

Eloquent Silences: Silence and Dissent

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Abstract: Partly in response to the imperative that we disclose information about ourselves, individuals are increasingly turning to silence as a means to protest, refuse and resist. Yet, there is to my knowledge no existing philosophical account of silence as communicative act of dissent. This paper has three main goals. The first is to fill the lacuna in the existing philosophical literature by showing that silence can be an illocution which is used to communicate. In other words, silence can be eloquent. The second is to argue that silence when eloquent is not usually expressive of acceptance. Instead it often signals that something is awry with the ongoing conversational exchange. The third is to identify some features of eloquent silences that explain their effectiveness, in some contexts, in expressing dissent.

A political dissident is interrogated. She is asked time and again to reveal the names of other activists. In response, she remains silent. A black man narrates his experiences of racial discrimination to a white audience. No one interrupts him. When he finishes, his audience is silent, still, showing no signs of emotion. Hundreds of students sit silent on the ground, motionless forming a path from the entrance of a University building. Through them moves a woman, looking nervous, who is being followed by reporters.¹ These, and many more, are things we do with silence. Some of them are ways in which dissent can be “voiced”.

It is *prima facie* plausible to think that these silences are effective communicative acts and to take the silences they involve to be examples of illocutions such as protesting,

¹ This protest was organised in 2011 at UC Davis by students objecting to the decisions made by the University Chancellor to call the campus police in response to previous protests (Cf., Hatzisavvidou 2015).

refusing or dissenting.^{2,3} Further, it is commonplace in linguistics and in political theory to accept that some silences are propositionally meaningful (e.g., Tannen and Saville-Troike 1995; Ferguson 2003; Ephratt 2008). Yet, there is, to my knowledge, no philosophical discussion of this phenomenon. Whilst it is widely acknowledged in the philosophical literature that speech acts can be performed silently, the examples which are considered involve body language or other physical gestures. There is no discussion of the communicative potential of silence itself.

This lacuna is particularly troubling given the recent prominence of silence as a tool of dissent. Until the 1990s' silence has often been equated with powerless or acquiescence. The Act Up slogan "Silence = death" was indicative of this approach (Cf., Ferguson 2003). In recent years, however, uses of silence as a means of resistance or protest have proliferated. For instance since 1996 in April every year the Gay, Lesbian and Straight Education Network (GLSEN) in the USA holds a day of silence in schools to express solidarity with gay and lesbian students and to raise 'awareness about the silencing effect of anti-LGBT bullying, harassment and discrimination' (GLSEN 2017; cf., Woolley 2012). Silent demonstrations have been held in Iran in 2009 protesting against perceived widespread electoral fraud (Ranjbar 2017); in Ecuador against the mining of rain forests (Fitz-Henry 2016); and in Mexico against the violence that pervades the lives of indigenous people (Carmona 2014). In Turkey, a performance artist began in 2013 a silent protest against Prime Minister Erdogan. He soon became known as the standing man and hundreds joined him in silent protest (Seymour 2013).

There are several likely causes for the rise in popularity of silence as a way of dissenting. Prominent among them is increased awareness that we live in a society where individuals are on a daily basis mandated to disclose personal information to authorities and institutions. Citizens are thus often confronted with officials, impersonal forms or websites, whose task is to make individuals produce speech about themselves, and that succeed in eliciting such speech whilst bypassing, undermining, or overriding the agent's will. In other

² My focus is on literal silence. Some of the sociological literature on silence is concerned with elephants in the room. These are taboo topics about which people are silent whilst being extremely loquacious (Cf., Zerubavel 2006). I shall ignore these cases.

³ Since silence does not use language, it is awkward to refer to some silences as speech acts. In what follows I avoid this tension by using "illocutions" rather than "speech acts" to refer to units of conversation. The two terms are used interchangeably by others (e.g., Green 2015, p. 6).

words, we live in societies in which citizens frequently have their speech extracted from them (McKinney 2016).⁴ In addition, social media such as Facebook or Twitter nudge their users to make public personal information about the minutiae of their daily lives. Within this context it is hardly surprising that choosing silence becomes a way of withdrawing and dissenting.⁵

This paper has three main goals. The first is to fill the lacuna in the existing philosophical literature by showing that silence can be an illocution which is used to communicate. In other words, silence can be eloquent.⁶ The second is to argue that silence when eloquent is not usually expressive of acceptance. Instead, it often signals that something is awry with the ongoing conversational exchange. The third is to identify some features of eloquent silences that explain their effectiveness, in some contexts, in expressing dissent.

1. Eloquent Silences

The aim of this section is to provide an account of eloquent silences which I define as silences that (a) are illocutions and (b) are intended to communicate. I also show that silences of this kind are commonplace. I begin this section by explaining what I mean by silence in order to exclude sign and body language. Subsequently, I consider different kinds of silence before focusing on some which seem intuitively to be eloquent. Using both Gricean and one non-Gricean account of illocutions, I show that there are some silences that fit neatly these accounts. I note that interlocutors' recognition of the communicative intentions of those who keep silent often depend in part on the fact that silences are often adjacent to other speech acts to which they respond such as a question, a greeting, or a

⁴ Some forms of speech extractions are unjust, whilst others are unproblematic. Speech which is elicited by coercion or manipulation is paradigmatic of the first kind.

⁵ Silence also stands in contrast to the noise characteristic of contemporary lives in which we are bombarded with advertising, music, the web, television and the printed press.

⁶ I owe the expression to Michal Ephratt (2008).

request. Finally, I argue that whilst some eloquent silences adhere to Grice's Cooperative Principle, others flout, violate or opt out of it.⁷

Before I can contrast eloquent silences with other silences that do not communicate, I need to provide a characterisation of silence in general. For my purposes here, some behaviours which are not vocal are nevertheless not silence because they constitute linguistic or verbal behaviour which deploys non-acoustic means of communication. These behaviours include: writing, sign-language, and communication by means of gestures. Even though they can be carried out silently, these communications are verbal (Cf., Saville-Troike 1995, p. 5); they are not silence. Silence, then, is non-acoustic behaviour which is also non-verbal.

Even if we restrict our focus to silence so characterised, there are silences that are not communicative. Some of these silences are extraneous to conversations; others facilitate conversation without communicating anything themselves. First, silences that occur outside communicative exchanges include the silence of a person who is asleep, or of strangers sitting side by side in the reading room of a library. They also include silences caused by external forces that prevent one from speaking such as the silence that follows a loud noise, but also the silence of someone who is locutionarily silenced and thus rendered unable to speak.⁸ These are all silences which are outside communicative events. Of course, whilst some may be innocuous, others - such as those resulting from locutionary silencing - are generally harmful.

Second, there are also silences which are part of conversations, and enable communication, but still have themselves no communicative function. These include pauses in speech to swallow or breathe, to find the right words or to decide what to say. Another kind of silence, which enables communication but is not itself part of it, is the silence of listeners that allow the speakers' words to be heard. Ritualised silences that serve to intensify the significance of speech in religious or spiritual ceremonies such as Quakers'

⁷ Grice distinguishes four ways of failing to fulfil a conversational maxim and thus to adhere to the Cooperative Principle. One may quietly violate the maxim and thus mislead one's interlocutors. One may opt out and indicate that one is unwilling to cooperate. There may be a clash between different maxims so that they cannot all be fulfilled. Finally, one may make a public display of failing to fulfil a maxim and so flout it. This latter situation often generates implicatures (Grice 1989, p. 30).

⁸ A person is locutionarily silenced if she is literally prevented from carrying out the locutionary act of uttering words; for example, if she is gagged (Langton 1993).

meetings may also be thought to enable communication by framing or foregrounding it (Saville-Troike 1995).⁹

Third, there are silences which can be taken as evidence of the mental state of the silent person without being themselves communicative acts. These are exemplified, for instance, by long hesitations which may be interpreted as evidence of indecision, or of thoughtfulness; they may also be read as indicating that what one is about to say is painful or otherwise hard to express. These silences are sources of information. Generally, however, they are not communicative acts.¹⁰

These silences are not communicative because there is nothing that the speaker means in being silent. Thus, *a fortiori*, there is no meaning that they intend to communicate. That is, whilst it seems possible to illocute without intending to have an effect on any audience (Davis 1992); one cannot purport to communicate without this intention. Yet, plausibly enough, in all cases considered so far, the silent individual does not even mean anything by her silence.

We can defend this claim in different ways depending on our preferred account of speaker's meaning. Given Grice's account, speaker's meaning requires that one intends to have an effect on one's audience (Grice 1957). This intention seems absent in many of the examples discussed above. In others, such as the silence of the audience which allows the words of the speaker to be heard, the silent individual intends to have an effect on the audience, but they do not necessarily intend that their interlocutors recognise their intentions. The claim also stands if we adopt a different account of illocution. For instance, Mitchell Green (2007) has argued that speaker's meaning requires that one intends to make publicly manifest one's commitment to a content and also to make this intention publicly manifest. This self-reflexive intention is absent in the examples of silence under

⁹ Alternatively, one may think of these silences as being part of the communicative exchanges. Nothing much hangs on this in my paper as I shall not discuss ceremonial or ritualised silences.

¹⁰ There may be cases when a person does communicate through a sustained hesitation. My point here is that at least some hesitations are not instances of communication, although they provide interlocutors with evidence of a person's mental state.

consideration. The person who hesitates, and whom we may interpret as pained, may not intend to manifest any commitment.¹¹

In this paper, I do not discuss the kinds of silence that I have briefly described so far. Instead, I am interested in silences that, on the face of it, are eloquent because they communicate something to interlocutors. Such silences are usually instances of elicited illocutions or example of resisting elicitation.¹² Silences can enact many different illocutions. Prominent among these are refusals to be drawn into some conversations and announcements that one is opting out of an existing one.

Students remaining silent in the face of a teacher's invitation to speak are examples of refusals to be drawn into a conversation. Such silences can be expressions of boredom, lack of engagement, or absent-mindedness;¹³ often, they are also attempts to undermine teachers' authority by challenging their entitlement to demand students' participation. These silences are aptly described by Perry Gilmore as non-submissive subordinate sulks (1995 pp. 148-50). Individuals, who stop contributing to a conversation by pointedly keeping silent, announce their opting out. Such silences, especially when prolonged over time and directed at particular individuals, are an effective mean of ostracising people by giving them the silent treatment.

Eloquent silences can also be moves within on-going conversations. They can express agreement as in the example of a congregation's silence at a Christian wedding ceremony after the minister has proclaimed that if anyone knows of any impediment to the marriage, he or she must immediately say so. They can function as answers to questions; for instance, when a person keeps silent after a friend's query: 'Are you still mad at me?'.¹⁴ They can be invitations as exemplified by short silences marking turn-taking in conversation when a speaker gives the floor to a hearer inviting him to speak. But they can also be acts of

¹¹ There are other instances where hesitations may be eloquent because the silent person intends her silence to show her pain and to make that intention itself manifest to her interlocutors.

¹² Elicited speech is speech which one utters to fulfil the communicative and perlocutionary intentions of another speaker which are directed towards oneself. A communicative intention is an intention to change a person's beliefs (partly at least) through his recognition that this is one's intention. A perlocutionary intention is an intention to make another person do something partly through his recognition of one's intentions. See McKinney (2016, pp. 267-71) for this notion of elicitation.

¹³ Sometimes being able to show disengagement without penalty is one of the privileges of so-called white silence (DiAngelo 2012 p. 7).

¹⁴ I borrow the example from Saville-Troike (1995, p. 9)

resistance, refusal or protest. These include: the silence of silent protesters; that of the person who resists or deflects interrogation; and also, at least in some cases, white silence in response to black's autobiographical narratives of discrimination.¹⁵

In addition, some silences that make one's emotional state manifest are also eloquent moves within a conversation. I noted above that long silent hesitations need not be communicative. However, if one noticeably hesitates before speaking and that hesitation is unusually long, then it is plausible that one's silence is communicative.¹⁶ For instance, a person may hesitate with the intention that her silence makes it publicly discernible that she is still thinking about the answer, and also with the intention that it is publicly discernible that her intention is to make manifest that she is still thinking about the answer. This hesitation is an action which is overt because it results from the self-referential intention to make the agent's commitment to a content manifest and to make this very intention also publicly observable (Green 2007, p. 66). In being silent in this way a speaker means that she is still thinking about what to think on the topic but also, plausibly, she intends to communicate a request that the interlocutor gives her time to formulate her contribution to the conversation.

In the remainder of this section, I argue first that eloquent silences are genuine illocutions in their own right. Second, I indicate that if we want to understand the content and illocutionary force of these silences it is often useful to view them as one element within an adjacency pair of speech acts. Finally, I argue that whilst there are cooperative silences, silence is also an extremely effective means to communicate that one is not willing to co-operate.

A speech act or illocution is commonly defined as an action that can, but does not need to be, performed by saying that this is what one is doing. Hence, for example, one can promise by saying 'I promise', assert by saying 'I assert' or order by saying 'I order'. These are all illocutions (Austin 1976, p. 137; Green 2007, p. 70). Since, however, we cannot persuade someone by saying 'I persuade', persuading is not an illocution but a perlocutionary act. It is generally accepted that illocutions can be actions that do not involve

¹⁵ On white silence see (DiAngelo 2012; Applebaum 2016).

¹⁶ What counts as unusually long varies from speech community to speech community (Sacks et al. 1974).

the use of spoken, written or sign-language. However, examples of silent illocutions in the existing literature usually involve gestures or so-called body language.¹⁷ There is to my knowledge no philosophical literature on being silent as an illocution. Yet, without doubt being silent can be an intentional action. One can intend to be silent, to hesitate or to give someone the silent treatment. So, one may legitimately ask whether some intentional silences are illocutions.

The answer, it would seem, is affirmative no matter which account of illocution one adopts among some prominent contenders.¹⁸ One such approach is inspired by Grice's account of speaker's meaning. In Grice's view a speaker means something by her actions only if she intends (a) to produce an effect in her audience, and (b) that her intention (a) is recognised by her audience, but also (c) that the effect in the audience is produced (at least in part) as a result of the audience's recognition of intention (a) (Grice 1957). Illocutions would be those actions which count as a speaker meaning something. For example, I can assert that p by performing an action A (e.g., uttering p) intending to make my interlocutors believe that p, and form that belief as a result, at least in part, of their recognition of my intention to make them believe that p.

Some silences exemplify this structure. A speaker may remain quiet after having made some utterances intending (a) that her interlocutor believes that he is invited to speak, and (b) that her interlocutor recognises that (a) is her intention; but also (c) that her interlocutor comes to believe that he is being invited to speak partly at least because he recognises that this is her intention. Her silence is an invitation which communicates that it is the interlocutor's turn to speak.

Similarly, a person may keep silent for a while after a question intending that his audience believes that he is still thinking about the answer, and intending them to believe this as a result (at least in part) of their recognition of his intention. Silences of this sort are often also requests for more time before adding one's contribution to the conversation. They are generally recognised and respected as such by interlocutors who typically wait for the other person to speak. Further, interlocutors' silences are also illocutions. They would

¹⁷ For example, J. L. Austin noted that we can warn or protest by non-verbal means and mentioned hurling a tomato as a way of protesting (Austin 1976, p. 119).

¹⁸ There are many more which I am not considering here but none seem to preclude silence being an illocution.

seem to be a way in which one can grant the initial request for thinking time.¹⁹ It is thus possible to have a silent dialogue in which one person asks for more time before speaking and the other person accedes to their request. This stretch of conversation can be carried out without words and, at least among conversational partners who are comfortable with each other, without the need for gestures or body language as ways of expressing one's intentions.

A similar interpretation readily offers itself for silent challenges of authority. The students who publicly display non-submissive subordinate sulks choose to remain silent. In being silent students challenge the teacher's authority and intend that challenge to be recognised by the teacher and to produce in the teacher the belief that his authority is being challenged (partly at least) through this recognition. It is natural to think of this case as one in which students mean something with their silence and successfully communicate what they mean. This content can be captured with expletives or described as saying: 'I am not doing what you want me to do'.

Other eloquent silences, however, do not appear to require reflexive communicative intentions. That is to say, in some cases the intention that the effect be produced in the audience partly at least as a result of the audience's recognition that the speaker intended to produce it, may be absent. Grice explicitly discusses an example in which this intention is missing. He classifies Herod's action of presenting Salome with the head of St John the Baptist on a charger as an instance of letting someone know that something is the case but not as an example of telling something. Herod intends to make Salome believe that St John the Baptist is dead. He also intends her to recognise that this is his intention. Presumably, she forms the belief that St John the Baptist is dead. However, her belief does not require that she recognises his intention to get her to believe this since she can exclusively rely on her own eyes (Grice 1957, p. 382). For this reason, Grice takes this not be an instance of speaker's meaning.

¹⁹ These requests can be misunderstood. However, interlocutors seem to assume that a speaker who is silent is cooperative. Thus, they default to treating the silence as a request which they cooperatively accept. If the silence continues for too long interlocutors may explore other possibilities such as that the speaker may not have heard or may be refusing to continue the conversation.

Many silences that I have categorised as eloquent have this structure. Consider the person who keeps silent after a friend has asked whether she is still mad at him. This person intends (a) that her friend believes that she is still mad at him; she also intends (b) that he recognises that (a) is her intention. But she need not intend (c) that he believes that she is still mad at him through his recognition of her intention. She is happy enough if his belief is based on the observation of her behaviour rather than the recognition of her intention. Hence, if Grice is right, these silences too would not be examples of illocutions.

I do not need to take a stance on this issue here, since as I have shown some silences do involve reflexive communicative intentions. Nevertheless, it seems plausible to hold that not all illocutions require that one also intends to have an effect on an audience.²⁰ It is possible for someone to mean something by an utterance without thereby intending to communicate this meaning to anyone, not even herself.²¹ If this is right, Grice's would be best interpreted as an account of communicative acts rather than of illocutions. In addition, his claim that showing or letting someone know is not communicative because it is not an instance of telling is also open to serious counter-examples. Suppose that, in response to an invitation to play squash, I show you a heavily bandaged leg. I clearly mean by that gesture that I cannot play. I also clearly communicate this fact to you. Yet in this case too your belief that I cannot play may be wholly based on an observation of the state of my leg (Schiffer 1972, p. 56).

These considerations have prompted some to abandon Grice's approach in favour of other accounts of illocutions that do not even require that the speaker intends to produce an effect in her audience. For instance, Green has argued that speaker meaning is a matter of overtly showing one's commitment to a content under a given illocutionary force (2007, p. 74). More precisely, a person S means that p with illocutionary force ϕ if and only if S performs an action A, intending to manifest that one's commitment to p under force ϕ and that this intention is also manifest (ibid.)

The examples of eloquent silence that I have used so far to illustrate how silence can be an illocution nicely fit this account. They are all examples in which someone keeps silent

²⁰ Davis (1992) is often taken to have established this point conclusively.

²¹ Widely discussed examples are those of people speaking in the absence of an audience or of the person proclaiming his innocence whilst knowing he will not be believed (Green 2007, pp. 59-63).

intending to make publicly discernible their commitment to some content such as 'I need more time', 'you are not in charge', or 'I am still mad' under the force of a request, a challenge, or an assertion.²² This intention is self-referential since it is not just the intention to make their commitments manifest, it is also the intention to make publicly discernible that that is their intention.

I shall not try to adjudicate here between these different accounts of illocution.²³ What matters for my purposes here is that independently of which account is to be preferred, my discussion above shows that some silences are illocutions. It also shows that the same action - being silent- can constitute a plethora of different illocutions with very different contents. It is, therefore, hard to fathom how silent agents can make publicly manifest one among many different possible commitments. It is equally mysterious how audiences are able to recognise agents' intentions in keeping silent. Yet, silent communication regularly succeeds. The most plausible explanation of this achievement is based on the fact that eloquent silences are often either elicited or a way of resisting elicitation.

The thought that silent illocutions are produced either in order to fulfil at least some the intentions of the speaker whose speech elicits them, or to resist such elicitation, is compelling, once we consider that by themselves all silences are the same. This simple fact can be easily overlooked because when we think of the role of silence in conversation we often think of it in conjunction with distinctive gestures which are separate illocutions. If, as I argued above, silence itself can be an illocution, one can only account for its varied nature by thinking of it as an element within a structured sequence of illocutions.

It is beyond the scope of this paper to assess the prospects of theories of conversation. But even those who, like Searle (1992), think there is little prospect for success in the search for rules or regularities that would structure conversations admit to the existence of notable exceptions: adjacency pairs. These are pairs of illocutions in which the second element is a response to the first which precedes it. Searle briefly discusses three groupings: questions and answers; requests that one performs a speech act and their

²² The nature of these contents is somewhat indeterminate.

²³ However, I return to the idea that illocutions can show their contents in sect. 3. Eloquent silences often have this feature. It is in my view key to their effectiveness as acts of dissent.

responses; offers, proposals or bets and the consequent acceptance or refusals (Searle 1992, pp. 8-10). It is striking that the examples of eloquent silences I discussed above all seem to belong to one such grouping.

One way to think about the relations between illocutions that form adjacency pairs is to think of the second as being elicited by the first. Following McKinney (2016) we can think of an illocution of a speaker A as being elicited by a speaker B's illocution when it is produced by A to fulfil at least some communicative and perlocutionary intentions of B towards A. For example, when a person A keeps silent when a friend B asks whether she is still mad at him, A fulfils B's communicative and perlocutionary intention that she answer his question. A can exploit this structure of elicitation to make publicly manifest her commitment to a specific content under a given force, whilst B's knowledge of his own intentions and of A's apparent commitment to fulfilling them allows him to recognise A's intentions.

Eloquent silences are also often acts of resisting elicitation. They are therefore refusals to fulfil some communicative or perlocutionary intentions directed toward the person who keeps silent in response. In this case also the agent can rely on a common understanding of the structure of elicitation to intend to make manifest her commitments. In this case the nature of A's commitment is specified by the refusal to fulfil at least some of B's intentions; B is able to recognise A's intentions because he has knowledge of his own intentions and of A's apparent commitment not to fulfil them.

Eloquent silences can be co-operative or non-cooperative.²⁴ Interestingly, they sometimes function as a co-operative way of announcing the end of co-operation. Grice's Co-operative Principle states that one should make one's conversational contribution 'such as is required, at the stage at which it occurs, by the accepted purpose or direction of the talk exchange in which [one is] ... engaged' (Grice 1989, p 26). Eloquent silences that are moves within on-going conversations usually satisfy the principle.²⁵ The congregation's silence is maximally informative, relevant and unambiguous. Silently requesting time to

²⁴ Cooperation and the fulfilment of another's communicative and perlocutionary intentions are related but are not the same. A person may be co-operative and yet frustrate another's perlocutionary intentions.

²⁵ Ephratt (2012) offers several examples of silences that satisfy the principle. He is however employing a very capacious notion of silence including changing the topic of conversation.

think also satisfies the principle. One could also ask for more time by means of words to that effect, but doing so in most cases slows down the conversation even further. It is also not necessary unless one is proposing to return to the topic at a later date. Even the silence of the person who is still mad at us is co-operative since it unambiguously and effectively communicates her annoyance.

Other eloquent silences flout the co-operative principle. None is clearer than the silence of the dissident and of the protester in the face of attempts to extract information, promises or other commitments out of them.²⁶ In these cases the silent objector patently attempts not to make her contribution informative and she resists the speakers' attempts to place some obligations on her. Non-subordinate submissive silences are examples of intermediate cases since they are informative, relevant and unambiguous negative responses to the request or command made by a person in authority that one performs an illocution. It does not seem implausible to identify them as way of marking co-operatively the end of one's cooperation. These are examples of individuals who respond to attempts to elicit their speech by frustrating some of the perlocutionary intentions of those who intended to make them speak. However, their silence is cooperative since it is relevant, informative and unambiguous.

2. Silence as assent and as acceptance

Recently Philip Pettit (2002) and Sanford Goldberg (2016; 2018; MS) have argued that, barring the presence of defeaters, speakers are entitled to presume that silent interlocutors accept what speakers have said.^{27,28} In this section, I take issue with this view. Instead, I argue that even if we grant that audiences have a defeasible obligation to make their dissent manifest, it does not follow that such disagreement cannot be communicated

²⁶ That said, one could argue that the principle should not apply to these cases since these are not talk exchanges with agreed purpose or direction.

²⁷ There is a growing literature on silencing following Langton's now classic (1993). The issue of silencing is however orthogonal to my concern here since it highlights how some people's contributions to debate are blocked or undermined.

²⁸ The notion of acceptance here is weaker than that of belief. The interlocutor may accept a claim for the purpose of the on-going conversation without believing it.

by means of silence. In particular, I show that at least when silence is eloquent, it cannot be presumed by default to communicate assent.²⁹

It may be instructive to consider first examples where silence is eloquent and communicates assent. Goldberg mentions the so-called “tacit acceptance procedure” used by some committees when ratifying reports. Given this procedure, documents are tacitly accepted unless someone explicitly raises an objection before a pre-set deadline (MS, p. 7). Silence in these cases may not be wholly freely chosen, but it communicates assent, as does the silence of the congregation when it has been directed by the minister to speak out against the marriage or forever acquiesce to its legitimacy. We should not, however, draw any general conclusion based on these examples alone since they essentially rely on speech acts known as directives.

The priest during the wedding ceremony instructs the audience either to speak up or accept the marriage. The minister’s illocution is thus a directive which is a speech act that tries to get the hearers to do something (Searle 1976, p. 11) or that lays some obligation on them (See Alston 2000, pp. 97-8). It is, thus, plausible to conclude that the reason why silence in this instance communicates assent is that members of congregation have acquired a special responsibility to state presently any objections they may harbour. The same considerations apply to tacit acceptance procedures. These silences are forms of assent because they are responses to specific directives. These examples of eloquent silences provide no evidence for the view that silence following an assertion also communicates acceptance.

In addition, there are situations where silence following an assertion overtly communicates disapproval.³⁰ One is discussed by Grice in the context of failures to fulfill the submaxim relating to making one’s contribution relevant to the conversation. Grice considers the case of a person who, at a tea party, states that ‘Mrs X is an old bag’. The claim is followed by silence which Grice describes as ‘appalled’. Then one interlocutor continues the conversation by changing the topic to a discussion of the weather (1989, p.

²⁹ I shall not consider here the broader question whether other kinds of silences which are not themselves communicative can be presumed to indicate assent.

³⁰ Overtiness requires a self-referential intention to make a commitment to a content manifest and to also make this very intention manifest.

35). Grice focuses on the change of subject, but the silence that precedes it is also a conversational move. The interlocutor's silence communicates her consternation about the speaker's claim. It conveys, by showing that one refuses to engage with it, that the speaker's comment should not be dignified with a response (Ephratt 2012, pp. 65-6).

Further, it is not altogether clear that Grice is right to maintain that the appalled interlocutor violates the Co-operative Principle by not making her contribution relevant. Arguably, one may claim instead that the initial remark is out of order. Rude comments are unacceptable given the purposes of polite conversation at tea parties. Thus, it is the original speaker who is un-cooperative, whilst the interlocutor's silence is co-operatively helpful by trying to steer the conversation back to its initially agreed purpose (*ibid.*, p. 66). Hence, at times, pointed silence is the clearest, most coherent and helpful way, of communicating to a speaker that some remark of his is beyond the pale.

This example brings into relief some unwarranted assumptions in the arguments in favour of the view that the default, albeit defeasible, interpretation of silence following an assertion is acceptance. First, these arguments fail to distinguish clearly deliberate silence from a failure to remark on a specific claim. Second, they appear to presume that disagreement can only be conveyed by saying something. That is, they ignore the possibility that silence may communicate dissent. Third, they overlook the possibility that the initial speaker's contribution may itself be uncooperative.

To substantiate these charges, I need to give a flavour of the position I wish to oppose. According to this view, it is a feature of the practice of assertion that any claim made in a conversation, which is not challenged, is accepted by default; it, thus, becomes part of the background presuppositions of that linguistic exchange. Therefore, it is incumbent on the interlocutors to block the addition of a new assertion to the common ground or to the conversational score of the conversation, if they object to it.³¹ If they fail to act, the assertion is accepted.

³¹ Those who discuss this feature of the practice of assertion usually develop it either in terms of Stalnaker's notion of a common ground (1999; 2002) or David Lewis' notion of a conversational score (1979). These are different ways of explaining kinematically changes in what is taken to be accepted or permitted in an evolving conversation.

Although I have reservations about it (Tanesini 2016), I do not wish in this paper to challenge the thesis that assertions are accepted by default. Instead, I want to challenge the claim that silence cannot be a rejection of an assertion. Defenders of the view that silence indicates acceptance do not address this issue head on. Instead, they ignore this possibility because its existence is obscured by two unargued but related presumptions. One is the assumption that silence may indicate something but says nothing. This neglect of eloquent silences makes it difficult to recognise the difference between keeping silent and not remarking upon a claim. Yet, whilst keeping silent is an act, not remarking upon a claim is best thought of as an omission. This second assumption that silence is always an omission rather than an act generates the tendency to conflate what are clearly distinct phenomena: one is omitting to say anything about a claim, often by saying something which continues the conversation; the other is keeping silent when one is invited to speak or is at least in a position to do so.

The interlocutor in the first case, by indicating his willingness to continue the conversation as normal, indicates his assent. The person who is deliberately keeping silent, instead, indicates that something is amiss with the conversation which, therefore, cannot continue as normal. It may be worth noting in this regard how awkward silence often is in conversation. Silence is uncomfortable because it often marks the fact that things are not going well with the conversational exchange.³² Hence, it does not seem plausible that deliberate silence marks agreement. What may mark agreement is behaviour that indicates that all is well with the conversation. Such behaviour includes contributing to it without remarking upon, or drawing attention to, previous contributions in critical or negative ways.

In addition, those who take silence defeasibly to indicate assent overlook how frequently silence is used to express overtly, and make public, one's dissent. One of the reasons why the prevalence of dissenting silence might have been overlooked is the focus on disagreement understood as having doubts about the truth of a claim, or believing it to be false. But disagreement may take different forms. One may object to an assertion because of the discriminatory vocabulary it deploys. One's censure of slurs or hate speech is not primarily based on their falsity but on the harms they cause (and perhaps constitute).

³² This is not always so, however. The ability to maintain silence without discomfort is often a sign of intimacy.

Thus, when confronted with such speech one may want to contest the legitimacy of uttering the words, rather than challenge the veracity of the assertion. That is, one may wish to reject that the oppressive speech contributes to the conversation, rather than to respond to it as a legitimate move which is epistemically defective.

In this context, there is a risk that trying to offer reasons for the unacceptability of hate speech actually ends up giving it some legitimacy. If one treats speech of this sort as requiring a reply rather than as deserving to be ignored or dismissed, one can be plausibly taken to imply that it has made a contribution to the conversation. Plausibly, however, when one finds an assertion to be repugnant rather than merely false, pointed silence, that conveys the thought that the speaker is out of order is an effective way of distancing oneself from the speaker and his or her speech.

In sum, I have shown that one may be led to think that silence by default signals acceptance only if one overlooks some plausible features of the use of silence in communication. First, silence can be an illocution. Second, silence as an illocution often, or even usually, marks that something is going wrong rather than well in the conversation.³³ Third, cooperation in conversation is a two-way street. Sometimes when a speaker is not cooperative, a helpful interlocutor will draw the speaker's attention to the fact. Corrections of this sort are akin to censure or disapproval rather than to critical challenges. Silence can be an effective way to censure a speaker without being uncooperative.

3 Dissident silences

I have argued in the first section that silence can be eloquent. In section two I have shown that it is a mistake to think that silence defeasibly indicates acceptance. In this section, I present a non-exhaustive and partially overlapping taxonomy of eloquent silences as ways of expressing dissent. Subsequently, I discuss two features of dissident silence that make it a particularly effective tool in resisting discrimination and subordination. First, silence is more

³³ I say 'usually' because silence in response to a directive may communicate assent.

effective than verbal criticism at expressing censure of oppressive claims. Second, since silence often shows what it communicates, its success as an illocution does not require that its target audience trusts or is especially attentive to the intentions of silent individuals. Whilst the speech of the dispossessed may be not be listened to, their silence is, at times, harder to ignore.

Political theorists and linguists have offered different ways of categorising silence (Cf., Ephratt 2008; Jungkunz 2013), each suited for different purposes. Here I propose a different taxonomy based on the idea that the nature of silence is best understood in relation to those illocutions or standing conditions whose elicitation it resists. My taxonomy does not aim to be exhaustive or to identify mutually exclusive possibilities. Instead, my goal is to illustrate the variety of illocutions that can be performed by means of silence.

The first family of eloquent silences concerns those silences in the face of directives that demand that one speaks. These silences are refusals to comply; they are ways of resisting the elicitation or even extraction of speech.³⁴ They can constitute many illocutions such as defiance, refusal, resistance, protest or withdrawal. Within this category one may include students' silence as a challenge to the authority of teachers by means of subordinate non-submissive sulks (Gilmore 1995); the resistance of the political activist when remaining silent during an interrogation; the refusal of some athletes to sing the national anthem in silent protest (Jungkunz 2012, p. 140). It also comprises many tactics adopted by welfare recipients to resist state surveillance through failure to report some income, feigning ignorance and foot dragging (Jungkunz 2012, p. 142).³⁵ This latter kind of resistant silent in the face of attempts to extract information has often been used by the subordinated to make themselves unknown to people in position of power (Collins 1991, p. 92).³⁶

³⁴ Speech is extracted when the elicitation undermines, bypasses or overrides the agent's will (McKinney 2016).

³⁵ These silences often are violations of the Co-operative Principle.

³⁶ However, some of these self-chosen silences are forms of self-censure for the purpose of self-preservation. Unlike cases of testimonial smothering when a speaker curtails her testimony because of her knowledge that the audience is not capable of genuinely hearing what she says (Dotson 2011), in these examples a speaker fears that her audience will use her words to harm her. Medina has argued that these silences should be thought of as a kind of hermeneutical injustice because the victim, even though she has the expressive resources to communicate her experiences, is coerced into silence (Medina 2013, pp. 101-4).

The second family includes those silences which are intentionally kept in contexts in which speech is invited or expected within some on-going conversation or debate. These silences are as varied as the speech that attempts to elicit them. They include silence in response to questions or the appalled silence of the person who thinks that what has just been said is out of order. To this family also belong the silences of silent protesters who wish to communicate their refusal to engage with institutional explanations of some event (Carmona 2014), and of those who wish to draw attention to those voices that are missing from the conversation so in order to empower them (Jungkunz 2012; Ranjbar 2017, p. 618). Often these silences derive their significance from the fact that they confound expectations and are a source of surprise.

This second family also includes silences in response to queries that are intended to show that one should not be expected to be able to answer that question. This is a strategy of survival that has sometimes been adopted by subordinated individuals. It is, as I mentioned above, a way of making oneself unknown to those who can cause one harm. In this instance, one may keep silent to give the impression that one is slow-witted and has nothing to say. Such silence may be a result of the psychological damage inflicted by habitual silencing or it may be a conscious strategy to appear more deferential and less knowing than one actually is.³⁷

Privileged individuals adopt a similar strategy to indicate that they regard their ignorance of some issue to be unproblematic. Sometimes, the silence of white people in the context of discussions of race belongs to this category. White silence, in these instances, is not indicative of attentive listening. Rather, it communicates that one thinks that one should not be expected to know anything about the topic, and, therefore, to be able to make a meaningful contribution. It thus implicates that white people are blamelessly ignorant about race (DiAngelo 2012; Applebaum 2016).

The third, and final, family of silences I wish to discuss concerns silence on occasions where there is a standing and generic expectation that speech will be present, although these have not been preceded by specific solicitations that one speaks. These silences too

³⁷ Collins mentions some of these silences in her discussion of Afro-American women who worked as house servants (1991, p. 53 and pp. 142-3).

can be a form of protest which works by creating surprise, or discomfort, or by drawing attention to some of the features of the usual speech that go unnoticed until it is replaced with silence. Hence, for instance, silent protests in Ecuador were intended to communicate, by being patently different from it, that dominant public speech was toxic because of its reliance on strong men and alleged saviours (Fitz-Henry 2016, p. 11). Performances of stillness and quietness in public spaces where bustling noise is generally expected also communicate similar messages.³⁸ The use of silence by teachers overtly to communicate to students the acceptability of patterns of speech that include long silent pauses is another example of silence which acquires its eloquence through defying standing expectations.³⁹

I hasten to add that the power of silence as a tool of dissent is not without its limitations. It is not a coincidence that it is primarily used by those who are powerless and as a weapon of last resort. It is often a strategy to deflect violent reprisals by making it apparent that one's protest is peaceful, and to unify groups of demonstrators who may not share a common view of the alternative to the status quo (Cf., Ranjbar 2017).

Nevertheless, silence can be a successful form of dissent. In what follows I focus on two of its features that promote its effectiveness in the expression of disapproval and disagreement. The first contributes to explaining why silence can be used to communicate censure and disdain. The second may be one of the reasons why silence is often chosen by those who are relatively powerless in a given situation.

In the second section of this paper I have noted that even if we grant that audiences have a defeasible obligation to make manifest their dissent with speakers, it does not follow that such disagreements must be verbally communicated. Here, I want briefly to press the point further by arguing that silence on some occasions can be more powerful than speech in expressing dissent. It has been noted that oppressive speech is often hard to reverse; when appalling claims have been made salient, it is nearly impossible to restore the conversation to the point before their utterance (McGowan 2009; Simpson 2013). Those

³⁸ Here belongs the silent reading of banned books in public spaces that took place in Thailand in 2014 (Fitz-Henry 2016, p. 2) as well as the standing man's protests in Turkey.

³⁹ See Montoya (2000) on the deliberate use of silence to give legitimacy to the speech habits of some minority communities which value silence rather than the quick fire responses adopted by other ethnic groups.

who have lamented this situation have often focused on verbal objections as a way of reversing the accommodation of moves that are oppressive.

There are many factors that make it hard to cancel out the pernicious influence on conversations of speech that subordinates. In some contexts, as I have argued in section 2 above, silence may be more effective than rational dissent. The person who verbally objects to oppressive speech because she engages in rational debate, indicates by her actions that the objectionable speech at least deserves to be treated as a contribution to the discussion. The person who, instead, keeps silent in response can succeed in conveying that what has been uttered is beyond the pale. She may thus force the initial speaker to take back what he said. Or, failing that, she may compel him to ignore studiously the claim he just made, if he wants the conversation to continue. Silence is thus a way of censuring those whose speech is perceived as being unacceptable. This kind of silent treatment can be used to silence those whose views are at odds with those of the majority. However, as I indicated above, it can also work as a powerful way of cancelling out some of the effects of oppressive speech.

Finally, eloquent silences, I have argued above, often communicate by showing what one means by them. They communicate because they involve the intention to have an effect on an audience as well as the intention to make the agent's commitment to a content manifest and to make this very intention also publicly observable. Further, these silences are instances of showing because they enact the contents that they communicate. So, the person who is silent, meaning that she is still mad, shows her annoyance. Her interlocutor can see that she is mad at him, as well as being aware of her intention to make it manifest that she intends to make it publicly accessible that she is still mad at him. Similarly, the person who keeps silent to highlight the fact that he has been silenced shows what he means. He intends to make public his protest that he has not been allowed to speak, and to also make it manifest that this is his intention. He does this by displaying the very silence to which he has been confined as an object for others to attend to. Metaphorically speaking, he displays his silence on the charger.

Showing is in some circumstances the most effective tool because, unlike telling, it does not require that the target audience trusts the speaker. Ordinary acts of telling require that the receiver of the testimony takes the speaker to be both competent and sincere. However, members of subordinated groups are often, because of prejudice, not credited

with the amount of credibility that they are entitled to (Fricker 2007). In addition, members of subordinated groups also often suffer from what Mary Kate McGowan (2014) has identified as sincerity silencing. This occurs when speakers are not recognised as being sincere. Women's refusals of sexual advances are often interpreted in this way. The person who makes the advance often understands the woman's 'no' as a kind of refusal. But he does not think of her as being serious. Instead, he may presume that she is coy or playing the "hard to get" game. In so far as showing does not require that communicative success is even in part based on a recognition of the speaker's intention or on an assessment of her sincerity, it is a possible way to bypass some of the negative effects of prejudice that prevent effective communication.

In sum, whilst speaking out is in many contexts the most effective way of expressing one's dissent from, or disagreement with, prevailing views, there are other circumstances in which silence is an effective way of protesting, refusing or dissenting. In these instances, silence can speak louder than words.⁴⁰

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