

PEDAGOGY AND CULTURAL PRACTICE

Edited by Henry Giroux and Roger Simon

Recognizing that pedagogy begins with the affirmation of differences as a precondition for extending the possibilities of democratic life, the series analyzes the diverse democratic and ideological struggles of people across a wide range of economic, social, and political spheres.

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**WRITING PERMITTED
IN DESIGNATED AREAS
ONLY**

LINDA BRODKEY

**PEDAGOGY AND CULTURAL PRACTICE
V O L U M E 4**



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Jesse

WRITING ABOUT DIFFERENCE: "HARD CASES" FOR CULTURAL STUDIES

Some twenty years ago, James Kinneavy introduced *A Theory of Discourse* with a formidable catalog of the institutional barriers facing composition:

Composition is so clearly the stepchild of the English department that it is not a legitimate area of graduate study, is not even recognized as a subdivision of the discipline of English in a recent manifesto put out by the major professional association (MLA) of college English teachers, in some universities is not a valid area of scholarship for advancement in rank, and is generally the teaching province of graduate students or fringe members of the department. (1971: 1)

That composition dismantled many of these institutional defenses in a remarkably short time is a testament of sorts to the virtues of scholarship. Composition is now a legitimate area of graduate study at many state universities; recent Modern Language Association "manifestos" declare composition to be a field; and at many state universities, at least, scholarship on writing counts for tenure and promotion. That improved conditions for scholars do not necessarily extend to teachers is nowhere more evident than in the Wyoming Resolution, the critique of the continued institutional misuse of graduate students and part-time faculty to staff most college writing courses made at the annual Wyoming Conference (see "Statement of Principles and Standards" 1989).

Far too many composition teachers still work under appalling conditions, even in institutions where there are graduate programs in writing and where research on writing is grounds for tenure and promotion. They teach too many courses and too many students each term, and they are neither paid well enough nor prepared well enough to teach writing. Most of the professoriat can justify treating writing teachers as guest workers in the academy, for most probably imagine writing pedagogy to be much as Ian Watt once represented it—simply a matter of doing "all the hard and often unpleasant work of reading and correcting a lot of student papers week after week"—even if they do not also share his conviction that composition research and English handbooks alike "spy upon the obvious" (1978: 14). Composition *is* pedagogy. But pedagogy can be reduced to correcting student papers only if you imagine yourself to be the writing police, for those who make a fetish of grammar or style also imagine themselves to be protecting the literate from the illiterate

who threaten the powerful homology of one nation/one language/one culture, without which such prescriptions would be revealed as the self-interested protection of privilege that they are.

"Students' Right to Their Own Language," a resolution adopted by the 1974 Conference on College Composition and Communication and reaffirmed several times since, publicly denounces ill-informed and self-serving language policies as "false advice for speakers and writers, and immoral advice for humans" (see preface to "Students' Right to Their Own Language" 1974). The syllabus drafted for "Writing about Difference" at the University of Texas may not address precisely the same issues as the 1974 resolution, but opposition to the syllabus is curiously reminiscent of the political climate in which the resolution on language was drafted and ultimately adopted. Whether the controversy is about dialect or difference, it seems, opponents just say no, perhaps because difference and dialect alike challenge "many long-held and passionately cherished notions about language" ("Students' Right" 1974: 1).

As it has come down to us from poststructural language theories, difference tries to account for the practice of defining by negation, of accentuating the positive, so to speak, by distancing the positive from the negative term in a pair or set and hence affirming the positivity of the preferred term at the expense of that from which it "differs." That we can make these distinctions in language is a tribute to the human intellect, except when we forget that we must then take responsibility for the consequences of defining real human beings as different. Unlike *diversity*, a word that recognizes variety without attempting to analyze the part language plays in making distinctions among people, *difference* challenges the culturally and socially sanctioned practice of imputing extraordinary human value to some people by diminishing the worth of others. In other words, "ability" and "disability" may be an arbitrary linguistic pair, but the legal and educational consequences of being defined as "disabled" or "abled" are not arbitrary. It matters a great deal whether you are the unmarked (normative) or marked (deviant) term in such pairs as white or black, Anglo or Hispanic, American or Asian-American, male or female, straight or gay, young or old, monolingual or bilingual. Such binary oppositions are more than theoretically interesting examples of human cognition, for the processes of defining by negation are sometimes used to justify the political and economic practices of exclusion.

Among other things, difference falsifies the analytical and pedagogical fiction that form is literally separable from content. To our minds, it is a fiction that serves the interests of neither students nor teachers, if only because most students believe that teachers talk form but mean content, and good teachers worry that students may be right. Yet when writing teachers assume the right to assess the content of student writing, they disturb the order of things, notably, the commonsense belief that grammar, style, and rhetoric are independent of the production and reception of knowledge, that language conveys ideas or reality or even truth, but

plays no critical part in constructing them. Writing programs that attempt to institutionalize the rights of teachers and students to assess the content of writing risk being deemed presumptuous, the more so if that right is claimed on behalf of graduate students and lecturers. For what amounts to a right in "content areas" is likely to be seen as unwarranted privilege—a license to indoctrinate students or an open invitation for instructors to impose a particular political bias—in a first-year writing class. No matter how unjustified the charges, they are believed because many believe pedagogy to be a matter of transmitting culture by precept, and correctness to be the reigning precept in writing pedagogy. According to this logic, composition teachers, themselves a marginalized cohort whose intellectual work with students remains marginal to the institution, may legitimately transmit lessons on grammar, style, and rhetoric but transgress disciplinary boundaries if they raise questions about the quality of the assertions writers make.

The syllabus for "Writing about Difference" celebrates students and teachers by inviting them to conduct sustained rhetorical inquiry into a topic that troubles many people in this country—difference. And to our minds, any writing course that positively values the intellectual labor of students and teachers goes a long way toward celebrating the field of composition itself. An ad hoc group of faculty and graduate students worked on the syllabus during the summer of 1990. Membership in what became known as the Ad Hoc Syllabus-Writing Group was open to anyone scheduled to teach the course in 1990-91 and consisted of the director of lower-division English (Linda Brodkey), four other faculty members (Susan Sage Heinzelman, Sara Kimball, Stuart Moulthrop, and John Slatin) of the Lower Division English Policy Committee, which proposed implementing a common syllabus on the topic of difference for one year, six graduate-student instructors (Margaret Downs-Gamble, David Ericson, Shelli Fowler, Dana Harrington, Allison Mosshart, and Rick Penticoff), and Maria Villalobos, the administrative assistant for the program. We make a point of mentioning these names because our weekly, sometimes twice-weekly, meetings produced the syllabus as well as experience of collaboration akin to what we hoped to recreate in the course itself. The collaboration not only shaped the syllabus but continues to shape the intellectual issues that are raised by the syllabus and were ruthlessly ignored by administrative fiat on July 23, 1990, when the dean of liberal arts sent the English department a memo announcing his decision to postpone the implementation of "Writing about Difference" in order to address "misunderstandings about the course expressed within the university community" (Meacham 1990).

As the title suggests, "Writing about Difference" is a syllabus with a focused topic, *difference*. Writing about and discussion of the topic are oriented by four kinds of readings: essays that discuss the issue of difference (e.g., Martha Minow's *Making All the Difference*); U.S. District, Circuit, and Supreme Court opinions on cases in-

volving disputes over specific kinds of difference (race, gender, physical ability, bilingualism, sexual orientation); essays that discuss issues raised in court opinions (e.g., freedom of association); and federal laws invoked in the court opinions (e.g., the First and Fourteenth Amendments to the Constitution; Title VII of the Civil Rights Act of 1964; Title IX of the Education Amendments of 1972). In a series of linked reading and writing assignments, student texts as well as published texts sustain rhetorical inquiry into the topic of difference.

"Writing about Difference" is a syllabus written for English 306, the first-year writing course at the University of Texas at Austin. Credit for English 306 is required of all students at the university. More than half the entering students (about three thousand) take the course each year. Others take an equivalent course elsewhere or place out by passing a standardized grammar and usage test. Students in the course generally come from the top 25 percent of their high school classes. Most are white and middle class; there are slightly more males than females. Despite long-standing and widespread local suspicion, English 306 is neither a "basic" nor a "remedial" writing course, as those who teach open-admissions students would understand the term (see Shaughnessy 1977). Special sections of English 306 are offered only to students, generally foreign nationals, for whom English is a second language. Fifty-plus sections of English 306 are offered during each of the two regular semesters of the academic year (some twenty more during the summer); about 95 percent of these sections are taught by graduate-student instructors, who must take a full load of courses (three every semester) in order to be employed. English 306 is the first course most graduate students teach in the department, and few begin their service with any teaching experience, let alone knowledge of composition research or pedagogy.

We provide these details to give some picture of the institutional context out of which "Writing about Difference" emerged. The department has a responsibility not only to the undergraduates who take the course but also to the graduate instructors who staff the vast majority of sections. Responding to the needs and desires of these sometimes conflicting constituencies required some compromises in the syllabus design. For instance, we decided against portfolios on the grounds that we could not reasonably expect graduate-student teachers to increase their workload at precisely the same point that their own course work is due. Even so, we aimed for solutions that would be pedagogically sound and intellectually defensible for University of Texas students and teachers alike. No doubt the problems and solutions would be different at other institutions.

Most graduate-student instructors of English 306 study literature. The syllabus for "Writing about Difference" attempts to build on the strengths that literature majors are likely to bring to the classroom while at the same time inviting them to participate in teaching composition as an intellectual enterprise in its own right. It positively values their abilities as close readers, yet asks them to work with texts

outside their usual purview. Though they are not literary analyses, court opinions work very like interpretations, and literature students are likely to find themselves in familiar territory since both jurisprudence and literary studies are founded on intertextual interpretive practices. Yet to think like a writer—to shift from reception to production—is to accept that the consequences of writing texts, including taking responsibility for the potential violence of words, are different from those of reading them. Michael Calvin McGee, for instance, argues that rhetorical acts that aim at persuading inflict a kind of violence because the persuasive act aims at changing people's thoughts, attitudes, or behavior. Legal opinions strike us as excellent illustrations of this kind of rhetorical power and violence. As Robert Cover so eloquently puts it: "Legal interpretive acts signal and occasion the imposition of violence on others: A judge articulates her understanding of a text, and as a result, somebody loses his freedom, his property, his children, even his life" (1986: 1601). We take Cover to mean that the language used by the court invariably changes people's lives. We mean that the language used by students and teachers in classrooms and essays is, if not equally consequential, as potentially violent, and we want students and teachers to learn that what they say to one another and what they say about texts matters.

Some current work in literary studies will make it easier for students of literature to recognize in the writing of court opinions what rhetoricians know as invention, a process of finding or discovering materials for topics. Jerome McGann's work on textual studies, for instance, though focused on publication, opens up the issue of textual production by questioning the notion of an author's "final" intentions. McGann argues that authors' intentions toward their texts can best be seen as a social process of interaction and negotiation with editors, publishers, copyists, and readers. In jurisprudence, legal briefs, court transcripts, and discovery evidence all contribute material to the court's opinion, visible testimony of a public and protracted invention process. These legal texts also make available a more expansive, ontological view of rhetorical invention—the view that language constitutes social reality. This is a view that James Boyd White argues for in his discussions of both literary and legal texts. From this perspective, one might argue that every decision handed down by the courts, and the Supreme Court in particular, invents democracy anew. In this sense, then, even we who are not judges but citizens who read and interpret and evaluate legal opinions are writing commentaries in the margins of American history.

Many teachers of English 306 are new to composition as well as teaching. New teachers often question the source of their classroom authority, and some deal with their uncertainty by resorting to pedantry. The course intentionally channels interest and enthusiasm for current literary theories into a pedagogy fairer to students than most inexperienced teachers are likely to create on their own. Difference is a notion familiar to most graduate students and dear to some, but the syl-

labus requires instructors and students alike to examine difference critically, allowing a forum for neither ex cathedra pronouncements based on theories unknown to students nor conclusions based on unverifiable personal experiences. The syllabus, with its common reading and writing assignments and methods of evaluation, initially shifts authority from individual teachers to the program. Hence responsibility for the topic, materials, and assignments is returned to the institution, leaving relatively inexperienced teachers some much needed time to learn how best to teach writing practices—inventing, drafting, evaluating, revising, editing. Finally, the detailed syllabus lessens instructors' anxieties about whether they "know" enough to teach writing even as it encourages them to acquire a common body of knowledge—lore, research, and scholarship—to be generated, applied, and transformed by teachers themselves (see North 1987). Instructors thereby contribute to a larger intellectual enterprise, at the very least one more productive to them and to students than the more usual exploitative one in which they are virtually forced to rationalize teaching writing on the side while they build up cultural capital for a later, more respectable life teaching literature.

Similarly, the syllabus seeks to build on the strengths of the undergraduates who take the course. Most eighteen-year-olds come to college hoping to leave high school behind; older students enter or reenter college already considering high school a closed chapter in their lives. This being the case, we can see no reason to treat any of them as thirteenth graders. "Writing about Difference" breaks decisively with high school by, among other things, using Stephen Toulmin's language in *The Uses of Argument* to talk about writing. While similarities between thesis and claim and evidence and ground enable students to bridge their high school and college discussions of writing, Toulmin's notion of warranting leads most of them into uncharted, but crucial, intellectual territory.

In addition to building on undergraduates' desire for intellectual challenge, the syllabus resituates ongoing campus conversations. Racially directed incidents involving several fraternities during both the spring and fall 1990 semesters, detailed proposals for curricular and administrative reform from both African-American and Chicana/Chicano student groups, and "coming-out" rallies on the part of gay and lesbian groups have established difference as a topic of conversation and, on occasion, shouting matches. Local violence amplifies a national intolerance of difference. Consider the voter showing on behalf of gubernatorial candidate David Duke in Louisiana or the anti-affirmative action ads that Senator Jesse Helms ran in the last weeks of his 1990 reelection campaign. One way or another, people are talking about difference—at home, in the dorms, and on the streets as well as in voting booths and on talk shows—and most of the talk suggests a deep, layered, and conflicted consciousness of the issue. "Writing about Difference" attempts to take an issue in which there is already heated interest and make it an occasion for intellectual inquiry rather than forensic spectacle.

Finally, many students enter the classroom with a desire for an experience that is more participatory than is usually afforded by the standard lecture hall with one hundred-plus students and an instructor pronouncing from on high, behind a lectern. The syllabus puts writing groups of four to five students at the intellectual and logistical center of the course. Each group is responsible for teaching its court case to the rest of the class. Scholastic success relies on the collective as well as individual work of students. We are betting that these intellectual interactions will, in some instances at least, foster friendships outside the classroom and are hoping that they will counteract the fragmenting and alienating experiences that seem increasingly to characterize undergraduate life at large state universities like the University of Texas at Austin (see Wilson 1991).

Such are some of the local circumstances that influenced the formation and design of the syllabus for "Writing about Difference." We tried to take account of the fact that two of the most vulnerable groups at the university, first-year students and first-time graduate-student instructors, are most affected by this course. We tried to be responsible foremost to them in meeting the already stated curricular goals with a common syllabus that supports teaching writing. Our initial goal was to engage students and instructors in intellectual inquiry. The topic of difference poses some risk to this goal, for it is a "hot" issue. But we think it a risk well worth taking because students and instructors need to learn how to discuss political issues in pedagogically and intellectually responsible ways. Teachers and students live outside as well as inside classrooms, and many feel keenly their responsibilities to their families and communities. To the extent that writing classrooms are sometimes also constituted as communities, however temporary and fragile, we do not see difference as an incidental means of engaging in written inquiry, but as a positive way for students and teachers to contribute to civic life.

Scholarly inquiry does not arise out of a historical, social, or political void, but is instead generated and sustained by published texts, many of which exert near-canonical power over most students and some teachers. Yet teachers must afford student texts the same privileges as professional ones in writing classes if they expect students to see their own writing and that of peers as contributions to ongoing intellectual conversations. Efforts to value student and professional texts equally, however, more often than not create conflict between intellectual and pedagogical imperatives. Making professional texts the center of a classroom is often taken, by teachers and students, as a sign of fealty to the intellectual tradition represented by the text. Making student texts the center of a classroom is taken as a sign of the teacher's commitment to writing pedagogy. When intellectual imperatives predominate, there is the temptation to offer professional texts as models: of stylistic features, of structural or rhetorical principles, or of proper moral or political content. In our view, the pedagogy of imitation sets up a textual hierarchy in which

student texts are invariably devalued. When pedagogical imperatives predominate, there is the temptation to ban professional texts altogether from the classroom. The ostensible rationale is that students will find their own voices or discover their most creative thoughts only if the more powerful, and hence oppressive, published texts are absent.

We have tried to balance the intellectual and pedagogical imperatives in our syllabus by putting student and professional texts in conversation and contention with each other. "Writing about Difference" begins by trying to interrupt the authority of published texts. We don't ask students to directly model or imitate any of the professional texts in their own writing, but we do create situations in which students can themselves gain sufficient scholarly authority to "talk back" to laws, court opinions, and academic essays. We focus on a common topic for the semester because we reasoned that the more familiar students are with a set of published texts on a topic, the less likely they are to assume that publication itself guarantees that any argument is invulnerable. We also reasoned that students are more likely to gain sufficient scholarly authority to challenge professional texts when they are not repeatedly required to build up wholly new knowledge bases, as they must when topics change with each writing assignment. We teach students scholarly practices—analysis, research, synthesis—that build expertise. And we set up classroom situations in which expertise gained by an individual can be shared with the group. We expect that by the end of the semester, whatever intellectual home the professional texts may have offered initially will be rebuilt or abandoned by students and teachers who work from the pedagogical blueprints offered by the syllabus.

What complicates our attempt to achieve reciprocity between student and professional texts, between intellectual and pedagogical imperatives, is the topic: difference. The topic, and hence the texts representing it, is disturbing. The texts provoke because they sometimes question received wisdom. For example, Judge McMillian's dissent to the majority opinion in *Chambers v. Omaha Girls Club, Inc.* casts doubt on the very idea of a role model. Some texts may also provoke because they ask us to consider the lives and views of people different from most students and instructors at the University of Texas. Peggy McIntosh, in "White Privilege and Male Privilege," for instance, notes homologies between the privileges males have in relation to females and those white people have in relation to people of color. The syllabus asks students to perform a similar imaginative exercise for themselves in relation to those whose vision or hearing is impaired.

No doubt the topic will make some students uncomfortable, particularly those who were taught to believe that laws literally prevent discrimination or that privilege is necessarily deserved. Other students may see raising the topic as a violation of a politeness convention; that is, problems may exist but polite people don't talk about them. We have staged an educational scene that may well distress some

students. While writing classrooms need to be safe places for students, we take that to mean safe from gratuitous judgments of their writing, not safe from intellectual life. It is at least arguable that intellectual discomfort gives a point to writing in a way that intellectual comfort cannot.

When instructors are confronted with reluctant or rebellious students, they often resort to "explicating the text" in order to ensure that students "get the message." Instructors can then claim they have at least done right by the text (or the message or the author or the group represented by the author), if not by the students. In a writing class, resorting to explication seems both unfair and antithetical to the aims of pedagogy. Learning to teach writing is learning to do right by the texts students write. No text, professional or student, can be treated as sacred. The syllabus for "Writing about Difference" discourages students from making pronouncements about issues based on personal experience (which is what most first-year students have to go on), and teachers from making pronouncements about texts based on theories (which is what most graduate-student teachers have to go on). Pronouncements from either quarter stifle the pedagogy of writing as inquiry. Rhetoric of inquiry relies on students and teachers talking with rather than talking at one another.

Many students have been taught that finding a position is the intellectual task in a writing course. For these students, once a position is stated there's really not much interesting work left to do beyond marshaling the requisite three pieces of evidence smartly on the page. We hoped to interrupt this version of argumentation on parade with Stephen Toulmin's language of claims, grounds, and warrants. One of the singular advantages of Toulmin's terms is that they encourage us to examine the positions we take as claims. Claims make it easier to treat positions as partial and provisional statements about the world, rather than as unarguable and immutable truths with which readers either agree or disagree. And when the conversation shifts from thesis statement to claim, we become less concerned about the position as a position and more interested in where an argument for it would position us—in relation to both other people and other arguments. In other words, Toulmin's lexicon offers students and teachers alike a view of argumentation as a prologue to further inquiry, which we see as an antidote to viewing arguments as debates, as performances that invariably end with winners and losers, and, ultimately, in silence.

In Toulmin's model, argumentation begins with a claim made about a problem or a state of affairs. A writer asserts that such and such is the case. When a reader responds to this initial claim with the question "What do you have to go on?" the writer offers some data as grounds for the assertion. Just offering these grounds, however, may be insufficient to make the assertion convincing. One might well ask "How do you get from here to there, from ground to claim?"—that is, how well is

the relation between ground and claim warranted? Further, one might challenge the rule, principle, custom, or law that is used as a warrant. One may ask, in other words, about the grounds for the warrant itself by asking whether the backing for the warrant is sufficient.

The concepts of claims, grounds, and warrants have a number of features that are important to our pedagogical aim of generating and sustaining inquiry in writing. Claims are provisional statements, a way of staking out an intellectual territory. In *An Introduction to Reasoning*, Toulmin, along with coauthors Richard Rieke and Allan Janik, compares making a verbal claim to "staking a claim" for mining rights (1984: 30). Territorial claims are subject to dispute and need defending, certainly legally, but often physically as well. We are less concerned here with the analogy drawn between physical and intellectual property, and more intrigued by the notion of territory or position. Any claim stakes a position in an intellectual field, which then circumscribes the kinds of arguments that can be made from that position. By way of example, some readers of *Fricke v. Lynch*, a case in which a male high school student sued to overturn his principal's prohibition against bringing a male escort to the prom, may claim that homosexuality is wrong. These readers will find, however, that such a claim positions them in an intellectual field not considered by the court. The plaintiff argued that the principal's prohibition was a violation of his First Amendment right to free expression; the defendant argued that the prohibition was made in the interest of public safety. Homosexuality itself is not an issue for either the litigants or the court. To make it an issue, one has to shift the grounds of the dispute from civil liberties to personal conduct, and, in some states, from civil to criminal law.

The provisional nature of claims can be seen in the way the issue is, in fact, framed in *Fricke v. Lynch*. One could say that two acknowledged rights are in conflict: the right of free expression and the right to enjoy public order and safety. Historically, federal courts have defined neither right as absolute. Students may well find during their inquiries that the courts shift position on the issue of free expression. A district court argued for the primacy of this right in *Fricke*, but the Supreme Court denied its supremacy in *University of Pennsylvania v. Equal Employment Opportunity Commission*, unanimously finding against the university's claim that confidentiality is necessary to protect the First Amendment rights of those who write tenure reviews. Students may not readily accept our assertion that claims are provisional, but the writing assignments developed for the syllabus require all of us to make public the grounds on which we state such and such to be the case.

For purposes of pedagogy, the key concept in Toulmin's model is warranting. Warrant is complex because it refers both to things (principles, rules, customs, laws) and actions (warrants *license* the relation between claims and grounds). The chief feature of warrants is that they are field-dependent. In warranting the relation between claim and ground, at least three conditions must be met: (1) the grounds

must be relevant to the claim; (2) the grounds must be sufficient to substantiate the claim; and (3) the argument must be rhetorically appropriate to the situation. The criteria of relevance, sufficiency, and appropriateness link argumentation to the contingencies of context and loosen its connections to the determinant laws of logic.

The notion of warranting is particularly useful in assessing the merits of majority and dissenting opinions—especially so in *Chambers v. Omaha Girls Club, Inc.* Crystal Chambers, a single black woman employed as an arts and crafts instructor by the Omaha Girls Club, was fired when she became pregnant. The defendant argued that employees were expected to be role models for the predominantly African-American “members” of the club, that pregnancy outside marriage is a harmful behavior to model for this membership, and therefore that Chambers’s pregnancy was grounds for dismissal because it modeled harmful behavior. In this chain of arguments, one strand that becomes an issue among the judges is as follows: claim—girls will emulate Chambers’s behavior and get pregnant; ground—Chambers is a role model for the girls; warrant—people will emulate the behavior of role models. The majority opinion accepts this chain of reasoning as valid. Judge McMillian’s dissenting opinion, however, takes issue with the warrant:

The district court, and now this court, accepts without any proof OGC’s [the Omaha Girls Club’s] assumption that the presence of an unwed pregnant instructor is related to teenage pregnancies. . . . OGC failed to present surveys, school statistics or any other empirical data connecting the incidence of teenage pregnancy with the pregnancy of an adult instructor. OGC also failed to present evidence that other girls clubs or similar types of organizations employed such a rule. OGC instead relied on two or three highly questionable anecdotal incidents to support the rule. (*Chambers* 707)

The dissent disputes the backing for the warrant, the evidence used to support the behavioral law or principle that predicts that people emulate the behavior of role models. Note that the dissenting opinion does not question the ground of the argument, that Chambers was employed to function as a role model, but challenges instead the relevance of the ground to the claim. McMillian reasons that if there is no empirically verifiable evidence to support a necessary cause-effect relation between the behavior of a role model and that of her clients, then Chambers cannot be fired on the grounds that she was a negative role model. Being a role model might be a part of an employee’s job description, but in this case one cannot say, if one’s test is empirical evidence, that the job either is or isn’t being done.

This example illustrates how context-dependent—or “field-dependent,” to use Toulmin’s language—warranting is. The judges writing the majority opinion are

willing to accept anecdotal evidence for the efficacy of role models because, we presume, it is commonsense and customary knowledge that such a relation exists. In fact, the majority is even “uncertain whether the role model rule by its nature is suited to validation by an empirical study” (*Chambers* 702). The dissenting opinion, by contrast, takes a view of the role-model principle more characteristic of what one has come to expect in, say, experimental psychology, namely, that an assertion can be applied generally as an explanation of human behavior only if it has been empirically validated. The opinions in *Chambers* are thus arguments drawing warrants from two competing fields, custom and science. We realize that the very notion of warranting is highly complex precisely because it is field- or context-dependent. One obvious reason to make it a critical part of the course, however, is that we see warranting as a way of teaching students that providing three pieces of evidence does not “prove” a claim, if only because data are themselves problematic.

Seen in terms of pedagogy, Toulmin’s terminology also gives us a way to make the daily activities of the course internally coherent to students and teachers. Claims, grounds, and warrants are the terms in which all readings are analyzed as well as the invention principles by which all writings are generated. Toulmin would not himself argue that these analytical terms generate arguments, since logic, unlike rhetoric, is not concerned with invention. But standard heuristics, such as Young, Becker, and Pike’s tagmemics (1970) or the adaptations of Burke’s pentad (1969), which focus on gathering data, are by themselves not sufficient for invention because they do not easily transform data into information. Data cannot be seen to ground a claim without an explicit procedure for determining their relevance to a particular argument. The criteria for warranting allow us to sift through data and “find” those that are relevant, sufficient, and appropriate to the argument at hand. Students can use Toulmin’s language to analyze and evaluate their own arguments as well as those they read. As may already be apparent from the discussion of warranting, Toulmin’s language redefines form and content as mutually implicated in argumentation, making it apparent that both must figure in evaluation. Organizational and stylistic choices in a text are taught as part and parcel of warranting. This means that organization and style are treated as intrinsic features of a particular argument, crucial for judging its effectiveness, not as empty and interchangeable containers into which content is poured.

We designed “Writing about Difference” to encourage students to conduct intellectual inquiry in writing. For those of us who worked on the syllabus, such inquiry is made possible in the academy by sustained intellectual dialogue in which positions are grounded by research and warranted by relevant, sufficient, and appropriate arguments. Teaching inquiry is not simply a matter of providing students with tools: scholarly texts and strategies of argumentation. Nor is it a matter of

putting the tools to work through assignments that ask students to reproduce what they read. Such approaches employ students and teachers alike as day laborers who produce piecework in return for the academic equivalent of a paycheck—grades for students, credentials for graduate-student teachers. The very possibility of intellectual inquiry entails imagining students and teachers as intellectuals, fully capable already of doing, or developing the ability to do, independent intellectual work. To this end, we designed the syllabus with two structural principles in mind: (1) the course activities had to be both sequential and cumulative; and (2) the course activities had to revolve around a common topic for all participants through the entire semester.

The first structural principle animates the teleology implied by our notion of intellectual inquiry. In other words, what students write at the end of the semester depends on what they have written throughout the term. We see the syllabus as differing from similar writing courses we are familiar with mostly in terms of ends rather than means. We are not trying to influence cognitive or psychological maturity (see Flower 1985; Axelrod and Cooper 1988). Nor are we trying to lead students through a process of self-creation (see Coles 1988). While we would not necessarily exclude these other ends, we view students as intellectuals, and we hoped that the course might even encourage some students to see themselves as transformative intellectuals, people who, in the words of Stanley Aronowitz and Henry Giroux, can make “the pedagogical more political and the political more pedagogical” (1985: 36). We are perhaps not as convinced as Aronowitz and Giroux that transformative intellectuals are necessarily in opposition to a “dominant” society, since our understanding of a democratic society—as individuals and groups whose multiple and sometimes contradictory interests intersect differentially—suggests that the hegemony of those in power is vulnerable to internal as well as external critique. We wholeheartedly agree, however, that intellectual activity is potentially transformative, personally and socially. We hoped, then, that after a semester of reading and writing arguments about discriminatory employment and educational practices, students would come to see themselves as reasonably well informed on the topic of difference and entitled, therefore, to participate in the ever more intense public debate about civil rights.

The teleological structure is premised on four conceptual nodes. In the first node, Toulmin’s language of argumentation frames the topic of difference. Students read from Martha Minow’s *Making All the Difference* and are asked, in several informal scripts and one formal essay, to identify a central claim she makes and the grounds she offers in support of it. They next read Peggy McIntosh’s essay “White Privilege and Male Privilege” and are asked to use it as a springboard for library research into stereotypes (these stereotypes come from the court cases considered later in the course). Minow’s conception of difference as relational rather than inherent underlies both McIntosh’s insight into the nature of privilege

and students’ understanding of stereotypes. The relational notion of difference also helps open up the practice of argumentation by showing that intellectual positions are not fixed to immutable truths encased in prefabricated structures but are constructed for particular purposes from local materials.

The second node of the course uses the Supreme Court opinion on *Sweatt v. Painter* and “The Spurs of Texas Are upon You,” a chapter from Richard Kluger’s *Simple Justice*, as a practice case that the whole class does together. We chose *Sweatt v. Painter* in large part because it is a local case. In 1946, under the separate-but-equal ruling, the University of Texas law school refused to admit Heman Sweatt, a black male. He sued and lost at all three state court levels, but eventually won the case in the United States Supreme Court in 1950. The writing assignments ask students to compile a class lexicon of legal terms (used in this and subsequent cases) and to distinguish and analyze the arguments made by the plaintiff, the defendant, and the court in the published opinion.

The work of the third node relies on student writing groups. Each group reads a court opinion and a scholarly essay discussing some issue of difference relevant to the case. Group members write a review of the scholarly essay and an analysis of the court opinion. But here, instead of just identifying and summarizing claims and grounds, students also evaluate arguments in the article and opinion. Evaluating arguments, in this course, means evaluating warrants. Assessing warrants invoked or implied by the court, litigants, and scholars in their respective texts is also likely to require students to unpack notions of difference at work in these texts. The time set aside for each group to present issues and arguments raised by their case to the class is critical, for taking the time publicly values the reading, thinking, and writing students do in the course.

In the last node, students take a set of materials—legal briefs and laws—and write an “opinion” finding in favor of either the plaintiff or the defendant in the case. This is obviously a cumulative assignment because it asks students to use what they have learned from analyzing and evaluating judicial opinions, and from the group presentations, to write their own. Semester-long experience with the topic and terms and opinions and essays teaches student writers the absolute value of giving due attention to the arguments made by plaintiffs and defendants, which is after all the basis of our faith in law and argumentation alike.

The second structural principle, a single topic, supports the implementation of the cumulative syllabus. We realize, nonetheless, that single-topic writing courses have an uneasy relation to the rest of the university as well as to the history of rhetoric. Historically, rhetoric (and written composition as a branch of rhetoric) has most often been viewed as a methodological study, codified in ancient Greek theory as a *techne* or art. As Aristotle put it, “Neither rhetoric nor dialectic is the scientific study of any one separate subject: both are faculties for providing arguments” (1984: 2156). There have been periods, however, when learning rhetoric

was considered almost an end in and of itself because eloquence was thought to define the telos of human social existence. For Gorgias and Isocrates in Greece, Cicero and Quintilian in Rome, and Petrarch and Salutati in Renaissance Italy, civic life (*paideia*) was the topic of rhetorical study. But this formulation of rhetoric, where technical proficiency cannot be distinguished from a person's civic or social identity, is abandoned when the state prevents citizens from having an effective voice in its affairs or when academic disciplines artificially rationalize the study of language by segregating language users from language use, form from content, intentions from effects, grammar from rhetoric, rhetoric from philosophy, and philosophy from social life.

Modern English departments, formed in the late nineteenth century around the study of literature, retained responsibility for one branch of rhetorical instruction—the teaching of writing. And so long as English departments have been responsible for it, writing has been largely conceived of and taught as a methodological and instrumental art. This conception of writing has proven to be the source of many conflicts because English departments must forever fret about whether they should teach writing as a service to the rest of the university or as a service to their own discipline. In the university-service model, writing is usually taught as instrumental to the discovery and propagation of knowledge. Instruction focuses on formal features, whether they are considered “universal” (e.g., organizational patterns or punctuation) or particular to a discipline (e.g., research proposal or technical manual as genres). In the intradisciplinary-service model, writing is taught as the instrument of literary style or as the conveyor of literary content through textual explications. When writing is taught as a university service, one can ask why composition necessarily “belongs” to English departments. When it is taught as a service to English majors, one can ask why students across the university are required to learn it. Neither conception of composition makes a persuasive case for the practice of writing in and of itself.

“Writing About Difference” is grounded in an alternative conception of rhetoric that reconfigures disciplinary boundaries. In our version of rhetoric, which some scholars have already labeled “the rhetoric of inquiry” (see Nelson, Megill, and McCloskey 1987), form and content jointly construct social reality, and topics are hardly incidental to learning and teaching. Despite recent reconceptualizations of rhetoric embodied in such programs as the University of Iowa's Project on Rhetoric of Inquiry, a topic-driven writing course remains problematic in the modern university because it is presumed that topics, with their established content and approved methods for studying them, already “belong” to some discipline. Topic-focused writing courses make some discipline-oriented academics anxious because students will not be learning the disciplinary representations of those topics. As David Bartholomae and Anthony Petrosky point out in the introduction to *Facts, Artifacts, and Counterfacts*, students in these kinds of writing courses “can

only approximate the work of professional academics; they can only try on the role of the psychologist or anthropologist or sociologist. They will not ‘get’ the canonical interpretations preserved by the disciplines, nor will they invent that work on their own” (1986: 38). Despite these limitations, they go on to say, students can “learn something about what it means to study a subject or carry out a project” (38). Along with Bartholomae and Petrosky, we would argue that topic-driven writing courses, ours included, that refuse an instrumental relation either to the English department or to the university as a whole require students and teachers to actually “invent” a discipline.

Inquiry invents disciplines. To paraphrase John Dewey, inquiry transforms an indeterminate situation into a determinate one. The purpose of inquiry is to construct “warranted assertions” about a disturbed, troubled, ambiguous, confused, conflicted, or obscure “existential situation” (Dewey 1986: 108). What could be more disturbed, troubled, ambiguous, confused, conflicted, or obscure than existential situations evoked by difference? It is inquiry, then, more than the acquisition of any content or skill, no matter how valuable, that justifies the subject matter and pedagogical activities of “Writing about Difference.” It may seem that the course is about law, given that most of its texts are laws, court opinions, or articles framed by legal issues. But the course is only incidentally about law. It may also seem that the course is about writing as rhetorical skills, given that the writing and reading assignments teach traditional rhetorical strategies. But the course is only incidentally about rhetorical skills. When students explore in writing an indeterminate situation like difference, they transform seemingly determinate disciplines like law and composition into new, yet-to-be-determined disciplines. Inquiry thus secures students both the right to enter “disciplinary” conversations in the classroom and the right to contribute to public debate—as citizens whose authority to speak out rests less on having an opinion than on being willing and able to lay out a case in support of it.

Every writing program articulates a project. If a project is meant to be intellectually transformative, however, it must deal with what law sometimes calls hard cases. Hard cases in law complicate a court's ability to reach facile rulings because human contingencies prevail over legal precedents. Difference is one of those contingencies. At the University of Texas we hoped to use law's hard cases to foreground some hard cases for writing pedagogy. A hard case for students is learning to use writing to conduct rhetorical inquiry. In turn, the hard case for teachers is teaching themselves and convincing students that learning to conduct rhetorical inquiry takes precedence over learning to produce more examples of what Janet Emig once called the “Fifty-Star Theme” (1971: 97). Hard cases for students and teachers add up to a hard case for research in composition, namely, how to study what is taught and learned about writing arguments in courses where rhetorical inquiry into difference grounds writing pedagogy.

Theory can generate a syllabus, but theory only imagines what can happen rather than what does happen to students and teachers. It is research that links theory and practice, for it interrupts the excesses of theorists and practitioners alike by asking the hard questions that might be called the *cui bono* questions. We hoped "Writing about Difference" would interest more students and teachers than other courses teachers might have designed and taught. And we hoped that their interest would be justified by what they learned about writing during the semester. While we had good commonsense reasons to think a single topic would be a more viable approach to writing pedagogy than changing the topic with every assignment, our reasons for teaching argument as rhetorical inquiry are more theoretical than practical. Yet, whether one reasons from experience or from theory, only a full-scale empirical study could have even begun to broach the kinds of pedagogical issues we hoped to redress with the syllabus.

To the extent that classes can be seen as mounting cultural scenes at which students and teachers stage cultural events, a writing class would be the site at which students and teachers produce literacy. What does and does not count as literacy is played out in a series of literacy episodes in the course of a semester. The syllabus for "Writing about Difference" stipulates a definition of literacy that is premised on rhetorical inquiry. Defining literacy as largely a matter of exploring arguments by identifying, analyzing, and evaluating their claims, grounds, and warrants leaves little room for what students call personal opinions. While personal opinions may be based on reasons, the reasons are usually of considerably less interest to the claimant than the claim itself. In this course, however, we hoped to shift attention from claims to the ways grounds and warrants qualify opinions. Research could tell us something definite about what happens to students and teachers whose literacy scripts narrowly define writing and reading in the classroom along these lines and expressly prohibit more familiar scripts that count for a good deal elsewhere.

The syllabus discounts personal opinions as irrelevant to the practice of conducting rhetorical inquiry, however important they may or may not be in a writer's own experience. No writing assignment, for instance, solicits a personal opinion or personal narrative from students. This was a deliberate decision made in the interests of pedagogy. Given that some students and teachers understand "everybody has a right to their own opinion" to be the *sine qua non* of classroom democracy, however, it's hard to imagine that some would not see the privileging of argument as a violation of free speech. Like the courts, we do not believe free speech to be an absolute right and consider it instead to be contingent on other rights and responsibilities in the classroom. We take seriously the potential violence of language, and so would not encourage students and teachers to state claims they do not intend to argue. (Patricia Bizzell, following Mina Shaughnessy, characterizes this assertion of a right to personal opinion as "the ethos of the honest face" [1978: 353].)

The decision to prohibit personal opinions comes from practice, specifically

from remembering that displays of personal opinions too often preface a decision among students *not* to argue, commonly signaled by the invocation of "everybody has a right to their opinion." Yet, had we taught the course and conducted surveys and interviews and observations and talk-aloud protocols indicating that our injunction against personal opinions was inhibiting the writing of arguments, we would have revised the syllabus to accommodate those findings. In the absence of data, however, the theory and practice out of which we produced the syllabus for "Writing about Difference" stand aloof from any but the most speculative criticism about our understanding of writing and writing pedagogy or our motives for asking students to read and write about difference or for selecting discrimination suits or for assigning particular essays.

The course was designed to examine legal decisions as literate events at a time when many people profess to believe that discrimination is a thing of the past. The court cases testify that not everyone believes this to be so, and the decisions clarify, as little else would, that the arguments in court opinions are profoundly contingent on circumstances. We can think of no more important dimensions of culture to study than laws prohibiting discrimination and the strategies of argumentation employed in suits brought before the courts. Law is one of the few places in this society where arguments are evaluated as arguments. We would like to think that the academy is another. But convincing students and teachers that the academy is such a place requires that pedagogical conditions transform classrooms into cultures wherein people use arguments to raise more interesting intellectual questions than they resolve. Only when these conditions obtain will we have a society that is as gratifying to inhabit as it is to study.