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In Appreciation of the Kind of Rhetoric We Learn in School: An Institutional Perspective on the Rhetorical Situation and on Education

Kathleen F. McConnell

Theoretical discussion of the rhetorical situation has been dedicated largely to questions of its ontology and of how it is constituted. Where this ontological orientation has inclined theorists to treat the concept as a theoretical premise, an institutional orientation would instead frame constructivist accounts of the rhetorical situation as a political-pedagogical commitment and treat the ethical obligations that arise from any given situation as bound to specific institutional forms. From an institutional perspective, the rhetorical situation is to conscience as the institution of school is to education. The distinction of both rhetorical situations and schools lies not in their contrivedness per se, but in the inventional capacities their contrived qualities sustain.

Keywords: Contrivance; Institutionalality; Invention; Rhetorical Situation; School

Since Lloyd F. Bitzer first sketched the characteristics of the rhetorical situation, rhetoricians tended to treat it as “contrived.” From this perspective, rhetoric is not simply a response to a given situation, but itself constitutive of that situation.¹ In his amendment to Bitzer’s definition, Richard E. Vatz made the initial argument that rhetoric generates the discursive conditions within which the rhetorical situation takes form, and subsequent literature has furthered this argument by considering the constitutive aspects of each element of the situation.² When Michael J. Hyde and Craig R. Smith proposed a hermeneutical conception of rhetoric premised on a common human ontology, they extended this line of thought from our conception

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of the rhetorical situation per se to human consciousness writ large. In their landmark essay, Hyde and Smith drew on Martin Heidegger's definition of humans as "being-with-others" to establish a fundamental or "primordial function" for rhetoric that established it as "far more inherent, far more pervasive, and far more instrumental in the epistemic function."³ To confine rhetoric to a mechanistic role at the end of communication processes, they warned, was to miss the contribution it makes to consciousness itself. Rhetoric, they argued, not only facilitates understanding, but also serves as the basis for human conscience since humans experience the world as a linguistic phenomenon.⁴ This conceptualization of rhetoric developed along what Dilip Gaonkar characterizes as an interpretive axis rather than a performative/pedagogical one.⁵ This is not to say that Hyde and Smith denied rhetoric a pedagogical role, but it is to argue that rhetoric's domain within human affairs was made significantly larger and more fundamental. In doing so, they rendered "contrivedness" a condition not only of the rhetorical situation but of discourse more generally. In the wake of this and other work, it made increasingly less sense to distinguish rhetoric from other forms of discourse by noting its contrived qualities, or to limit the focus of rhetorical studies to a narrow set of discursive forms.

Some years after the publication of Hyde and Smith's "Hermeneutics and Rhetoric," Barbara A. Biesecker advanced our understanding of the rhetorical situation as contrived when she challenged conceptions of rhetoric grounded in ontological presumptions about human being. Drawing on Jacques Derrida's notion of *différance*, Biesecker argued that every element of the rhetorical situation is the effect not of an original condition but of the radical indeterminacy of systems of signification.⁶ That indeterminacy, she suggested, should discourage us from seeking "refuge in a common existential or ontological condition."⁷ After Biesecker deconstructed the rhetorical situation, questions of how much and to what extent it was contrived seemed settled. However, Michael Hyde's more recent work in *The Call of Conscience: Heidegger and Levinas, Rhetoric and the Euthanasia Debate*, while mindful of deconstructionist arguments like Biesecker's, remains premised on an understanding of rhetoric as an ontological feature shared by humans. This premise leaves open a conversation that historically has aimed to determine the ontological or linguistic nature of the rhetorical situation.

In this essay, I seek to redirect that conversation by conceptualizing the contrivedness of the rhetorical situation as a matter of institutionality, broadly defined. As understood, the contrivances that give rise to the rhetorical situation are not ontological and linguistic conditions, but institutional assemblages that generate both exigencies and institutionally affiliated subjects invested in those exigencies. The institution in this equation is not a stable or repressive entity but a porous and productive construct capable only of providing contingent responses to the exigencies it itself produces.⁸ Informed by the work of Michel Foucault, this conception of the "institution" rejects overly simplified models that attribute to it a total power capable only of divesting individuals of a voice through physical and psychic forms of destructive violence. Instead, networks of power run through and

70 between institutions that produce individuals who have, through disciplined adoption of elaborate techniques, invested themselves in institutional power flows.⁹

An institutional perspective on the rhetorical situation would no longer aim to determine the ontological and linguistic conditions that make possible communicative action, but would ask instead about the communication and cultural technologies that enable and animate that action. This is the kind of query that Ronald Walter Greene advocates in his call for another materialist rhetoric, and that Greene and Darrin Hicks model in their history of speech communication education.¹⁰ Greene's definition of rhetoric as a "technology of deliberation" institutionalizes rhetorical practice inasmuch as it attributes rhetoric's power to the specific technical forms it takes within a given cultural sphere.¹¹ Rhetoric is not, in other words, simply a force unto itself that we call on to address situations. To analyze how a rhetorical situation is contrived, then, is to determine what made possible the technologies that call for and enable deliberation.

85 My impetus for advocating such a shift in perspective is the desire that ethical proposals develop in and through consideration of the sociohistorically bound specifics of institutional forms, rather than from philosophical claims. When accounted for philosophically, the rhetorical situation's contrivedness seems the inevitable and certain outcome of logical argument rather than itself a technology that has arisen within an institutionally bound setting. As such, contrivance seems less a political-pedagogical commitment than a condition. When Biesecker deconstructed the rhetorical situation, for instance, she suggested that her argument would enable us to "discern the considerable heterogeneity of the social sphere and the formidable role that rhetoric plays in articulating this heterogeneity."¹² If, however, we take seriously the idea that even the contrivedness of the rhetorical situation has no origin beyond the provisional texts that claim it as such, then we cannot take even heterogeneity as a given. To do so would be to imagine what Foucault described as "great vistas of limitless discourse, continuous and silent" that need only be uncovered to be spoken.¹³ Such reserves of discourse, Foucault suggested, do not exist. What is missing, then, from theoretical discussions on the rhetorical situation is an acknowledgement that the very conception of the rhetorical situation as contrived invites commitment to certain institutional forms. Missing also is consideration of how those commitments govern ethical practice.

100 Hyde's recent work on the call of conscience exemplifies how an ontologically oriented perspective mitigates appreciation of the inventive capacity of the rhetorical situation. In this work, he proposes combining philosophical reflection and rhetorical education in the interest of orchestrating social interaction.¹⁴ While he offers a strong rationale for acquiring the rhetorical competency for which he advocates, the ontological perspective he brings to the rhetorical situation diminishes its contrived qualities. His choice of euthanasia as the anecdote through which to develop his theory of the call of conscience enables him to bypass institutional considerations in part because it is our tendency to think of death as a force that acts on institutions (and rarely the other way around). This common assumption leads Hyde to characterize euthanasia as an issue that has emerged from outside institutions of

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115 medicine rather than one arising from within. "Medicine," he writes, "finds itself in
the midst of a life-and-death situation demanding the ways and means of rhetorical
invention."¹⁵ This in turn leads to his concern that the "clinical nature" of medicine
depersonalizes patients whose problems, he believes, originate outside institutions of
120 medicine.¹⁶ In this metaphysical account of death, medical organizations respond to a
preexisting exigence that originates from elsewhere. An institutionally inflected
analysis of euthanasia, in contrast, would view it as an exigence that emerged from
the institution itself. And it would inquire into the technologies that make necessary
and possible the concern that a person be allowed to choose when to die.

To illustrate the importance of an institutional perspective on the rhetorical
situation and the political and pedagogical commitments that accompany it, I shift
125 my critique of Hyde away from the topic of euthanasia to the topic of education.
Throughout his work, Hyde's ontological perspective has led to a conception of
rhetorical education as an activity that takes place outside the institution of school.
When they wrote "Hermeneutics and Rhetoric," for instance, Hyde and Smith's
conceptual move followed a trajectory common to educational criticism of that time,
130 for just as they sought to enlarge rhetoric's domain, educational critics such as Paul
Goodman and Ivan Illich sought to establish the domain of education beyond the
walls of the school and to treat it as a more essential and pervasive part of human
social practice. Believing that the most important curriculum could not be covered
within the institutional environment of the school, they called for "deschooling," and
135 "schools without walls."¹⁷ Education, they argued, was not something that one
acquired in school, but something one did as a matter of course in everyday life.
Hyde's "call of conscience" displays that same inclination to expand rhetoric's
domain, an impulse evident in his argument that rhetoric is both the competence
that enables us to respond to the call of conscience and also the call itself.¹⁸ This
140 argument elaborates on a conceptual move made by Heidegger in his praise of
Aristotle's treatment of rhetoric: "Contrary to the traditional orientation, according
to which rhetoric is conceived as the kind of thing we 'learn in school,' . . . [Aristotle's
Rhetoric] must be taken as the first systematic hermeneutic of the everydayness
of Being with one another."¹⁹ A key inspiration for Hyde's notion of rhetoric,
145 this passage from Heidegger does much to relieve rhetoric of its historical
associations with pedantic handbooks and formulaic pedagogies.²⁰ Put differently,
it relieves rhetoric of its institutional ties.

The trouble with this move is not that it denies the contrivedness of institutions so
much as it denies the importance of those contrivances. In the model of social
150 interaction Hyde proposes, rhetorical education can occur without an institution to
serve as an inventive material vector of discourse.²¹ For Hyde, the ontological
certainty of the call of conscience, which he characterizes as an interruption that
issues from somewhere beyond culture, creates the need for rhetorical education, a
need that requires no institutional affiliation to address.²² He does not suggest there
155 is anything inevitable about how the call of conscience manifests or how we will
respond, but he is sure it will sound as it "comes to us from the heart of existence."²³
From an institutionally inflected perspective, his certainty evacuates rhetorical

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education of much of its constitutive power by diminishing the need for invention. In Hyde's account, instruction responds to situations but plays no part in the initial staging of those situations. Like those who seek to dispense with any need for schools, Hyde's argument dispenses with the need for institutional contrivances since the call of conscience just happens; it is, and the only question is how best to respond. Like Goodman and Illich, Hyde defends the importance of education. "Without this education," he states, "the self has nothing to go on in developing its communicative competence."²⁴ And also like Goodman and Illich, his broad conception of education leaves the essential role the institution of school plays in education underappreciated. By his account, rhetorical education is no longer an institutional exercise in the acquisition and practice of techniques of deliberation, but a non-denominational and ubiquitous activity, a "reoccurring lesson in hermeneutic competence," that continuously engages us in our everyday existence as we respond to the call of conscience.²⁵ Believing that cultural practices like education will happen regardless of whether we institutionalize them discourages political action by casting those practices as endemic and thus unalterable. In the interest of discouraging such a fatalistic attitude, it is worth renewing appreciation of the contrivedness of the rhetorical situation.

To demonstrate the benefits of an institutionally inflected sense of the rhetorical situation and how it commits us to certain institutional forms, I read as representative anecdotes two educational polemics that invite a productive and critical analogy between the rhetorical situation and the "institution of school," by which I mean historically bound and pedagogically purposed environments that consist of both material and discursive elements.²⁶ The first text I consider is David O. Sacks and Peter A. Thiel's *The Diversity Myth: "Multiculturalism" and the Politics of Intolerance at Stanford* (1995). Dissatisfied with the multicultural turn in the university, Sacks and Thiel offer an anti-institutional vision of education. However, as I will demonstrate, their argument inadvertently works against itself to show the importance of giving education an institutional form. The second text I consider is Stanley Fish's *Save the World on Your Own Time* (2008). In contrast to Sacks and Thiel, Fish argues on behalf of the university qua institution. However, Fish's interest in securing autonomy for the university leads him to underappreciate the inventional capacity of the institution of school. Reading these two texts together, I aim to demonstrate the importance of institutional form to education and, by way of association, its importance to the rhetorical situation.

On one level, the objective of my analysis is to show the importance of the institution of school and also the trouble with assuming, as Hyde does, that something innate to human ontology will alone call us to conscience. At the same time, I am arguing more generally that greater attention be given in rhetorical criticism to institutional forms. Simply acknowledging the rhetorical situation as contrived does little to advance criticism if we do not also attend to the institutional assemblages that generate and sustain contrived situations. The two layers of my analysis are thus related in that both advocate for attending to institutional form. However, my arguments about school serve as more than an example. Since I want to

205 suggest that we cannot theorize the rhetorical situation or ethical practice removed from the specifics of institutional life, I submit a defense of the contrivances of school as the initial step toward an institutionally inflected perspective of the rhetorical situation. In short, I argue that a renewed appreciation of the contrived rhetorical situation is possible only through renewing our appreciation of school as an institution.

210 *The Diversity Myth* and *Save the World* help me to make this argument because both illustrate, albeit in different ways, the problems with failing to take seriously the productive role schools play in inventing, reworking, and disseminating discourse. Both Fish, and Sacks and Thiel speak to prominent educational controversies, such as academic freedom, but they do not share the same views. Sacks and Thiel's opposition to multiculturalism, for instance, manifests as an opposition to contrivance itself and inadvertently gives rise to an ironic perspective on schooling that ends up demonstrating the value of the contrived educational resources that schools make possible. From this perspective, school is a refuge "somewhat outside the confines of a given culture" that operates free of cultural prejudice, thus providing individuals access to truths that transcend parochial interests.²⁷ Sacks and Thiel believe the curriculum for which they advocate can be perpetuated with or without institutional support and can thrive even without formal educational structures. Discouraged by the decline of Western civics at Stanford University, they propose abandoning the university altogether and conducting education informally. Where Sacks and Thiel disinvest themselves of institutional structures, Fish takes the opposite strategy and seeks to strengthen the university's institutional distinctiveness. And where Sacks and Thiel leverage their argument to take a stand against multiculturalism, Fish uses his to shield historically controversial programs such as gender and ethnic studies from further criticism. In particular, he advocates for closed universities with clearly demarcated responsibilities that retain a disinterested position in all sociopolitical affairs. School, he believes, is the physical manifestation of an endeavor unique unto itself, and for this reason, "neither the university as a collective nor its faculty as individuals should advocate personal, political, moral, or any other kind of views except academic views."²⁸ While Fish seeks to defend the institutionality of the university, he does so by equating contrivance with administration, thus promoting its bureaucratic sense rather than its inventional nature and capacity. This results in a weak motive for retaining programs like ethnic studies, which he defends simply on the grounds that they already exist. As with Sacks and Thiel, this argument ultimately works against Fish's educational objectives.

240 After first analyzing Sacks and Thiel and then Fish, I return again to Hyde's "call to conscience." Drawing on the analogy I develop between rhetoric and school, I offer an institutional perspective of the rhetorical situation that questions the benefit of assigning the former a primordial function. Accordingly, I argue that Hyde's ontological perspective leads him to mitigate the inventiveness of the rhetorical situation.

Contrived Subjectivities and Fabricated Exigencies

The Diversity Myth is a far-ranging critique of a series of policies and programs implemented in the name of multiculturalism in the early 1990s at Stanford University. I read it to show that by distinguishing between contrived and uncontrived rhetorical situations, the authors were able to dismiss some situations merely on the grounds that they are contrived. Sacks and Thiel air a host of grievances against the university, but their primary concern is that multiculturalism “appears contrived and fictional.”²⁹ Within the homogenous and privileged Stanford community, they argue, very few cultural differences existed, so faculty, administrators, and students made some up.³⁰ Their argument with multiculturalism thus unfolds not as opposition to diversity per se but as opposition to contrived forms of diversity. Multiculturalism, they write, “does not wake people up to long-ignored ‘diversity’ that already exists within themselves and is just waiting to be discovered; it generates that diversity itself.”³¹ University administrators and students, argue Sacks and Thiel, fabricated a sense of diversity at the school by enacting structural changes in the details of campus life including removal of bibles from Stanford’s non-denominational church, adoption of Swahili and Japanese words as names for student residence halls, and the creation of the Office for Multicultural Development. Stanford’s multicultural programming also brought visibility to diverse cultural heritages within the student body, a strategy that Sacks and Thiel argue resulted in the invention of racial differences in the name of “restoring real identities.”³² This invention of contrived subjectivities, they explain, led students to manufacture nonexistent exigencies and fictitious grievances by framing the actions of others as racist, sexist, and homophobic. As such, they maintained, these simulated activities did not deserve institutional attention nor should they command institutional resources because they derived from events staged by the university. In other words, they saw leftist voices in the university deliberately construct rhetorical situations, and they recognized that without those voices, the situations would otherwise not exist. For Sacks and Thiel, this is reason to oppose multiculturalism rather than to celebrate its institution.

While much of their argument focuses on discrediting the importance of cultural difference by appealing to the notion of a common humanity, Sacks and Thiel’s primary concern is pedagogical. Their assumption is that multicultural programming posed a danger to the university’s educational mission because it animated a superficial and thus inferior intellectual exercise.³³ Stanford deliberately introduced certain perspectives into the curriculum and engineered the school’s structure in such a way that ensured the continued presence of certain perspectives. In places, Sacks and Thiel argue that these simulated experiences harmed the practice of education by impeding the free exchange of ideas.³⁴ Such perspectives depended on institutional subsidies, they complain, without which they would not enjoy a place in the university: “If . . . [multiculturalism] could survive in a competitive marketplace of ideas, the multiculturalists would have no need to exclude all other perspectives to convince students that they are right.”³⁵ This curricular engineering, they warn,

290 resulted in a fundamental transformation of the academy: “No longer merely an impartial refuge for those pursuing enlightenment, the university would now actively seek to promote particular ideas and values in an effort to transform society.”³⁶ This in turn led to a disingenuous instructional process in which professors and students play-acted only what they felt multiculturalism called for: “professors have filled their classes with the trendiest political theories,” while “students have mastered the game of telling the professors what they want to hear.”³⁷ This led to what the authors characterize as posturing: “New freshman quickly learn which kinds of attitudes are likely to earn them obloquy and which their professors’ approval, and adjust their behavior and classwork accordingly.”³⁸

295 In so far as Sacks and Thiel present their own values as objective, rational, and universal, and denigrate cultural difference as superficial, they echo arguments made by other critics of multiculturalism such as Allan Bloom and Mary Lefkowitz.³⁹ Henry Giroux and Susan Searls Giroux have shown that those who defend a Western canon tend to universalize the curricula to which they are particular, render its importance beyond dispute, and make invisible the normative values and cultural investments those materials carry.⁴⁰ Sacks and Thiel, too, exhibit this tendency, which is in part why they see Stanford’s multiculturalism programs as contrived. The ubiquity, privilege, and invisibility of their own white subject positions enable their argument because, in contrast, the markers of nonwhite racial and ethnic difference stand out, or as Kate Willink suggests, seem strange.⁴¹ Thomas K. Nakayama and Robert L. Krizek characterize this as a “universal stance” that normalizes and naturalizes the critic’s positionality while rendering all other habits of being superficial variations on a fundamental human nature and all other ways of knowing versions of Western knowledge.⁴²

Opposing Contrivance while Demonstrating Its Value

315 Sacks and Thiel’s inability or unwillingness to recognize their own cultural bias or the constructedness of their own subject positions is not remarkable. What distinguish their argument are the places in which they make visible their bias. Even while they seek to rescue genuine learning processes from the kind of engineering in which Stanford engaged, their discrediting of the new curriculum at times takes the form of advocacy for their own views and for why Stanford should provide instruction in those views. They then seek to show the irony of Stanford’s multicultural programming that leads, for instance, to the association of particular biological traits with specific cultural perspectives in the name of antiracism.⁴³ Along the way, however, their advocacy inadvertently generates another ironic perspective on schooling, one that shows education as less an organic impulse responsive to an innate human desire and more a political struggle to select whose histories, literatures, and truths to teach.⁴⁴ In other words, the deliberate introduction at the institution of non-Western perspectives prompts Sacks and Thiel to argue on behalf of instruction in Judeo-Christian traditions and Western civilizations but decidedly not to rescue Stanford from contrived politics.

330 Their efforts to expose Stanford faculty and students as arbitrary and blatantly
biased work against their own argument by actually demonstrating the pedagogical
value of contrivance. The irony emerges when they must make an appeal for their
own preferred curricula in order to show multiculturalism as relativistic and
335 fabricated. In such instances, their own concerns echo the complaints made by those
who opposed Stanford's original curriculum. In a section titled "Multiculturalism as
Ideology," for instance, they describe advocates of multiculturalism as homogeneous
and unconscious of their own bias: "Stanford's multiculturalists have so much in
common with one another that they rarely, if ever, consider ... foundational
340 questions about multiculturalism [and] ... never realize the extent to which their
underlying values really animate the agenda."⁴⁵ But, Sacks and Thiel do not oppose
multiculturalism strictly on such grounds. They also argue why their views are
preferable and should be (re)instituted at the core of the school's curriculum.⁴⁶ In a
sense, they answer a call issued by multiculturalism that obliges them to make visible
345 and contingent their own biases and in turn issue their own call. Consequently, they
end up arguing not on behalf of unbridled inquiry or even for a free marketplace of
ideas, but on behalf of specific value judgments and principles, and a particular
political consciousness.

Presence of Absence

350 Sacks and Thiel's concern over the indoctrination of students stems, in part, from
their belief that multicultural curricula either makes students untrue to themselves or
leads to apathy. But equally strong is their concern that multiculturalism causes
students to miss out on an opportunity to be exposed to another way of thinking.
Where earlier critics of schooling such as Illich and Goodman sought to free students
355 from indoctrination by doing away with schools altogether, Sacks and Thiel do not
always suggest that the problem is the institution of school itself. Rather, they believe
students should receive a different kind of training that is no longer available because
the institution that could provide it has dedicated itself to a different curriculum.
Though they criticize such new curricula for being empirically wrong and predict its
360 failure due to its intellectual poverty, their greater lament is that multiculturalism
takes institutional resources away from other curricular options, such as the study of
foreign languages.⁴⁷ No advocates of multiculturalism, they complain, were ever
found "marching in favor of new language requirements."⁴⁸ They also express
concern that multiculturalism renders students ill equipped to bring about the social
reforms for which it calls. For instance, they argue that such new curricula "provide
365 precisely the wrong training for preparing minority students to redress the financial
and power imbalances they perceive in society at large."⁴⁹ These curricular choices,
they conclude, have resulted in great pedagogical losses: "The lost opportunities to
study some of the West's great thinkers, to address the enduring questions in
philosophy or religion, or to inform one's thinking about public policy or
370 contemporary issues are not replaceable."⁵⁰ They describe this loss as a "presence
of absence," or the sense "that something is missing."⁵¹

In describing this absence, they offer an inadvertent defense of school that arises from their concern that students' apathy toward multiculturalism will lead to anti-intellectualism. While meant as a defense of education, their argument unwittingly provides a rationale for retaining the institution of school. By making "education and multiculturalism practically equivalent," they write, "rebellion against multiculturalism becomes [for students] a revolt against learning itself."⁵² They frame the issue as though education itself were at stake, but their criticisms of multiculturalism hint of a fear that without institutional presence, the histories, literatures, and philosophical leanings with which they identify may disappear completely when no one is left at Stanford to represent them. Theirs is a fear that might be familiar to the minority groups who sought representation at Stanford and for whom Sacks and Thiel have so little empathy. It is also a fear that Foucault acknowledges when he suggests that rejected and discarded discourses do not lay silently in wait for rediscovery.⁵³ It is, finally, a fear that education is not at stake in curricular debates so much as the fate of certain knowledges.

Western Civics Is Dead; Long Live Western Civics

Sacks and Thiel's faith in the inevitable triumph of Western ideals matches that of Hyde's faith in the call of conscience. Like Hyde, they express a faith that the curriculum they advocate will persist even when no longer taught in the schools per se. Despite promising a defense of school, Sacks and Thiel conclude their polemic by espousing a disinvestment in formal educational institutions, a conclusion fueled by their opposition to contrivance and their belief that the truths in which they are invested will endure. They warn that while a growing number question the educational value of multiculturalism, there are "unlikely to be any easy or direct reversals" of the new curricula.⁵⁴ This is true, they suggest, because multiculturalism has taken institutional form "on the microlevel—in the classroom [and] the dormitory."⁵⁵ Because they see multiculturalism alone as a contrivance (and not education more generally), they do not seek institutional reform but conclude that the problem is best addressed by rejecting altogether the institutional trappings of schools. And because they believe their own ideals transcend cultural superficialities, they trust that their ideals will survive even without institutional affiliation. In the end, their argument takes a profoundly anti-institutional turn when they imagine education free of the artificial devices of schooling where truth calls and only the attuned hear:

Western civilization will survive the decline of universities like Stanford. In spite of the hurdles and difficulties, some people will continue to ask the same questions about life and the universe that vexed Plato—even if there no longer is any academic or cultural elite to guide them in their quest for answers or even to encourage them to ask the right questions. Those who wish to learn the truth will still have that opportunity, but henceforth may have to do so on their own, with no direction from anyone.⁵⁶

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Sacks and Thiel's opposition to contrivance thus takes a final ironic turn in their belief that Western philosophical insights will continue to exist independent of any institutionalized education processes and thus remain available to any diligent individual.⁵⁷ *The Diversity Myth* ends, appropriately, with an appeal to individualism and a warning that the "true human subject (or person or individual) will not emerge as the object of some collective, utopian experiment, but only in the rejection of all such pretensions."⁵⁸ What begins as opposition to contrivance thus ends with opposition to contrivance *and* denial of what Hyde refers to as the "communal character of our existence."⁵⁹ And it is a logical conclusion to reach, given Sacks and Thiel's faith that the ideas they take as truth will endure even without a representative to teach them. Their opposition to contrivance thus has two consequences: it enables them to dismiss voices with which they disagree on the grounds that the exigencies to which those voices point are "merely" contrived, and it diminishes the role of schools by suggesting that truth does not require such contrived environments to endure.

Institution as Bureaucratic Fortress

In many respects, Stanley Fish's *Save the World* reads as the counter argument to *The Diversity Myth*. In the first turn, Fish aims to resolve debates over politics and education by showing why all interested parties are wrong: advocates of politically motivated curricula are wrong for believing that education should be about inculcating new citizens with ethical guidelines, and their opponents are wrong for believing much the same thing. Rather than attempt to distinguish contrived from genuine exigencies or to advocate on behalf of a particular curriculum, as do Sacks and Thiel, Fish advances an argument in favor of the university *qua* institution. That is to say he argues that the thing that makes schools worth defending is not a particular curriculum, topic of study, or discipline, but the institution itself. He first developed this argument in an essay titled "Take This Job and Do It: Administering the University without an Idea," published prior to *Save the World*.⁶⁰ The essay's subtitle is a double entendre that refers both to Fish's particular administrative style and his vision of universities as indifferent bureaucracies capable of accommodating any conceivable line of inquiry. For Fish, the university's critical disinterest in the content that passes through it is its most worthwhile trait and a feature that distinguishes it from other institutions. He explains how he himself enacted this attitude while a dean by showing "an absolute unconcern with the content of the product I was refurbishing."⁶¹ This administrative style, he continues, reflects his belief that the university has no internal principle other than to house "interpretive communities [that] do not form in response to normative criteria but in response to the accidental convergence of professional energies."⁶² His regard for the chance assemblage of discourse via execution of bureaucratic tasks leads to the arguments against political advocacy in the classroom that he later makes in *Save the World*.

Fish imagines the ideal university as a closed institution that answers to its own internal codes of conduct and refrains from interfering in political affairs beyond its walls. The benefit in configuring the institution in such a way, he argues, is that it can

455 serve as a repository of discourse and a source of impartial analysis capable of
determining what he calls truth, but what might be understood best as an involved
description of truth claims. To put it in Greene's Foucaultian terms, Fish believes that
the university fulfills a productive function by generating technologies of delibera-
460 tion. And he wishes that the university would restrict itself to this analytic function
while refraining from direct contribution to a governing apparatus that makes use of
those technologies to judge, program, and regulate reality.⁶³ Fish wishes, in other
words, for the university to be a source of discourse but not a promoter of ideas
because it can only do the first if it avoids the second; anything other than providing
ideas a life within the institution would risk political entrenchment of the institution.
465 By this account, the university does exercise influence over political affairs by, for
instance, contributing its institutional resources to the general thought on a topic,
but it remains several steps removed from actual deliberation. It would be the
responsibility of those acting in nonacademic capacities to apply to political affairs
ideas made available by the university.⁶⁴

470 Fish makes his argument in two parts: first, by condemning acts of political
advocacy in the classroom; and second, by defending historically controversial
academic programs. The combination of the two arguments enables him to strike a
balance in his vision of the university as a source of disinterested discourse. The first
argument maintains a check on the second by discouraging a view of the university
475 as a political entity that should orchestrate its political impact through directed
political action. The second argument checks the first by discouraging a view of the
university as an agent of objective relativism that entertains all ideas equally:
"intellectual diversity," he argues "is not an academic value [and] adherence to it as
an end in itself will not further an academic goal; but it will further some goal, and
480 that goal will be political."⁶⁵ The university, in short, should neither be responsive nor
inert, since both would lead to a mummified institution. Institutionality is key for
Fish, since only through institutional support does any truth claim gain material
worth and, in turn, become worthwhile. While the university should refrain from
promoting political views, he argues, it should nevertheless invest truth claims
485 with institutional resources by, for instance, hiring faculty whose work investigates
those claims.

Disinterested University

In developing the first half of his argument, Fish echoes Sacks and Thiel in many
respects. He speaks, for instance, in disparaging terms of professors who leverage
490 their power in the classroom to compel allegiance to their political agendas,
particularly when they do so in the name of preparing future citizens or inculcating
moral behavior. "Even if there were a definite correlation between education and an
active citizenry," he writes, "that would not be a reason for teaching with the aim of
fostering civic participation."⁶⁶ Like Sacks and Thiel, he equates such pedagogies with
495 junk food: "Opinion-sharing sessions are like junk food: they fill you up with starch
and leave you feeling both sated and hungry."⁶⁷ When acting in accordance with its

proper function, he argues, the university should be independent of state and political interest (“we are in the education business, not the democracy business,” he quips).⁶⁸ If true to their mission, he believes, the only moral and ethical appeals faculty and administrators should make are those that relate to educational affairs, such as plagiarism.⁶⁹

What appears in its first iteration to be little more than an imitation of Sacks and Thiel becomes, in its final turn, a different argument entirely. Fish does not, for instance, advocate on behalf of the Western canon or a revival of Plato. Nor does he attempt to distinguish between genuine and contrived political interests. And more, he absolutely opposes the kinds of reforms called for by Sacks and Thiel that would require a balanced number of Republican- and Democrat-identified faculty members at every university.⁷⁰

What sets Fish apart most from Sacks and Thiel, however, is that he does not oppose inclusion of certain discourses per se, at least not on the basis of what they say. To Sacks and Thiel’s point that certain ideas have no place at the university, Fish adds an important caveat: “no idea belongs in the classroom if the point of introducing it is to recruit students for or against a political agenda.”⁷¹ It is never a particular idea itself that is the problem, he argues, but always what is done with it: “I am not urging a restriction on content—any ideology, agenda, even crusade is an appropriate object of study. Rather I am urging a restriction on *what is done with the content* when it is brought into the classroom.”⁷² Thus, he writes, “you can probe [a] policy’s history; you can explore its philosophical lineage; you can examine its implications and likely consequences, but you can’t urge it on your students.”⁷³ When reading John Milton’s *Samson Agonistes*, for instance, his one and only academic charge is to “endorse nothing except the correctness of my reading. I don’t say, ‘religiously inspired violence is good’; I say that religiously inspired violence is what’s going on in *Samson Agonistes*.”⁷⁴ The only objective of the university, he argues, should be to “introduce students to bodies of knowledge and traditions of inquiry they didn’t know much about before.”⁷⁵ The university has no further obligation beyond that of equipping students with new discourse. “What [students] subsequently do with what you have [taught] is their business and not anything you should be either held to account for or praised for.”⁷⁶ The university invests itself in a body of research, and it invests the students who pass through the institution with the resulting discourse, but, Fish believes, its obligations stop short of managing what is done with those ideas.

It is not that Fish fails to recognize the university’s de facto political impact as some of his critics charge.⁷⁷ At a minimum, he expresses an awareness that the discourses that circulate through the university will disseminate beyond it in the form of political arguments. His point is that if the university is to preserve its autonomy, it should not attempt to control the direction those arguments take: “[t]he university can protect the integrity of its enterprise only if it disengages entirely from the landscape of political debate.”⁷⁸ At the same time, just when it seems he offers a vision of the university as a free marketplace of ideas, the second half of his argument against objective relativism steps to the foreground. While the university should not

concern itself with ideas once they have left the institution, he believes it should exercise judgment over which ideas circulate within the university. As Fish puts it, “one part of being a competent instructor is the ability (and responsibility) to make judicious—not legislatively imposed—decisions about what materials and approaches are to be taught.”⁷⁹ By moving back and forth between the two halves of his argument, Fish resists burdening the university with principles because to do so, he believes, is to pander to the demand that schools have a measurable use value.⁸⁰ The only criteria for evaluation appropriate to the university are those generated from within.

Rhetorical University

The thrust of Fish’s argument is that there is reason for universities even if we cannot pair that reason with an unmistakable principle or a coherent set of ethical practices, or perhaps *because* we cannot do so. Because of the polemical nature of *Save the World*, however, what promises to be an unapologetic defense of educational institutions ends as an affirmative apology of the university such as it is. The remainder of my analysis of Fish identifies these thinner areas of his argument and suggests how their development might have given reason to appreciate schools’ institutionality rather than simple appreciation of the institution. The first of these arguments is Fish’s assertion that universities have a specific job and that they should do their job and not attempt to do the job of someone else. The second is his claim that the sociopolitical forces that bring new areas of study into the university do so as a matter of historical events running their course, and not because of political engagement on the part of the university. Both of these points fail to make the most of the university’s unique institutional status precisely by glossing over its inventive elements.

While Fish otherwise resists speaking of the university in economic terms, the central metaphor of his argument is that the university has a job to do. That job is to realize the university’s “educational and pedagogical mission, the mission of teaching and research.”⁸¹ To underscore his point that political advocacy is not a part of the job description, he offers a few examples of what he means, but in keeping with his larger point, he gives only technical details of this work, such as the transmission of knowledge to students and descriptive analysis of objects of study. He spends more time identifying activities that are not a part of the job, including developing students’ civil and moral capacities, inculcating their character, and securing the “unfettered expression of ideas.”⁸²

In devising this taxonomy of jobs, Fish seeks to maintain the autonomy of the university, but the danger is that he risks the institution becoming merely a conduit for discourse rather than a vector. Had he chosen to stay with the tone he struck in his earlier essay on administering without an idea, he might instead have characterized the university as absent an inherent mission altogether. Lack of a mission, after all, was the very trait he prided in himself when he was a dean and would do, as he put it, whatever it was that needed doing.⁸³ The advantage, he

argued, of that administrative style was that it allowed him to realize the missions of others. He stops short, however, of recognizing that same quality in the university itself, the institutional form of which enables it to adopt the missions of other institutions.

The ability to remake the mission of education, and reorganize accordingly, is one of the inventive functions of schools that may be unique to it as an institution. As Fish himself tells us, and as Sacks and Thiel demonstrate in their ironic battle against multiculturalism, an understanding of the university as having no inherent mission to it does not mean it serves as a warehouse for any and all ideas. The material limits of the institution protects against this. But in accord with the various missions that it adopts, the university can and does generate discourse that would otherwise not exist. And even if that discourse scarcely circulates beyond the classroom, its very existence within the institution makes it thinkable. It is the capacity of the university to use different missions to productive ends that Fish fails to appreciate fully when he insists it remain autonomous.

This lack of appreciation is most apparent in Fish's defense of academic programs, such as gender and ethnic studies, which historically have been the focus of controversy. He defends these areas of study while making a larger point in response to "neoconservative polemicists who believe that by attacking [deconstruction], they are attacking an agenda embraced by the intellectual left."⁸⁴ Fish's response is a dehistoricized and depoliticized account of the social and theoretical movements that gave rise to the practice of deconstruction. In this account, he presents deconstruction not as an academic invention but as a naturally occurring intellectual exercise that academics have merely formalized. Deconstruction, he explains, is not an activity exclusive to the academy. It was, he suggests, "performed before anyone had uttered the word deconstruction," and it is "a practice engaged in by anyone who for some reason is struck by the oddity of a piece of behavior accepted uncritically by society."⁸⁵ Since deconstruction is an occurrence and not a deliberate construct, it is "not politically inflected."⁸⁶ As such, it is not burdened by a particular motive but could be put to the service of any political agenda. The same is true, Fish argues, for the diversification of humanities curricula. This, too, was mere occurrence and not the effect of deliberate political action: "a predominantly liberal faculty . . . is not the product of some giant leftist social machine" or "the result of Machiavellian design."⁸⁷ Rather, he stresses, "the waves of feminist, black, Hispanic, and gay activism that brought hitherto underrepresented and therefore politically active ethnic populations into the academy . . . were not planned events and patterns; they just occurred."⁸⁸ Fish is wise to think that conservative voices such as Sacks and Thiel will find reassuring the idea that equal educational opportunities for underrepresented populations *happened* to those groups rather than *because* of those groups. Sacks and Thiel offer a nearly identical argument premised on their belief that the arc of history bends toward the liberalist ideals in which they are deeply invested. They credit, for instance, the notion of inalienable human rights for the abolition of American slavery and women's suffrage. With the advent of natural rights, they explain, "Blacks and women were recognized as individuals."⁸⁹ Like Fish,

630 their use of the passive voice glosses the intentionality, or contrivances, required for these events to take place. And, as with Sacks and Thiel, the final turn of Fish's argument results in irony: in his effort to secure the autonomy of the university, he renders it a mere reflection of sociopolitical affairs taking place beyond its walls, rather than cheering it as a generative force in its own right.

635 Fish means his explanation of deconstruction to serve as a counterargument to the kinds of charges Sacks and Thiel level at multiculturalism—that multiculturalists deliberately invented exigencies where none existed to justify their curricular choices. On the contrary, Fish replies, no invention took place; diversification of humanities curricula was the inevitable result of historical happenings. This characterization has reassuring effects: it reassures advocates of those programs that Fish himself intends no additional attacks, and it reassures critics that such programs pose no political threat. Here again, though, Fish underestimates the inventive—and political—role the university plays when it dedicates institutional resources to the study of gender and ethnicity that result in discourses heretofore unthinkable. Even Sacks and Thiel insist that the question of greater representation in the university of diverse populations is not the issue. What is at stake is the wholesale fabrication of exigencies, such as colonialist impulses in Western literature, and entire areas of studies, such as postcolonialism, to address those exigencies. In his effort to reassure that such work holds only academic value, Fish bypasses this concern over contrivance and misses an opportunity to defend the inventional qualities of the university.

640 Fish's effort to relieve the university of any political obligations does more than deny its history. It misses the fact that by taking up various political missions at various times, the university exercised a primary strength of its institutionality: the ability not just to contest the meaning of education, but to constitute the material form of that contest and, in doing so, to provide us with technologies to deliberate its meaning. Without that, Sacks and Thiel would be right, and we really could pursue education "with no direction from anyone" with no need to agitate for inclusion of gender or ethnic studies, nor the Western canon, for that matter. But, institutional representation does matter. When, for instance, schools made the securing of equal opportunities the mission of education—which had never been its mission before—it made possible new ways of studying gender and ethnicity, and thus thinking about gender and ethnicity. This is the reason for school that Fish cannot provide: its ability to leverage its institutionality to contrive discourse that, regardless of the ends to which it is applied, reroutes the current course of thought. To borrow Hyde's terminology, schools issue calls to conscience, but there is nothing inevitable about them. Rather, they are the result of technological and organizational assemblages that give discourse a material form.

665 Conclusion

My objective has been to show the benefits of an institutional perspective on the rhetorical situation by drawing an analogy between it and the institution of school.

670 Before concluding, I make one final pass through that analogy by comparing Sacks
and Thiel's and Fish's attitudes toward school and common attitudes toward rhetoric.
It is Fish's position that schools jeopardize their academic charge when they take up
the missions of other institutions and involve themselves in political affairs. As a
675 counterpoint, I have argued that one of the institutional strengths of schools is their
ability to reinvent the mission of education and, in doing so, take up new
responsibilities and obligations. Schools, in other words, can do what Plato accused
rhetoric of doing: enter into the affairs of others and assume the role of what it has
entered.⁹⁰ Sacks and Thiel appropriate Plato in arguing that when schools adopt
680 contrived forms of education, such as multicultural programming, they fail to
exercise concern for the greater good, serving only short-term goals such as the
therapeutic redress of minor racist and sexist injuries. And it is their hope that by
characterizing multiculturalism as superficial, a common charge often leveled at
rhetoric, they can discredit and dissolve its potency. However, this argument, too,
685 fails to appreciate the institutionality of schools. As with rhetoric, there is an
entrenched belief that schools "only copy the language" of the real world, as Ralph
Waldo Emerson once put it.⁹¹ My reading of Sacks and Thiel aimed to show instead
that institutional contrivance gives form to ideas that would otherwise not exist.
What Sacks and Thiel disparagingly refer to as contrivances indeed are fabricated
690 concerns, problems, and whole areas of thought that exist because of the fact that
schools dedicate institutional resources to them. That Stanford's multicultural
programming compelled Sacks and Thiel to write a book suggests those contrivances
are anything but flimsy and easily evaporated.

Bringing a rhetorical sensibility to the charges Sacks and Thiel level at multi-
culturalism, I have suggested that contrivance is not a deficient quality for either
schools or the rhetorical situation. Contrivance, as I have defined it, refers to the
695 institutional assemblages that serve as inventive material vectors. As vectors, schools
are to education as the rhetorical situation is to consciousness: each commits us to a
curriculum and also holds the capacity to reroute the current course of thought.

This inventional capacity gives political and pedagogical reason to adopt an
institutional perspective of the rhetorical situation that an ontological or linguistic
700 perspective does not. An institutional perspective resists a sense of contrivance as a
metaphysical condition and offsets the impulse to believe that some rhetorical
situations, such as those concerning matters of life and death, are inevitable and issue
from a realm other than the sociopolitical. Hyde's theory of the call of conscience
acquires some of its force from this impulse despite his efforts to show us that
705 we organize death as much as it organizes us. His ontological perspective of the
rhetorical situation grants all humans a shared condition that bypasses the
institutional question of how a situation came to be. And this perspective in turn
leads him to a series of ethical claims that an institutionally inflected perspective
could never sustain. In a summary of his argument on the call of conscience, for
710 instance, Hyde expresses the faith that respect for others will follow from the
cultivation of rhetorical skill:

715 People deserve acknowledgement and respect; their faces say as much, as their presence interrupts our everyday existence and utters a call of conscience: Where art thou? The question admits a “simple” rhetorical eloquence meant to speak to our hearts so that we might be good enough to put ourselves on the line as we give ourselves to others: Here I am! The call of conscience would have us think and act as beings who *are* their brother’s and sister’s keepers, who stand against the horror of social death and what it can lead to, and who thus, among other things, must cultivate their rhetorical competence in order to move people toward the good.⁹²

720 This is what Hyde calls “face work,” which he defines as “a most sacred and privileged rhetorical interruption, a call of conscience that speaks first and foremost of the goodness of life and how it ought to be respected.”⁹³

725 A compelling aspect of Hyde’s argument is that it bestows a mission onto our communicative affairs and secures rhetoric a primordial function, *but that is also the trouble*. In suggesting that an institutional perspective could not sustain the claims he makes, I do not wish to make the issue a matter of practicality. Rather, as with the concept of school, the issue is whether rhetoric ought to have an inherent mission. Were Fish responding to Hyde, one can imagine he might suggest that in assigning rhetoric a primordial function, Hyde is trying to do someone else’s job. His response to Hyde might be something like his response to educators: “I’m not saying that there is no connection at all between the successful practice of ethical, social, and political virtues [and the exercise of rhetorical competency],” but “these are contingent effects, and as contingent effects they cannot be designed and shouldn’t be aimed at.”⁹⁴

730 Even though I borrow from him here, I have suggested that Fish’s argument ultimately misses the mark when he suggests that political disengagement is a strength of the university. On the contrary, the very benefit of education having no mission of its own is that it can take up multiple other missions. And so, too, for rhetoric. If rhetoric has no primordial function, then it is available for any mission: health, justice, democratic practice, sanity, cultural diversity. Hyde’s ontological perspective fails to appreciate and thus mitigates the inventional capacity of the rhetorical situation, just as Fish’s vision of the autonomous university underappreciates the inventiveness of the academic institution. If rhetoric could incline us toward a particular ethical stance, it would no longer have inventional capacities. Instead it would be, as is so often thought of education, a means to an end. From an institutional perspective in which rhetoric is a technology of deliberation, there is no difference between the material assemblages that give rise to rhetorical situations and rhetoric itself. In this, it is like school. In the final turn, my argument settles on the orientation that, according to Heidegger, conceives of rhetoric as the kind of thing we learn in school. Such a perspective on rhetoric and schools offers renewed reason to appreciate both.

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Notes

- [1] Lloyd F. Bitzer, “The Rhetorical Situation,” *Philosophy and Rhetoric* 1 (1968): 1–14.
- [2] Scott Consigny, “Rhetoric and Its Situations,” *Philosophy and Rhetoric* 7 (1974): 175–86; Jenny Edbauer, “Unframing Models of Public Distribution: From Rhetorical Situation to

- Rhetorical Ecologies," *Rhetoric Society Quarterly* 35 (2005): 5–24; Mary Garrett and Xiaosui Xiao, "The Rhetorical Situation Revisited," *Rhetoric Society Quarterly* 23 (1993): 30–40; Ronald Walter Greene, "The Aesthetic Turn and the Rhetorical Perspective on Argumentation," *Argumentation and Advocacy* 35 (1998): 19–29; Donna Gorrell, "The Rhetorical Situation Again: Linked Components in a Venn Diagram," *Philosophy and Rhetoric* 30 (1997): 395–412; Kathleen M. Hall Jamieson, "Generic Constraints and the Rhetorical Situation," *Philosophy and Rhetoric* 6 (1973): 162–70; Richard E. Vatz, "The Myth of the Rhetorical Situation," *Philosophy and Rhetoric* 6 (1973): 154–61.
- [3] Michael J. Hyde and Craig R. Smith, "Hermeneutics and Rhetoric: A Seen but Unobserved Relationship," *Quarterly Journal of Speech* 65 (1979): 355, 363; For an extended discussion of Heidegger's notion of being-with-others and its connection to rhetoric see Michael J. Hyde, *The Call of Conscience: Heidegger and Levinas, Rhetoric and the Euthanasia Debate* (Columbia: University of South Carolina Press, 2001), 28–29.
- [4] Hyde and Smith, "Hermeneutics and Rhetoric," 350.
- [5] Dilip Parameshwar Gaonkar, "The Idea of Rhetoric in the Rhetoric of Science," in *Rhetorical Hermeneutics: Invention and Interpretation in the Age of Science*, ed. Alan G. Gross and William M. Keith (Albany: State University of New York Press, 1997), 28.
- [6] Barbara A. Biesecker, "Rethinking the Rhetorical Situation from within the Thematic of *Différance*," *Philosophy and Rhetoric* 22 (1989): 118. Drawing on Derrida, Biesecker refers to the placement of signs in relation to one another as an economy of *différance*.
- [7] Biesecker, "Rethinking the Rhetorical Situation," 126.
- [8] Ian Hunter, "Assembling the School," in *Foucault and Political Reason: Liberalism, Neo-Liberalism, and Rationalities of Government*, ed. Andrew Barry, Thomas Osborne, and Nikolas Rose (Chicago: University of Chicago Press, 1996), 147.
- [9] Michel Foucault, *Psychiatric Power: Lectures at the Collège de France, 1973–1974*, ed. Jacques Lagrange (New York: Palgrave Macmillan, 2006), 46–56.
- [10] Ronald Walter Greene and Darrin Hicks, "Lost Convictions: Debating Both Sides and the Ethical Self-Fashioning of Liberal Citizens," *Cultural Studies* 19 (2005): 100–26; Ronald Walter Greene, "Another Materialist Rhetoric," *Critical Studies in Mass Communication* (1998): 21–41.
- [11] Greene, "Another Materialist Rhetoric," 22.
- [12] Biesecker, "Rethinking the Rhetorical Situation," 126.
- [13] Michel Foucault, *The Archaeology of Knowledge and the Discourse on Language*, trans. A. M. Sheridan Smith (New York: Pantheon Book, 1972), 229.
- [14] Hyde, *Call of Conscience*, 13.
- [15] Hyde, *Call of Conscience*, 129.
- [16] Hyde, *Call of Conscience*, 137–39; 149.
- [17] Paul Goodman, *Compulsory Mis-Education and The Community of Scholars* (New York: Vintage Books, 1962); Ivan Illich, *Deschooling Society* (London: Calder & Boyars, 1971).
- [18] Hyde, *Call of Conscience*, 78, 152.
- [19] Martin Heidegger, *Being and Time*, trans. John Macquarrie and Edward Robinson (New York: Harper & Row, 1962), 178; Iain Thomson, "Heidegger and the Politics of the University," *Journal of the History of Philosophy* 41 (2003): 541. Heidegger's disparaging attitude toward school may stem from his disillusionment with the direction of the German university under the National Socialists, although Thomson argues that Heidegger always retained hope for the institution even while he sought to move education beyond its boundaries.
- [20] Hyde, *Call of Conscience*, 62; Michael J. Hyde, *The Ethos of Rhetoric* (Columbia: University of South Carolina Press, 2004), xvii; Michael J. Hyde, "The Call of Conscience: Heidegger and the Question of Rhetoric," *Philosophy and Rhetoric* 27 (1994): 374–96. Hyde quotes the full passage in his introduction to *The Ethos of Rhetoric* and quotes shortened versions of the same passage in his 1994 essay and 2001 book.

- [21] Foucault, *Psychiatric Power*, 143–67. See Foucault’s discussion of the psychiatric asylum.
- [22] Hyde, *Call of Conscience*, 146.
- [23] Hyde, *Call of Conscience*, 114.
- 810 [24] Hyde, *Call of Conscience*, 61.
- [25] Hyde, *Call of Conscience*, 44.
- [26] Kenneth Burke, *A Grammar of Motives* (Berkeley: University of California Press, 1969), 59; Hunter, “Assembling the School,” 147.
- [27] David O. Sacks and Peter A. Thiel, *The Diversity Myth: “Multiculturalism” and the Politics of Intolerance at Stanford* (Oakland, CA: The Independent Institute, 1995), 3.
- 815 [28] Stanley Fish, *Save the World on Your Own Time* (New York: Oxford University Press, 2008), 19.
- [29] Sacks and Thiel, *Diversity Myth*, 163.
- [30] Sacks and Thiel, *Diversity Myth*, 133.
- 820 [31] Sacks and Thiel, *Diversity Myth*, 130. Throughout their book, Sacks and Thiel disparagingly use the term “the multicultural” to refer to the wide-ranging subjects of their critique. To avoid confusion, I have changed this term to “multiculturalists.”
- [32] Sacks and Thiel, *Diversity Myth*, 133.
- [33] Sacks and Thiel, *Diversity Myth*, 3; Wendy Brown, *Regulating Aversion: Tolerance in the Age of Identity and Empire* (Princeton, NJ: Princeton University Press, 2006), 185, 191. Sacks and Thiel are not consistent in characterizing the danger as social engineering, and in places, they express alarm over the essentialism suggested by some multicultural arguments, one of which was that “[w]hat one may know is determined by the circumstances of one’s birth.” Brown notes this inconsistency within liberalist discourse that sometimes frames liberalism as anticultural while at other times anti-essentialist.
- 825 [34] Sacks and Thiel, *Diversity Myth*, 45. They write, “[M]ulticulturalism is a symptom of the retreat of the 1960s left, of its unwillingness—indeed, its inability—to participate in the marketplace of ideas that is the hallmark of a successful university and of a healthy society.”
- [35] Sacks and Thiel, *Diversity Myth*, 83.
- 830 [36] Sacks and Thiel, *Diversity Myth*, 17.
- [37] Sacks and Thiel, *Diversity Myth*, 60.
- [38] Sacks and Thiel, *Diversity Myth*, 59.
- [39] Allan Bloom, *The Closing of the American Mind* (New York: Simon & Schuster, 1987); Mary Lefkowitz, *Not out of Africa: How Afrocentrism Became an Excuse to Teach Myth as History* (New York: Basic Books, 1996).
- 835 [40] Henry A. Giroux and Susan Searls Giroux, *Take Back Higher Education: Race, Youth, and the Crisis of Democracy in the Post-Civil Rights Era* (New York: Palgrave Macmillan, 2004), 129–67.
- [41] Kate Willink, “Domesticating Difference: Performing Memories of School Desegregation,” *Text and Performance Quarterly* 27 (2007): 21. See also Richard Dyer, *White* (New York: Routledge, 1997), 4.
- 840 [42] Thomas K. Nakayama and Robert L. Krizek, “Whiteness: A Strategic Rhetoric,” *Quarterly Journal of Speech* 81 (1995): 293.
- [43] Sacks and Thiel, *Diversity Myth*, 74, 81. See, for instance, the analogy they draw between multiculturalism and phrenology. They unwittingly undo this analogy when they note with sarcasm that “[n]ot just any minority or female faculty would be [qualified to teach] the new curriculum—pigmentation, accent, surname, or chromosomes are *not enough*. Only those with the proper ‘intellectual and academic perspective’ need apply.”
- 845 [44] Tom Horne, letter to the editor, *Arizona Republic*, February 3, 2007. In May of 2010, Arizona’s governor Jan Brewer signed into law legislation banning ethnic studies programs in Arizona’s public schools. The premise for that piece of legislation is similar to Sacks and Thiel’s grievance against multiculturalism at Stanford. Arizona State Superintendent of Public Instruction Tom Horne who agitated for the bill argued that ethnic studies classes
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promote ethnic chauvinism by associating certain biological traits with certain cultural histories (i.e., teaching histories of Mexican Americans and Chicanos to Mexican American and Chicano students), and that, consequently, ethnic studies comes at the expense of the American belief in individualism.

[45] Sacks and Thiel, *Diversity Myth*, 33.

[46] Sacks and Thiel, *Diversity Myth*, 190–91.

[47] Sacks and Thiel, *Diversity Myth*, 83.

[48] Sacks and Thiel, *Diversity Myth*, 26.

[49] Sacks and Thiel, *Diversity Myth*, 59.

[50] Sacks and Thiel, *Diversity Myth*, 83.

[51] Sacks and Thiel, *Diversity Myth*, 84.

[52] Sacks and Thiel, *Diversity Myth*, 84.

[53] Foucault, *Archaeology of Knowledge*, 229.

[54] Sacks and Thiel, *Diversity Myth*, 227.

[55] Sacks and Thiel, *Diversity Myth*, 241.

[56] Sacks and Thiel, *Diversity Myth*, 230.

[57] Brown, *Regulating Aversion*, 203; Sacks and Thiel, *Diversity Myth*, 247. Their claim that civilization is the antidote to multiculturalism is reflective of what Brown calls an “anti-culture” attitude that runs through liberalism. As Brown explains, liberalism promotes the civilizing effects of education that overcome inferior cultural or vulgar natural drives. But what at first appears to be a constructivist argument on behalf of the transformative potential of education becomes in the final turn a defense of a superior human nature—one free of cultural impositions.

[58] Sacks and Thiel, *Diversity Myth*, 247.

[59] Hyde, *Call of Conscience*, 28.

[60] Stanley Fish, “Take This Job and Do It: Administering the University without an Idea,” *Critical Inquiry* 31 (2005): 271–85.

[61] Fish, “Take This Job,” 280.

[62] Fish, “Take This Job,” 279.

[63] Greene, “Another Materialist Rhetoric,” 22.

[64] Immanuel Kant, *The Conflict of the Faculties*, trans. Mary J. Gregor (Lincoln: University of Nebraska Press, 1979). Fish’s argument revives a vision of the university first proposed by Kant in which the “lower faculties,” which included philosophy, maintained a disinterested stance.

[65] Fish, *Save the World*, 121.

[66] Fish, *Save the World*, 66.

[67] Fish, *Save the World*, 40; Sacks and Thiel, *Diversity Myth*, 84. Sacks and Thiel use the same analogy when dismissing multiculturalism.

[68] Fish, *Save the World*, 71.

[69] Fish, *Save the World*, 101.

[70] Fish, *Save the World*, 123. Fish notes the irony of proposals that seek greater partisanship among the faculty in the name of depoliticizing the university.

[71] Fish, *Save the World*, 87.

[72] Fish, *Save the World*, 24.

[73] Fish, *Save the World*, 25.

[74] Fish, *Save the World*, 51.

[75] Fish, *Save the World*, 18.

[76] Fish, *Save the World*, 58.

[77] Elizabeth Kiss and J. Peter Euben, ed., *Debating Moral Education: Rethinking the Role of the Modern University* (Durham, NC: Duke University Press, 2009).

[78] Fish, *Save the World*, 85.

[79] Fish, *Save the World*, 123.

- 915 [80] Fish, *Save the World*, 154.
[81] Fish, *Save the World*, 34.
[82] Fish, *Save the World*, 11, 12, 20.
[83] Fish, "Take this Job," 280.
[84] Fish, *Save the World*, 135.
[85] Fish, *Save the World*, 137.
[86] Fish, *Save the World*, 138.
[87] Fish, *Save the World*, 145, 146.
[88] Fish, *Save the World*, 146.
920 [89] Sacks and Thiel, *Diversity Myth*, 246.
[90] Plato, *Gorgias*, trans. T. Irwin, Clarendon Plato Series (Oxford: Oxford University Press, 1979).
[91] Ralph Waldo Emerson, *The American Scholar, Self-Reliance, Compensation* (New York: American Book Company, 1893), 33.
925 [92] Hyde, *Call of Conscience*, 113.
[93] Hyde, *Call of Conscience*, 111.
[94] Fish, *Save the World*, 13.

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