent an approach to the normative framework I'd advocate.

## A GENRE

Insofar as judicial decisions affecting public policy are a genre, let us consider whether the ethical activity in this genre merits curricular priority. The set of texts I'll analyze comes from the U.S. Supreme Court case *District of Columbia et al. v. Heller*, a case decided on June 26, 2008, in which by a 5-4 vote the Court overturned D.C.'s handgun ban and its restrictions on other firearms, ruling on 2<sup>nd</sup> Amendment grounds that the ban violated the individual's right to possess handguns and the right, inside one's home, to keep all firearms functional, i.e., ready to use: assembled, loaded, and unlocked. Whether this case was decided correctly is not the focus here (nor could I say). The focus, rather, is on the quality of the rhetorical activity it makes available for FYC students.

In his study of the Supreme Court's rhetoric, Clarke Rountree concludes that the "Supreme Court employs a 'chaste rhetoric that pretends not to be rhetorical' and characterizes its own motives in deciding cases as severely circumscribed by the law" (*Judging the Supreme Court* 3). On this reading, so decisive is the law that there is little room for judgment. Rountree writes that "[d]issenting opinions," for example,

typically reconstruct majority opinions to show that they are not following the law—a serious threat to a majority's ability to present its motives as proper. Majority opinions usually *explain* dissenters' opinions, typically while maintaining a decorum that finds them "sadly mistaken" rather than "stupid," "malicious," or "motivated by personal interests." (Rountree 9; emphasis added)

There is in such legal rhetoric, besides a supercilious civility, the laws of a positivistic universe: textual meaning, for example, is so secure that prior texts contain the conclusions readers must reach. How to weigh the historical record, which rights apply and how—all is sufficiently given in advance, as long as the recipient is neither ignorant nor obstinate.

Rountree's analysis seems to me mainly well founded—with a notable exception. That exception is the interest-balancing rhetoric deployed by Justice Breyer, which goes beyond this parameter and about which more below. The Court's normal rhetoric, however, does seem to hew to a conception of the law that resembles what Edward Schiappa calls "real" definitions; that is, such rhetoric does not so much ask how people use *X* and for what range of purposes as it inquires into *X's essence* (*Defining Reality* 6). In the case of constitutional law, this inquiry is frequently into the essence of what the founders intended. Justice Stevens' claim is typical: "Specifically, there is no indication that the Framers of the Amendment *intended* to enshrine the common-law right of self-defense in the Constitution" (Stevens 2; emphasis added). What the Framers intended long ago is the law today's justices try to demonstrate that they are following and that the other side is not. "In this dissent," Justice Stevens wrote,

I shall first explain why our decision in *Miller* was faithful to the text of the Second Amendment and the purposes revealed in its drafting history. I shall then comment on the post-ratification history of the Amendment, which makes abundantly clear that the Amendment should not be interpreted as limiting the authority of Congress to regulate the use or possession of firearms for purely civilian purposes. (5)

It is possible to be "faithful to the text" and to the purposes its "drafting history" reveals; meaning is revealed, not constructed. The "post-ratifica-

tion history” is not interpreted; rather, this history is what “*makes abundantly clear*” how what *has to be interpreted* should be interpreted. Justice Scalia’s majority opinion makes the same move, ridiculing how the dissent “flatly misreads” the historical record, “ignoring the historical reality that the Second Amendment was not intended to lay down a ‘novel principl[e]’ but rather codified a right ‘inherited from our English ancestors’” (30, 26).

This rhetoric of essence can be constructed as not just different from but in conflict with Justice Breyer’s rhetoric of “*usage*,” a kind of inquiry that emphasizes less what *X* truly is than how people have used *X*, and might continue to use *X*—in which circumstances, for what reasons (Schiappa 6-7). “[H]istorical evidence,” Justice Breyer asserts,

is the *beginning*, rather than the *end*, of any constitutional inquiry. . . . [T]o answer the questions that are raised (that is, to see whether the statute is unconstitutional) requires us to focus on practicalities, the statute’s rationale, the problems that called it into being, its relation to those objectives—in a word, the details. There are no purely logical or conceptual answers to such questions. (Breyer 7-8)

To be sure, like his colleagues, Justice Breyer believes it is the “historical evidence [that] demonstrates,” and, also like his colleagues, he honors the *stasis*: “to see whether the statute is unconstitutional.” Where he departs from his colleagues (and for our purposes, usefully) is in his commitment to “practical wisdom,” as he calls it (12), where the “ultimate question is whether the statute imposes burdens that, when viewed in light of the statute’s legitimate objectives, are disproportionate” (13-14). Disproportionate for whom? His answer:

Given the purposes for which the Framers enacted the Second Amendment, how should it be applied to modern-day circumstances that they could not have anticipated? Assume, for argument’s sake, that the Framers did intend the Amendment to offer a degree of self-defense protection. Does that mean that the Framers also intended to guarantee a right to possess a loaded gun near swimming pools, parks, and playgrounds? That they would not have cared about the children who might pick up a loaded gun on their parents’ bedside table? That they (who certainly showed concern for the risk of fire, see *supra*, at 5–7) would have lacked concern for the risk of accidental deaths or suicides that readily accessible loaded handguns in urban areas might bring? Unless we believe that they intended future generations to ignore such matters, answering questions such as the questions in this case requires judgment—judicial judgment exercised



within a framework for constitutional analysis that guides that judgment and which makes its exercise transparent. (43; see also Breyer, *Active Liberty* 115)

Justice Breyer's moves within the genre of judicial review are more just, I am arguing, than are the moves made by Scalia and Stevens. I am not arguing, then, for *a* particular genre but rather for pedagogical immersion in the kind of analysis Justice Breyer calls for, the kind of analysis FYC at its best makes possible: facts are not decisive but are decided, argued for, the implications of how they are acted on assessed for whom they will affect and how, with what further consequences for who we are and where (for a sample writing assignment, see Appendix).

If interest-balancing rhetoric like Justice Breyer's is exemplary analytic practice, more exemplary is figuring it as in conflict with, not merely different from, his interlocutors'. Consider Justice Scalia's rhetoric of essence, which argues that such balancing of interests has already taken place—by “*the people*”:

A constitutional guarantee subject to future judges' assessments of its usefulness is no constitutional guarantee at all. Constitutional rights are enshrined with the scope they were understood to have when the people adopted them, whether or not future legislatures or (yes) even future judges think that scope too broad. . . . The Second Amendment is no different. Like the First, it is the very *product* of an interest-balancing by the people—which JUSTICE BREYER would now conduct for them anew. And whatever else it leaves to future evaluation, it surely elevates above all other interests the right of law-abiding, responsible citizens to use arms in defense of hearth and home. (62-63)

We might note that to “elevate” whatever right the Second Amendment guarantees is not to render that right untouchable, that to leave “interest-balancing” for “future evaluation” is to admit touchability, that “the people” then and “the people” now are not necessarily conceptually or empirically synonymous, that protecting what was decided by some people in another time and place may mean failure to protect what others in another time and place—according to their own interpretive lights—want. We might note other issues.

But what we would note is not at issue. This pedagogical question is not for us to decide but for us to do our best to keep FYC students immersed in—and inquiring into and arguing accordingly, whether it be for or against natural law, respect for precedent and regional traditions, the sanctity of individual choice. Even if the principles we've withdrawn from

a cost-benefit analysis are deemed too expensive by students, we value (by responding to) their decisions because we know that the efficient cause of that transfer which is needed equally by all, however that need is determined, is people, not principles.

#### IN CONCLUSION, A CURRICULUM

The curriculum I will examine, very briefly, is Linda Brodkey's, as laid out in *Writing Permitted in Designated Areas Only*—and for two reasons: one, Brodkey's exemplary commitment to civil rights continues to inform pedagogies that openly put civil rights and difference into collaborative conflict in order to enlarge our understanding of both rhetoric and justice (see Heilker and Yergeau; Lewiecki-Wilson), and two, it can be instructive, to say the least, to frame a conflict between like-minded commitments, like-minded with respect to argumentation, justice, and especially the implications a commitment to argumentation and justice has for collaboration.<sup>3</sup> I say "to say the least" because no less than the deeper collaboration I have been arguing for is at issue.

The end of Brodkey's curriculum is helping students become more-responsible citizens; the means toward this end is educating students in the socio-cultural construction of self so that students are

fully apprised that writers who take upon themselves the privilege of presenting a world in words are responsible for their representations. In the reading and writing assignments we are attempting to represent students to themselves as writers formed in social relations, that is, as writers who *have a vested interest* in particular discursive representations and who recognize that in the context of the course, at least, the highest value is placed on complicated rather than simplified representations of human subjectivity. (203; emphasis added)

The stress is placed on doing justice to the complexity of "human subjectivity," especially that of student writers, "who have a vested interest in particular discursive representations." This emphasis on "knowing who we are" is aligned with Brodkey's desire that instruction in critical literacy inculcate "a more expansive, ontological view of rhetorical invention" (203, 232).

For the sake of our stasis, however, I choose to "oppose" Brodkey's big-picture ontology, hoping that such opposition will bring into more compelling relief details of our mutually acknowledged justice project. To wit, whereas she concludes that it is in "articulating the possibilities of difference that we are likely to welcome the complexities of multicultural representations as part of a human project to resist identities that are not in our own best interests" (203), I would lean into "our own best interests,"

amplifying the ambiguity of “our own” (as with “vested interest,” above): whether “our” is everyone’s or mine, whether the possessive intimations in “own” preclude collective norms, whether the first-person plural preferences admit of obligations to third parties. Put another way, I would risk reducing Brodkey’s curriculum to an answer—telling students like Haswell’s that they must learn that the construction of both the subjectivity of writers and those whom they would represent *should* be complicated—and then ask if we study this, what follows, and what if we were to re-figure *representation* as *representative*, as a delegate: for whom does one’s writing serve as a representative, whom is addressed on that figure’s behalf, and whom thereby excluded or marginalized? How does the representation of self in one’s writing serve as a delegate for others, doing the representative work it should?

Justice would seem to require that this dialectic among representatives has to be local, but that does not mean, if it is to be dialectical, it does not also have to be normative.

## APPENDIX

### PAPER #2: WHAT IS “X”? A Paper on Definitional Frameworks

Stimuli do not possess an absolute meaning . . . different frameworks of interpretation will lead to different conclusions as to what reality is.—Kenneth Burke

Your overall objective in Paper #2 is to analyze how the different ways of defining the “stimuli” in the documentary *Lake of Fire* function to serve particular interests.

In forming your essay, consider the following *suggested* moves. The moves you actually make in your essay may turn out to be different from these, but these should help you think about the assignment:

—Get the audience involved in the problem. Because the topic of abortion is generally problematic, you should probably create a more-specific sense of the problem as you see it.

—Use what “They Say” about abortion to set up what “You Say”; the “they” must include at least two distinct “They’s” from *Lake of Fire*. You may also, if it suits your purposes, grab a “They” from Schiappa’s “Analyzing Argumentative Discourse from a Rhetorical Perspective: Defining ‘Person’ and ‘Human Life’ in Constitutional Disputes over Abortion,” as well as from other sources (including but not limited to family and friends). In this part of the essay, it would make sense to use lots of “quotation sandwiches” (see *They Say/I Say*);

—Analyze what is at stake for these various “They’s,” using questions such as What are Their purposes in defining “X”? and What interests and values are advanced by these competing definitions? In this part of the essay, you will need to demonstrate the connections between their words and the claims you are making about their words;

—In light of these differences, clarify what is at stake for you (this is your “I Say”). You might make what is at stake clearer by reflecting further on what it might mean to your life if you were to identify with one set of interests vs. the others. Or you might explain why you would draw the lines around the issue differently than have the sets of interest you’ve articulated.

—You might end the paper (which should be at least three pages long, titled, typed, and double spaced; be sure to save an electronic copy) by discussing what uncertainty you may still have. What important questions have yet to be addressed? What remains problematic? Or if your opinion is firm, you then might wonder why others who are reasonably conscientious and intelligent do not see things as you do. On an issue like abortion, is it possible for people to listen fairly to those who disagree with them? Is it possible to see views you strongly disagree with as rational, just, and humane? What do You Say?

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#### NOTES

1. See also Beaufort; Bergmann and Zepernick; Fishman and Reiff; Reid 51; Thaiss and Zawacki; Wardle, “Continuing” 181; Wardle, “Mutt Genres” 766, 771; Wardle, “Understanding.”

2. See also Brodkey 161, 165; Fraizer 37-38; Rickert 18, 61, 186, 204.

3. For argumentation, see in Brodkey 160, 187, 201-2, 238-41, 244; for justice, see 161, 165-66, 229, 234, 236, 240, 242-43; for collaboration, see 211-12 and below; other “fellow travelers” might include Bartholomae and Petrosky; Beaufort; Bizzell and Herzberg; Clark; Glau and Jacobsen; Slevin.

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