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STEPHEN PETRINA

THE NEW CRITIQUETTE AND OLD SCHOLACTIVISM:

A Petit Critique of Academic Manners, Managers, Matters, and Freedom

In memory of David F. Noble

ABSTRACT: This article coins and juxtaposes two new concepts or terms, critiquette and scholactivism, distilled from longstanding practices. Critiquette refers to the etiquette of critique as well as little everyday criticisms we level on each other and things we evaluate. Scholactivism refers to scholar-activism, which has recently run up against policies designed to suppress criticism and academic freedom, and contradicts contemporary trends in the critique of critique. Following analysis of the new critiquette policies, the article provides two historical narratives of critiquette. The first is a history of the etiquette of critique and criticism while the second attends to historical and theoretical practices in the critique of critique. The last section addresses the academic freedom implications of critical mannerisms. Although the new critiquette issues from academic managers invested in critophobia and offers a series of disturbing threats to academic freedom, criticism, and critique, old scholactivism is nevertheless on the upswing with economic and cultural protest unsettling routine academic matters.

A little Learning is a dang'rous Thing
—*An Essay on Criticism*, Alexander Pope, 1711

Call them Correspondence Cops, Gerund Generals, Police of Polemic, or Tribunes of Text, administrators are once again shoring up powers over the everyday speech utterances of faculty and students.¹ This is the gist of a troubling trend across institutions of higher education in Canada and the United States, albeit a trend that has spiked in other eras as well. Whereas after September 11, 2001, faculty members and students have diligently defended the scholar-activism of researching and reporting on abuses of power in political affairs and foreign policies,² it seems time once again to defend the academic freedom to speak more locally on the academic affairs and policies of our own institutions, especially in the throes of mismanagement.³ Yes Stanley Fish, we are just doing our job; speaking on the management of academic manners and matters without fear of reprisal or sanction remains a core aspect of academic freedom.⁴ Reinforcing the powers of officials to police speech on campus are respectful workplace policies or laws and what emerges as the new critiquette of higher education. Do not get me wrong, I affirm anti-discrimination and nonharassment policies for protected classes and grounds and I support necessary accommodation for categorical identity claims. Correspondingly, I know full well that rules of order and argumentation have been necessarily customary in higher education for centuries and going ad hominem on someone and dragging red herrings through criticism divert attention from issues and matters to manners and mannerisms.⁵ The issue is not that unwritten or pre-political academic

manners are now written and nor is the issue whether or not unelected, big chill boomers *qua* appointed managers are arbitrarily or selectively authoring intellectual and civil law. The respectful workplace policies distract from, erode, or suppress protected areas and grounds, academic freedom, rules of order and argumentation, and shared governance. To prepare scholar-activists for a debate and political contest, it's necessary to ask how and why the critique of critique and post-critical turn pamper the little ethics of criticism. Contra pampering, belittling the new critique and critique of critique means students and faculty can at least think about being critical, always and again indebted to old scholasticism. After localizing, historicizing, and theorizing the new critique, one pardon is begged— we don't want to be governed like this.

The New Critiquette in Policy and Practice

The new critique is among a range of reactions to a resurfacing of the “crisis of criticism” and “civility crisis” or what University of Pennsylvania President Judith Rodin described in 1998 as “an explosion of public intolerance and incivility.” In December 1996, Rodin launched the Penn National Commission on Society, Culture and Community, noting that “from campuses to the halls of Congress, to talk radio and network TV, social and political life seem dominated today by incivility, by ideological extremism, an unwillingness to compromise and an intolerance for opposition.” At Penn, Rodin wanted to take a route of dialogue and rejected “attempts to shut down the discourse, to civilize the debate, or even to control the sometimes outrageous behavior of students.” She reasoned in 1997 that in the end, “such measures send fundamentally the wrong message, a message that reinforces the sense of powerless individuals and of monolithic institutions, of cultural orthodoxy and paternalistic authority, and of ideological conformity and political correctness.” The Penn National Commission and its 2003 monograph, *Public Discourse in America*, characterized and reinforced concerns across campuses in Canada and the US with public discourse in general and civility in academic discourse specifically. Higher education managers were empowered and pumped by ‘virtue of civility’ and ‘civil tongue’ discourses popularized during this time.⁶

By the mid 2000s, institutions began to introduce respectful workplace policies, seemingly overreacting to Rodin's position on regulating speech. Rodin did not curb speech at the University of Pennsylvania through the new critique unlike managers at other universities. In November 2005, Brock University approved a *Respectful Work and Learning Environment Policy*, conflating more conventional policies for equity and harassment with extensive clauses and speech codes for bullying and criticism. Definitions for bullying under this new policy include “asserting a position of intellectual superiority in an aggressive, abusive or offensive manner.” Brock's *Environment Policy* advises critique, stressing that “bullying can occur... when criticism is destructive not constructive, is criticism of the person rather than her/his mistakes.” With an extensive anti-harassment policy, instead of introducing a respectful environment policy Queen's University hired six student “dialogue facilitators” in November 2008 to roam campus and intervene with “spontaneous teaching moments” in discourse identified as problematic. An administrator admitted that critics immediately voiced alarms that “these people are expected to act as thought and speech police” but insisted they were just assuring “respectful conversation and dialogue.” Christened the “language police,” administrators canned the facilitators in mid February 2009.⁷ Concerns were raised as more universities introduced or imposed policies similar to Brock or pondered dialogue squad measures like Queen's. Upon ratification of a new contract in 2008, Brandon University agreed with its Faculty Association (BUFA) to submit its *Respectful Environment Policy*, imposed in April 2008, to the Manitoba Human Rights Commission for review. The BUFA requested that an academic freedom clause be added to the new *Policy*, a change subsequently granted through arbitration.⁸

Following Quebec's lead, between 2007 and 2010, legislatures in Saskatchewan, Ontario, and Manitoba amended Occupational Health and Safety acts to include personal or psychological harassment with definitions expansive enough to potentially accommodate those found in Brock's policy. Colleges and universities in these provinces were forced to review existing policies and revise as necessary. In other provinces, a variety of institutions followed the trend and introduced new policies. James Turk, Executive Director of the Canadian Association of University Teachers (CAUT), issued a memorandum in late March 2009 advising vigilance, reporting that “the test of ‘disrespect’ identified in these policies is for the most part experiential and

subjective – notions like ‘feelings of shame’ or ‘embarrassment’ crop up repeatedly.” With the institutionalization of evaluation schemes for “collegiality” in the late 1990s and early 2000s, the CAUT passed a policy statement on collegial governance, regarding this as different from “congeniality or civility.” For the CAUT, the scope of these new policies and imprecise definitions abridge academic freedom across the country. They oversimplify the CAUT’s high standards of professional practice that address discourse and rules of order and argumentation in a context of academic freedom.⁹ The imprecision that concerns the CAUT is a managerial application of a literary device W.E.B. DuBois described as the “penumbra of vagueness and half-veiled allusion” in his reflective essay on *The Souls of Black Folk* in 1904. Legally problematic, vagueness makes it difficult to comply and leads to arbitrary enforcement. The charge of disrespect isolates or normalizes a scholar-activist, dissenter, or offender while the label or stigma “bully” is approvingly applied, becoming what Claude Lévi-Strauss framed in 1950 as a sliding or floating signifier; intellectual critic is resignified as academic bully.¹⁰ By the end of 2011, at least eleven universities (Athabasca, Brandon, British Columbia, Brock, Laurentian, Manitoba, Memorial, Nipissing, Prince Edward Island, Regina, Thompson River) had respectful workplace or environment policies.

In the US during November 2010, New Jersey Senator Frank Lautenberg and Representative Rush Holt, both Democrats, introduced the *Tyler Clementi Higher Education Anti-Harassment Act* into the Senate. A Rutgers University student and tragic victim of an invasion of privacy, Tyler Clementi committed suicide on 22 September 2010 after being surreptitiously videotaped kissing another man three days earlier by roommate Dharun Ravi, who subsequently made a Twitter update announcing video access to another encounter on 21 September. Ravi stated that the second taping failed and there was never a broadcast. He was convicted on 16 March 2012 of the 15 charges against him and was given a sentence for the “bias crime” on 21 May of 30 days of jail time and 300 hours of community service.¹¹ The *Clementi Act* was reintroduced and referred in March 2011 to the House Subcommittee on Higher Education and Workforce Training and Senate Committee on Health, Education, Labor, and Pensions, while civil and federal libertarians alike counter that this bill seriously abridges academic freedom across the US by altering the definition for harassment in *Title VII of the Civil Rights Act of 1964* and current standard for distinguishing among critique, bad speech acts, and harassment. By most accounts, a reasonable, fourfold standard was established by the Supreme Court in *Davis v. Monroe County Board of Education*. For damages, harassment is defined as that which is “so severe, pervasive, and objectively offensive that it can be said to deprive the victims of access to an educational opportunity or benefit.” Those in dissent argued that the ambiguous standard opened doors for a rash of litigious action: “Johnny will find that the routine problems of adolescence are to be resolved by invoking a federal right to demand assignment to a desk two rows away.”¹²

Many colleges and universities (e.g., California system, Iowa, Pittsburgh) adopted the Supreme Court’s standard while some, such as the University of Oregon, recently took the strategy of Canadian institutions and introduced respectful workplace statements or policies. Similar to provinces in Canada, since 2003 seventeen states have introduced respectful workplace legislation, with New York coming close to approval in 2010. Focusing on students, on 5 January 2011, the Governor of New Jersey signed into law an “Anti-Bullying Bill of Rights” to reform public schools and require colleges and universities to include anti-bullying clauses in codes of conduct. In the January 2011 *New York Law Journal*, Jason Habinsky and Christine Fitzgerald summarize the implications of these types of legislative acts, which “would allow employees having nothing more than ordinary disputes and personality conflicts with their supervisors and co-workers to threaten their employers with litigation.” In this scenario of innocuous commentary and “ordinary disputes” ramped up to “personal harassment,” employers, including institutions of higher education, move to protect their interests by downloading litigation vulnerability to employees or students.¹³

Most North American colleges and universities, including Brock, necessarily already had equity measures and since the 1960s and 1970s complementary anti-discrimination and nonharassment policies for protected grounds such as disability, gender, political belief or activity, race, religion, and sexuality. As Marni Westerman observes in her PhD research, *Tempered Radicals and Porous Boundaries*, these new types of policies neutralize and deflect attention from equity and human rights to “personal harassment.”¹⁴ Phrased differently, individual civility of the new critique is privileged over categorical civility of equity laws.

Taking the new critique to extremes or a harbinger of tomorrow's higher education, the University of British Columbia (UBC) has aggressively enforced and interpreted its *Statement on Respectful Environment*. Introduced in 2008 without consideration or input from the Faculty Association, which has also had no say in its instrumentation or interpretation, this is the University's sole "statement" among 130 existing policies, including *Employment Equity* and *Discrimination and Harassment* policies.¹⁵ Rivaling Brock, the extensive scope of UBC's *Statement* aims to cover bullying, defined as "personal harassment," and a host of issues potentially outside of the *Discrimination and Harassment* policy, which itself extends to fourteen detailed pages. Respectful environment (or workplace) is defined as "a climate in which the human dignity of each individual is valued, and the diverse perspectives, ideas and experiences of all members of the community are able to flourish." In a prime example grounding Westerman's insights, during the first half of 2010, as UBC's Education administrators defended their research chair appointment practices against Jennifer Chan's racial discrimination complaint (Policy #3) they were cracking down on outspoken faculty members and scholactivism by launching investigations enforcing the *Statement on Respectful Environment*.¹⁶ For instance, in response to a question about non-transparent practices ("Is this by design or by default?"), the Education Dean administered discipline in June 2010 ruling "inappropriate choice of language:" the "use of 'by design' [i]s inappropriate, accusatory and disrespectful in what it implies." Discipline was also applied for uses of "rubber-stamped" in reference to a comment on a decision (i.e., "request by Director [Jones] was rubber-stamped by Associate Dean [Smith]"). "Words and phrases," the Dean continued, "such as 'retaliation for past transgressions'; 'covert appointment'; 'bad form', etc do not convey the professional tone expected in [email] correspondence with a colleague." Speech or scholactivism that is inconsiderate in tone or critical in content is subject to investigation. Through the spring of 2011, investigations and disciplinary measures under the *Statement* continued while the administrators filed applications to dismiss the discrimination complaint as it moved to the BC Human Rights Tribunal (BCHRT).¹⁷

Amplifying the *Statement*, the President of UBC circulated a "Respectful Debate" memo on 3 March 2009 stressing that students and faculty "pay special attention to the rules that govern our conduct" for speech. About the same time, messages from the President's Office indicated that mechanisms for decentralizing the budget and policies such as the *Statement* were carrots and sticks for "driving the right behavior."¹⁸ Like any policy statement, the devil is in the details of application or interpretation. Understandably busy and feeling bothered, some administrators have invoked the *Statement* indicating they find offensive any comments, questions, or correspondence that smack of scholactivism regarding their management of academic affairs. Administrators have nevertheless reserved, for "appropriate managerial or supervisory direction," "constructive criticism." Liz Hodgson, then President of the Faculty Association of UBC (FAUBC), reported in the *Faculty Focus* in June 2010 that "a colleague was subjected to an extensive investigation by UBC because the parents of a PhD student complained that the questions asked at the PhD oral exam were 'mean.'"¹⁹ From the late 1980s and increasingly through the 2000s, in professional programs, such as human resources (HR), medicine and teacher education, direct "between the eyes" critique became anathema as the sandwich feedback (affirmation-criticism-affirmation) rule of critique was established.²⁰ The University hosts a website for the *Statement*, complete with a logo and witticism outdoing even Emily Post's Golden Rule: "Have you heard about **The Platinum Rule**? Treat others the way *they* want to be treated."²¹ If I may be forgiven the expression and with due humility, one is tempted to respond with "no, but have you heard about the Dilbert Principle? Often "the most ineffective workers are systematically moved to the place where they can do the least damage: management." In higher education, Dilbert comedifies something Max Weber demystifies in 1918: "the fact that so many mediocrities undoubtedly play an eminent role at the universities."²²

On the surface, these trends may look like overzealous interpretations and enforcement by administrators challenged with colloquial definitions in UBC's *Statement* by concepts such as "intimidating comments," "ostracism or exclusion of a person," or "excessive supervision or criticism of an individual." These trends may capture civilizin' boomers qua managers savoring potential and powers of the RCMP of Rhetoric while shielding themselves and their high offices from criticism and critique. At the end of the day, central administration can sleep better now that legal defenses are in place with advise that these are good, vagueness

notwithstanding, policies—students and faculty are feeling vulnerable and looking over their shoulders. The control of campus speech, criticism and critique included, is now more or less reformed.²³

As respectful environment policies were imposed or introduced in workplaces, including institutions of higher education, regulations on employer speech were relaxed in many jurisdictions within Canada and the US. In BC in late July 2002, the Liberal government amended the *Labour Relations Code* to increase the scope of what employers could communicate to employees. Section 8 was amended from granting managers “freedom to communicate to an employee a statement of fact or opinion reasonably held with respect to the employer’s business” to “the freedom to express his or her views on any matter.” This broadens “the right of employers to express ‘views’” while the BC Labour Relations Board’s (LRB) interpretations open “the door to political-style, anti-union campaigning by employers.” In one of the first tests of the expansive latitude in 2003, the LRB ruled that an employer could make statements that a “Union is disrespectful and should not be trusted, even when that view is mistaken and unreasonable.” In a subsequent case, the LRB ruled with an employer that had campaigned against unionization in workplace meetings and slideshows flashing messages such as: “By joining a union, employees will become just ‘one in the crowd’.” Employer speech within captive audience meetings attenuates the freedom of the employee to not listen.²⁴ In the US Congress, on 30 November 2011 the House passed on party lines the *Workforce Democracy and Fairness Act*, introduced by Republican John Kline, Chair the Committee on Education and the Workforce. Effectively undermining hard won union workplace rights by amending the *National Labor Relations Act*, the bill aims to quickly supersede the August 2011 *Specialty Healthcare and Rehabilitation Center of Mobile* court decision, “which limits employee free choice [for union or non-union] and employer free speech.”²⁵

In Canada and the US through the 2000s, employee speech has been under close scrutiny by managers and legal scholars alike. In BC in October 2011, an Arbitrator ruled, “teachers may not introduce” political “materials, either in the form of printed matter or buttons worn on their garments into the classroom or the walls or doors immediately adjacent to classrooms.” The ruling derived from the BC Teachers Federation’s (BCTF) “When Will they Learn” campaign leading up to the 2009 provincial election. Teachers wore buttons and posted bumper stickers and posters with a message that special needs students were neglected, 177 schools had been closed, and 10,000 classrooms were overcrowded. Challenging the employer’s charge of “political electioneering,” the BCTF countered that students needn’t be shielded from political speech or controversy.²⁶ Most significant is the Supreme Court’s 2006 *Garcetti v. Ceballos* opinion that “when public employees make statements pursuant to their official duties, the employees are not speaking as citizens for First Amendment purposes, and the Constitution does not insulate their communications from employer discipline,” reinforcing managerial discretion and prerogative. Although academic freedom remains a special concern of free speech rights and was deferred by the Court in *Garcetti*, legal analysts such as Harvey Gilmore concur that “*Garcetti* has now become the definitive statement on a public employer’s discretion in managing office operations, and that discretion includes controlling an employee’s speech made in the scope of the employee’s professional capacity.” This throws into question earlier analyses, such as *Pilkington v. Bevilacqua*, which provides a framework for whether “criticism of a public employer is *per se* detrimental to the public service” as a matter of public concern. In *Pilkington*, decided in 1977, “the fact that adverse criticism by an employee has a detrimental impact upon individual administrators” was not enough for dismissal. Legal historians may assess trends as follows: “Over the course of the twentieth century, public employees went from having no First Amendment rights to having hardly any: from the regime described by Justice Holmes, in which they had a right to speak, but no right to a job, to the regime recently created by the Supreme Court, in which they have a right to speak, but no right to be free from employer discipline if they do so as part of their job.”²⁷

After *Garcetti*, is an employee safer criticizing as *qua* citizen—disidentifying as *qua* employee to criticize the employer or whistleblow outside of internal channels for complaints and concerns? Is academic freedom a “special concern” warranting distinctive protection? “Many universities play a unique role in our society in pressing beyond accepted wisdom,” Vikram Amar and Alan Brownstein add, “to critique and expand our knowledge of the world.” The independence that faculty members enjoyed as intellectual checks on power or at least through faculty governance or administrative authority may be waning. Respectful environment policies across private and public sector institutions combined with *Garcetti* raise questions about whether

faculty can comment critically on the management of academic manners and matters or whether higher education still constitutes a distinctive workplace.²⁸

To be sure, the new critique in this backdrop is a good indication how a new tool of management can be used to suppress outspoken employees. For instance, on 3 March 2011, two nurses in a hospital just outside of Vancouver were disciplined for writing letters criticizing overcrowded conditions and the treatment of patients in hallways. Five patients at the Royal Columbian Hospital were monitored and assessed in the adjacent Tim Horton's donut shop. Global TV BC reported that health authorities defended the discipline of the nurses by indicating that they "encourage staff to share their thoughts as long as it is done in a respectful manner adhering to our Respectful Workplace Policy."²⁹ Kathryn Tyler impresses upon managers in *HR Magazine* that "bad apples" are "like a cancer that spreads throughout the entire workplace." "Before the whole bunch spoils," she advises in 2004, adopt the techniques of bad apple management "to deal with" (i.e., investigate, terminate, discipline, punish) critical, dissenting, or outspoken workers. The BC liberal government has taken a page out of HR to resort to bad apple management. On 25 October 2011, Minister of Education George Abbott announced as his new policy for oversight of teachers: "I don't think any of us in our professions want to be tarred by those bad apples and I'm hoping we'll see better management of issues around bad apples with these changes." Civility consultants for HR advise the same at the point of hiring: "weed out trouble before it enters your organization."³⁰ Typically ignoring systemics, with simple twists of karma, the ethics of bad apple management can undermine its pragmatics. Back in 2001, when David Noble was on the verge of appointment to the J. S. Woodsworth Chair at Simon Fraser University, the President rifled off an email to the Vice President Academic warning "avoid this appointment like the plague." Identifying with his scholasticism, renowned physicist Ursula Franklin later confided: "God David, I wish you were contagious!"³¹

Exploiting the workplace germ or contagion theory, Robert Sutton's *The No Asshole Rule* provides management with language and a set of techniques but is also somewhat equivocal with a chapter on the virtues of assholery. HR and administrative enthusiasts are now reciting and quoting from the influential text in meetings and minutes. Instead, would not most intellectuals prefer a "no bullshit rule" in their institutions, given that "one of the most salient features of our culture is that there is so much" of it, as Frankfurt witnesses? Sutton apologizes "for the crudeness of the term—you might prefer to call them tyrants, bullies, boors, cruel bastards, or destructive narcissists, and so do I, at times." One can make it a 'no [fill in the blank] rule' to echo gender or race lingo. Consultants like Sutton remember well the days of HR in the 1980s with lucrative fees to teach the managers how not to be such assholes. That was a tough assignment though; for applying theory, more vulnerable and a bigger market is labor. Nowadays, entrepreneurs such as Phyllis Davis, CEO of the American Business Etiquette Trainers Association and author of *E²: Using the Power of Ethics and Etiquette in American Business* consult on the "cubicle behavior" of workers while pop psychologists extoll the virtues of workplace civility through books such as the *Power of Tact*. On yet another level, with Sutton's book title given a free pass here and code-worded there, this is the new critique of higher education. "Research on both deviance and norm violations shows," he admits in analysis of the potential of a "one asshole rule," "that if one example of misbehavior is kept on display—and is seen to be rejected, shunned, and punished—everyone else is more conscientious about adhering to written and unwritten rules." Herein the new critique inspires overt, to your face civility or collegiality and covert, tacit, behind the scenes tactics for academic mobbing and neo-McCarthyist fingering of bad apples or 'you know what.'³²

Enforcement of the new critique by investigation and discipline is facilitated by academic mobbing, which helps administrators trump up charges from dissenter to asshole to bad apple to bully to defendant. At UBC, for example, at least three investigations were launched under the *Statement* through large group complaints against an individual faculty member in each case.³³ Respectful environment policies privilege this type of bad apple management but exclude mobbing as a practice of disrespect. Mobbing is nonetheless common in European workplace law, such as in Poland.³⁴ Academic mobbing is defined by the *Chronicle of Higher Education* as "a form of bullying in which members of a department gang up to isolate or humiliate a colleague." The *Chronicle* continues: "If rumors are circulating about the target's supposed misdeeds, if the target is excluded from meetings or not named to committees, or if people are saying the target needs to be punished formally 'to be taught a lesson,' it's likely that mobbing is under way.... Evidence suggests that

administrators may find it easier to become part of a mob than to try to stop one... That's because administrators are likely to think it's better to have one person upset with them than a group." As Joan Friedenberg eloquently notes in *The Anatomy of an Academic Mobbing*, the toll taken far exceeds that of an upset, shunned target, victim, or defendant. In faculty members-on-member scenarios, administrators can let academic mob leaders call shots, coordinate the mob, spark tinder for action on a scapegoat, foment sentiment against targets, recoup authority, and launch investigations that defer to academic mobocracy or academobsters.³⁵

Social psychology provides over a century of findings to understand how an academic mob leader arises: a political turn personal dig for a target, exploitation of the target's vulnerabilities, simplistic gestures and complaints about the target, repetition, and actions of petty tyranny easily imitated by others for mobbing. Under autocratic conditions, Kurt Lewin and students suggested in 1939, somewhat like children, colleagues develop "a pattern of aggressive domination toward one another, and their relation to their leader [becomes] one of submission or of persistent demands for attention." "Why is the reaction to autocracy sometimes very aggressive, with much rebellion or persecution of scapegoats, and sometimes very nonaggressive?"³⁶ In this context, this may be why academic mobbing is rarely included, as opposed to numerous references to bullying, within respectful workplace or environment policies. In many cases, *Get Shorty* or 'get the convenient, favorite target' has long ended, most have left the theatre, but academic mobsters and pledges remain intent on a repetition of endless reruns while "Respectful Environment" flashes on and blares over monitors and loudspeakers in the lobby 24-7. Academic employers aggravate faculty member-on-member disputes or student-on-member disputes (or both), and administrative managers rise above the fray to adjudicate or assume roles of investigators or launch investigations under the new policies, as opposed to mediation. Practices for handling members' disputes with each other internally within a union or faculty association are usurped or preempted by managers interested in protecting themselves by launching investigations or worse. In the ethnographies of occupational ethics reported in *Moral Mazes*, Robert Jackall observes: "When blame-time comes, managers' immediate reaction is, as they put it, to 'CYA' or 'cover your ass.' A high-ranking executive says: The one statement that will paralyze a room is when some guy in authority says: 'Now I'm not interested in a witch hunt, but...'"³⁷

History of Critiquette I: Etiquette and Academic Manners

In Emily Post's *Etiquette in Society, in Business, in Politics, and at Home* first published in 1922, rules of criticism are presented as key to progressive manners, matters, morals, and taste. The first rule of critiquette is a sure "danger to be avoided," Post clarifies—a "rank habit of a critical attitude, which like a weed will grow all over the place if you let it have half a chance." On the other hand, controlling situations wherein criticism may occur is basic critiquette as well. For example, it may be tempting to collect "the smartest and the most critical people around your table." But if you really want to avoid bungling a dinner, invite only "people who are congenial to one another. This is of first importance." The same holds true for the guests: "It is unforgivable to criticize your host" and her or his friends. Once in the club if not the workplace, Post emphasizes, you have "no right to criticise the management, the rules or the organization of the club." Never forget this critiquette, she reiterates, given that consequences could be fatal; if someone dislikes your "manner," you may be "unsuitable" and "black-balled" through a few tacit, covert letters. For editions published by Post's granddaughter-in-law Elizabeth in the 1960s and 1970s, critiquette was less of an issue, aligning *Etiquette* with *The Amy Vanderbilt Complete Book of Etiquette*'s concise statement: "Contain your criticism." Recent academic texts of this genre, such as *Civility: Manners, Morals and the Etiquette of Democracy*, nonetheless harken back to great grandmother Emily with "pre-political virtues" for critiquette to recognize that "*civility allows criticism of others, and sometimes even requires it, but the criticism should always be civil.*"³⁸

Critiquette derives from classical rules of argumentation formalized within centuries of dialectic, logic, and rhetoric and reformalized through courtesy pedagogies reinforcing cultures of gentility and the civil tongue, literary taste, and parliamentary codes for political interaction. Rationalized through the science of right conduct's morality texts, this is conflated with a historical process of ruling classes governing over those with

“manners ferocious and morals depraved” through pedagogy and punishment.³⁹ On a less empirical note, it is just a coincidence, Herbert Spencer claimed, that the science of right conduct rationalizes genteel cultures. Deferring to the authority of Biblical or classical texts, teachers and students were advised to focus instead on the moral force and good sense of the words and rules of argumentation, so as not to be encumbered by the content. From right conduct would come right opinion. Every bit a part of the Scholastics’ *quaestio disputata* or disputed question and doubt, authority was reconciled with reason and a process of being critical. For enlightenment, critique, here as good reasoning and thinking, ought not get in the way of a search for truth. As he reformulated Aristotle’s rules and fallacies, in *An Essay Concerning Human Understanding*, published in 1690, John Locke dismissed strict rules of argumentation as “the language and business of the schools and academies of learned nations, accustomed to that sort of conversation, or learning, where disputes are frequent; these maxims being suited to artificial argumentation, and useful for conviction, but not much conducing to the discovery of truth, or the advancement of knowledge.” For example, modesty in argument may dispose one “for the reception of truth” but does not help one to it; “that must come from proofs and arguments, and light arising from the nature of things themselves.” Justifying the fallacies section of *An Essay*, the rules are still of “small use for the improvement of knowledge.” Opposing Locke on this contention, some nineteenth century logic and rhetoric texts advocated for a moderated critique. Suspense of judgment,

at least in uttering judgments, if they contain any thing harsh, disagreeable, unpleasant, or even unpolite, is particularly necessary in all good company, and among all men of knowledge. Without this exercise of civility we cannot expect to be favored with the communications of superior information. We cannot render ourselves acceptable to those from whom we may derive the most essential benefits. We shall discompose and embarrass delicate society, we shall be exposed to critical reprehension, or involved in controversy, the bane of all good intercourse, and insuperable impediments in the acquisition of truth.⁴⁰

In 1750, Lord Chesterfield repurposed the French word *etiquette* to capture the “little ethics” through which he had been training his son, anglicizing French cultures of bourgeois decency and *politesse*, or norms of politeness. On literary taste and practice, in an 11 March 1751 letter, he instructed that “some authors have criticized their own works first, in hopes of hindering others from doing it afterwards: but then they do it themselves with so much tenderness and partiality for their own production, that not only the production itself, but the preventive criticism, is criticized.”⁴¹ Trending toward aristocratic conduct and customs, eighteenth and nineteenth century etiquette distinguished criticism from the sneers and ridicule of vulgarity and articulated rules of argument and literary criticism. *Sensible Etiquette of the Best Society*, published in 1878, provides an extensive chapter on literary criticism, with subtitles such as “Fear of Critics” and “Love of Approbation.” One might think that a man or woman who is “civil and polite may surely be permitted to hazard... a bold, or even a harsh expression, and to insert here and there a melancholy truth,” but such is not quite the case. Sentiments that one must be chaste in interactions “restrain the use of the pen in its efforts to correct evils and institute reforms, which in fact is to be deplored because it is such a powerful engine.”⁴² “Whether the art of criticism has advanced or retrograded in the last one hundred years,” a 1901 *New York Times* editorial began, “is not a question with which we need deeply concern ourselves.... In short, the keynote of criticism at the dawn of the twentieth century is not destruction, but construction.”⁴³

Weber interpreted ethics, whether of the transcendent truth variety or petit bourgeoisie etiquette, and critique, whether of the high Kantian variety or bothersome criticisms, as entirely contingent and calibrated on “presuppositions.” The historical and sociological contingencies of how ethical and moral practices, in religion for example, were rationalized in practical conduct preoccupied the middle of his career. Status ethics, or a “systemization of rules of etiquette,” and critique were products of this long process of moral practice and cultivation, and were by no means natural. These internal moral practices were externalized through rationalization, the imposition of “rules, means, ends, and matter-of-factness.” Weber saw this and an “ever-increasing importance of expert and specialized knowledge” in countries such as Germany during the 1890s and 1900s as contradictory to moral and social cultivation in education, necessitating a reconsideration of norms regulating academic freedom (*Lehrfreiheit*).⁴⁴ With little interest in polite submission to powers that be, applying *Achtung* laws demanding an “uninterrupted decent demeanor” and deference for high status ethics

and people, or conforming the modern university to traditions of German social etiquette,⁴⁵ Weber prefaced his basic position on academic freedom in his 1895 inaugural address: Rather than parroting ideas of the dominant group, the task of professors, at least in the social sciences, was to “say what people do not like to hear—to those above us, to those below us, and also to our own.” Tired of watching good intellectuals get turned down or blacklisted, he complained in the *Frankfurter Zeitung* in June 1908 about “the number of compliant mediocrities who are much sought after because of their compliancy is growing” and assured his colleagues that the fate of Prussian universities

is now in the custody of personally friendly but frightfully inferior and petty “operators;” it is in the hands of persons whose influence will for the foreseeable future create a favourable “market” for the ascent of compliant academic “operators” in accordance with the law by which, as experience shows, one mediocrity in a faculty brings others in his train.... The Berlin faculties particularly, will only have the freedom to choose the form by which they will put a good face on improper action. The members of that university will be incapable of offering any resistance to public opinion or to the government because of the weakening of their moral authority, which they have themselves helped to bring about. And as a result of this, in the future an increasing proportion of their colleagues will act no differently.

These criticisms were met in turn by a Berlin faculty member raising the rule of *Achtung* and dismissing Weber for penning a treatise that “‘abounds in incorrect assertions’, pours a ‘flood of insult’ over the Berlin faculty, and is made up of ‘dull gossip’.” To Weber, such a dismissal of facts *and* values was an “example of completely thoughtless prattle, which cites not a single incorrect statement, a single insulting or even a merely passionate word.” This was proof positive of his view that “the critical public discussion of university matters will, whether it is desired or not, increasingly assume the character of personal conflicts and of mutual denunciation.” In assessment of implications, “no one really wants this.”⁴⁶

Weber threw contradictions in stark relief, arguing that “submissiveness to the prevailing political authorities” meant, at best, that it was just “alleged academic freedom” in 1909. “And this ‘freedom’ can naturally serve as a ‘fig-leaf’ to cover up, to the greatest extent possible, the imparting of a certain political tone to university teaching.” He debunked the perspective that “the political group dominant at the moment” “‘cannot agree to allow’ the universities to propagate ‘doctrines which are inimical to the state’” by reminding colleagues of the presupposition of rational universities. These institutions “do not have it as their task to teach any outlook or standpoint which is either ‘hostile to the state’ or ‘friendly to the state’.” They are not institutions for the inculcation of absolute or ultimate moral values. They analyse facts, their conditions, laws and interrelations; they analyse concepts, their logical presuppositions and content.” Trading off ethical traditions, faculty members in the modern university were in no position to serve up “personal beliefs and convictions” “or their political ideals—regardless of whether they are ‘radical’, either of the left or the right, or ‘moderate’.” They are under the obligation to exercise self-restraint.” “Intellectual integrity” obligated “a relentless clarity about themselves.” The problem here was that these institutions were moreover irrational in specific practices. “Of course, it is unfortunately true,” he noticed, “that there are not a few university teachers— by no means predominantly ‘radical’ politically but rather persons who are ostensibly ‘statesmanlike’ conciliators—who fail to respect those obligations of self-restraint but assign to themselves the privilege, indeed the task, of educating their students into certain political beliefs and ultimate outlooks. By means of such arrogance, the universities will out their own throats.” In his “Science as a Vocation” and “Politics as a Vocation” lectures, delivered November 1918 and January 1919 at the University of Munich, Weber nuances a sociology of these science-politics and facts-values relationships. Repeating this 1909 position basically verbatim for this audience of students, he tries to effect a bargain or settlement over the “presupposition” of a rational university: professors would not meddle in politics in the classrooms if politicians would not meddle in academic hiring practices. In this way, Marxists and socialists dissenting or critiquing the Wilhelminian Reich outside the classroom could get hired but would stick to sober analysis of facts within while the capitalist professors already hired and praising or cheering the Reich outside the classroom would not proselytize values inside. Conversely, he lectured students on their responsibilities, knowing that their freedom to learn (*Lehrfreiheit*) could readily turn into freedom *from* critique and *to* shop for assenting, instrumental knowledge and popular teachers. “The primary task of a useful teacher” is to “teach students to recognize

'inconvenient' facts— I mean facts that are inconvenient for their party opinions” or values.⁴⁷

Smartened by the politics of Germany, world war, and new insights into bureaucracy, his insights on academic freedom were altered from about 1913 through his untimely death in June 1920. “The Meaning of ‘Ethical Neutrality’ in Sociology and Economics” reminds colleagues that universities are only imprecisely, arbitrarily or selectively rationalized and the fact-value distinction questions of his earlier prescriptions cannot be “definitively settled.” Desires to minimize the teaching of politics and values were untenable, making the issue one of epistemology *and* rhetoric. “Once the assertion of evaluations in university lectures is admitted,” he recognized, “the contention that the university teacher should be entirely devoid of ‘passion’ and that he should avoid all subjects which threaten to bring emotion into controversies is a narrow-minded, bureaucratic opinion which every teacher of independent spirit must reject.” Henceforth, the decision of politics in the classroom depended on the values assigned to the universities. “Those who on the basis of their qualifications as university teachers assign to the universities, and thereby to themselves, the universal role of forming character, of inculcating political, ethical, aesthetic, cultural or other beliefs, will take a different position from those who believe it necessary to affirm the proposition and its implications— that university teaching achieves really valuable effects only through specialised training.” With that said, he retained the rule of critique from 1904 onward dictating that in the final analysis, “criticism is not to be suspended in the presence of value-judgments. The problem is rather: what is the meaning and purpose of the scientific criticism of ideals and value-judgments?”⁴⁸

In *Economy and Society*, published posthumously, Weber reinterprets the history and sociology of ethical practices, which in practical terms were often manifested as a “systemization of rules of etiquette.” Drawing symmetry between “legal order” and “conventional order,” he forcefully disagrees with so many etiquette texts and authors that draw distinctions between law and convention, more, or norm, between explicit and implicit law, in terms of legal versus free will compulsion, compliance, or accommodation. He revises commonsensical notions that law is fabricated while etiquette is natural: “It is incorrect to say that the fulfillment of conventional ‘obligations’, for instance of a rule of social etiquette, is not ‘imposed’ on the individual, and that its non-fulfillment would simply result in, or coincide with, the free and voluntary separation from a voluntary consociation. It may be admitted that there are norms of this kind, but they exist not only in the sphere of convention, but equally in that of law.” Historicizing this, “a good number of consociations existing in the real world have dispensed with the legal character of their conventional norms. They have done so on the assumption that the mere fact of the social disapproval of norm infringement with its, often very real, indirect consequences will suffice as a sanction.” Institutionally, forms of etiquette and critique superordinate “rational discipline” to compel obedience, “blind,” “uniform,” or otherwise, and criticism, dissent, or resistance get effectively regulated. With a threat of discipline that is rational— “methodically prepared” and an “exact execution of the received order”— “personal criticism is unconditionally suspended and the actor is unswervingly and exclusively set for carrying out the command. In addition, this conduct under orders is uniform. Its quality as the communal action of a mass organization conditions the specific effects of such uniformity. Those who obey are not necessarily a simultaneously obedient or an especially large mass, nor are they necessarily united in a specific locality. What is decisive for discipline is that the obedience of a plurality” of men and women is that it is “rationally uniform.”⁴⁹ Is this interpretation of academic freedom, rationalization, ethics, and etiquette “tragic modernism,” a charge often leveled on Weber, heartrending rearguardism, or ironic hybridity?⁵⁰

The postwar period following the Bolshevik revolution, and especially 1919-1920, the final year of Weber’s life and the founding of the Communist International (Third International), marked concentrated efforts to crack down and limit academic freedom in Germany and the US. Following a series of Industrial Workers of the World (IWW) protests, strikes, and a string of 36 mail and 8 property bombs in the US, newly appointed Attorney General A. Mitchell Palmer made it known at Georgetown University’s commencement day address in June 1919 that “those who can not or will not live the life of Americans under our institutions and are unwilling to abide by the methods which we have established for the improvement of those institutions from time to time should go back to the countries from which they came.” On 1 August 1919, he appointed J. Edgar Hoover to head up the new “division of radical activities” (later named the “General Intelligence Division”) of

the Justice Department's Bureau of Investigation. Within about a year, through civilian, including university, 'vigilante' committees and "Palmer raids," the new office amassed dossiers and indices on 200,000 "agitators," radical subjects, and associations. The radical division documented and monitored 625 anarchist, communist, racial, and ultraradical papers, plus "mailing lists of these radical papers showing who is reading this stuff." Entire libraries were swept up in the raids; on 7 November 300 members of the Union of Russian Workers of the US and Canada were arrested and on 2 January 1920, nearly 2500 communists were arrested. On 1 June, Palmer was in Congress defending his tactics against critics who argued "first, that there has been no "Red" menace in the country... second, that the methods adopted... have been high-handed and even unlawful and unconstitutional; and, third... the Department of Justice has attacked American labor." "The fact is," he testified, "the criminal anarchist, the ultra-radical class-war advocate, the revolutionary agent and propagandist; are the worst enemies of honest American labor."⁵¹ He submitted the radical division's "The Revolution in Action" report, paraphrasing, quoting, and mixing fact and fiction from Turgenev's fictional *Fathers and Children*, his autobiographical reminiscences, Donald Mackenzie Wallace's historical *Russia*, and radical literature. Among "the students of the universities and higher technical schools," the radical division submitted, "a new and strikingly original type" was observed by Turgenev before and through the 1860s. Among radical matters were found critical mannerisms.

Young men and women in slovenly attire who called in question and ridiculed the generally received convictions and respectable conventionalities of social life, and who talked of reorganizing society on strictly scientific principles. They reversed the traditional order of things, even in trivial matters of external appearance, the men allowing the hair to grow long and the women cutting it short, and adding the badge of "blue spectacles" [i.e., Kantian lens and reference to Bakunin's disguise in escape from French prison]. The appearance, manners, and conversation of these original "nuts" and "parlor bolsheviks" were apt to shock ordinary people, but to this they were profoundly indifferent... Tourganieff called these warped intellectuals "nihilists." They soon ceased to occupy an academic and meaningless position. Under the influence of the literature of St. Simon, Godwin, and the German, Stirner, they fell naturally into the line of anarchistic thought.⁵²

In Germany through the 1920s and abruptly in 1933, Weber's "alleged academic freedom" became an academic nightmare. Friends of Weber's, such as Karl Loewenstein and other Jewish intellectuals and critics, such as Hannah Arendt, fled; journals including Weber's *Archiv für Sozialwissenschaft und Sozialpolitik* and institutions such as the Institut für Sozialforschung (Frankfurt School) were censored or shut down. By 1936, about 2,500 faculty members had left or been forced out. By this time, Culture War I, which began about 1879 with the establishment of the Anti-Semitic League in September and the publication of Heinrich von Treitschke's "The Jews are Our Misfortune" in November in Germany, was quickly descending into holocaust.⁵³

In the late 1930s, WWII, and progressively through the late 1940s and 1950s, academic freedom and education were purged of a range of critical books, curriculum, and research with threats to critical faculty in Canada and the US. In the US, beginning about 1948 and the Alger Hiss trial, Wisconsin Senator Joseph McCarthy had invigorated political and public sentiment for what he described in his infamous speech on 10 February 1950 as the "show-down between the democratic Christian world and the Communist atheistic world." Following up on 12 July 1950, he urged the President "in order to protect America in the critical weeks, months and years ahead we must determine who in positions of trust seek to betray us." Scott Cutlip, a Wisconsin faculty member, confirmed at the time that academic freedom was

doubly difficult in these years of fear, hysteria, and McCarthyism. In our present tense, emotional, fear-charged social climate all ideas that diverge from the status quo become dangerous and open to suspicion — and pressure. Colleges and universities have come under intense pressures since the war; we have had "legislative witch hunts," e.g., Illinois, a daring proposal to inventory text-books from an inept chairman of the House Un-American Activities Committee, heated controversies on whether "Communists" should be allowed to teach, requirements of "Non-Communist" oaths or affidavits,

strong demands for courses in “Americanism” and “free enterprise.” The most disturbing case of the moment is, of course, in California with its university regents’ oath and its frightening Levering Act.⁵⁴

In February 1951, FBI Director Hoover ordered agents “to consider making information regarding the infiltration of Communists and other subversive elements into public or semipublic organizations within a state available to the appropriate authorities.” Convinced that dissidents and subversives were “at work in every kind of educational institution, from nursery schools to the universities,” his FBI therein assumed a directive to purge “Communist teachers and fellow travellers.” By 1955, the FBI Responsibilities Program had produced and leaked derogatory information on about 400 target and suspect professors and teachers. This further empowered McCarthyism in higher education and what Daniel Bell subdivided into the “radical right wing.” Some of Hoover’s officials feared that in immanent efforts to “encroach on the independence of thought in the Educational field” and remove the dissidents from their appointments, conservatives might shift their support for the FBI’s policies to that of academic autonomy or independence.⁵⁵

Instead, many conservative professors vocally supported the policies, prompting Glenn Negley, in 1952, to call Sidney Hook on his academics and politics. Hook had been stirring the pot since prior to the war, writing that “the Trojan horse [‘Communist Party members’ and ‘fellow travelers’] has already been drawn into our temples of learning.” After co-founding the Committee for Cultural Freedom in 1939, he inaugurated the Congress for Cultural Freedom in West Berlin on 26 June 1950, a CIA funded organization that fueled the Cultural Cold War until about 1967.⁵⁶ More committed to the covert policies of the FBI than McCarthy’s overt actions, Hook immediately tried to bring civility to criticisms of his active support of red baiting policies. Taking it personally, in “Academic Manners and Morals” he castigated Negley for abrasively resorting “to vituperation instead of argument.” “Outside the Communist press,” he complained, “I have never before encountered this type of abusive, personal criticism.” And Negley’s critique, “Liberty and Lawlessness,” in “an esteemed professional journal... violated almost every canon of objective scholarship.” Accused of “vicious intellectualism,” Hook modeled Weber’s portrayal of academics staking their politics and academic manners claims to professionalism: “Why should any president or faculty representative hire Communists if he knows that with every appointment he increases the probability that he is going to be un-pleasantly surprised?... The moral issue is primarily one of *professional*, not political, ethics.”⁵⁷

Supporting components of McCarthyism and academic manners for content and tone, on 24 March 1953 the Association of American Universities (AAU) disseminated a weak, equivocal statement on academic freedom. “By ill-advised, though not illegal, public acts or utterances,” the AAU asserted, the faculty member “may do serious harm to his [or her] profession, his [or her] university, to education, and to the general welfare. He [or she] bears a heavy responsibility to weigh the validity of his [or her] opinions and the manner in which they are expressed.” The American Civil Liberties Union (ACLU) skewered the statement and in 1958 released its report. To allow institutions to distance themselves from an active protection of faculty members, the AAU wanted individuals to internalize McCarthyism for self-regulation. This and affiliated pressures of loyalty, the ACLU countered, effectively “silenced the individual critic in a democracy.” Contra the AAU, the ACLU recommended that, “where necessary, the faculties of universities and colleges reassert and define their rights as scholars to academic freedom and their rights as citizens to civil liberty.”⁵⁸

Double-standards flourished in the US and Canada, as indicative in the latter’s 1947 and 1952 *Immigration Act*, which progressively vested authority in officials to selectively deny entry or mobility to Marxists and leftist activists but pave routes to academic work for collaborative Nazi engineers and scientists or others of “good material” and the right stuff. In Canada, the 1939 *Official Secrets Act* underwrote the RCMP Security Service’s progressive investigation of thousands of professors and students from the 1940s through the 1970s.⁵⁹ When Ernest Sirluck was appointed President in 1970, he was hit with a “distressingly thick file of letters and telephone messages demanding that the University Manitoba fire certain professors and expel certain students who, in the opinion of the writers, have in the past few weeks violated the *War Measures Act* or given support to a proscribed organization.” Sirluck began as President designate on 1 July with passionate demands from students, whose political agitation remained heightened two months after the massacre of peers peacefully protesting southeast of the border at Kent State. Comparisons were made of the 1960s with the

1860s and Wallace's description in *Russia* of the young nihilists gave them a "prima facie claim" of having historically parented the hippie and new left movements.⁶⁰

In the mid 1970s, Hook was kicking the can again by identifying a "cult of irresponsibility" in academia. This was a time when thousands were protesting the elimination of professors and programs from campuses, such as UC Berkeley's School of Criminology, or more specifically radical criminology. A Berkeley undergraduate put it into perspective: "This represents but the latest step in the University's systematic attempts to rid itself of professors and students who represent a radical tradition within their fields."⁶¹ Hook eventually founded the Committee for the Free World on 6 April 1981, mobilizing forces for Culture War II. In an astute analysis, Gerda Ray reported that the "stakes are high in this war of ideas" as neoconservatives "fashion a new authoritarian populism" and act as a "moderating" force: this "moderate style" makes "them the most likely architects of what Bertram Gross calls 'friendly fascism'." In the early stages of Culture War II, somewhat like Hook fifty years earlier, David Horowitz turned from left to right via a "conservative assessment," stamped by a vote for Ronald Reagan. "Good-bye to All That" "moral selectivity" of the left he wrote with Peter Collier in March 1985: "we live in an imperfect world that is bettered only with great difficulty and easily made worse — much worse" by a "leftist mentality."⁶²

With Culture War II expanding to another "civility crisis," as delineated by Judith Rodin, a "crisis of criticism" heated up over a *New Yorker* article by Arlene Croce titled "Discussing the Undiscussable." Croce, a dance critic, bemoaned the "undiscussability" of a performance piece she did not (want to) see, "Still/Here" by Bill T. Jones, and something she generalized as the "medium of victimhood." The right's *New Criterion* championed it as "one of the most important pieces of cultural criticism that *The New Yorker* has published in recent memory," especially in that ironically it was written "by a critic with unimpeachable liberal credentials." The fallout over taste was predictable and a sign of the new critique to come— defend art or defend criticism. With more and more authors, innovators, objects, and subjects lining up "beyond criticism," Croce could not "remember a time when the critic has seemed more dispensable than now."⁶³ By the mid 2000s, it was vogue again to talk about the closure of dialectic, exhaustion of criticism, and critique of critique.

Within this crisis of civility and criticism, the Boyer Commission's *Reinventing Undergraduate Education: A Blueprint for America's Research Universities* proposed an "Academic Bill of Rights" for undergraduate students. Five years later in 2003, Horowitz and his Students for Academic Freedom (SAF) coalition redrafted the bill to conform to conservative viewpoints and academic manners. On 30 October 2003, Georgia Representative Jack Kingston began pushing the Academic Bill of Rights through US Congress, wanting guarantees that professors would not continue to "ridicule my kid when he has a George Bush bumper sticker." Once the *Wall Street Journal* covered Horowitz and the SAF on 19 September 2003 and the Colorado legislature introduced resolution HB 04-1315 on 12 January 2004, alarms were sounded for academic freedom. The AAUP quickly evaluated the situation, concluding that the Academic Bill of Rights "undermines the very academic freedom it claims to support." In *Parents and Students for Academic Freedom*, the moderate nature of the new critique for Democrats and Republicans alike is tendered: it merely encourages lighting of "a broad spectrum of ideas" by "critical thought in a civil and respectful manner." Horowitz maintains, in *Indoctrination U.*, that the "Academic Bill of Rights was designed to promote two agendas— "intellectual diversity" and "academic manners." By the latter, he means that "differing viewpoints should be accorded proper intellectual respect." He feels that too often in classrooms, "when conservative ideas were introduced, it was to a chorus of derision which professors either instigated or condoned" and "this was an indefensible intimidation of conservative students."⁶⁴ In this charged environment, on 3 February 2005 the Interim Chancellor of the University of Colorado at Boulder vowed to "launch and oversee a thorough examination of Professor [Ward] Churchill's writings, speeches, tape recordings, and other works." The committee carrying out the task confirmed that the Chancellor's demand for an investigation "commenced only after Professor Churchill had published some highly controversial essays dealing with, among other things, the 9/11 tragedy." The "contents" and "tone" of his speech were interrogated and, following the Investigative Committee's report, Churchill was given notice of dismissal on 26 June 2006.⁶⁵ What makes this current stage of Culture War II, with inconsiderate tone and critical content suppressed in a "crisis of civility" and "crisis of criticism," different from the past is its restoration and renewal of, and resolution in, critique, "nascent implicit law"

increasingly subject to civil and tort law.⁶⁶

Weber's informalized "conventional order" is reformed as "legal order." By no means linear, this is a historical, material process whereby classical rules of argumentation turn laws of conduct, reasoning, and thinking, through pedagogical, rhetorical innovation, critique, and speech code become rule of law. In this process, academic manners take precedence over academic matters and freedom; from right academic manners should come right academic matters. In some provinces and states, this became a simple legislative procedure where a bill becomes a law and in most institutions of higher education, a simple workplace proposal was made a policy, albeit without participatory or shared governance. What is merely customary in *Etiquette* becomes obligatory or mandatory in this neo-McCarthyist era for academic freedom as respectful environment policies enforce academic manners and the neo-critique.⁶⁷

History of Critique II: The Critique of Critique

The new critique ostensibly litigates longstanding intellectual arguments, which could be one implication drawn from Jean-Francois Lyotard's beginning of *The Differend: Phrases in Dispute*. Distinguishing between litigation and differend, the latter is "a case of conflict between (at least) two parties that cannot be equitably resolved for lack of a rule of judgment applicable to both arguments. . . . A wrong results from the fact that the rules of the genre of discourse by which one judges are not those of the judged genre or genres of discourse." Can any two genres, methods, or theories agree on any "universal rule of judgment" to arbitrate differences? Are all likely to be litigated or tried by the new critique from "mannerland" like *Gladys in Grammarland*? Ian Hunter mistakenly conforms the history of these arguments to a law of dueling and deference, reducing options to "an expansive and vehement apologetics in which a whole series of mutually hostile dyads . . . do battle for the privilege of foundational status or else seek peace in an endless series of dialectical reconciliations."⁶⁸

Perhaps at one time it was easy to identify or pick sides in dispute. For instance, Michel Foucault learned that "since the Classical age, commentary and criticism have been in profound opposition. . . . until the connection between language and representation is broken, or at least transcended, in our culture, all secondary languages will be imprisoned within the alternative of criticism or commentary. And in their indecision they will proliferate *ad infinitum*." Commentary "halts before the precipice of the original text, and assumes the impossible and endless task of repeating its own birth within itself." It is a glossarial practice of drawing "copious deductions" and illuminating a text; *pia interpretatio*, reverent interpretation. Criticism questions language and the text "as to its truth or falsehood, its transparency or opacity . . . examines the forms of *rhetoric*: the analysis of *figures*, that is, the types of discourse, with the expressive value of each, the analysis of *tropes*, that is, the different relations that words may have with the same representative content. . . . defines its *relation* to what it represents." Commentary "sacralizes language" and criticism judges and "profanes it."⁶⁹ In erudition, Foucault is careful to concede that commentary and criticism are mutually pedagogical even over time when "*commentary* has yielded to *criticism*." Critique and criticism range from what Foucault dubbed "the high Kantian enterprise to the little polemical professional activities," albeit too often mistakenly distinguished by differentiating between objects—criticism of works versus critique of practices and positions.⁷⁰

By the time Kant wrote *Critique of Pure Reason*, the opposition between commentary and criticism was elevated to an opposition between religion and critique. Kant was clear about which was ascendant. In the Preface, he declares that "our age is the age of criticism, to which everything must be subjected," including commentary on the sacrosanct. One problem was completing the little polemical criticisms with critique. For Kant, critique was simply a disclosure of the power and limits of knowledge. This included putting "the sacredness of religion and the authority of legislation" to "a test of a free and public examination" or a "complete enumeration of all the radical conceptions which constitute the said" knowledge or object. He continued with critiques of religion in the face of a Censorship Edict and charges of insubordination by the King in 1794 for publishing *Religion within the Limits of Mere Reason*. "We demand that you give at once a most conscientious account of yourself," he was told, "and expect that in the future, to avoid our highest

disfavor, you will be guilty of no such fault... Failing this, you must expect unpleasant measures for your continuing obstinacy.” Kant pointed out that criticism has at least two sides— “confining speculative reason within its proper bounds” as a negative advantage, benefit, or value and removing an “obstacle which impedes and even threatens to destroy the use of practical reason” as positive. In *The Conflict of the Faculties*, wherein he describes the Royal censorship of his critique of religion, he reasons that certainly, were it not for critics, educational, political, or religious officials “could rest undisturbed in possession of what they have once occupied, by whatever title, and rule over it despotically.”⁷¹

Neither commentary nor the theologian were pushovers and by the mid nineteenth century the young Hegelians had their hands full with changing objects and subjects of critique and requisite critique. Having assumed editorship of the *Rheinische Zeitung* in October 1842, Marx set the content and tone for his preferred journalism in November:

As you already know, every day the censorship mutilates us mercilessly, so that frequently the newspaper is hardly able to appear... I have allowed myself to throw out as many articles as the censor, for Meyen and Co. sent us heaps of scribblings, pregnant with revolutionising the world and empty of ideas, written in a slovenly style and seasoned with a little atheism and communism (which these gentlemen have never studied)... I stated that I regard it as inappropriate, indeed even immoral, to smuggle communist and socialist doctrines, hence a new world outlook, into incidental theatrical criticisms, etc., and that I demand a quite different and more thorough discussion of communism, if it should be discussed at all. I requested further that religion should be criticised in the framework of criticism of political conditions rather than that political conditions should be criticised in the framework of religion, since this is more in accord with the nature of a newspaper and the educational level of the reading public... the content of philosophy should be brought to the people.

The Prussian government censored the newspaper and he resigned in protest in mid March 1843. Introducing *A Contribution to the Critique of Hegel's Philosophy of Right* in February 1844, he historicizes the object of critique: “for Germany, the *criticism of religion* has been largely completed... Thus, the criticism of Heaven is transformed into the criticism of Earth, the *criticism of religion* into the *criticism of law*, and the *criticism of theology* into the *criticism of politics*.” In *The Holy Family*, written in late 1844 when they first met in Paris and published in early 1845, Marx and Engels wryly encapsulated the politics of this transition into “the critique of critical critique,” an opposition between critique and literary criticism, or “critical critique.” More specifically, in a process of generating contradictions, rules and objects of critique and criticism were thrown into relief. For skepticism in philosophical critique and literary criticism, they turned to Pierre Bayle’s model. He was appealing precisely for reasons that some historians limit his stature (e.g., “Bayle perhaps needed nothing but better taste, greater freedom from prejudice, and a more exclusive bent towards purely literary criticism, to be one of the great literary critics of the world... Of purely literary sympathies Bayle seldom shows much trace”). In *The Holy Family*, Marx’s history of materialism pays homage to the influence as he takes his own mentor Bruno Bauer to task for settling for “‘a merely’ or ‘a purely’ literary movement.” “Herr Bruno separates ‘the pen’ from the subject who writes and the subject who writes as ‘abstract writer’ from the living historical man who wrote. This allows him to go into ecstasy over the wonder-working power of the ‘pen’.” In this “War Against Critique,” Karl Schmidt, one of the last young Hegelians, levels on Herr Bruno, theologian turn “critical theologian” turn “theological critic” turn atheist a charge of “*critical redeemer of the world*.”⁷²

There was a trail of bruised egos, and as an example Marx told the story of Proudhon who in a detailed letter said “I await your severe criticism;” but when the criticism was made it “was of a kind which ended our friendship for ever.” Reflecting on the censorship of his and Engels’ *The German Ideology* in 1845, written as a “criticism of the post-Hegelian philosophy” to “settle accounts” somewhat like *The Holy Family*, Marx had noted that they were happy to abandon the manuscript “to the gnawing criticism of the mice” therein. In *The German Ideology*, they continue *ad hominem* in service of a transition from a purely literary movement: “Saint Bruno even goes so far as to assert that only ‘criticism and critics make history’.” “Not criticism,” they counter, “but revolution is the driving force of history and also of religion, philosophy, and all other types of

theory.” When Marx drafted his “Theses on Feuerbach” at the time and insisted that “the philosophers have only interpreted the world, in various ways; the point is to change it,” it was a reorientation of criticism and critique inasmuch as a coup of a new materialism over idealism. By that time they had cleared up objects, subjects, and methods of critique and criticism. The task paid dividends in 1848 for the *Manifesto of the Communist Party*. Rather than a “literary battle alone,” the object was a “a serious political contest.”⁷³

Raising questions of the place of theory and the intellectual, this resolution of objects and subjects kept critique dynamic and oppositional. Rosa Luxemburg underscored the importance of this in 1915 in her countercritique or *Anti-Critique*, a defense of her test of key tenets of Marx’s *Capital*. “The self-pitying will bewail the fact that ‘Marxists are arguing amongst themselves,’” but self-criticism made the ideas responsive, she contended. Although experiences were testing her tenacity, she still believed that “Marxism is a revolutionary world outlook which must always strive for new discoveries, which completely despises rigidity in once-valid theses, and whose living force is best preserved in the intellectual clash of self-criticism and the rough and tumble of history.” In *The Accumulation of Capital*, more than anyone basically to date, she problematized the place of “third persons” (“‘hangers-on’ of capitalism— employees, Civil Servants, liberal professions, and the like”) in sustaining consumption for capitalism. Luxemburg was murdered in January 1919 when the army and *freikorps* crushed the Spartacus League uprising.⁷⁴

By 1933 critical theorizing itself was in exile from Germany. On 28 February 1933, one month after coming to power, Hitler suspended seven articles of the German constitution, including Article 118, freedom of expression and the press, and privacy. On 17 March he created the Reich Ministry for Public Enlightenment and Propaganda, nationalizing Göbbels’ Propaganda Division of the Nazi Party and empowering Göring with the force of “press Gestapo.” With a decree on 30 June, Göbbels assumed sweeping powers over art, film, music, radio, theater, the press, and information for *geistige Einwirkung* (i.e., shaping and leading the will). Decrees on 22 September and 1 November creating and then expanding the Reich Chamber of Culture bolstered his authority “to regulate the economic and social affairs of the cultural professions, and to harmonize the efforts of its member groups.” With a new press law in effect on 1 January 1934 enforcing journalistic loyalty to the Reich, the Propaganda Minister demonstrated its gravity at the end of April by shutting down the *Grüne Post* for three months. The paper ran a short editorial that in the Minister’s eyes imputed “alien bureaucratic methods” to his Ministry. *The London Times* reported the Reich move the press to “lapdog servility.” “The right to criticize,” he declared on 6 May, “belongs to the National Socialist Party. I deny anybody else such a right.” Hitler’s “Art and Politics” address at Nuremberg on 11 September 1935, prefacing the anti-Semitic “German Blood and German Honor” laws introduced on 15 September, set the stage for an abolition of criticism altogether: To carry out the “healthy development of cultural activities in the new State... we resolved that on no account would we allow the dadaist or cubist or futurist or intimist or objectivist babblers to take part in this new cultural movement.... [There are people who want] “by way of hostile criticism and sceptical insinuation and open accusation, to place every possible hindrance in the path of our effort.” Progressively intimidated by criticism of any kind, Göbbels’ decree on 27 November 1936 officially banned cultural criticism— art, drama, film, literary, and music criticism. *Kulturverständnis*, or “contemplation,” observation” and “description,” replaced *kulturkritik*: “conceited know-it-all[s]... quarrelling constitute an off-chorus in our cultural and artistic life are merely heirs to the Jewish critics autocracy.” “They will now learn to describe” and “any former critic who feels he is capable of more than mere contemplation or description of another’s works will be free to show what he can do himself.” Göbbels punctuated the decree by declaring that true creative genius was “pestered and martyred by critical gadflies;” culture “will not suffer through the disappearance of the critic.”⁷⁵

With its aim of freedom and “the abolition of social injustice,” Max Horkheimer was certain critical theory would always have opposition. Relocated in New York in 1937, he positioned “critical theory” against “traditional theory” and this opposition “springs in general from a difference not so much of objects as of subjects.” Traditional theory means “independent, ‘suprasocial,’ detached knowledge... the scholar and his science are incorporated into the apparatus of society.” Against this, critical theory appears “to be subjective and speculative, one-sided and useless. Since it runs counter to prevailing habits of thought... it appears to be biased and unjust.” For traditional theory, “the object with which the scientific specialist deals

is not affected at all by his own theory. Subject and object are kept strictly apart.” Critical theory, in contradistinction, takes for granted that a researcher, theorist or “subject is rather a definite individual in... real relation to other individuals and groups, in... conflict with a particular class, and, finally, in the resultant web of relationships with the social totality and with nature.” This delineation of objects and subjects appeals, as Karl Popper put it in the mid 1940s in “The Poverty of Historicism,” his answer to Marx’s “The Poverty of Philosophy,” “to those who feel a call to be active, to interfere with things, especially with human affairs, who do not want to acquiesce in the existing state of affairs. The tendency towards activity and against complacency of any kind may be called *activism*,” which he cuts for critical theory down to “prophesying,” “social engineering,” “social technology,” “moral modernism,” and “moral futurism.”⁷⁶

Reasserting the “critical attitude” and “critical thought” as part and parcel of traditional, scientific theory (e.g., “progressive, anti-dogmatic science is critical—criticism is its very life”), Popper opposes the Vienna Circle to the Frankfurt School. Criticism is opposed to criticism, an appraisal of multiple genealogies of dialectics, logic, rhetoric, criticism, and critique. In 1951, when Hook reviewed the American edition of *The Open Society and its Enemies*, namely Plato, Hegel and Marx, he considered Popper’s “merciless critique” of the “untenable doctrine” of dialectical and historical materialism to be “undoubtedly sound.” The *reductio ad socialis ingenierum* of Popper has been reiterated throughout the critique of critique since the beginning of the nineteenth century and was especially pronounced in the 1950s. Sartre tried to establish terms for this by insisting in 1955, “to have the right to validly criticize a movement as important as the Communist movement, one must work with it. Ninety percent of the criticisms directed against it result from a major incomprehension of its definition and vocation.” Just how complex and difficult cultural criticism had become by that time was painstakingly expressed by Theodor Adorno, who opposed dialectical, immanent, and transcendent criticism to one another and offered no real option but to simultaneously “participate in culture and not participate.” The “positivist dispute” leading to a 1961 encounter left Popper dismissing Adorno for “simply talking trivialities in high-sounding language.”⁷⁷

Through the 1960s and early 1970s, theorists lined up on both sides of whom Paul Ricoeur, like Popper, dubbed the three “masters of suspicion,” Marx, Nietzsche, and Freud. They “look upon the whole of consciousness primarily as ‘false’ consciousness,” he revealed in *Freud and Philosophy* in 1970. “Beginning with them, understanding is hermeneutics: henceforward, to seek meaning is no longer to spell out the consciousness of meaning, but to decipher its expressions. What must be faced, therefore, is not only a threefold suspicion, but a threefold guile.” Fully suspicious of the shadowy Kantian legacy of critique, this and later iterations enabled glimpses of “post-critical” rhetoric and “post-critical” Shangri-La. But Ricoeur was also careful to append a disclosure: “all three clear the horizon for a more authentic word, for a new reign of Truth, not only through ‘destructive’ critique, but by invention of an art of interpreting.” In the mid 1970s, Derrida questioned and simplified devices and postures of “The Purveyor of Truth” seemingly inherent in modes of fiction, critique, and psychoanalysis. Why should we balk at a purveyance of truth or analyst, critic, or subject at the mercy of methodologies at hand “exhibiting, baring, stripping down, unveiling”? “This is an old routine: the metaphor of truth, which is as much as to say the metaphor of metaphor, the truth of truth, the truth of metaphor.” “It should not be induced that truth is a fiction,” he resumes, “but that through fiction truth properly asserts itself (i.e. manifestation).” Derrida’s deconstruction of texts was tremendously insightful and at least at that moment he had no need to raise another opposition to critique. He would later make sure this was clear: deconstruction, is not “simply a critique and where the questions it poses to any critique and even to any question have never been in a position either to identify with or especially to oppose symmetrically something like Marxism, the Marxist ontology, or the Marxist critique.”⁷⁸

Mobilizing for Culture War II forced temporary alliances among feminists, Marxists, multiculturalists, and poststructuralists in 1988 when Lynne Cheney accused them of conspiring against conservatism, liberalism, and more broadly Western civilization. “Attacked for being elitist, sexist, racist, and Eurocentric,” she appealed to the American Council of Learned Societies, Western civilization, a “central and sustaining idea of our educational system and our intellectual heritage is being declared unworthy of study.”⁷⁹ One can imagine during the war the Big Four or the Four Empires, loaded to the hilt, converging on Yalta to carve up what

would be left of civilization and conservatism in postculturewar scenarios. This alliance was hard to hold, someone blinked, and criticism and critique were renounced and blamed.

This ‘shadowy suspect of incivility’ scenario drove Kenneth Gergen in 1994 to sex up charges of “a mammoth arsenal of critical weaponry at our disposal. The power... unmatched by anything within the scholarly traditions of longstanding.” Cursorily prescribing and ventriloquating Colin Powell for a yet to be scheduled trip to the UN Security Council, critics seemed to be playing cat and mouse with the “mammoth arsenal.” “They can claim that nothing was there. And the inspectors can look all they want, and they will find nothing.” Without the Secretary of State’s laser pointer, charts, and grainy photos, and a bit less simplistic, “critique as a rhetorical move,” for Gergen, “has the effect of demeaning the opposition, generating animosity, atomizing the culture and blocking the way to resolution.” Critique “operates on a fundamental axis [vs. allied powers] of opposition— assertion and counter-assertion,” he continues, “with two debilitating results.” First, a binary is established (e.g., “political left vs the right”) and second the binary is objectified. By new contemporary standards of Culture War II, he suggests, “to criticize is to threaten annihilation and thus to alienate.” He submits a polite, politic, relational proposal: why not “invite interlocutors to consider more self-consciously what they wish to achieve through their interchange”? More dovish than the “shock and awe” response to Powell’s proposal, the ‘exchange of opinions’ remedy is a sanction common to the new critique.⁸⁰

In the early 1990s in the second decade of Culture War II, Bruno Latour heralded a “crisis of the critical stance,” larger than the periodic “crisis in Marxism” and in wake of collapses of six Communist states in 1989 and the Soviet Union in 1991. As Latour put it in *We Have Never Been Modern*, these types of major events “are burying the old critical mole in its own burrows.” The disputes and opposition among processes of “naturalization, socialization and deconstruction,” pitting “nature, power and discourse” against each other, were closing exits for the critic to the point of crisis. Like Popper’s three “enemies of the open society” and Ricoeur’s three “masters of suspicion,” there are three “emblematic figures” in this crisis: E. O. Wilson, Pierre Bourdieu, and Jacques Derrida. Triangulated, they exemplify how critical capacities, repertoires, and resources became unreliable, “inept or approximate” in explaining hybrid networks of humans and nonhumans that “are *simultaneously real, like nature, narrated, like discourse, and collective, like society.*” Once critique “no longer saw anything in the hybrids of old but illegitimate mixtures” that instead had to be purified into natural, social, or discursive resources, it became modern and that is its fatal limitation. With the waning “power of the modern critique,” Latour asks, are we to accept and trace networks or hybrids by “abandoning all the resources of criticism, or are we to abandon them while endorsing the common sense of the critical tripartition?” Natural v social v discursive critique are not merely check mated in opposition; instead of liberating, scientific, social, and cultural criticism in opposition became nearly invincible through a totalizing practice of “moral judgement by denunciation” (e.g., to and fro of critiques denouncing each other’s objects as overly or insufficiently unnatural, asocial, or non-discursive). This co-opposition put hybrids out of the grasp and reach of sensitive knowledge and governance; critique tripartitioned is anachronistic in an exceedingly progressive sense. Latour exclaimed that through this triangulated critique, we

moderns can mobilize Nature, objectify the social, and feel the spiritual presence of God, even while firmly maintaining that Nature escapes us, that Society is our own work, and that God no longer intervenes. Who could have resisted such a construction? Truly exceptional events must have weakened this powerful mechanism for me to be able to describe it today with an ethnologist's detachment for a world that is in the process of disappearing.⁸¹

His profound insight and preeminent critique of critique, moving us to reprocess delegitimation, rest on the question of whether these practices can embrace, nurture, represent, trace, and account for hybrids (companion species, cyborgs, monsters, networks, tricksters, etc.). Why deny the mole its hybridity? This empirical problem is readily resolved with subproblems dating back to 1964 concerning whether criticism is bricolage and critics bricoleurs. How do critics invent? Gérard Genette’s “unexpected application” of Lévi-Strauss’ “remarks on *bricolage*” provides a key insight. To simplify and associate bricolage with creating and embracing hybrids, “the ‘bricoleur’ addresses” herself or himself, Lévi-Strauss remarks, “to a collection of

oddmments left over from human endeavours... [and] ‘speaks’ not only *with* things... but also through the medium of things.” With obvious extensions to cultural criticism and critique, Genette turned anthropology on the modern and insightfully replaced the word bricoleur with critic: “the materials of the critical task are indeed those ‘oddmments left over from human endeavors,’ which is what works of literature are once they have been reduced to themes, motif, key-words, obsessive metaphors, quotations, index cards and references.” For a contemporary test, public intellectuals Noam Chomsky and Naomi Klein make good data for either treating their critiques as networks and efforts in composing collectives or describing the hybrids created within and through *Necessary Illusions* and *The Shock Doctrine*. Is it not the case that their thorough mixing of matters of fact and concern wins hearts and minds? Far more than simply a detraction or practice to “debunk and ridicule... unveil, denounce and express indignation at irrational beliefs and unjustified dominations,” or quarter and halve a text; criticism is inventive and productive, as Derrida suggested in *Of Grammatology*, in multiplying, “doubling commentary,” and “doubling the text,” notwithstanding a risk to “authorize itself to say almost anything.” Certainly, he indicated, in “Difference,” criticism is at least capable of “an assemblage.”⁸²

In 1999, through *A Critique of Postcolonial Reason*, Gayatri Chakravorty Spivak raised the “native informant” out of a “cluster” of “a blank... text of cultural identity,” “benevolent cultural nativists” with “fully self-present voice-consciousness,” and the “self-marginalizing or self-consolidating migrant or postcolonial.” Alongside the actor-network, companion species, cyborg, desiring machine, entanglement, and monster, hybrid figures generated through critique, Spivak defines the native informant as “that mark of expulsion from the name of Man—a mark crossing out the impossibility of the ethical relation.” Unabashedly with criticism and critique, she generates this figure to commit “not only to narrative and counter-narrative but also to the rendering (im)possible of (an)other narrative.” How the native informant, a “metropolitan hybrid,” “displaces itself from impossible perspective to resistant networks as well as super-exploited objects is part of the story.” As she says of this generative critique, “in the telling, the chain cuts often— but the cut threads reappear.” In this and previous work Spivak illustrates how stereotyping critique results from “not understanding that it is a method that is used in very different ways.” Marilyn Strathern again grounds through anthropology this question of whether critique and criticism are generative, subtractive, or reductive: “the aim of criticism in research is to re-multiply, re-divide, the outcomes of any one particular argument.... Criticism bifurcates; it makes a single account multiple again.”⁸³

Following more “exceptional events,” including a terrorist attack on the US on 11 September 2001 and the space shuttle *Columbia* disaster on 1 February 2003, Latour was wondering “Why has Critique Run out of Steam?” Building on *We Have Never Been Modern* and his *War of the Worlds* primer of 2002, the 2004 essay begins:

Wars. So many wars. Wars outside and wars inside. Cultural wars, science wars, and wars against terrorism.... Should we be at war, too, we, the scholars, the intellectuals? Is it really our duty to add fresh ruins to fields of ruins? Is it really the task of the humanities to add deconstruction to destruction? More iconoclasm to iconoclasm? What has become of the critical spirit?... Would it be so surprising, after all, if intellectuals were also one war late, one critique late— especially French intellectuals, especially now?... should we rather bring the sword of criticism to criticism itself?... Of course conspiracy theories are an absurd deformation of our own arguments, but, like weapons smuggled through a fuzzy border to the wrong party, these are our weapons nonetheless.... After all, masses of atomic missiles are transformed into a huge pile of junk once the question becomes how to defend against militants armed with box cutters or dirty bombs. Why would it not be the same with our critical arsenal, with the neutron bombs of deconstruction, with the missiles of discourse analysis?

Bending it like Gergen, Latour’s narrative locates the “critical arsenal” in unknown or wrong attaches and dispatches. By this point, Powell had already gone to the UN on a preemptive mission to assemble a “Coalition of the Willing” and on 22 March 2003 with “shock and awe” the US launched Operation Iraqi Freedom. Embedded discourse and correspondents were pumped, ramped, and sexed up. By 2004, the academy and military were again facing “Barbarians at the Gate:” “Our enemy lurks, recruits, and nourishes himself in the shadows. He lives in caves, in sprawling urban centers of destitute and decayed states, and

among innocent women and children. The toxic urban slums offer the perfect cover and concealment despite all our ultra sophisticated weaponry and intelligence, surveillance, and reconnaissance arrays.” Sensing that “welcomed liberators are now viewed in some quarters as resented occupiers,” on 15 June 2004 US Congress held hearings to creep the mission in Iraq to “winning hearts and minds,” or in less secular terms, winning souls. Translated into the military, this became doctrine defined in the *Counterinsurgency Field Manual*: “Once the unit settles into the AO [area of operations], its next task is to build trusted networks. This is the true meaning of the phrase “hearts and minds,” which comprises two separate components. “Hearts” means persuading people that their best interests are served by COIN [counterinsurgency] success. “Minds” means convincing them that the force can protect them and that resisting it is pointless.... Calculated self-interest, not emotion, is what counts. Over time, successful trusted networks grow like roots into the populace.” On the homefront of Culture War II, Latour broke news to us that “the humanities have lost the hearts of their fellow citizens, [so is it any surprise] that they had to retreat year after year, entrenching themselves always further in the narrow barracks left to them by more and more stingy deans? The Zeus of Critique rules absolutely, to be sure, but over a desert.” Here again Latour’s critique of critique at a heated moment rests on a question that can be empirically resolved: why are critic-activists winning hearts, minds, and souls while disclosing and mixing concerns, facts, and mysteries? Nearly a century ago, Lenin posed a similarly empirical question to communist youth: how and why were the teachings of Marx “able to win the hearts and minds of millions and tens of millions of the most revolutionary class?” After nearly 150 years since *Capital* was published, there remains something magical and magnetic in Marx and critique, and he theorized this attribute of commodification. Might as well face it materially and hauntologically, Marx is always already back. As Spivak appreciated, “Marx keeps moving for a Marxist as the world moves.”⁸⁴

“Just as computers have moved toward miniaturization, there has been a miniaturization of the critical spirit,” Latour commented in an interview with Jacques Rancière. As they magnify an otiose critique of critique, criticism has for millennia been atomized to minutiae and subsequently nano and pico levels for tracing and tweeting bits, characters, signals, synthetic microbes, microeconomics, micromanagement, and microcapital, a corollary of shrunken public service. *Capital* is an object lesson of how to morph to scale grand narratives and that good ol’ mole up to exabytes of data and down to millibytes or the flow of a pence, seed of flax, or thread of linen. It’s also a lesson in how to politicize the distribution of these minutiae. The “miniaturization of the critical spirit” becomes more or less critique and *petit critique*.

When Latour says “critical theory died away long ago,” Rancière paraphrases “I am certainly not the first to challenge the tradition of social and cultural critique my generation grew up in. Many authors have declared that its days are gone.” What Latour calls “Marxists from the Right and Marxists from the Left,” Rancière cleans up as “post-critical critique” and “left-wing melancholy.” If Latour claims critique has “run out of steam,” Rancière recants: it is “false to say that the tradition of social and cultural critique is exhausted. It is doing very well, in the inverted form that now structures the dominant discourse.” Take your pick— one French General out-flanking another’s post-critical maneuvers or one finishing another’s sentences in séance to levitate the Maginot Line into a border consciousness for Culture War II. Beginning in 2007, Rancière gave a series of talks on “The Misadventures of Critical Thinking,” reformatting criticisms of Althusser and the new left in the late 1960s and 1970s and the argument of his 1983 *The Philosopher and His Poor*. Like Latour, Rancière holds three suspects captive: Plato, Marx, and Bourdieu, or the “philosopher-king,” “suspended revolution,” and “the sociological conception of the world.” In the past, he reflects, criticism and critique were “intended to create forms of consciousness and energies directed towards a process of emancipation. Now they are either entirely disconnected from this horizon of emancipation or clearly directed against” it. The problem, Rancière continues, is “what has changed in the past forty years is not that Marx has disappeared, absorbed by Coca-Cola. He has not disappeared. He has changed places. He is now lodged at the heart of the system as its ventriloquist’s voice.... We might say the same of the Marxism that my generation grew up in: the Marxism of the denunciation of the mythologies of the commodity, of the illusions of the consumer society, and of the empire of the spectacle.” Much of this rests on Luc Boltanski and Ève Chiapello’s *The New Spirit of Capitalism*, a careful sociology of capitalism’s accommodation, commodification, and displacement of the new left. Rancière treats this as a novel, fatal finding despite Marx’s succinct warning that the “capitalist mode of appropriation” is calculating in its tendencies. One response to nihilists in the late 1800s

and early 1900s was commodify *and* vilify. Fast forwarding, there remains a question of whether a turn to “compassionate capitalism” was a reappropriation and change. With big chill boomers came big chill marketing. Nonetheless, although Nike sampled 59 seconds of the Beatles’ *Revolution* for an ad in 1987 in one of the more notorious moments of the commodification of dissent, George, Paul, Ringo, and Yoko, in the spirit of John, sued and the song itself still plays to hearts as hard won insight to nonviolent dissent and revolution.⁸⁵

In 2011 and 2012 even more “exceptional events,” such as the confounding crisis of finance capital and economic depression, Arab street uprising, *Al Jazeera*’s model of social media, Occupy Wall Street, and revolt in Athens, the fount of democracy, pause us to look back with perspective and ask whether Latour and Rancière misjudged a movement or mistimed an ending or victory. Poor judgment and timing in the “critique of the critical tradition” invariably loses consciences, hearts, and minds. After advising that French Generals have to be especially cautious in these circumstances, he and Rancière threw all caution to the wind and spared no expenses in co-sponsoring a *grande debut, ouverture* and *parade de triomphe* for the new critique and street left exit for critique, criticism, and revolution. In *Dissensus*, Rancière declared that even the language and words of dissent “have fallen into disuse or become suspect; community, revolt, revolution, proletariat, classes, emancipation, etc. No longer is it seen as such a good thing to want to change the world and make it more just.” Historians recall that upon seizing power on 9 November 1799 (18th Brumaire), Napoleon hastily followed on 15 December (24th Frimaire) to famously and prematurely declare in the “Proclamation of the Consuls:” “Citizens, the Revolution is established upon the principles which began it: It is ended.” He proceeded to quash and purge traces of the far left Jacobins and other oppositional residuals and reinscribed revolution into a series of wars for almost fifteen years. By mid century, perhaps 1848, he finally knew what at the turn of the next century reverberated in Trotsky: “If in war, thanks to the mechanical discipline of the army, one can at every given moment remove it completely from the field of battle, this is quite unattainable in a revolution.”⁸⁶

Instead of seeing only “wars, so many wars,” as Latour does, Arendt looks back on the twentieth century from 1963 and sees “wars and revolutions.” It was a “century of wars,” but it was also “a century of revolutions;” reiterating Condorcet, she underscores a theme that “the aim of revolution is, and always has been, freedom.” By this time and without fear-mongering critique into the company of nuclear armaments, nonviolent revolution was a much better option for geopolitical or social change, and perhaps the only effective option to warfare. Arendt assessed the student movement from scholactivism in civil rights, free speech, and anti-war protests through 1970 as acting “*almost exclusively from moral motives,*” but unlike the students themselves and others, was unwilling to call it a revolution.⁸⁷ Richard Nixon took office in 1968 in the midst of the student movement or revolution, but launched his Presidential bid in the fall of 1965 by gunning with other Republicans for Marxist historian Eugene Genovese, who criticized the US’s entry into the Vietnam war in a teach-in at Rutgers University. “Every American is for free speech and academic freedom,” Nixon wrote in the *New York Times* on 27 October 1965, but “there is a point at which a line must be drawn. I say as long as the demonstrators and those participating in teach-ins are acting in an individual and private capacity no action should be taken to curtail their activities. But any individual employed by the state should not be allowed to use his position for the purpose of giving aid and comfort to the enemies of the state.” Facing student and faculty protests, Nixon turned a commencement speech on 5 June 1966 at the University of Rochester into a lecture on academic freedom and behavior. Prefacing the speech in August he signaled, “in many cases, demonstrations were incited by faculty members. One natural reaction is to demand a ‘crackdown’ on those responsible.” Ascending to Governor of California in 1966, Ronald Reagan took Nixon’s stance and in December 1968 railed against a professor’s logic that “we must make the university the home of the revolution.” In 1969, he described the student revolution as

one of the great tragedies of modern history— disruption and violence on many of the campuses of our great institutions of higher education.... Two campuses, Berkeley and San Francisco State, have seen constant turmoil. And now the infection has spread nationwide.... It is tragic that the campus, which traditionally has represented a forum for expressing differences of opinion for the pursuit of truth and

for the peaceful resolution of problems, has now become the arena for oppression by revolutionaries, vandals, arsonists and terrorists.

Talking tough on campus communism and revolution, the Governor watched his popularity grow as he desperately moved toward a “restitution of campus order” as students and faculty “perverted the concept of academic freedom by broadening its scope to include social action and the changing of society.” Hook joined in, downgrading the student revolution to “educational chaos” and “the politics of confrontation which has converted so many of our campuses into battlefields.”⁸⁸

In the early 1970s, when Jean-Francois Revel enjoyed mass publicity for suggesting that student dissent amounted to revolution in the US, *Without Marx or Jesus*, he had the wherewithal to concede the interrelation between criticism and revolutionary trends. Funkedelic coincidentally in 1970 released *Free Your Mind and Your Ass Will Follow*, which had been bounced around in reverse by the new left, to instant message generations that a revolution in consciousness, I, II, and III, takes time but is revolutionary nonetheless. Foucault put it bluntly at the time as well— “revolutionary action” is “the simultaneous agitation of consciousness and institutions.” Owing up, “it has always been a problem for someone like me, someone who has been teaching for a long time, to decide if I should act outside or inside the university,” he paused. “Or is this merely a way of evading the fact that continues to embarrass me: namely, that the university structure remains intact and that we must continue to fight in this arena?” A few years later, he was lecturing that “politics is war continued by other means” which is basically to teach revolution is politics by other means. As the right stormed in with their ‘A’ game of criticism in the first decade of Culture War II to pull off a conservative revolution, convoking Tricky Dick’s “silent majority” and Reagan’s “heroes” while drumming to Margaret Thatcher’s threat in May 1987 that “popular capitalism is on the march,” the left has had to countenance a different strategy for emergence and the long haul. What does it take to slowly win consciences and hearts, and teach how to free asses and change minds? In the history of the critique of critique, it has been long known that critical theory is not inherently emancipatory yet no one has managed a persuasive account for giving up on either time or critical consciousness. To restate a sixties ethic, if the first wave boomer left *qua* Third Person “does not believe the new revolution is serious,” do not try “to stop it in order to be right.”⁸⁹

The *Chronicle of Higher Education* announced the rebirth of “critical university studies” in February 2012 as criticism and critique maneuver for status. As a check on “critical sociology,” Latour lionizes the “sociology of criticism,” which follows on the confessions of anthropology and sociology of sociology of the 1960s and 1970s and is quite productive in its resurgence. He and Rancière echo what Wole Soyinka recuperated in 1981: “studies of the critic as a socially-situated producer, and therefore as a creature of social conditioning.” There is a renewed “philosophy of critique,” primarily informed through Spivak’s *A Critique of Postcolonial Reason* and Judith Butler’s insights into Foucault and virtue, which are complemented here by an ethics of “little polemical professional activities,” or critique. Sartre’s *Critique* can be reread as ontology indispensable to this new sociology and virtue. Counter to efforts to check critical sociology, Strathern invites and intuits endeavors for an anthropology of criticism, where “collaboration and criticism are intertwined.” She queries: “Could we then think of the critic as someone whose willing suspension of agency, a division of self from self, allows him or her to be captured by someone else’s work? Critics find themselves drawn — precisely by their own interest — into other people’s agendas.” I provisioned a cultural study, psychology, and history— a story— of critique to empiricize this sociology and philosophy just as a history of literary criticism sources this practice as argumentation, literary device, form, genre, style, or trope.⁹⁰ “Bifurcated as ‘theory’ and ‘history,’ criticism has yet to be analyzed as a rhetorical mode,” Wallace Martin wrote back in 1979. “Before deciding what it means to say that criticism is true, such analysis might attempt to determine how criticism attains explanatory force.” Commentaries, dialogues, confessions, meditations, theses, treatises, essays, compositions, discourses, critiques, manifestos—choices over time are few and tenuous. Elizabeth Fay suggests the weight of this: “Critique as a literary form offered women a way to accommodate themselves to Romanticism while differing from the main perspectives that were defining the times.” The choices articulate and combine over time and for many, inconsiderate and considerate critics are placed or recorded in dialogue or dispute as devices, often using one as a foil for the other. Through the nineteenth century, Mark Twain strategically used the inconsiderate critic device to appeal directly to an audience disinterested or unschooled

in genteel tastes. Latour's "compositionist manifesto" for 2010 and beyond, where "compositionism could stand as an alternative to *critique*," is curious given that a composition is a modern cultural form, nearly par excellence. Would not a "commentarian manifesto" be the premodern choice?⁹¹

Siding with Kant, Foucault figured that "criticism (and radical criticism) is absolutely indispensable for any transformation." "In fact," he said in 1981, "I think the work of deep transformation can only be carried out in a free atmosphere, one constantly agitated by permanent criticism." He built a career on following the old mole to burrow and tunnel into the independent existence of thought. Methodologically, he used criticism for identifying an idea or discourse, however commonplace or obscure, "and trying to change it: to show that things are not as self-evident as one believed, to see what is accepted as self-evident will no longer be accepted as such. Practicing criticism is a matter of making facile gestures difficult." With the eighteenth, nineteenth, and "Twentieth Century Critic" now over the millennium, we can accept that every "new criticism" and "new historicism" is regulated by the arts of critique, or self-care, self-cultivation, and moral discourses Foucault folds into "the hermeneutics of the self" and "technologies of the self." Generally, he says, critique is "the art of not being governed quite so much" or "governed like that." The argument here is that faculty members and students do not want to be governed through the new critique—governed like this, at this time, any more.⁹²

Academic Freedom and Critical Mannerisms

A relationship between criticism, critique, and shared governance is inherent in common definitions of academic freedom as liberty or *freedom from* "administrative or political interference with research, teaching, and governance."⁹³ In Canada and the US, in the CAUT and AAUP, governance is embedded within the scope of academic freedom. The AAUP defends this as faculty members' *freedom to* express their views on teaching and research, "on matters having to do with their institution and its policies, and on issues of public interest generally, and to do so even if their views are in conflict with one or another received wisdom." It reinforces this in a 1999 statement: "collegiality also holds the potential of chilling faculty debate and discussion. Criticism and opposition do not necessarily conflict with collegiality. Gadflies, critics of institutional practices or collegial norms, even the occasional malcontent, have all been known to play an invaluable and constructive role in the life of academic departments and institutions."⁹⁴ "Commitment to academic freedom and shared governance," AAUP President Cary Nelson stated in 2008, are "essential components of faculty unions worthy of both our own devotion and public support." Why then, in some institutions of higher education, might "faculty influence on the operation of the university" be "an illusion" and shared governance "a myth," as John Lachs reported in February 2011? As apathy increases, we find in higher education Lippmann's "spectator democracy" with faculty members watching or cheering as administrators identify interests and plan accordingly. In turn, once administrators 'leave the room' so to speak, Lewin's conditions of "apathetic autocracies" prevail and spectator on spectator or member on member aggression spikes.⁹⁵ By definition, faculty or shared governance necessitates a freedom to comment critically, without fear of reprisal, on the management of academic matters and manners—before, in, and after meetings and classes. This is conveniently overlooked to circumscribe and legitimize the maintenance of status quo practices and administrators' newfound powers and obscurantism. Overlooking this leaves for academic freedom the new critique's "pre-political virtues" and Latour and Rancière's post-political sentiments that the student and intellectual movements are over.

In Fish's *There's No Such Thing as Free Speech, and It's a Good Thing Too*, a critique scuttled for the left in the midst of Culture War II, academic freedom finally appears on page 277, as a node for an aphorism: "in the academy, the lower the act, the higher the principle invoked to justify it... pettiness... becomes raised to a principle and then is renamed eccentricity or even individualism so that it can then be defended in the name of academic freedom. In this way acts of incredible cruelty can be licensed and even admired." No wonder then in *Save the World on Your Own Time*, Fish writes that the content and tone of speech are separate issues as the university is not a place "for the unfettered expression of ideas;" it is "primarily a place for teaching and research." He advises suppression of "personal, political, moral, or any other kind of views except academic views" and limiting politics to "things like curriculum, department leadership, the direction of research, the content and manner of teaching." Rather than politicize academics, he tutors, "academicize" politics, and

detach the political topic “from the context of its real world urgency.” “We don’t do content in this class. . . . form comes first, content second,” he tells students, and for academic freedom this separation of content from form, the matter from the manner of expression, prevails. This division parcels academic freedom to governance over content and the new critique to management over form.⁹⁶

Reconstituting academic manners but not entirely in a tradition of Hook and Horowitz, the new critique invariably toggles from the content to tone of speech. Offices of HR introducing or monitoring respectful workplace policies oversimplify speech by stressing “it is not what you say but how you say it that counts.” Repeated in HR across higher education and curiously parroted these days by administrators, this folksy old maxim come new critique and respectful environment policy draws on centuries of etiquette texts. In *Sensible Etiquette*, Mrs. H. O. Ward conjures up the “good woman” discourse and politely impresses on her readers to “remember that a low voice is an excellent thing in a woman. There is a certain distinct but subdued tone which is peculiar to persons of the best breeding.” Likewise, Emily Post’s preventive to coming across as a rude expat abroad is to “at all events say *something* in a polite tone of voice, which is much more important than the words themselves.” Tone of expression is undoubtedly rich with meaning and criticism itself traveled this road of distinction. New critic I. A. Richards takes pains in *The Philosophy of Rhetoric* to distinguish between the vehicle and tenor of metaphoric expression. Similar is the long and twisted history of discerning epistemology from rhetoric or knowledge from its communication. Nevertheless, discourse analysts emphasize the complexity of speech acts and contexts, and caution against simplistic distinctions between content and tone, abstracting the author, language, and matter from manner of speech, or overlooking a maneuvering of content and tone through figure of speech.⁹⁷ Given one context or another, authors and speakers notoriously manipulate content, tone, genre conventions, biases, fallacies, and expectations for consonance and dissonance and bringing emphasis or surprise to meaning.⁹⁸ These were key caveats of the American Association of University Professors’ analysis of speech codes in 1992: “Some may seek to defend a distinction between the regulation of the content of speech and the regulation of the manner (or style) of speech. We find this distinction untenable in practice because offensive style or opprobrious phrases may in fact have been chosen precisely for their expressive power.” The legal framework for this is buttressed by a series of US Supreme Court decisions referred to as the *Brandenburg* paradigm. To summarize, Steven Gey writes “the government has no authority to dictate the tone of speech, moderate the forcefulness of speech, or in any other way force speakers to present their ideas in one way rather than another. To put the matter simply, if the First Amendment is viewed through the prism of the *Brandenburg* paradigm, form is indistinguishable from content.” Defending her position in *God vs. the Gavel*, Marci A. Hamilton tersely brings this home for academic freedom: “Tone is much less important than having a frank exchange of views.”⁹⁹

Fish races over this reality that it is impossible for faculty members to “refrain from being political in an absolute sense.” As absolute, consider Weber’s definition of politics as “striving to share power or striving to influence the distribution of power” and Lukács’ notion that “everything is politics” or interests. Since at least 1969, feminists have worked from a premise that the “personal is political”—“personal experience leads to political action. . . . the personal is political and the goal is political power.” “We’re in a rhetorically topsy-turvy moment,” Nancy Welch discerns, “in which public programs and jobs are cut in the name of egalitarianism, in which universities defund undergraduate and especially liberal arts education in the name of academic excellence, and in which we are enjoined for the sake of civility to hold our tongues while actual space for civil discourse and civic decision-making contracts.” Without the color of the political and rhetorical, Maurice Berger envisages, slim chance the “critic’s voice will rise above the din of mediocrity and compromise.” Without a living, robust academic freedom and shared governance, critique *and* Foucault’s “little polemical professional activities” are rendered to a practice of walking on eggshells and looking over shoulders with fear of ruffling administrative feathers in caps and gowns (Figure 1).¹⁰⁰

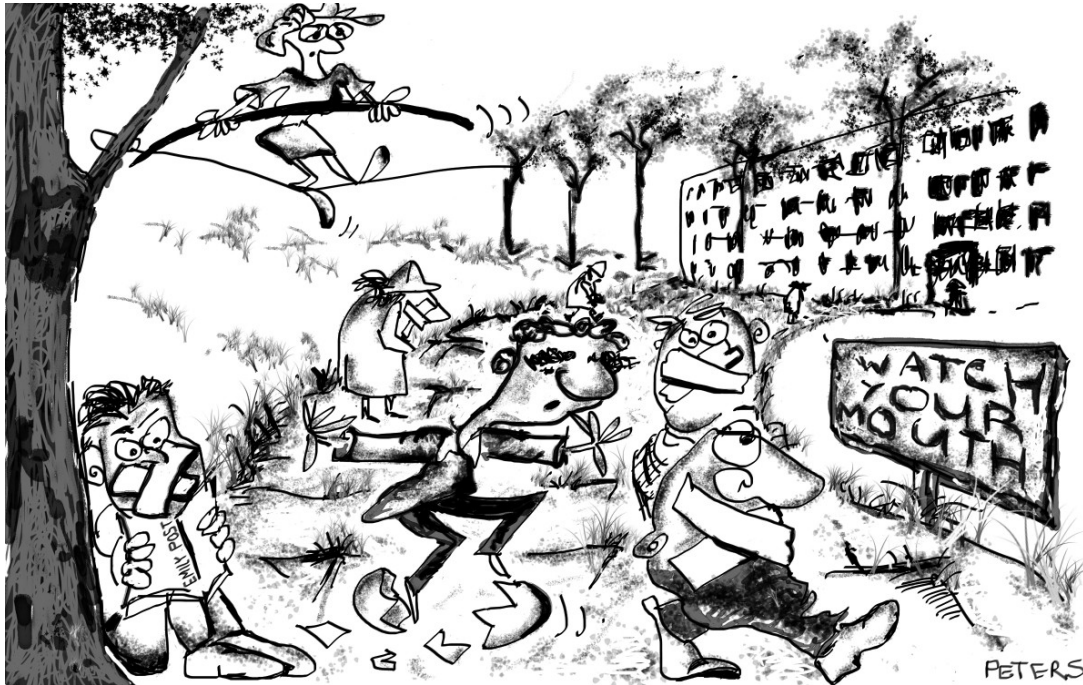


Figure 1. “New Critiquette Zone: Watch your Mouth” (C. Peters, 2012).

In “Critique, Dissent, Disciplinarity,” Butler shows that “what is critical in academic work relates more broadly to the problem of political dissent, where the latter is understood as a way of objecting to illegitimate claims of public and governmental authority.” “Critique does not supply the grounds for making a decision on any particular case of academic freedom,” she argues, “but without critique there can be no robust debate on the issues raised by academic freedom.” For similar reasons, Steve Fuller asks “why have intellectuals made criticism central to their identity?” Why say to students “better someone criticise what I say than repeat what I say uncritically”? The answers may explain, he finds, “how intellectuals most differ from the likes of academics, entrepreneurs, and politicians.” The content and tone of little criticisms of the management of academic matters and manners, where the civilizin’ intent of the new critiquette is directed at postcolonial and working class subjects, may be low at times but stakes are high. For example, Sandy Grande explains that without “a systemic critique of the forces of racism and global capitalism,” post-critical discourses may be “complicit in the ongoing oppression of American Indians.” In academic publishing with implications for the intellectual work of Indigenous scholars, she stipulates, “literary / cultural forms of Indian intellectualism have been historically favored over critical forms;” “sanitized versions of Indian history are increasingly propagated.” Similarly, Lourdes Díaz Soto finds herself “out of place in the academy encouraging ‘civility’ whose hidden mission is anti-diversity, backlash, and exclusivity.... Everytime I speak up on behalf of social justice and equity I am accused of being ‘improper’ or told that this is not the time to talk about these issues.” “Too often the need to be polite to one another,” follows Elizabeth Cook-Lynn, “the desire for civility in academic discourse and vocabulary, the fear that we will be reproached for offering a dissenting view are just another way of saying that everything is all right when we know it is not.” In *A Civil Tongue*, Mark Kingwell backdrops these insights, observing that “arguments for restraint both act to maintain the status quo *and* to disguise the fact that the status quo is oppressive. They are ideological through and through, the white glove of politeness concealing power’s iron fist.”¹⁰¹

Academic freedom, shared governance, and democratic rule of higher education are at risk of being smothered by this white glove of politeness and clobbered by the iron fist. “Rather than seeing public talk occasions as needing politeness of civility, a better norm” Karen Tracy proposes, “is reasonable hostility.” She effectively hashes out parameters for democratic communicative practice and flips the “aphorism [above] on its head, it is not merely how something is said, but *what* a person says that matters.” She then asks, “in sites of educational

governance, how should situation appropriate face-attack be defined?"

Only certain types of face-attack are legitimate and desirable in local governance situations. 'Reasonable hostility' is the name for acts that are. Reasonable hostility involves person-directed attack; it is remarks that imply disrespectful, undesirable things about others. Targets of reasonable hostility will judge speakers uttering those remarks to be rude, disrespectful, unfair, and so on.... A speaker might be cognizant that his or her remarks may have this effect, but their purpose is to express outrage about a wrong. The speaker sees self's central aim as witnessing a truth or expressing righteous indignation.... The judgment that someone's remarks are an instance of reasonable hostility, then, rests not only on what was said and how, but by whom and to whom.... it is essential that dissent, and the emotional expression that accompanies it, be legitimated. If ordinary democracy is to flourish, not only must hostile expression be permitted, but the positive function it serves must be recognized. Across time and occasions, governance groups need bits of civil and hostile talk.

This politic of reasonable hostility and what in the sixties manifested as "reasonable protest" is often otherwise what Wendy Brown terms "democratic resistance rather than fealty." Why would "considerate capitalism" dismiss inconsiderate critics for being "inconsiderate" in tone and 'critical" in content? To this end, adds Steven Shifflin, "no system of democracy or free speech is worth its salt if it does not protect and promote dissent—that speech which criticizes existing customs, habits, institutions, and authorities." Dissensus may not counterbalance consensus, but false consensus, an assumption of agreement where there is disagreement, can undermine academic freedom and shared governance. Academic freedom is essential to dissensus in higher education, as courts have had difficulty in defining the protected class or ground of political belief for workplace criticism and dissent. Strathern comes at this from a similar interest and finds that for her discipline of anthropologists, if not for intellectuals writ large, "engagement with one another in profound disagreement is a crucial part of their work." She takes this to its conclusion: "For they may best validate the role of public critic by being known as critics of themselves... a community of critics is as good a rubric as any."¹⁰²

There have long been antagonisms between scholarship and activism yet, perhaps in spite of this, since at least the 1930s there has been an increasingly open or out mass of scholar-activists in higher education. Higher education is nonetheless stacked against activists, with denials of appointment, tenure, or worse for scholactivism, and career-tumbling struggles of scholar-activists initiating or sustaining programs such as First Nations or American Indian Studies and African Studies in Canada and the US. How fair is it or what are the chances that old scholactivism, after having relied for two generations on "rules for radicals who want to change their world," will now follow regulations of the new critique? Methods of developing "critical consciousness," what Paulo Freire defined as "learning to perceive social, political and economic contradictions, and to take action against the oppressive elements of reality," or recognition of one's reality "as an oppressed reality," spring from old scholactivist traditions of critical education, pedagogy, and theory. This generally means, as bell hooks affirms in *Teaching to Transgress*, that scholar-activists make themselves "vulnerable in the classroom." "Engaged pedagogy" often requires risk-taking to make "teaching practices a site of resistance." This is never easy or uniform and there are good reasons why, confounding Culture War II, Peter McLaren distills critical pedagogy into "revolutionary pedagogy." Critical methodologies are historically reliable yet always interdependent with academic freedom and the courts' interpretation of the concept as a special concern of free speech. As is clear, the new critique is bound to conflict with the critical courtesies and mannerisms of old scholactivism.¹⁰³

If Culture War I produced revolutionary generations, Culture War II produced two war babies—civility boomers, with dividends unmatched in North American history, and the new critique, an especially overindulged, capricious, compliant *kriegskin*. Against a backstory of deteriorating economic, environmental, and social conditions, the genteel critic re-ascends as the role model for intellectual work and everyday, ordinary criticism. The implication is not so much that the harsh, inconsiderate critic is contained but rather that critical mannerisms and this critic as device are censored. Without accounting for the dynamics of commentary, criticism, critique, narrative, deconstruction, and multiplicity over time, critique can reduce to an outright fear of reading critique and subjecting one's ideas to criticism, or snap distinction of positive

(good) from negative (bad) subjects or texts. More implicit but as pernicious is a censoring of critique on vaguely articulated aesthetic, customary, literary, or philosophical grounds. Granted, for a good percentage of students, critophobia plays on senses of entitlement and the “the right to present my views without being criticized” and preferences for “brand loyalty” over “educated critique.”¹⁰⁴ For others, criticism, deconstruction, and rhizomatics are compromised one in the same in cynicism. Critophobia or critical text type avoidance exchanges the properties of the critical narrative for the metanarrative (or the rhetoric for the metarhetoric); with the new critique, or little ethics of critique, perhaps there is a modicum of celebration or tolerance for a *petit critique*? This might be a minor concession that the intellectual world is not yet Emily Post-ideology (Figure 2).



Figure 2. “Emily Post-Ideology,” (C. Peters, 2012, adapted from Schauffler, 1974, n. 60 below).

As suggested, the politics of the new critique and respectful workplace policies are complex. Social progressives and radicals may rationalize this as yet another neoconservative or neoliberal iteration of what Strathern identified as “audit culture.”¹⁰⁵ They may say that neoliberalism amounts to deregulation for management’s free reign while a meaner nihilism erodes and decimates regulations or traditions for managers’ freedom in the marketplace and workplace. They may go on to argue that nihilism is empowering management to decimate labor traditions of speaking ‘truth to power’ while conserving an “Academic Bill of Rights” without the burden of politics. Flushing the academy of critics is one part of a larger effort to control discourse in favor of pre-emptive military intervention for global dominance, dismantling welfare, eroding civil and environmental rights, and consolidating church and state.¹⁰⁶ Civil libertarians may note that constitutional and contract clauses for free expression or speech already protect rights but bleeding heart critical theorists and poststructuralists want to censor politically incorrect utterances or texts and run roughshod over innocuous contradictions or defiance of progressive sensibilities. They may reduce all these respectful environment speech codes to a product of insecure, liberal bureaucrats, intolerant of free expression and looking for something to actually do. In which case, minimal application is safest; *laissez faire* is least harm. Social conservatives may counter both by proposing that the law for harassment and constitutional rights to free speech ought to be safeguarded locally within individual workplaces and by those that manage and labor within. The more this is distributed without top-heavy jurisprudence and government that obstructs the business of the institutions the better. If indoctrination is replacing education then the removal of dangerous radical critics, not inconsiderate criticism, is the solution.¹⁰⁷ Latour and Rancière, double-teaming to reenact the “Niagara Falls” vaudeville skit every time they hear the word ‘critique’ verbed, may request a pause given that with no need for criticism there is no need for the new critique. Moderates

and centrists, invoking Spiro Agnew, the eerily familiar voice of the silent majority, may reason that the new critique provides the irritable raucous minority with yet another cause. The esteemed “large and normally undemonstrative cross section” that customarily refrains from articulating a public opinion, as the *New York Times* portrayed this mythical figure following Nixon’s speech in November 1969, may quietly or secretly note that no one really cares about passé exchanges and ideas that cloud dialogue with debate. Also conjuring up Schlesinger’s “Vital Center,” why binarize ‘judgmental-impartial-charitable’ or ‘negative-balanced-positive’ to distract from a ‘both-and’ mainstream intersectional civility? Moderates may be concerned that even though the net effect of the new critique is zero, or on whole a slight positive valence, this can make the silent majority and vital center more reserved and tacit by amplifying interest on something downstream that is not very interesting, making for a needlessly tempestuous teacup of existence (Figure 3). And hopefully, all might consociate for one moment, with one common voice, to shout back we don’t want to be governed like this, at this time.¹⁰⁸



Figure 3. “Tempestuous Teacup” (C. Peters, 2012).

* * * * *

Ironically, institutions of higher education risk once again appearing reactionary, and out of sync with contemporary discourses of newscasts, reality TV, talent shows, sitcoms, songs, videos, blogs, and tweets. To

keep up with the likes of Shannen Doherty's *Badass: A Hard Earned Guide to Living with Style and (the Right) Attitude*, even *Etiquette* has accommodated changes in the latest edition: in between "condolences" and "conference call" is "condom use;" between "pie" and "pillowcase monograms" is "piercings;" and between "tardiness" and "taxes" is "tattoos." Not quite chill or "here to exalt the badass in all of us" like Doherty, great granddaughter-in-law Peggy Post now evenhandedly says "the truth about body piercings and tattoos is that one person's adornment can be regarded by others as mutilation."¹⁰⁹ Even to the Emily Post Institute, our great grandmother's critique is just not as pertinent anymore. Other signs of the times— CNN, which prefers harmless human interest stories of days gone by, realizes that 'keepin' 'em honest' with *AC360*° has to seem hip to 'keepin' it real' formats of *The Daily Show* and *Colbert Report*— on 2 March 2011 US Secretary of State Hillary Rodham Clinton testified a Senate Foreign relations Committee meeting that "viewership of *Al Jazeera* is going up in the United States because it's real news." *Al Jazeera*'s English YouTube channel continues to outpace *Klaatu42*, the talking animal channel. Expectably contradictory, mixed, variant, and future anterior, audiences or demographics demand or want considerate *and* inconsiderate critics, politicians, professors, students, etc. as a matter of fact and concern— reasonable hostility, faults, foibles, and frailties are within the fabric and demands of everyday life.¹¹⁰

Everyday discourse or debate over economics, government, and media is quite different in content or tone than even a decade ago— the boundaries of established norms for political *and* academic critique have changed. This process of shifting norms of expression and reactionary critique is nicely summed up by Cas Wouters in two words: *informalization* and *reformatization*.¹¹¹ Journalism and history will tell to what degree these changes in norms and critique afforded revolutions in North Africa and the Middle East, Occupy Wall Street, UC Davis, McGill, and higher education throughout 2011 and early 2012. These movements have out-foxed courtesy calls for civility and critique. Even in Canada's Parliament, where the measure of speech is whether it "leads to disorder in the House," speech codes were displaced by due recognition of context. "Thus, language deemed unparliamentary one day may not necessarily be deemed unparliamentary the following day," states the rules of order and decorum for *Procedure and Practice*. "The codification of unparliamentary language has proven impractical as it is the context in which words or phrases are used that the Chair must consider when deciding whether or not they should be withdrawn." Ditto in the US House and Senate: "The context of the debate itself must be considered in determining whether the words objected to constitute disorderly criticism or do in fact fall within the boundaries of appropriate parliamentary discourse." As a caveat, specific rules of order and decorum, which may prohibit certain phrases in the House of Commons or in the US House chamber, directly govern speech in legislature, not all communication across Parliament Hill in Ottawa and Capitol Hill in Washington, DC.¹¹² Administrators are wont to exaggerate contextual variability for governance between politics and academia, and eschew parliamentary meeting protocols over corporate meeting styles and strategies.

Critiphobic and rehearsing a process of post-retirement gated cocooning, first wave boomers in administration are dutifully working to protect their legacy and history by shielding themselves and their high offices from criticism and critique. To complement the new critique in higher education, one option for civilizin' big chill boomers in power, who are eager to codify and enforce the new critique, is to adopt a seal of approval or rating system for meetings and publications, like the Entertainment Software Rating Board applies to video games.¹¹³ This would align with DC Comics decision in January 2011 to postmodernize its 1955 Comics Code Authority Seal of Approval. Better than obscure abstracts and elitist keywords, the content descriptors for "The New Critiquette and Old Scholactivism" would provide an alert for possible *Ad Populum*, Alcohol, Drug and Tobacco References or Use, Comic Mischievousness, Enormous Disrespect, *Faux Pas*, Gaffes, *Ignoratio Elenchi*, Mature Humor, *Ouvrir la Mauvaise Affaire*, Partial Nudity, Question Begging, Simulated Gambling, Strong Language, Suggestive Themes and Tone, *Tu Quoque*, and Unredaction. Consequently, this commentary and shameful critique of academic manners and matters would be stamped with a warning to most managers as offensive in background music, dialogue, image, text, and tone, but otherwise give full access to citizens, intellectuals, or students over 14 (Figure 4).



Figure 4. “Critical Content Warning” (C. Peters, 2012).

Noble summarized this as a politics of perspective, magnification, or resolution: for some reason, we learn and are told to focus on “the rules but not the rulers;” however, this would be akin to saying that with manners thrown into relief we lose sight of managers. Instead, academic manners *and* managers precede and follow scholactivists. The worker, and especially the academic employee with the employer’s devices and invitation to extend the workplace into the home and on the road, now has the somber presage that the new critique prevails regardless of workspace, fixed or mobile. The academic employer may have distributed the forces and relations of production, affording imaginaries where we reappropriate the sources of production and make peace with the mode of appropriation, but what gets distributed with the technologies, “matured in the womb of the old society,” are the rules of production; employee identity precedes citizen locality. Now with due regard, the manager, busy as he or she is, may have the final word: ‘With provisional permission to indulge your calculus of academic hedonometry, please excuse any minor pains of production so you may revel in and appreciate with shoptimism what we offer as pleasures of consumption and resignation. A natural evolution of ethics, the new critique is merely derived from good manners and managers, assuring workplace happiness and well-being...’ yada, yada, yada.¹¹⁴ On second thought and much better yet, let’s reallocate the last word to Kafka: “I regret that I cannot comply with your request to the extent you desire.... honored Members of the Academy, I have only made a report.”¹¹⁵

NOTES

This article began with an invitation from E. Wayne Ross to offer a minicourse “On Critique” within his Winter 2010 EDCP 562 doctoral seminar. I am appreciative of interactions with the students and grateful for Wayne’s encouragement and comments made on an earlier draft. The essay was expanded for a special symposium at the Rouge Forum @ AERA on 13 April 2012, and again I thank Wayne for the invitation to present and participants in the forum providing feedback. I also thank Sandra Mathison and John F. Welsh for reading and supporting an early draft, and acknowledge infrastructural support from UBC’s Institute for Critical Education Studies. I am indebted to C. Peters for consenting to include her inspired illustrations.

¹ For indicators of this trend, follow the American Association of University Professors’ (AAUP) campaign in response to the US Supreme Court’s ruling on *Garcetti v. Ceballos*. Peter Schmidt, “AAUP

Announces Effort to Shore Up Academic Freedom at Public Colleges,” *Chronicle of Higher Education* (November 2009). See amicus brief <http://www.aaup.org/NR/rdonlyres/FA297466-D642-4040-987D-BAF46DDA0CA0/0/GarcettiSupremeCourtFinal.pdf>.

² Harkening back to the CIA’s Congress for Cultural Freedom, on 15 September 2005, the FBI’s National Security Higher Education Advisory Board was launched to “provide advice on the culture of higher education, including the traditions of openness, academic freedom, and international collaboration.” For analyses of academic freedom post-September 11, see Catherine Chaput, “Academic Freedom, Professional Transparency, and Intellectualism in the Era of Globalization,” *JAC A Journal of Rhetoric, Culture & Politics* 26 no. 1-2 (2006): 326-335; Beshara Doumani, *Academic Freedom after September 11* (New York: Zone, 2006); Cary Nelson, “Ignore This Book: Review of *The Professors: The 101 Most Dangerous Academics in America*,” *Academe* 92 (November-December 2006): 81-82, 84; idem, *No University is an Island: Saving Academic Freedom* (New York: New York University Press, 2010); Anthony J. Nocella II, Steven Best & Peter McLaren (eds.), *Academic Repression: Reflections from the Academic Industrial Complex* (Oakland, CA: AK Press, 2008); Julie H. Margetta, “Taking Academic Freedom Back to the Future: Refining the ‘Special Concern of the First Amendment’,” *Journal of Public Interest Law* 7 (2005): 1-35; Malini Johar Schueller & Ashley Dawson, eds., *Dangerous Professors: Academic Freedom and the National Security Campus* (University of Michigan Press, 2009).

³ For mismanagement, see e.g., David Glenn, “Former U. of Louisville Dean is Sentenced to More Than 5 Years,” *Chronicle of Higher Education* (May 17, 2010). A trail of the case can be found at the *Workplace* blog <http://blogs.ubc.ca/workplace/?s=felner>.

⁴ Stanley Fish, “Academic Freedom is not a Divine Right,” *Chronicle Review / Chronicle of Higher Education* 55 (September 5, 2008): B10. Says Fish: “academic freedom is just a fancy name for being allowed to do your job... Look, it’s freedom to do the job, not freedom to change it or shirk it.... Invoking academic freedom carries with it the danger of thinking that we are doing something noble... when in fact what we are doing, or should be interested in doing, is no more — or less — than our academic jobs;” Stanley Fish, *Save the World on Your Own Time* (New York: Oxford University Press, 2008), 18-59. On *Save the World*, see J. Peter Byrne, “The Neo-Orthodoxy in Academic Freedom,” *Texas Law Review* 88 (2009): 143-170.

⁵ On academic manners, see Mark Kingwell, *A Civil Tongue: Justice, Dialogue and the Politics of Pluralism* (College Park: Penn State University Press, 1995), 231-250; Mary Lefkowitz, “In Wars of Words, a Role for Rules of Etiquette,” *Chronicle of Higher Education* 44 (February 20, 1998): A64; Nancy M. McElveen, Paul Leslie, & Daniel Malotky, “Ethical Issues in Faculty Conflict,” *Teaching Ethics* 6 (1998): 33-56; Elaine Showalter, “Taming the Rampant Incivility in Academe,” *Chronicle of Higher Education* (January 15, 1999): B4; James Q. Whitman, “Enforcing Civility and Respect: Three Societies,” *Yale Law Journal* 109 (April 2000): 1279-1398.

⁶ Judith Rodin, “An Urgent Task,” Keynote Address to the Penn National Commission on Society, Culture and Community, University of Pennsylvania, December 9, 1996; idem, “The University and Public Behavior,” Address to the Penn National Commission, University of Pennsylvania, December, 1997; Judith Rodin & Robert Wiebe, “The Context of Public Discourse,” Transcript of Plenary Session, Penn National Commission, Los Angeles, December 17, 1998, 1-39, on 1. For the “civility crisis,” virtue of civility discourses, and analysis of popular discourses in the 1990s, see Cheshire Calhoun, “The Virtue of Civility,” *Philosophy & Public Affairs* 29 (Summer 2000): 251-276; Gino Eelen, *A Critique of Politeness Theories* (Manchester: St. Jerome Publishing, 2001); Randall Kennedy, “The Case Against Civility,” *American Prospect* (November-December 1998): 84-90.

⁷ Office of the President, *Respectful Work and Learning Environment Policy* (Brock University, 2005/2008), Retrieved January 15, 2010 from http://www.brocku.ca/webfm_send/505; “Queen’s Diversity Program Mischaracterized,” *MacLean’s* online (November 20, 2008) <http://oncampus.macleans.ca/education/2008/11/20/queens-diversity-program-mischaracterized-administration/>; Elizabeth Church, “Queen’s Silences Language-Police Program,” *Globe and Mail* (February 12, 2009).

⁸ Office of the Vice-President (Administration and Finance), *Respectful Environment Policy* (Brandon University, 2008/2011) <http://www2.brandonu.ca/admin/policies/Respectful%20Environment%20Policy.pdf>; BUFA v Brandon University, *In the Matter of Mediation/Arbitration*, July 10, 2009, <http://www.bufa.org/arbitrations/FNAC-Arbitration.pdf>. “In administering this Policy, Conflict Resolution Committee (CRC) members, the CRA and Investigators, like all other officers of the University, are obliged to uphold academic freedom and freedom of expression and association, while recognizing that some limits apply to the exercise of academic freedom and freedom of expression and association.” In the *National Post* at the time, Professor Emeritus of Law and civil libertarian Ian A. Hunter headlined the trend: “Universities Strive for Safe, Non-challenging Intellectual Daycare.” Ian A. Hunter, “Universities Strive for Safe, Non-Challenging Intellectual Daycare,” *National Post* (November 27, 2008). Retrieved February 25, 2010 from <http://network.nationalpost.com/np/blogs/fullcomment/archive/2008/11/2...universities-strive-for-safe-non-challenging-intellectual-daycare.aspx>.

⁹ James L. Turk, “Respectful Workplace Policies,” Memorandum 09:12 (Ottawa: CAUT, March 23, 2009). Turk and President of the CAUT Wayne Peters later reported that “a major problem in Canadian universities is not that too many people are asserting their academic freedom, but that too few are.” “CAUT Challenges AUCC Attempt to Downsize Academic Freedom,” *CAUT Bulletin* 58 (December 2011): A1-A2, on A1. CAUT, “Policy Statement on Collegiality,” (November 2005): <http://www.caut.ca/pages.asp?page=456&lang=1>. See also AAUP, “On Collegiality as a Criterion for Faculty Evaluation,” *AAUP Policy* (2006): 39-40. On the problems with collegiality, see Timothy J. Haney, “The Problem of Collegiality,” *University Affairs* 53 (June 2012): 39.

¹⁰ W. E. Burghardt DuBois, “The Souls of Black Folk,” *The Independent* (1904): 1152; Claude Lévi-Strauss, *Introduction to the Work of Marcel Mauss* trans. Felicity Baker (New York: Routledge, 1950/1987), 62-63.

¹¹ Rush Holt, *H.R. 6425: Tyler Clementi Higher Education Anti-Harassment Act of 2010*, 111th Congress, November 18, 2010 <http://www.govtrack.us/congress/billtext.xpd?bill=h111-6425>; *H.R. 1048: Tyler Clementi Higher Education Anti-Harassment Act of 2011*, 112th Congress, <http://www.govtrack.us/congress/billtext.xpd?bill=h112-1048>; Foundation for Individual Rights in Education, “Tyler Clementi Higher Education Anti-Harassment Act Threatens Free Speech on Campus,” <http://thefire.org/article/12501.html>; Kelly Heyboer & Mark DiIunno, “Dharun Ravi and Molly Wei Saw No Sexual Contact in Tyler Clementi Secret Broadcast, Lawyers Say,” *Star-Ledger* (October 31, 2010) http://www.nj.com/news/index.ssf/2010/10/dharun_ravi_and_molly_wei_saw.html; Kate Zernike, “Judge Defends Penalty in Rutgers Spying Case, Saying It Fits Crime,” *New York Times* (30 May 2012).

¹² *Davis v. Monroe County Board of Education*, No. 97-843. (US Supreme Court, May 24, 1999), 1-2; *Davis v. Monroe* (Kennedy, J., dissenting), 34. For the introduction of these types of policies in higher education in the late 1990s, see also Alan Charles Kors & Harvey Silverglate, “Codes of Silence,” *Reason Magazine* (November 1998): Retrieved June 27, 2011 from <http://reason.com/archives/1998/11/01/codes-of-silence>.

¹³ Matt Friedman/Statehouse Bureau, “Gov. Christie Signs ‘Anti-Bullying Bill of Rights’,” *NewJersey.com* (January 6, 2011) http://www.nj.com/news/index.ssf/2011/01/gov_christie_signs_anti-bullyi.html; NJ Gov. Chris Christie Signs Anti-Bullying Law,” *CBS New York* (January 6, 2011) <http://newyork.cbslocal.com/2011/01/06/nj-gov-chris-christie-signs-anti-bullying-law/>; Jason Habinsky & Christine M. Fitzgerald, “Office Bully Takes One on the Nose: Developing Law on Workplace Abuse,” *New York Law Journal* (2011): 1-5, on 1.

¹⁴ Marni R. Westerman, “Tempered Radicals and Porous Boundaries: The Challenges and Complexities of Anti-Harassment Work in Canadian Universities” (PhD diss., University of British Columbia, 2008), ii, 204.

¹⁵ UBC Office of Human Resources, *Statement on Respectful Environment* (Office of the University Counsel, University of British Columbia, 1995/2011) <http://universitycounsel.ubc.ca/policies/policy3.pdf>; UBC Board of Governors, “Index of all Policies, Guidelines, and Rules,” (Office of the University Counsel, University of British Columbia, 1995/2011) <http://universitycounsel.ubc.ca/policies/index/>. Anticipating an enforcement of the statement, upon its unveiling on 9 October 2008, I forwarded an inquiry to the FAUBC: “Please tell me when this Respectful Environment Policy Statement was established and whether the Faculty Association has

responded in any way or had input? There are serious implications for academic freedom here, to the point of identifying a potential exercise of academic freedom as “personal harassment” or “bullying.” On 10 October 2008, the following response was given by the FAUCB: “Thanks, Steve. We’ll review this and see what’s up. I do know that it’s very easy for these kinds of things to be used to silence critical voices, and I’ve already expressed that to the University verbally. This is brand new to all of us, though, so the Association formally has not yet reviewed the document or made a response.” A colleague who was informally involved in the creation of the statement responded on the same day: “I hope I haven’t [sic] been party to selling us down the river.” In analysis in the *Faculty Focus*, colleague Bill Bruneau volunteers the caveat that it should have been negotiated rather than “imposed.” In spite of the FA’s earlier position (“it is a statement and not a policy (although it is clearly being treated as such),” the *Statement* is quoted at length in investigation reports. Bill Bruneau, “Respectful Environment: Why not Negotiate it?”, *Faculty Focus* 41 (November 2008): 2-3, on 3.

¹⁶ In September 2009, Dean Tierney announced his abdication or resignation amidst five interlocking crises: 1) The crisis of confidence; 2) The crisis of reform; 3) The crisis of administration; 4) The crisis of accountability; and 5) The crisis of faculty governance. Considering the turbulent crises and signs—two heads announced resignations in late June and early July 2009—many considered this resignation was overdue. Successor Dean *pro tem* Shapiro, long-time Senior Associate Dean finally assumed the high office on 1 March 2010. In a clamp down in Education, March, July, and October 2010 and the following March-April 2011, marked launch dates for systematic investigations of faculty members under the *Statement on Respectful Environment*. One investigation lasted over nine months and included new critique complaints extending back to 2004 and an audit of research accounts back to 2007.

¹⁷ For Jennifer Chan’s racial discrimination complaint, see Carlito Pablo, “UBC Education Prof Files Complaint of Racial Discrimination,” *The Georgia Straight* (April 19, 2011): <http://www.straight.com/article-388002/vancouver/ubc-education-prof-files-complaint-racial-discrimination>; *Chan v. UBC* [Beth Haverkamp, David Farrar, Jon Shapiro, Robert Tierney and the University of British Columbia], 21, 2010 BCHRT 350 [http://www.bchrt.bc.ca/decisions/2010/pdf/dec/350 Chan v UBC and others 2010 BCHRT 350.pdf](http://www.bchrt.bc.ca/decisions/2010/pdf/dec/350%20Chan%20v%20UBC%20and%20others%202010%20BCHRT%20350.pdf) and *Chan v. UBC* [Beth Haverkamp, David Farrar, Jon Shapiro, Robert Tierney and the University of British Columbia] (No. 2), January 24, 2012 BCHRT 122) [http://www.bchrt.bc.ca/decisions/2012/pdf/jan/12 Chan v UBC and others No 2 2012 BCHRT 12.pdf](http://www.bchrt.bc.ca/decisions/2012/pdf/jan/12%20Chan%20v%20UBC%20and%20others%20No%202%202012%20BCHRT%2012.pdf).

¹⁸ Stephen J. Toope to Members of the UBC Community, 3 March 2009, “Respectful Debate,” http://president.ubc.ca/files/2010/04/respectful_debate_20100303.pdf; UBC Office, “UBC 2010-11 Budget,” (Budget Office, University of British Columbia, 2010), 5 http://president.ubc.ca/files/2010/04/2010-2011_ubcbudget_final.pdf.

¹⁹ Liz Hodgson, “The Upside of Anger,” *Faculty Focus* 43 (June 2010): 2-3, on 2; Dean *pro tem* Jon Shapiro to Faculty Member, 15 June 2010.

²⁰ Once known for its origin as the “Michigan State Sandwich,” this particular rule of critique seems to flow from practices in HR, medicine, and self-help in the mid to late 1980s. “The best way to give criticism,” Leonard Felder advises, “is to start out by offering a few things you like, then a few things that could be improved, and finally a supportive comment about how you have confidence in this person.” Leonard Felder, *A Fresh Start: How to Let Go of Emotional Baggage and Enjoy Your Life Again* (New York, New American Library, 1987), 199. Practitioners in education and medicine picked up on this and began distinguishing between types of feedback and criticism: halo, glossed, strength confrontation, alignment, force field alignment, the sandwich, between the eyes, and thunder. See Norm Amundson quoted in Nirmal K. Bawa, “An Evaluation of a Communication Course Offered as Part of an Elementary Teacher training Program” (MA thesis, University of British Columbia, 1990), 108.

²¹ UBC *Statement*, http://www.hr.ubc.ca/respectful_enviro/index.html.

²² Scott Adams, *The Dilbert Principle* (New York, HarperBusiness, 1997), 14; Max Weber, “Science as a Vocation,” in *From Max Weber: Essays in Sociology* eds. H. H. Gerth and C. Wright Mills (New York: Oxford University Press, 1918/1946), 129-158, on 132.

²³ This is readily recognizable as *The Plan*: “In the beginning was the plan. And then came the assumptions. And the assumptions were without form. And the Plan was without substance...” <http://www.viufa.ca/category/humour/>.

²⁴ For BC context, see David Tarasoff & Brandon Quinn, “Employer Free Speech After the Convergys Decision,” Paper Prepared for the Continuing Legal Education Society of B.C., Vancouver, 2004, 4, 14; David Tarasoff & Chris Buchanan, “Labour Relations Board Update,” Paper Prepared for the Continuing Legal Education Society of B.C., Vancouver, May 2007; Earl G. Phillips & Jenifer C. Gentle, “New ‘Free Speech’ Rights Under the Labour Relations Code” (Vancouver: McCarthy Tétrault LLP, November 14, 2003). For employer speech and captive audience analysis, see David J. Doorey, “The Medium and The ‘Anti-Union’ Message: ‘Forced Listening’ and Captive Audience Meetings in Canadian Labor Law,” *Comparative Labour Law and Policy Journal* 29 (2008): 79-118; Paul M. Secunda, “The Contemporary ‘Fist Inside the Velvet Glove’: Employer Captive Audience Meetings Under the NLRA,” *Florida International University Law Review* 4 (2010): 385-410.

²⁵ *H.R. 3094: Workforce Democracy and Fairness Act*, 112th Congress (November 10, 2011) <http://www.govtrack.us/congress/bill.xpd?bill=h112-3094>; *H.R. 3094: Workforce Democracy and Fairness Act Report 112-276* (November 10, 2011), 2 <http://www.gpo.gov/fdsys/pkg/CRPT-112hrpt276/pdf/CRPT-112hrpt276.pdf>. In Oregon, effective 1 January 2010, a “Worker Freedom Act” was passed along party lines to “limit the rights of an employer to offer meetings, forums or other communications about religious or political matters for which attendance or participation is strictly voluntary.” *Senate Bill 519*, 75th Oregon Legislative Assembly (June, 16, 2009) <http://www.leg.state.or.us/09reg/measpdf/sb0500.dir/sb0519.en.pdf>.

²⁶ *BCPSEA v. BCTF* (Freedom of Expression Grievance), BC LRB Arbitration Award, Mark Thompson (October 30, 2011); Janet Steffenhagen, “Arbitrator Bans Political Messages from Teachers While in Schools,” *Vancouver Sun* (November 2, 2011). See also *BCPSEA v. BCTF* (Freedom of Expression – Black Armband), BC LRB Arbitration Award, Emily M. Burke (February 17, 2011) <http://www.bcpsea.bc.ca/documents/whatsnew/Freedom%20of%20Expression%20-%20Black%20Arm%20Band%20Award.pdf>. These two 2011 decisions undermine Justice Carol Huddart’s 2005 assertion that Political expression and the promotion of participation in the democratic process are at the core of the... protection of freedom of expression.” *BCPSEA v. BCTF*, BCCA 393, Carol Huddart (August 3, 2005).

²⁷ *Pilkington v. Bevilacqua*, 439 F. Supp. 465 (District Court, District Rhode Island, 1977), 474; George Rutherglen, “Public Employee Speech in Remedial Perspective,” *Journal of Law and Politics* 24 (2008): 127-166, on 1. For trends, see also Jennifer Elrod, “Academics, Public Employee Speech, and the Public University,” *Buffalo Public Interest Law Journal* 22 (2003-2004): 1-73; Allen Sinsheimer “Employer Free Speech: A Comparative Analysis,” *University of Chicago Law Review* 14 (June 1947): 617-636.

²⁸ *Garcetti v. Ceballos*, No. 04-473 (US Supreme Court, May 30, 2006), 9; Harvey Gilmore, “Has *Garcetti* Destroyed Academic Freedom?”, *Roundtable Symposium Law Journal* 6 (2011): 79-104; Paul M. Secunda, “*Garcetti*’s Impact on the First Amendment Speech Rights of Federal Employees,” *First Amendment Law Review* 7 (2008): 117-144, on 117-118; Robert J. Tepper & Craig G. White, “Speak No Evil: Academic Freedom and the Application of *Garcetti V. Ceballos* To Public University Faculty,” *Catholic University Law Review* 59 (2009-1010): 125-182. See also Bruce Barry, *Speechless: The Erosion of Free Expression in the American Workplace* (San Francisco: Berrett-Koehler, 2007); Robert F. Ladenson, “Free Speech in the Workplace and the Public-Private Distinction,” *Law and Philosophy* 7 (1988-1989): 247-261; Vikram Amar & Alan Brownstein, “Academic Freedom,” *The Green Bag: An Entertaining Journal of Law* 9 (Autumn 2005). For prior to *Garcetti*, see e.g., “Free Speech and Impermissible Motive in the Dismissal of Public Employees,” *Yale Law Journal* 89 (December 1979): 376-398.

²⁹ Andrew Moran, “British Columbia Hospital Uses Tim Hortons as Emergency Room,” *Digital Journal* (March 1, 2011): Retrieved March 5, 2011 from <http://digitaljournal.com/article/304180>.

³⁰ Kathryn Tyler, “One Bad Apple,” *HR Magazine* (December 2004): 77-86, on cover, 77; Abbott quoted in Justine Hunter, “Teachers College Overhaul will ‘Weed out Bad Apples,’” *Globe and Mail* (September 29, 2011); Christine M. Pearson & Christine L. Porath, “On the Nature, Consequences and Remedies of Workplace Incivility: No Time for “Nice”? Think Again,” *Academy of Management Executive* 19 (February 2005): 7-18, on 9.

³¹ David F. Noble, “Breaking the Rules,” presentation at the unSchooling Oppression conference, November 5, 2007. <http://www.archive.org/details/breakingTheRules-DavidNoble>. For full report and email of the President of SFU, see CAUT, Report of the *CAUT Academic Freedom and Tenure Committee into Complaints Raised by Professor David Noble against Simon Fraser University Regarding Alleged Infringements of Academic Freedom* (March 2003), 6. Retrieved September 15, 2003 from <http://www.caut.ca/pages.asp?lang=1&page=202>.

³² Robert Sutton, *The No Asshole Rule: Building a Civilized Workplace and Surviving One That Isn't* (New York: Warner Business Books, 2007); Bob Sutton, “The Upside of Assholes: Is There Virtue in Bad Workplace Behavior?,” *Change This* 32 no. 1 (2007): 1-16; Robert Sutton, “More Trouble Than They’re Worth,” *Harvard Business Review List* (2004): 19-20, on 19, 20; Harry G. Frankfurt, *On Bullshit* (Princeton, NJ: Princeton University Press, 1986/2005), 1. See analysis by Gerald A. Cohen, “Deeper into Bullshit” in *Contours of Agency: Essays on Themes from Harry Frankfurt* (Cambridge, MA: MIT Press, 2002). On consulting and pop psychology, see Phyllis Davis, *E²: Using the Power of Ethics and Etiquette in American Business* (Irvine, CA: Entrepreneur Press, 2003); Peter Legge, *The Power of Tact* (Burnaby, BC: Eaglet, 2008). I use the common dictionary definition for McCarthyism: “the use of unfair investigatory or accusatory methods in order to suppress opposition.”

³³ In the UBC *Statement*, “personal harassment” and bullying appear 13 times but mobbing is not included even once. In early December 2009, an academic mob of 18 faculty members formed around a target faculty member, partially in response to the target’s activist support of Chan as she interviewed and subsequently pursued a racial discrimination complaint. Again, late spring 2010, another mob of 8 faculty members formed around a target who was supporting Chan as she moved her racial discrimination complaint to the next level at the University. Letters were circulated by a mob at the University noting that faculty members were “puzzled,” “concerned,” “irritated,” and then “angry” about various expressions of academic freedom, including what they called “questions, speeches, and confrontations in meetings, e-mails and memos.” This concluded with either the threat or strong encouragement for the faculty member to “find a different focus for” “‘activism,’” in quotes. Both academic mobs received support from top administration, with an Associate Dean, Canada Research Chair, Department Head, and Director commanding and coordinating the mobs. This aggressive form of governance by the might of the academic mob also served to shield first wave boomer administrators fearing criticism.

³⁴ For an analysis of mobbing in Polish law, see Leo V. Ryan, “Current Ethical Issues in Polish HRM,” *Journal of Business Ethics* 66, (June-July, 2006): 273-290, on 288. Brought to the socialist legislature in June 1974, in the Polish *Labor Code*, “mobbing describes actions relating to the employee or directed against the employee, which consist of persistent and sustained harassment or intimidation of the employee, resulting in the employee's feelings of diminished professional usefulness, causing or aimed at humiliating or ridiculing the employee, isolating or placing him outside the workers community.” For the history of workplace mobbing and legal analyses, see Noelle J. Molé, “Living it on the Skin: Italian States, Working Illness,” *American Ethnologist* 35 (2008): 189-210; Roderick Ramage, “Mobbing in the Workplace,” *New Law Journal* 146 (October 1996): 1538, 1953; David Wornham, “A Descriptive Investigation of Morality and Victimisation at Work,” *Journal of Business Ethics* 45 (June 2003): 29-40.

³⁵ Audrey Williams June, “‘Mobbing’ Can Damage More Than Careers, Professors Are Told at Conference,” *Chronicle of Higher Education* 56 (June 11, 2009); John Gravois, “Mob Rule,” *Chronicle of Higher Education* 52 (April 14, 2006): A10; Joan Friedenberg, *The Anatomy of an Academic Mobbing* (2001); Heinz Leymann, “The Content and Development of Mobbing at Work,” *European Journal of Work and Organizational Psychology* 5 (1996): 165-184; Brian Martin, “Mobbing: Emotional Abuse in the American Workplace,” *Journal of Organizational Change Management* 13 (1999): 401-446; Kenneth Westhues, ed., *Workplace*

Mobbing in Academe: Reports from Twenty Universities (Lewiston, NY: Edwin Mellen Press, 2004); idem, *The Envy of Excellence: Administrative Mobbing of High-Achieving Professors* (Lewiston, NY: Edwin Mellen Press, 2005); idem, *Remedy and Prevention of Mobbing in Higher Education: Two Case Studies* (Lewiston, NY: Edwin Mellen Press, 2006). In the *Envy of Excellence*, Westhues frames academic mobbing as a “‘common and bloodless form of workplace mayhem’ usually carried out politely and without violence.” This is one form in which the “eliminative impulse manifests itself in the workplace.”

³⁶ Kurt Lewin, Ronald Lippitt & Ralph K. White, “Patterns of Aggressive Behavior in Experimentally Created Social Climates,” *Journal of Social Psychology* 10 (May 1939): 261-299, on 277, 282. See also idem, “Behavior and Development as a Function of the Total Situation,” *Manual of Child Psychology* ed. Leonard Carmichael (New York: John Wiley & Sons, 1946), 791-844. The particular experiments under authoritarian and democratic conditions were based on Ronald Lippitt’s MA research. Ronald Lippitt, “An Experimental Study of the Effect of Democratic and Authoritarian Group Atmospheres upon the Group and the Individual,” (MA thesis, University of Iowa, 1938). Rites of the college fraternity or sorority are recreated for academic mob members and initiates who pledge or prove loyalties by “jumping in” against targets or disassociating from a choice target. Signifiers are leveraged into fraternal and sororal codes, generating exclusive capital. Rolling differently than press gangs and street gangs, inductees of academic mobs must establish a reputation for being *good* and in this ritual it is not uncommon for a target’s onetime baffle (best academic friend forever) to turn into an academic frenemy.

³⁷ Robert Jackall, *Moral Mazes: The World of Corporate Managers* (New York: Oxford University Press, 1988), 88. See excerpts and comments in idem, “Book Review: *Moral Mazes: The World of Corporate Managers*, *International Journal of Politics*,” *Culture, and Society* 1 (Summer 1988): 598-614, on 606, 601. In this review, Jackall writes: “I keep my eye, as managers do theirs, on the organizational premiums that shape behavior, values, ethics, and world views in corporate bureaucracies. I focus, in particular, on those men and women whose ambition impels them to internalize those premiums in a thorough way, since it is they who create and recreate their organizational milieu.” Of course when the shit hits the fan, French managers prefer the more polite *ouvrir le parapluie*.

³⁸ Emily Post, *Etiquette in Society, in Business, in Politics, and at Home* (New York: Funk & Wagnalls, 1922), 43, 116, 277, 337, 333; Elizabeth L. Post, *Emily Post’s Etiquette*, 12th ed. (New York: Funk & Wagnalls, 1969); Letitia Baldrige, *The Amy Vanderbilt Complete Book of Etiquette* (New York: Doubleday & Company, 1978), 16; Stephen L. Carter, *Civility: Manners, Morals and the Etiquette of Democracy* (New York: Basic Books, 1998), 217. In his “behind the book” description, Carter writes that “pre-political virtues [are] the aspects of character without which our larger commitments are meaningless.”

³⁹ For history of rules of argumentation, see Charles L. Hamblin, *Fallacies* (London: Methuen, 1970); Hans V. Hansen & Robert C. Pinto, *Fallacies: Classical and Contemporary Readings* (University Park: Penn State University Press, 1995). For history of parliamentary rules, see Wilbert van Vree, *Meetings, Manners and Civilization: The Development of Modern Meeting Behaviour* trans. Kathleen Bell (New York: Leicester University Press, 1999). For history of etiquette, see e.g., Jorge Ardití, *A Genealogy of Manners: Transformations of Social Relations in France and England from the Fourteenth to the Eighteenth Century* (Chicago: University of Chicago Press, 1998); Norbert Elias, *The Civilizing Process: The Development of Manners* trans. Edmund Jephcott (New York: Urizen Books, 1939/1978); Dana C. Elder, “A Rhetoric of Etiquette for the ‘True Man’ of the Gilded Age,” *Rhetoric Review* 21 no. 2 (2002): 150-169; Cas Wouters, *Informalization: Manners and Emotions since 1890* (Thousand Oaks, CA: Sage, 2007). The introduction to *Etiquette* is also helpful. Richard Duffy, “Introduction: Manners and Morals,” in *Etiquette* (New York: Funk & Wagnalls, 1922), 1-5; William Bradford, “An Enquiry How Far the Punishment of Death Is Necessary in Pennsylvania,” *American Journal of Legal History* 12 (April 1793/1968): 122-175, on 129.

⁴⁰ Herbert Spencer, *The Data of Ethics* (New York: D. Appleton, 1880), vii; John Locke, *An Essay Concerning Human Understanding* (London: Thomas Davison, Whitefriars, 1690/1825), 21, 525; William Barron, *Elements of Logic* (New York: A. S. Barnes, 1856), 100. Working through lessons in his copybook titled *Rules of Civility and Decent Behavior in Conversations*, a thirteen-year old George Washington is taught to avoid using “reproachful language against any one.” George Washington, *Rules of Civility and Decent*

Behavior in Conversations ed. J. M. Toner (Washington, DC, 1745/1888). On Washington's etiquette copybook, see Edwin L. Battistella, "The Yardstick of Manners," *Culture and Society* 46 no. 4 (2009): 363-367. On the pedagogy of critique, see Review of a Clergyman, *The Moral Teacher; Designed as a Class Book for the Common Schools in the United States of America*, *North American Review* 49 (July 1839): 247-249, on 248. "As the title purports, it is an introduction to the science of ethics, with some words upon political philosophy, taste, literary criticism, and religious belief."

⁴¹ Charles Stokes Carey, ed., *Lord Chesterfield's Letters to His Son*, Vol. I (London: William Tegg, 1872), 401; idem, *Lord Chesterfield's Letters to His Son*, Vol. II (London: William Tegg, 1872), 74, 138-139. The letter written on 19 March 1750 urges "pray get somebody to present you to him [the Pope] before you leave Rome: and without hesitation kiss his slipper, or whatever else the *étiquette* of that Court requires." In volume II, on 14 July 1763 he writes: "You are, I find, over head and ears engaged in ceremony and *étiquette*." On Chesterfield, see Ardit, *A Genealogy*, 208-220. In his introduction *Etiquette*, Duffy writes: "perhaps no other writer has done so much to bring disrepute on the 'manners and graces' as Lord Chesterfield, and this, it is charged, because he debased them so heavily by considering them merely as the machinery of a successful career."

⁴² H. O. Ward, *Sensible Etiquette of the Best Society* (Philadelphia: Porter & Coates, 1878), 463, 462.

⁴³ John Talman, "The Twentieth Century Critic," *New York Times* (January 19, 1901).

⁴⁴ Max Weber, "The 'Rationalization' of Education and Training," in *From Max Weber: Essays in Sociology* eds. H. H. Gerth and C. Wright Mills (New York: Oxford University Press, 1918/1946), 240-244, on 244, 243; idem, "The National State and Economic Policy (Freiburg Address)," *Economy and Society* 9 (November 1895/1980): 428-449, on 444.

⁴⁵ Christoph Höflinger quoted in Cas Wouters, "Etiquette Books and Emotion Management in the 20th Century: Part One: The Integration of Social Classes," *Journal of Social History* 29 (Autumn 1995): 107-124, on 119. For and history of German etiquette laws and Achtung, see Whitman, "Enforcing Civility."

⁴⁶ Max Weber, "*The Power of the State and the Dignity of the Academic Calling in Imperial Germany: The Writings of Max Weber on University Problems*," ed. & trans. Edward A. Shils *Minerva* 11 (October 1973): 571-632, on 575, 576, 577-578, 581, 584.

⁴⁷ *ibid*, 588, 589, 591, 592; Max Weber, "Science as a Vocation, 147;" Max Weber, "Politics as a Vocation," in *From Max Weber: Essays in Sociology* eds. H. H. Gerth and C. Wright Mills (New York: Oxford University Press, 1918/1946), 77-128.

⁴⁸ Weber, "*The Power of the State*," 617-618, 620; *See alternative translation*: Max Weber, "The Meaning of 'Ethical Neutrality' in Sociology and Economics," in *Max Weber on the Methodology of the Social Sciences* eds. Edward A. Shils & Henry A. Finch (New York: Free Press, 1917/1949), 1-49, on 1, 2, 3, 5; idem, "'Objectivity' in Social Science and Social Policy," in *Max Weber on the Methodology of the Social Sciences*, eds. Edward A. Shils & Henry A. Finch (New York: Free Press, 1904/1949), 50-112, on 52.

⁴⁹ Max Weber, *Economy and Society: An Outline of Interpretive Sociology* eds. Guenther Roth & Claus Wittich (Berkeley: University of California Press, 1978), 508, 325-326, 1149.

⁵⁰ "For just as Weber critiqued the idea of science, so he set forth a devastating critique of the ideals of modern law. These critiques, taken together, constitute the stance of tragic modernism that makes Weber's view of our culture so bleak and despairing." David M. Trubek, "Max Weber's Tragic Modernism and the Study of Law in Society," *Law & Society Review* 20 no. 4 (1986): 573-598, on 587. For insights for more productive readings of Weber, see Steve Fuller, "The Genealogy of Judgement: Towards a Deep History of Academic Freedom," *British Journal of Educational Studies* 57 (June 2009): 164-177; Guenther Ross, "Max Weber: A Bibliographic Essay," *Zeitschrift für Soziologie* 6 (January 1977): 91-118; Alan Sica, "The Unknown Max Weber: A Note on Missing Translations," *Mid-American Review of Sociology* 9 no. 2 (1984): 3-25; Keith Tribe, "Introduction to Weber," *Economy and Society* 9 (November 1980): 420-427.

⁵¹ Palmer quoted in “Palmer Warns Reds They Cannot Succeed,” *New York Times* (June 18, 1919); A. Mitchell Palmer, *Annual Report of the Attorney General of the United for the Year 1919* (Washington, DC: GPO, 1919), 12-15; idem, *Annual Report of the Attorney General of the United for the Year 1920* (Washington, DC: GPO, 1920), 172-180; *Attorney General A. Mitchell Palmer on Charges Made Against Department of Justice By Louis F. Post and Others Hearings Before The Committee on Rules House of Representatives, Sixty-Sixth Congress, Second Session* (Washington, DC: GPO, 1920), 195, 7; Donald Johnson, “The Political Career of A. Mitchell Palmer,” *Pennsylvania History* 25 (October, 1958): 345-370. On the red scare at this time, see e.g., Sylvia A. Bartley, *Intellect Surveilled: Thorstein Veblen And The Organs Of State Security*, Presentation at the Second Conference of the International Thorstein Veblen Association, Carleton College, Northfield, Minnesota, 30 May-1 June 1996; Zechariah Chafee, “Freedom of Speech in War Time,” *Harvard Law Review* 32 (June 1919): 932-973; idem, *The Inquiring Mind* (New York: Harcourt, Brace and Company, 1928); idem, *Free Speech in the United States* (Cambridge: Harvard University Press, 1941); Frank J. Donner, *The Age of Surveillance: The Aims and Methods of America's Political Intelligence System* (New York: Vintage, 1981); Robert K. Murray, *Red Scare: A Study In National Hysteria* (Minneapolis: University of Minnesota Press, 1955); Regin Schmidt, *Red Scare: FBI and the Origins of Anticommunism in the United States, 1919-1943* (Copenhagen: Museum Tusculanum Press, 2004); David Williams, “The Bureau of Investigation and Its Critics, 1919-1921: The Origins of Federal Political Surveillance,” *Journal of American History* 68 (December 1981): 560-579.

⁵² *Attorney General A. Mitchell Palmer on Charges*, 226-227. Turgenev defined a nihilist as someone “who treats everything from a critical point of view... who does not bow before any authority whatever, who does not accept a single principle on faith, with whatever respect that principle may be environed.” Iván Turgénieff, *Fathers and Children* trans. Isabel F. Hapgood (New York: Charles Scribner’s Sons, 1862/1903), xii-xx, 38; Ivan Turgenev, *Literary Reminiscences and Autobiographical Fragments* trans. David Magarshack (New York: Farrar, Straus and Cudahy, 1958); Donald Mackenzie Wallace, *Russia* (London: Cassell, 1905), chapter 34; idem, *Russia: On the Eve of War and Revolution* (New York, Vintage, 1961), 449-450. In 1879, a “Russian Nihilist” clarified: “Nihilism is nothing else than *Russian Socialism*... What Russian Socialism wants to destroy may be defined in two words— Russian czardom, the chronic cancer on Russia's body politic.... What the Nihilists want is an absolute liberty of conscience; what they want to destroy is an order of things under which, for instance, a change of faith is punished with the loss of all civil rights.” A Russian Nihilist, “The Revolution in Russia,” *North American Review* 129 (July 1879): 23-36, on 24, 27-28.

⁵³ E. Y. Hartshorne, “The German Universities and the Government,” *Annals of the American Academy of Political and Social Science* 200 (November 1938): 210-234. G. Stanley Hall rightly pinpointed the beginning of this and called it the “new cultus war” in 1881. Granville Stanley Hall, *Aspects of German Culture* (James R. Osgood and Company, 1881), 51-57. Culture War I refers to this time from about 1879 to VE Day on 8 May 1945.

⁵⁴ Joseph McCarthy, “Speech at Wheeling, West Virginia,” (February 9, 1950) quoted in Anders Breidlid, Friedrich Chr. Brøgger, Øyvind T. Gullickson & Torbjorn Siervag, eds., *American Culture: An Anthology of Civilization Texts* (New York, Routledge, 1996), 341; see Wheeling files from <http://historymatters.gmu.edu/d/6456>, *Wheeling Intelligencer* <http://www.as.wvu.edu/wvhistory/documents/096.pdf> and telegrams to President Truman <http://www.archives.gov/education/lessons/mccarthy-telegram/#documents>; Joe McCarthy to The President, 12 July 1950, Retrieved November 12, 2011 from <http://history.hanover.edu/hhr/09/McCarthy.pdf>; Daniel Bell, ed., *The New American Right* (New York: Criterion Books, 1955). On McCarthy, see Ellen Schrecker, *The Age of McCarthyism: A Brief History with Documents* (New York: Bedford/St. Martin’s, 2002).

⁵⁵ Hoover and the FBI Responsibility Committee quoted in Kenneth O’Reilly, ed., *McCarthy Era Blacklisting of School Teachers, College Professors, and Other Public Employees* (Bethesda, MD: University Publications of America), vii, viii.

⁵⁶ Culture War I had come to a close with VE Day on 8 May 1945. For the Cultural Cold War, see Peter Coleman, *The Liberal Conspiracy: The Congress for Cultural Freedom and the Struggle for the Mind of Postwar Europe* (New York: The Free Press, 1989); Frances Stonor Saunders, *The Cultural Cold War: The*

CIA and the World of Arts and Letters (New York: The New Press, 2000); Michael Wreszin, "Arthur Schlesinger, Jr., Scholar-Activist In Cold War America: 1946-1956," *Salmagundi* 63/64 (Spring-Summer 1984): 255-285; Michael Wreszin, "Cultural Freedom versus Cultural Spin: Review of *The Cultural Cold War: The CIA and the World of Arts and Letters*," *Reviews in American History* 28 (December 2000): 607-614.

⁵⁷ Glenn Negley, "Liberty and Lawlessness," *Journal of Higher Education* 23 (March 1952): 117-124; Sidney Hook, "Academic Freedom and the 'Trojan Horse' in American Education," *Bulletin of the American Association of University Professors* 25 (December 1939): 550-555, on 553, 555; idem "Academic Manners and Morals," *Journal of Higher Education* 23 (June 1952): 323-32, 342-343, on 323-324; idem, "Mindless Empiricism," *Journal of Philosophy* 49 (February 1952): 89-100, on 98; Victor Lowe, "A Resurgence of 'Vicious Intellectualism'," *Journal of Philosophy* 48 (July 1951): 435-447.

⁵⁸ Association of American Universities, "The Rights and Responsibilities of Universities and Their Faculties" (24 March 1953); American Civil Liberties Union, *Statement of the Academic Freedom Committee of the American Civil Liberties Union on the 1953 Statement of the Association of American Universities* (March 1958), 8, 20.

⁵⁹ On cold warrior academics and McCarthyism in Canada, see e.g., Dominique Clément, "Spies, Lies, and a Commission: A Case Study in the Mobilization of the Canadian Civil Liberties Movement," *Left History* 7 (2000): 15-79; Larry Hannant, *The Infernal Machine: Investigating the Loyalty of Canada's Citizens*, (Toronto: University of Toronto Press, 1995); Steve Hewitt, *Spying 101: The RCMP's Secret Activities at Canadian Universities, 1917-1997* (Toronto: University of Toronto Press, 1992); Gary Marcuse & Reg Whitaker, *Cold War Canada: The Making of a National Insecurity State: 1945-1957* (Toronto: University of Toronto Press, 1994); Reg Whitaker, *Double Standard: The Secret History of Canadian Immigration* (Toronto: Lester & Orpen Dennys, 1987); Laura Madokoro, "Good Material: Canada and the Prague Spring Refugees," *Refuge* 26 (2009): 161-171; Anthony R. Roccio, "McCarthyism in Canada, 1945-1960," (BA Thesis, Laurentian University, 1997). See also Michael Horn, *Academic Freedom in Canada: A History* (Toronto: University of Toronto Press, 1999).

⁶⁰ Sirlock quoted in Percy Smith, "What Matters Academic Freedom," *Canadian Journal of Higher Education* 1 no. 1 (1971): 5-13, on 12; J. M. Bumsted, *The University of Manitoba: An Illustrated History* (Winnipeg: University of Manitoba Press), 187. Ohio Governor James Allen Rhodes, on the day before the massacre, called the Kent State students "worse than the brown shirt and the Communist element and also the night riders and the vigilantes. They're the worst kind of people we harbor in America." Mary Anne Sharkey & Alexander P. Lamis, *Ohio Politics* (Kent, Ohio: Kent State University Press), 81. Bringing it all home for me, our family mourned the death of Allison Krause, one of the brave students shot dead that day. Allison was a class of 1969 graduate of my high school (Churchill Area) in Pittsburgh and lived just six blocks away. For comparison with nihilists, see Kenneth Keniston, "Notes on Young Radicals," *Change in Higher Education* 1 (November-December 1969): 25-33; "Russia Has Had 'Hippies'," *Coshocton Tribune* (March 30, 1971): on 9.

⁶¹ Sidney Hook, "Anyone for Objectivity?," *Encounter* 42 (March 1974): 94-95, on 95; Richard Schaufliker, "Criminology at Berkeley: Resisting Academic Repression," *Crime and Social Justice* 1 (Spring-Summer 1974): 58-61, on 58; Richard Schaufliker & Michael Hannigan, "Criminology at Berkeley: Resisting Academic Repression, Part 2," *Crime and Social Justice* 2 (Fall-Winter 1974): 42-47.

⁶² For Culture War II, see John S. Friedman, "Culture War II," *The Nation* 232 (April 18, 1981): 452-453; Gerda Ray, "Legitimizing the Right: The Neoconservatives Build a Base," *Crime and Social Justice* 19 (Summer 1983): 75-86, on 76, 84; Peter Collier & David Horowitz, "Good-bye to All That," *Washington Post* (March 17, 1985): 8. For analysis of culture war II, see Gerald Graff, *Beyond the Culture Wars: How Teaching the Conflicts Can Revitalize American Education* (New York: W. W. Norton & Company, 1992); Scott Henson & Tom Philpott, "The Right Declares a Culture War," *Humanist* 52 (March 1, 1992): 10-16, 46.

⁶³ Arlene Croce, "Discussing the Undiscussable," *New Yorker* (December 26, 1994): 54-60, on 55, 56, 60; Hilton Kramer, "Victims & Critics," *New Criterion* 13 (February 1995): 1-3, on 1. For a productive analysis of Croce and fallout, see Maurice Berger, ed., *The Crisis of Criticism* (New York: New Press, 1998).

⁶⁴ Boyer Commission, *Reinventing Undergraduate Education: A Blueprint for America's Research Universities* (Stanford, CA: Carnegie Foundation for the Advancement of Teaching), 12-13; Students for Academic Freedom, "Academic Bill of Rights" (2003/2004): <http://www.studentsforacademicfreedom.org>; Kingston quoted in June Kronholz, "Congress wades into Campus Politics," *Wall Street Journal* (October 4, 2005): A4; "There He Goes Again," *Wall Street Weekend Journal* (September 2003, 2003): W21; AAUP, "Academic Bill of Rights" *Academe* 90 (January-February, 2004): 79-81, on 81; Parents and Students for Academic Freedom, *Parents and Students for Academic Freedom* (September 7, 2004), 14; David Horowitz, *Indoctrination U.: The Left's War Against Academic Freedom* (New York: Encounter Books, 2007/2009), 24. On the Academic Bill of Rights, see Stephen H. Aby, ed., *The Academic Bill of Rights Debate: A Handbook* (Westport, CT: Praeger, 2007); Free Exchange on Campus, *Manufactured Controversy: An Examination of the Academic Bill of Rights Restrictions Movement* (Author, 2009).

⁶⁵ For the case, see the Ward Churchill Solidarity Network <http://wardchurchill.net/>; Chancellor DiStefano quoted in Regents of The University Of Colorado, "Minutes of the Special Meeting," (February 3, 2005) <https://www.cu.edu/regents/Minutes/MINUTESFEB020305.htm>; Marianne Wesson, ed., *Report of the Investigative Committee of the Standing Committee on Research Misconduct at the University of Colorado at Boulder concerning Allegations of Academic Misconduct against Professor Ward Churchill* (May 9, 2006), 3 <http://www.scribd.co/doc/69314939/Ward-Churchill-Report>.

⁶⁶ On "nascent implicit law," see Herman U. Kantorowicz & Edwin W. Patterson, "Legal Science—A Summary of Its Methodology," *Columbia Law Review* 28 (June 1928): 679-707, on 696. For an excellent historicization of this process of etiquette as nascent implicit law becoming explicit law, see Whitman, "Enforcing Civility."

⁶⁷ See Eugene Volokh, "Deterring Speech: When is it 'McCarthyism'? When is it Proper?," *California Law Review* 93 (2005): 2-41.

⁶⁸ Jean Francois Lyotard, *The Differend: Phrases in Dispute* trans. Georges Van Den Abeele (Minneapolis: University of Minnesota Press, 1983/1988), xi; Ian Hunter, "The History of Theory," *Critical Inquiry* 33 (Autumn 2006): 78-112, on 79.

⁶⁹ Michel Foucault, *The Order of Things: An Archaeology of the Human Sciences* (London, Tavistock, 1970), 80, 81. On commentary, see Eva Matthews Sanford, "Renaissance Commentaries on Juvenal," *Transactions and Proceedings of the American Philological Association* 79 (1948): 92-112, on 93; Gerald Snare, "The Practice of Glossing in Late Antiquity and the Renaissance," *Studies in Philology* 92 (Autumn 1995): 439-459. Sanford quotes Conrad of Hirschau to define the practice of commentary: "to draw copious deductions from brief statements, and to illuminate the obscure words of others." Lanigan summarizes this section of Foucault as a contest between "language as grammar" and "speech as rhetoric:" "It is a contest that may be won or lost under both the semiotic guise of a *rhetoric of science* and under the phenomenological guise of a *science of rhetoric*." Richard L. Lanigan, "Foucault's Science of Rhetoric: The Contest Between Practical Discourse and Discursive Practice," *symplekē* 4 no 1/2 (1996): 189-202, on 190. See also Philip Smallwood, "Problems in the Definition of Criticism," *British Journal of Aesthetics* 36 (July 1996): 252-264.

⁷⁰ Michel Foucault, "What is Critique? In *The Politics of Truth* ed. Sylvère Lotringer, trans. Lisa Hochroth and Catherine Porter (Los Angeles: Semiotext(e), 1978/2007), 41-83, on 42. For the distinction between critique and criticism, Childs and Fowler posit that "*Critical theory* too should be distinguished from criticism, since it concerns itself with the analysis of concepts rather than works." In a helpful discussion of critique, they state: "when critique, and the forms of literary criticism associated with it, question the prevailing distribution of political power, the alarm bells start to ring. By contrast, the apolitical forms of critique are a tolerated part of the intellectual scene. But this distinction between the political and the apolitical is not itself invariable and we cannot necessarily know in advance what form of critique will strike a political nerve." Peter Childs & Roger Fowler, *The Routledge Dictionary of Literary Terms* (New York: Routledge, 2006), 38, 41.

⁷¹ Kant, *Critique of Pure Reason* (New York: Harcourt Brace and Co., 1781/1881), xix, 17, xxxiii; Kant, *The Conflict of the Faculties* trans. Mary J. Gregor (New York: Abaris, 1798/1979), 6, 45. On Kant, Hegel and the

history of critique, see Seyla Benhabib, *Critique, Norm, and Utopia: A Study of the Foundations of Critical Theory* (New York: Columbia University Press, 1986), 19-101.

⁷² Karl Marx, "Letter from Marx to Arnold Ruge," 30 November 1942, Retrieved October 20, 2011 from http://www.marxists.org/archive/marx/works/1842/letters/42_11_30.htm; idem, *Contribution to the Critique of Hegel's Philosophy of Right*, in *Karl Marx: Early Writings* ed. & trans. T. B. Bottomore (New York: McGraw-Hill, 1844/1964), 41-59, on 43, 44; Karl Marx & Friedrich Engels, *The Holy Family or Critique of Critical Critique* trans. R. Dixon (Moscow: Foreign Languages Publishing House, 1845/1956), 171, 134, 135. For Bayle assessment, see Henry E. Haxo, "Pierre Bayle and His Literary Taste," *PMLA* 38 (December 1923): 823-858, on 826; L. Baronovitch, "Pierre Bayle and Karl Marx: Some Reflections on a Curious Connection," *International Philosophical Quarterly* 82 (June 1981): 2-8. Karl Schmidt, "The War Against Critique," in *The Young Hegelians: An Anthology* ed. Lawrence S. Stepelevich (New York: Cambridge University Press, 1846/1983), 381-404, on 383-384.

⁷³ Karl Marx, *The Poverty of Philosophy* (Peking: Foreign Languages Press, 1847/1977), 216; Karl Marx & Friedrich Engels, *A Critique of the German Ideology* in *The Marx-Engels Reader* ed. Robert C. Tucker (New York: W. W. Norton, 1845/1972), 110, 131, 128; idem, "Theses on Feuerbach," 109; Karl Marx & Friedrich Engels, *Manifesto of the Communist Party* (New York: New York Labor News, 1848/1908), 35. On Marx and the history of critique, see Benhabib, *Critique, Norm, and Utopia*, 44-143.

⁷⁴ Rosa Luxemburg, *The Accumulation of Capital, or What the Epigones Have Made of Marx's Theory: An Anti-Critique* trans. Rudolf Wichmann (1915/1972), on chapter 6 <http://www.marxists.org/archive/luxemburg/1915/anti-critique/index.htm>; idem, *The Accumulation of Capital* trans. Alex Schwarzchild (London: Routledge, 1913/1951), 395. On Luxemburg, see Hannah Arendt, "A Heroine of Revolution," *New York Review of Books* (October 6, 1966).

⁷⁵ Göbbels is quoted in "German Press 'Servility,'" *The London Times* (May 1, 1934): 15; "Reich Decree Bans All Art Criticism," *New York Times* (November 28, 1936): 1, 4; "No Criticism Permitted on German Arts," *The Ada Evening News* (November 27, 1936): 6; Fritz Morstein Marx, "Propaganda and Dictatorship," *Annals of the American Academy of Political and Social Science* 179 (1935): 211-218, on 216; Adolf Hitler, "Art and Politics," in *Liberty Art Nationhood* (Berlin: M. Müller & Sohn, 1935), 31-53, on 35. For the series of cultural policy decrees, see Alexander F. Kiefer, "Government Control of Publishing in Germany," *Political Science Quarterly* 57 (March 1942): 72-97; Dorothy Thompson, "Culture under the Nazis," *Foreign Affairs* 14 (April 1936): 407-423; Fritz Morstein Marx, "Criticism in a One-Party State," *Public Opinion Quarterly* 1 (October 1937): 92-98; James K. Pollock & Harlow J. Heneman, *The Hitler Decrees* (Ann Arbor: G. Wahr, 1934); Otto D. Tolischus, "Step by Step Germany has Regimented her Press," *New York Times* (May 2, 1937): SM 4-6.

⁷⁶ Max Horkheimer, "Traditional and Critical Theory," in *Critical Theory: Selected Essays* trans. Matthew J. O'Connell & others (New York: Herder and Herder, 1937/1972), 188-243, on 242, 196, 218, 229, 211. See also Herbert Marcuse, "Philosophy and Critical Theory," in *Negations: Essays in Critical Theory* trans. Jeremy J. Shapiro (Boston: Beacon Press, 1937/1968), 134-158. Karl Popper, "The Poverty of Historicism, I," *Economica* 11 (May 1944): 86-103, on 88, 100, 103.

⁷⁷ Karl Popper, "The Poverty of Historicism, II," *Economica* 11 (August, 1944): 119-137, on 130; idem, "The Poverty of Historicism, III," *Economica* 12 (May 1945): 69-89; idem, "What is Dialectic?," *Mind* 49 (October 1940): 403-426, on 412, 425. On Popper and his non-relationship with the Vienna Circle, see Malachi H. Hacohen, "Karl Popper, the Vienna Circle, and Red Vienna," *Journal of the History of Ideas* 59 (1998): 711-734. See also Karl Popper, *The Open Society and its Enemies* (London: Routledge, 1945). Sidney Hook, "From Plato to Hegel to Marx: Review of *The Open Society and its Enemies*," *New York Times* (July 22, 1951): 6, 18; Jean-Paul Sartre with Henri Magnan, "...Said Jean-Paul Sartre," trans. Rima Drell *Yale French Studies* 16 (1955): 3-7, on 6; Jean-Paul Sartre, *Critique of Dialectical Reason* trans. Alan Sheridan-Smith (New York: Verso, 1960/2004); Theodor W. Adorno, "Cultural Criticism and Society," in *Prisms* trans. Samuel & Shierry Weber (Cambridge, MA: MIT Press, 1981), 18-34, on 33; Theodor W. Adorno, Hans Albert, Ralf Dahrendorf, Jürgen Habermas, Harald Pilot & Karl Popper, *The Positivist Dispute in German Sociology* trans. Glyn Adey & David Frisby (London: Heinemann, 1969/1977), 296.

⁷⁸ Paul Ricoeur, *Freud and Philosophy: An Essay on Interpretation*, trans. Denis Savage (New Haven, CT: Yale University Press, 1970), 33; idem, "Toward a 'Post-Critical Rhetoric,'" *Pre/Text* 5 (Spring 1984): 9-16; Louise Wetherbee Phelps, "Possibilities for a Post-Critical Rhetoric: A Parasitical Preface 6," *Pre-Text* 4 (Fall/Winter 1983): 201-213; Jacques Derrida, "The Purveyor of Truth," trans. Willis Domingo, James Hulbert, Moshe Ron, & M.-R. L. *Yale French Studies* 52 (1975): 31-113, on 34, 88; idem, *Specters of Marx* trans. Peggy Kamuf (New York: Routledge, 1994), 86; Hollis Robbins, "The Emperor's New Critique," *New Literary History* 34 (Autumn, 2003): 659-675. "If, then, we look at modern post-critical [i.e., post-Kant] thought in relation to this part of Kant's *Kritik*, we shall see in it a constant effort to correct in Kant's shadowy ontology either the shadowiness of the shades (viz., of the *Dinge an sich*), or else the mistake of assuming them at all." Josiah Royce, "Kant's Relation to Modern Philosophic Thought," *Journal of Speculative Philosophy* 15 (October 1881): 360-381, on 362.

⁷⁹ Cheney Quoted in Ellen Messer-Davidow, "Manufacturing the Attack on Liberalized Higher Education," *Social Text* 36 (Autumn 1993): 40-80, on 41.

⁸⁰ Kenneth J. Gergen, "The Limits of Pure Critique," in *After Postmodernism: Reconstructing Ideology Critique* eds. Herbert W. Simons & Michael Billig (Thousand Oaks, CA: Sage, 1994), 58-78, on 59, 70, 72, 73; Colin Powell, "US Secretary of State's Address to the United Nations Security Council," *The Guardian* (February 5, 2003): <http://www.guardian.co.uk/world/2003/feb/05/iraq.usa>.

⁸¹ Bruno Latour, *We Have Never Been Modern* trans. Catherine Porter (Cambridge, MA: Harvard University Press, 1991/1993), 5-6, 8, 6, 35, 33, 35, 90, 45, 34-35.

⁸² Gérard Genette, "Structuralism and Literary Criticism," in *Figures of Literary Discourse* trans. Alan Sheridan (New York: Columbia University Press, 1964/1982), 4, 5; Claude Lévi-Strauss, *The Savage Mind* trans. George Weidenfield and Nicholson Ltd. (Oxford: Oxford University Press, 1962/1996), 19, 21; Latour, *We Have Never*, 53, 36. See also Bruno Latour with T. Hugh Crawford, "An Interview with Bruno Latour," *Configurations* 1 no. 2 (1993): 247-268, on 257; Jacques Derrida, *Of Grammatology* trans. Gayatri Chakravorty Spivak (1967/1977), 158; idem, "Differance," in *Speech and Phenomena* trans. David B. Allison & Newton Garver (Evanston, IL: Northwestern University Press, 1968/1973), 129-160, on 131-132.

⁸³ Gayatri Chakravorty Spivak, *A Critique of Postcolonial Reason* (Cambridge, MA: Harvard University Press, 1999), 6, back cover, xi; idem, "Criticism, Feminism, and the Institution," *Thesis Eleven* 10-11 (1985): 175-187, on 187. In *Outside in the Teaching Machine*, Spivak establishes critique as sustaining a dynamic between "experiential and theoretical judgment," an "opportunity to step out of confinement" to "take a position on it." See *Outside in the Teaching Machine* (New York: Routledge, 1993), xiv; *The Post-Colonial Critic* ed. Sarah Harasym (New York: Routledge, 1990); Marilyn Strathern, "A Community of Critics? Thoughts on New Knowledge," *Journal of the Royal Anthropological Institute* 12 (March 2006): 191-209, on 199. See also Kavita Philip, *Draft of Proper Knowledge: Haunted Propriety, Technocratic Postcoloniality, Global Citizenship* (2009), 69. "The purpose of criticism and critique may be, Philip suggests, "not to dismiss, but to explore alternative narratives."

⁸⁴ Bruno Latour, "Why has Critique Run out of Steam? From Matters of Fact to Matters of Concern," *Critical Inquiry* 30 no. 2 (2004): 225-248, on 225, 226, 227, 230, 239; idem, *War of the Worlds: What about Peace?* trans. Charlotte Bigg (Chicago: Prickly Paradigm Press, 2002); Paul H. Marx, "Barbarians at the Gate," *Proceedings U.S. Naval Institute* 130 (May 2004): 32-36, on 32; Oscar R. Estrada, "The Military: Losing Hearts and Minds?," *Washington Post* (June 6, 2004): B01; Subcommittee on National Security, Emerging Threats and International Relations, *Iraq: Winning Hearts and Minds*, Hearing Before the of The Committee on Government Reform House of Representatives, One Hundred Eighth Congress, Second Session, June 15, 2004 (Washington DC, GPO, 2004), 1 <https://house.resource.org/108/org.c-span.182290-1.pdf>; Department of the Army, Headquarters, *Counterinsurgency Field Manual* (Washington DC: Author, December 2006), Appendix A-5; Vladimir Lenin, "The Tasks of the Youth Leagues," Speech Delivered At The Third All-Russia Congress of The Russian Young Communist League, Moscow, October 5-7, 1920 <http://www.marxists.org/archive/lenin/works/1920/oct/02.htm>. On Marx is back discourse, see e.g., "Marx Proves a Hit in Troubled Economic Times," *Deutsche Welle* (January 27, 2010):

<http://www.dw.de/dw/article/0,,5169802,00.html>; Robert P. Wolff, "The Resurrection of Karl Marx, Political Economist," *Social Research* 53 (Autumn 1986): 475-512; Spivak, *A Critique*, 67.

⁸⁵ Bruno Latour & Jacques Rancière with Jean-Max Colard & Nicolas Demorand, "What is Art Today?," *Beaux-Arts Magazine* (September 2002)

http://jeanmaxcolard.com/media/portfolio/telechargements/latourranciereitw_0360.pdf; Latour, "Why Has Critique," 248, 245; Bruno Latour, "Never Too Late to Read Tarde," *Domus* 10 (October 2004): 77; Jacques Rancière, "The Misadventures of Critical Thought," in *The Emancipated Spectator* trans. Gregory Elliott (New York: Verso, 2009), 25-50, on 25, 40, 41, 30; idem, "The Misadventures of Critical Thinking," *Aporia: Dartmouth Undergraduate Journal of Philosophy* 24 (Spring 2007): 22-32; idem, *The Philosopher and His Poor* trans. John Drury, Corinne Oster & Andrew Parker (Durham, NC: Duke University Press, 1983/2004), xxv; Luc Boltanski & Ève Chiapello, *The New Spirit of Capitalism* trans. Gregory Elliott (New York: Verso, 1999/2005). See also Jacques Rancière, *Hatred of Democracy* trans. Steve Corcoran (New York: Verso, 2006).

⁸⁶ Latour, "Why Has Critique," 225; Jacques Rancière, *Dissensus: On Politics and Aesthetics* ed. And trans. Steven Corcoran (New York: Continuum, 2010), 169. On the grande day out for *politesse* and ostensibly the new critique, see Elaine Sciolino, "France Polishes Its Politesse," *New York Times* (January 11, 2007). Napoleon Bonaparte, "Proclamation of the Consuls to the French People" 15 December 1799, in *The Old Regime and the French Revolution* ed. Keith Michael Baker (Chicago: University of Chicago Press, 1987), 415. See also Simon Schaffer, "The Eighteenth Brumaire of Bruno Latour," *Studies in History and Philosophy of Science* 22 (1991): 174-192. Trotsky quoted in Neil M. Heyman, "Leon Trotsky's Military Education: From the Russo-Japanese War to 1917," *Journal of Modern History* 48 (June 1976): 71-98, on 77.

⁸⁷ Hannah Arendt, *On Revolution* (New York: Penguin Books, 1963), 11, 18; idem, "Thoughts on Politics and Revolution," trans. Denver Lindley, *New York Review of Books* (April 22, 1970/1971). On the student movement, see also Hannah Arendt, "Reflections on Violence," *New York Review of Books* (February 27, 1969); idem, *On Violence* (New York: Harcourt, Brace & World, 1969/1970): 17-19, 91-92. By the mid 1960s, the student movement was increasingly referred to as a student revolution. See Seymour Martin Lipset and Philip G. Altbach, "Student Politics and Higher Education in the United States," *Comparative Education Review* 10 (June, 1966): 320-349.

⁸⁸ Richard M. Nixon, "To the Editor" "Nixon Explains Stand on Ousting Genovese," *New York Times* (October 27, 1965): 42; idem, "Academic Freedom: A Force in Human History," *Vital Speeches of the Day* 32 (July 1, 1966): 550-552; idem, "The Four Academic Freedoms," *Saturday Review* (August 27, 1966): 12-13, 36-37, on 12; Ronald Sullivan, "Nixon, Backing Dumont, Urges Ouster of Genovese," *New York Times* (October 25, 1965): 1; Vicki A. Alberti, "The Genovese Affair: Prologue to 'The Sixties'" (PhD diss., Drew University, 2009). By 1980, like Hook before and Horowitz a bit later, Genovese turned neoconservative and for this was posthumously given the Sidney Hook Memorial Award on 13 January 2001. Contra Nixon on Genovese, see Ronald Sullivan, "Kennedy Defends Academic Liberty," *New York Times* (October 15, 1965): 33. On Reagan, see Garin Burbank, "Governor Reagan and Academic Freedom at Berkeley, 1966-1970," *Canadian Review of American Studies* 20 (1989): 17-30. Ronald Reagan, "Freedom vs. Anarchy On Campus," in *Takin' It to the Streets: A Sixties Reader* ed. Alexander Bloom & Wini Breines (New York: Oxford University Press, 1995), 345-346, on 345; idem, "Academic Freedom and Academic Order," *Change in Higher Education* 1 (July-August, 1969): 33-36, on 33, 34, 35, 36; Sidney Hook, "The Architecture of Educational Chaos," *Phi Delta Kappan* 51 (October, 1969): 68-70, on 70.

⁸⁹ Jean-Francois Revel, *Without Marx or Jesus: The New American Revolution Has Begun* trans J. F. Bernard (New York: Doubleday, 1970/1971), 269; idem, "The Second American Revolution," *New York Times* (February, 22, 1971): 29; Michel Foucault, "Revolutionary Action: 'Until Now'," in *Language, Counter-Memory, Practice* ed. & trans. Donald F. Bouchard & Sherry Simon (Ithaca, NY: Cornell University Press, 1971/1977), 228, 223; idem, *Society Must Be Defended: Lectures at the Collège de France 1975-76* trans. David Macey (New York: Picador, 2003), 48. Thatcher quoted in Howell Raines, "Thatcher's Capitalist Revolution," *New York Times* (May 31, 1987) SM17.

⁹⁰ Jeffrey J. Williams, “Deconstructing Academe: The Birth of Critical University Studies,” *Chronicle of Higher Education Review* (February 12, 2012); Latour, *We Have Never*, 44; On the sociology of criticism, see Luc Boltanski & Laurent Thévenot, *On Justification: Economies of Worth* trans. Catherine Porter (Princeton: Princeton University Press, 1991/2006), 237-273; idem, “The Sociology of Critical Capacity,” *European Journal of Social Theory* 2 (1999): 359-377, on 364; Luc Boltanski, *On Critique: A Sociology of Emancipation* trans. Gregory Elliott (Cambridge: Polity Press, 2009/2011); Boltanski & Chiapello, *The New Spirit*; Wole Soyinka, “The Critic and Society: Barthes, Leftocracy, and Other Mythologies,” *Black American Literature Forum* 15 (Winter 1981): 133-146, on 133. On the sociology of critics, see G. Eric Hansen, “Intellect and Power: Some Notes on the Intellectual as a Political Type,” *Journal of Politics* 31 (May 1969): 311-328; Charles Kurzman & Lynn Owens, “The Sociology of Intellectuals,” *Annual Review of Sociology* 28 (2002): 63-90. On the philosophy of critique, see Benhabib, *Critique, Norm, and Utopia*; Judith Butler, “What is Critique? An Essay on Foucault's Virtue,” in *The Political (Blackwell Readings in Continental Philosophy)* ed. David Ingram (Oxford: Blackwell, 2002), 212-226; idem, “Critique, Dissent, Disciplinarity,” *Critical Inquiry* 35 (Summer 2009): 773-795, on 775-776; Strathern, “A Community,” 201, 203. One is tempted to petition here for a discipline and degrees for critique on campuses, as all the components are in place, reflecting progress from Foucault's observation in 1978 that critique “seems to be condemned to dispersion, dependency and pure heteronomy. After all, critique only exists in relation to something other than itself: it is an instrument.” Foucault, “What is Critique?,” 42.

⁹¹ Wallace Martin, “The Epoch of Critical Theory,” *Comparative Literature* 31 (Autumn 1979): 321-350, on 350; Elizabeth Fay, *A Feminist Introduction to Romanticism* (New York: Blackwell, 1998), 3; Frederick Anderson, ed., *Mark Twain: The Critical Heritage* (New York: Barnes & Noble, 1971). For history and sources of literary criticism in the twentieth century, see Giles Gunn, *The Culture of Criticism and the Criticism of Culture* (New York: Oxford University Press, 1987); Northrop Frye, *Anatomy of Criticism: Four Essays* (Princeton: Princeton University Press, 1957); Ann Jefferson & David Robey, eds., *Modern Literary Theory: A Comparative Introduction* (London: BT Batsford, 1982/1986); Bruno Latour, “An Attempt at a ‘Compositionist Manifesto’,” *New Literary History* 41 (Summer 2010): 471-490, on 474. Of course dialectic, alone or combined with rhetoric, in the Platonic and Aristotelean sense has nearly always acted as critique. A classical opposition between commentary and criticism is important and Aristotle reminds of the premodern import of both; *kritike tekhnē* is a normative, discriminating, and judging practice distinguishing in the sensible realm humans from animals. See *De Anima*, 432a 15-16. This list of critical [add your discipline or practice here] continues to multiply (e.g., critical making).

⁹² Michel Foucault, “Practicing Criticism,” in *Politics Philosophy Culture: Interviews and Other Writings, 1977-1984* trans. Alan Sheridan and Others (New York: Routledge, 1988), 152-155, on 155; Foucault, “What is Critique?,” 45; Butler, “What is Critique?,” Foucault drafts a wide scope for the “hermeneutics of the self,” which enfolds criticism and critique. Seneca, for example “reproaches himself for having criticized someone and instead of correcting him.” See e.g., the Howison Lectures and Truth and Subjectivity and Michel Foucault, “About the Beginning of the Hermeneutics of the Self: Two Lectures at Dartmouth,” *Political Theory* 21 (May 1993): 198-227, on 207. Ian Hunter makes this point for doing a history of theory.

⁹³ J. Peter Byrne, “Academic Freedom: A ‘Special Concern of the First Amendment’,” *Yale Law Journal* 99 (November 1989): 251-340, on 255. See also Byrne, “The Neo-Orthodoxy” (n. 5 above).

⁹⁴ American Association of University Professors, “On the Relationship of Faculty Governance to Academic Freedom” *Academe* 80 (July-August 1994): 47-49, on 48; American Association of University Professors, “Statement on Government of Colleges and Universities,” *AAUP Bulletin*, 42 (December 1966): 375-379; Canadian Association of University Teachers, *CAUT Policy on Governance: Where We Have Been and Where we Should Go* (Ottawa: CAUT, 2004); AAUP, “On Collegiality” 39. See also Carey Nelson, “The Three Legged Stool: Academic Freedom, Shared Governance, and Tenure,” in *No University is an Island: Saving Academic Freedom* (New York: New York University Press, 2010), 31-50;

⁹⁵ Cary Nelson, “From the President: Needed: Foot Soldiers with Dreams,” *Academe* 94 (May-June 2008): 80; John Lachs, “Shared Governance is a Myth,” *Chronicle of Higher Education* (February 6, 2011). “The private citizen today has come to feel rather like a deaf spectator in the back row, who ought to keep his mind on the

mystery off there, but cannot quite manage to stay awake. He knows he is somehow affected by what is going on. Rules and regulations continually, taxes annually, and wars occasionally remind him that he is being swept along by great drifts of circumstance.” On spectator democracy, see Walter Lippmann, *The Phantom Public* (New York: Macmillan, 1927), 13; Noam Chomsky, *Media Control: The Spectacular Achievements of Propaganda* (New York: Seven Stories Press, 1991), 14-21; E. Wayne Ross, “General Editors Introduction: Defending Public Schools, Defending Democracy,” in *Education Under the Security State* eds. David A. Gabbard & E. Wayne Ross (New York: Teachers College Press, 2008), xi-xviii, on xiv; Lewin, Lippitt & White, “Patterns of Aggressive,” 283. On participation in academic governance, see John F. Welsh, “Theses on College and University Administration: A Critical Perspective,” *Workplace* 16 (2009): 73-79.

⁹⁶ Stanley Fish, *There’s No Such Thing as Free Speech, and It’s a Good Thing Too* (New York: Oxford University Press, 1994), 277; idem, *Save the World*, 19, 20, 27, 40, 47. On this content v form reading of Fish, see Andrew Hoberek, “‘We Reach the Same Ends by Discrepant Means’: On Fish and Humanist Method,” *Profession* (2009): 75-83.

⁹⁷ Ward, *Sensible Etiquette*, 402; E. Post, *Etiquette*, 314; I.A. Richards, *The Philosophy of Rhetoric* (London: Oxford University Press, 1936). See e.g., Debi Laplante & Nalini Ambady, “On How Things are Said: Voice Tone, Voice Intensity, Verbal Content, and Perceptions of Politeness,” *Journal of Language and Social Psychology* 22 (December 2003): 434-441.

⁹⁸ For example, it was as impossible then as it is now to indict either the content or tone of Mortimer Adler’s speech delivered at a conference in New York on 10 September 1940. Some did and will praise the speech while others will and did label it incendiary and disloyal. “The defects of modern culture are the defects of its intellectual leaders,” he said and then went on: “It is probably not from Hitler, but from the professors, that we shall ultimately be saved.” Mortimer J. Adler, “God and the Professors,” *Vital Speeches of the Day* 7 (December 1, 1940): 98-103. The same can be said of Churchill’s post 9/11 essay “‘Some People Push Back’: On the Justice of Roosting Chickens.”

⁹⁹ American Association of University Professors, “On Freedom of Expression and Campus Speech Codes,” *Academe* 78 no. 4 (1992): 30-31, on 30; Steven G. Gey, “The Brandenburg Paradigm and Other First Amendments,” *Journal of Constitutional Law* 12, no. 4 (2010): 971-1052, on 993; Marci A. Hamilton, “A Response to Professor Laycock,” *Michigan Law Review* 105 (2007): 1189-1192, on 1189.

¹⁰⁰ Weber, “Politics as a Vocation,” Weber, 78; idem, “The Meaning of,” 23, 24; Georg Lukács, *German Realists in the Nineteenth Century* ed. Rodney Livingstone, trans. Jeremy Gaines & Paul Keast (Cambridge, MA: MIT Press, 1951/1993), 172; Siew Wha Beh, “The Woman’s Film,” *Film Quarterly* (Autumn 1971): 48-49, on 49; Carol Hansich, “The Personal is Political,” *Notes from the Second Year: Women’s Liberation* (1970): Retrieved October 26, 2011 from <http://www.carolhanisch.org/CHwritings/PersonalisPol.pdf>. Hanisch admits that the editors assigned the title to the essay; Nancy Welch, “*La Langue de Coton*: How Neoliberal Language Pulls the Wool over Faculty Governance,” *Pedagogy: Critical Approaches to Teaching Literature, Language, Composition, and Culture* 11 no. 3 (2011): 545-553, on 552. The entire cluster on shared governance in this issue of *Pedagogy* is extremely productive and timely. Berger, “Introduction,” 14.

¹⁰¹ Butler, “Critique, Dissent,” 775-776; Steve Fuller, *the intellectual* (Toronto: Penguin, 2006), 150; Sandy Grande, “American Indian Identity and Intellectualism,” *Qualitative Studies in Education* 13 (2000): 343-359, on 351; Lourdes Díaz Soto, “Politics of Civility: Struggles of a Latina in the Academy,” *Taboo* 4 (Fall-Winter, 2000): 5-10, on 6; Elizabeth Cook-Lynn, “Editor’s Comment,” *Wicazo Sa Review* 13 (Spring 1998): 5-7; Kingwell, *A Civil Tongue*, 232. On indigeneity and critical education, see also Eva Marie Garoutte, *Real Indians: Identity and the Survival of native America* (Berkeley: University of California Press, 2003); Michael Marker, “Going Native in the Academy: Choosing the Exotic over the Critical,” *Anthropology & Education Quarterly* 29 (December 1998): 473-480; Dale Turner, *This is not a Peace Pipe: Towards a Critical Indigenous Philosophy* (Toronto: University of Toronto Press, 2006).

¹⁰² Karen Tracy, “‘Reasonable Hostility’: Situation Appropriate Face-Attack,” *Journal of Politeness Research* 4 (2008): 169-191, on 169, 176 185-186, 188; Editors, “Reasonable Protest,” *MANAS Journal* 19 (January 26, 1966): 1-13; Wendy Brown, *Politics Out of History* (Princeton: Princeton University Press, 2001), 137; Steven

Shiffrin, "Dissent, Democratic Participation, and First Amendment Methodology," *Virginia Law Review* 97 (2011): 559-565, on 563; Thomas J. Scheff, "Toward a Sociological Model of Consensus," *American Sociological Review* 32 (February, 1967): 32-46, on 39. For an analysis of protected ground or class of political belief, affiliation, and orientation, see e.g., Catherine A. Sullivan and Jonathan Chapnick, "Human Rights 101: The Prohibited Grounds of Discrimination in Employment," Paper Presented at the Human Rights Conference (November, 2009) http://online.cle.bc.ca/CourseMaterial/pdfs/2009/310_10_1.pdf; "Alex Jamieson v. Native Friendship Centre," *Canadian Human Rights Reporter* 22 (December 16, 1994); Strathern, "A Community," 204.

¹⁰³ Saul D. Alinsky, *Rules for Radicals* (New York: Vintage, 1971), xviii; Paulo Freire, *Pedagogy of the Oppressed*, trans. Myra Bergman Ramos (New York: Continuum, 1970/1982), 19, 174-175; bell hooks, *Teaching to Transgress: Education as the Practice of Freedom* (New York: Routledge, 1994), 21; Peter McLaren, "Revolutionary Pedagogy in Post-Revolutionary Times: Rethinking the Political Economy of Critical Education," *Educational Theory* 48 (Fall 1998): 431-462, see 448-460; Jennifer Elrod, "Critical Inquiry: A Tool for Protecting the Dissident Professor's Academic Freedom," *California Law Review* 96 (2008): 1669-1691. On the struggles of scholactivism, see Donald Earl Collins, "The Ivory Tower and Scholar Activism," *Academe* 91 (September-October, 2005): 26-28; William V. D'antonio, "Academic Man: Scholar or Activist?," *Sociological Focus* 2 (Summer, 1969): 1-25; Jerry Gershenson, "'Not an Academic Affair': African American Scholars and the Development of African Studies Programs in the United States, 1942-1960," *Journal of African American History* 94 (Winter, 2009): 44-68; Wilma Scott Heide, "Scholarship/Action: In the Human Interest," *Signs* 5 (Autumn, 1979): 189-191; Clara Sue Kidwell, "American Indian Studies: Intellectual Navel Gazing or Academic Discipline?," *American Indian Quarterly* 33 (Winter, 2009): 1-17. On critical education and critical pedagogy, see e.g., Henry A. Giroux, *Theory and Resistance in Education: A Pedagogy for the Opposition* (Boston: Bergen & Garvey, 1983); kecia hayes, Shirley R. Steinberg & Kenneth Tobin, eds., *Key Works in Critical Pedagogy: Joe L. Kincheloe* (Rotterdam: sense, 2011); Sandra Mathison & E. Wayne Ross, eds., *Battleground Schools* (Vols. 1-2) (Westport, CT: Greenwood Press, 2008), analysis in Ross' chapter on "Critical Pedagogy," 156-161.

¹⁰⁴ Carol Trosset, "Student Discussion Styles," *General Anthropology* 6 (1999): 4-8, on 5; Terri A. Hasseler, "Fomenting Dissent on Campus," *Academe* 92 (May-June, 2006): 20-23, on 21.

¹⁰⁵ Marilyn Strathern, "'Improving Ratings': Audit in the British University System," *European Review* 5 (1997): 305-321; idem, ed., *Audit Cultures: Anthropological Studies in Accountability, Ethics, and the Academy* (New York: Routledge, 2000).

¹⁰⁶ See e.g., Doumani, *Academic Freedom after September 11*, 16.

¹⁰⁷ See e.g., American Council of Trustees and Alumni, *How Many Ward Churchills?* (Washington, DC: ACTA, 2006), 2.

¹⁰⁸ On Agnew, Nixon and the silent majority, see Correspondence, "The Silenced Minority," *Economic and Political Weekly* 5 (March 28, 1970): 551-552; "Nixon Declares 'Silent Majority' Backs His Speech," *New York Times* (November 5, 1969): 1, 11, on 11. Arthur M. Schlesinger, "Not Right, Not Left, But a Vital Center," *New York Times Magazine* (April 4, 1948).

¹⁰⁹ Shannen Doherty, *Badass: A Hard Earned Guide to Living with Style and (the Right) Attitude* (New York: Clarkson Potter/Publishers, 2010), 22; Peggy Post, *Emily Post's Etiquette*, 17th ed. (New York: HarperResource, 2004), 47; Peggy Post, Anna Post, Lizzie Post & Daniel Post Senning, *Emily Post's Etiquette*, 18th ed. (New York: HarperCollins, 2011).

¹¹⁰ On audiences and civil discourse, see Diana C. Mutz and Byron Reeves, "The New Videomalaise: Effects of Televised Incivility on Political Trust," *American Political Science Review* 99 no. 1 (2005): 1-15; See transcript at "As Public Broadcasting and Community Media Face Potentially Massive Cuts at Home, Hillary Clinton Calls for Increased Funding for U.S. Propaganda Overseas," *Democracy Now* (March 7, 2011) http://www.democracynow.org/2011/3/7/as_public_broadcasting_and_community_media.

¹¹¹ Wouters, *Informalization*.

¹¹² Robert Marleau & Camille Montpetit, eds., “Rules of Order and Decorum,” in *House of Commons Procedure and Practice* (Montreal: House of Commons, 2000). Retrieved October 26, 2011 from <http://www.parl.gc.ca/MarleauMontpetit/>; U.S. Congress, House, “Consideration and Debate,” in *House Practice: A Guide to the Rules, Precedents and Procedures of the House*, 108th Cong., 1st sess. (Washington: GPO, 2003), 23. Retrieved October 26, 2011 from <http://democrats.rules.house.gov/decorum.pdf>. Refreshing in light of the new critique, on 14 December 2011 Liberal MP Justin Trudeau screamed out in Parliament “You piece of shit” while a questionable response was given from Environment Minister Peter Kent regarding the Kyoto Protocol. The son of twice Prime Minister Pierre Trudeau was lightly reprimanded and offered a brief apology. See <http://www.cbc.ca/news/politics/story/2011/12/14/pol-question-period-swearing.html>. Was this excusable or inexcusable based on how he said it, what he said, or who he is?

¹¹³ “The upsurge of student activism and the radicalization of large segments of the undergraduate population since 1964 has led to considerable speculation about the future politics of this college cohort... whatever the prevailing political climate in the United States in 1980— short of some catastrophic set of events— the college cohort of the late sixties will be relatively less receptive to the dominant social change-directed thrusts of the day, and in that sense more moderate or conservative than its succeeding cohorts in academe.” Seymour M. Lipset & Everett C. Ladd, “As Students Age...,” *New York Times* (October 22, 1971). Amusingly summed up by Shirley Steinberg, “We Aren’t Stardust, We Aren’t Golden,” *Globe and Mail* (August 14, 2009). See Shawn Blore, “The Great Divide,” *Adbusters* 30 (April/May 2000): 58-64, on 58. “It would be hard to argue against the conclusion that the Boomers in power have been a deep— if not total— disappointment, particularly on the environmental front. This is, after all, the generation that coined the word ‘environmentalist’ (even if they didn’t invent environmentalism), the post-war demographic whose self-image still rests on remembered days of youthful protest. And what can they show from their time in office?” Director Lawrence Kasdan defined “The Big Chill” as “a cooling process that takes place for every generation when they move from the outward-directed, more idealistic concerns of their youth to a kind of self-absorption, a self-interest which places their personal desires above those of the society or even an ideal.” Quoted in Rob Nixon, “The Big Chill,” *Turner Movie Classics* <http://www.tcm.com/this-month/article/294371%7C115768/The-Big-Chill.html>.

¹¹⁴ Noble, “Breaking the Rules;” Karl Marx, *A Contribution to the Critique of Political Economy* trans. N. I. Stone (Chicago: Charles H. Kerr & Company, 1859/1904), 12; F. Y. Edgeworth, “The Hedonical Calculus,” *Mind* 4 (July 1879): 394-408, on 399; Spencer, *Data of Ethics*, 57: “I conceive it to be the business of Moral Science to deduce, from the laws of life and the conditions of existence, what kinds of action necessarily tend to produce happiness, and what kinds to produce unhappiness. Having done this, its deductions are to be recognized as laws of conduct.”

¹¹⁵ Franz Kafka, “A Report to An Academy,” in *The Complete Stories and Parables* ed. Nahum N. Glatzer trans. Willa & Edwin Muir (New York: Schocken Books, 1917/1971), 250-259, on 250, 259.

AFFILIATIONS

Stephen Petrina
University of British Columbia