

Speech in Non-Ideal Conditions: On Silence and Being Silenced

Alessandra Tanesini

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Abstract: In this chapter I show that idealizing assumptions can obscure conversational dynamics because they neglect power differentials that are crucial enablers of the successful performance of some speech acts (see, Sbisà, 2020). I examine how silencing is promoted by conversational norms that would defeasibly entitle linguistic agents to presume that silence indicates acceptance. I focus on Goldberg's (2020) discussion of these phenomena. Goldberg argues in support of a norm of no silent rejections claiming that silencing is partly the result of the misapplication of this norm. He further defends the view that the norm itself is part of the solution to the problem of silencing. In the chapter I argue that Goldberg is mistaken on these points. Instead, drawing inspiration from Sbisà (2020), I argue that norms of no silent rejection are temporarily enacted by means of speech acts that function as exercitive assertions.

Silencing is a ubiquitous occurrence. People, who belong to groups that are marginalised or stigmatised, often struggle to make themselves heard. Their contributions to debates or discussions are not taken seriously or dismissed. Often times, out of an overwhelming sense of the futility of it all, they give up even trying to speak, or at least to talk to some people about some topics (Eddo-Lodge, 2017). Their silence in these cases is a product of self-silencing. These are examples of what Rae Langton (1993) has called 'locutionary silencing'; it occurs whenever some individuals remain silent because they feel intimidated, are assaulted or coerced, or finally because they think that no one is prepared to listen to them. These silences, however, speak volumes. They convey hostility, resentment, and disappointment.

In this chapter I argue that norms defeasibly entitling competent linguistic agents participating in a conversation to presume that silence indicates acceptance have silencing, combined with plausible deniability of responsibility, as their function. These norms would license the interpretation of silences, including those that are intended to be hostile, as indications of agreement. I thus disagree with Sanford Goldberg (2020) who in his *Conversational Pressure*, has defended one such norm whilst acknowledging that in less than ideal circumstances it can be

widely misapplied with resulting harmful effects. I also show Goldberg's views to be an example of ideal theory in the sense defined by Charles W. Mills (2004). Because of his reliance on idealising assumptions Goldberg neglects the possibility that some conversational norms might be instituted by means of exercitive assertions whose felicitous performance depends on pre-existing unjust power differentials. Yet alertness to these possibilities is essential to uncover the ways in which discursive exchanges can be a source of injustice and oppression. In this paper I draw inspiration from Marina Sbisà (2020) to argue that when some linguistic agents hold more power than their interlocutors they are often able to impose the agenda and the terms of the conversation.

I hasten to add that I select Goldberg's defence of this norm as my target because I think it offers one of the most careful arguments in support of norms of this kind and because it is clearly sensitive to the oppressive potential of assuming that silence indicates acceptance.

The chapter consists of four sections. In the first I introduce Goldberg's norm of no silent rejections (hereafter, NSR) and describe the evidence he marshals in support of the claim that our linguistic communities *de facto* conform to this norm. In the second section I provide empirical evidence from multimodal conversational analysis that speaks against Goldberg's claim of *de facto* conformity. In the third section after a description of Goldberg's analysis of the role of NSR in the facilitation of silencing, I argue for an alternative explanation, inspired by Sbisà's (2019, 2020) account of exercitive assertions, that attributes to NSR the function of silencing. In the final section, I examine Goldberg's argument to the effect that NSR is a norm that we should rationally endorse. I show that Goldberg's arguments are unconvincing and suggest that he might have been led astray by his commitment to ideal theory. I conclude the chapter with a brief articulation of an alternative proposal.

I

In this section I describe a social conversational norm defended by Goldberg (2020) in his *Conversational Pressure*. This is the norm of no silent rejections (NSR). Subsequently, I detail the evidence adduced by Goldberg in support of the claim that linguistic communities, like our own, *de facto* conform to NSR.

NSR: "In all speech exchanges which are Gricean conversations, all competent language users enjoy a default (albeit defeasible) entitlement to expect that an audience regarding whom it was manifest that he has remained silent in the face of a publicly made assertion has not rejected that assertion" (Goldberg, 2020, p. 159).

NSR only applies to speech exchanges that are conversations in a narrow technical sense. The latter are activities which are cooperative because they are governed by Grice's Cooperative Principle and its maxims (Grice, 1989).¹ For Grice, and for Goldberg, the principle sets normative standards to which we conform, and which we have reasons to endorse provided that we care for the goals of communication which include persuasion and the sharing of information (Goldberg, 2020, pp. 160-161). These reasons to comply with the Cooperative Principle are practical reasons; they are also *pro tanto* reasons, since participants in conversations might need also to consider reasons of other kinds. For example, moral reasons might justify lying and thus violating a conversational norm.

In the context of speech exchanges that are cooperative activities, NSR licenses every linguistically competent participant defeasibly to presume that no other participant who has manifestly observed (and understood) an assertion would be silent if they harboured doubts about, or rejected, said assertion. That is, every participant to a conversation is (defeasibly) entitled to make a presumption about everybody else. NSR is thus not restricted to the addressees of the speaker's assertion. Instead, it equally applies to everyone who was within earshot, of whom it is clear that they understood what was said, and who can plausibly be considered part of the conversation.

The entitlement instituted by NSR is not merely the entitlement to predict that other participants are not silent when doubtful about, or in disagreement with, a claim (empirical expectation). Rather, it is also an entitlement to believe that they ought not be silent in these circumstances, and to sanction them if they are (normative expectation). Hence, the entitlement conferred to every participant in a conversation by NSR is a practical, rather than an epistemic, entitlement (Goldberg, 2020, p. 158). The flipside of this practical entitlement is the responsibility that every member of the audience has toward every other participant not to be silent if they have doubts or reject the assertion. This responsibility is the conversational pressure generated by NSR.

Whilst Goldberg's initial formulation of NSR is as a normative expectation of no silent rejections, he convincingly argues that this expectation is broadly equivalent to the presumption that silence signals acceptance, in the minimal sense of letting the claim stand for the purposes of the conversation without necessarily committing to believing it (Goldberg, 2020, p. 166).

¹ This principle prescribes that one makes one's contribution to a conversation 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).

Hereafter, I follow Goldberg in thinking of the entitlement instituted by NSR to be an entitlement to presume that silence indicates acceptance.²

Given NSR, any participant in a conversation is (defeasibly) within their rights to presume that when a participant is silent, that person accepts the assertion made. That is, participants in a conversation are (defeasibly) entitled to believe, in the absence of any positive evidence, of some silent participants to the same conversation that they accept the claim made. Hence, unless defeating conditions obtain, silent but doubtful participants are blameworthy for their silence.

Goldberg (2020, p. 176) identifies two kinds of defeating conditions:

NON-CONVERSATION: the speech exchange is not cooperative and thus not a conversation.

OUTWEIGHING EXPLANATION: the best explanation for the silence of some member of the audience is that they have some practical reasons to be silent which outweigh their conversation-generated reasons to be cooperative and thus voice any doubts or disagreements.

Whenever NON-CONVERSATION is true, the speech exchange is not a conversation. NSR simply does not apply in these cases. In circumstances of this sort there is no entitlement to presume that silence indicates acceptance or responsibility to voice one's doubts.³ Some contexts that are characterised by general sexism or racism are, in Goldberg's view, circumstances in which NON-CONVERSATION obtains (Goldberg, 2020, p. 177).⁴ He also thinks that speakers who trap others into discussions when their audience is within their rights not to engage also forfeit their entitlement to presume that silence indicates acceptance. Their overbearing behaviour is sufficient to determine that the speech exchange is not a conversation.

Whenever OUTWEIGHING EXPLANATION is true, participants' entitlement to presume that silence indicates acceptance is outweighed in the case of some other participants by practical reasons that they have that justify their silence even when they doubt or reject some assertion that they have manifestly observed and understood.⁵ For example, a participant who witnesses many near simultaneous assertions might be excused for being silent without accepting each of these claims, especially if they are doubtful about several of them.

² I set aside Goldberg's (2020, p. 167) additional arguments that in serious conversations we conform to a norm NSR+ which entitles participants to presume that silence indicates belief.

³ However, there is a difficulty here in characterising the conditions in which NON-CONVERSATION obtains. If it were true in any circumstance in which someone is not cooperative, then it would be impossible to violate NSR, since any behaviour that seemingly violates it would create circumstances that lie outside the range of application of the norm.

⁴ Other such contexts, whilst being conversations, are cases where OUTWEIGHING EXPLANATION obtains.

⁵ Plausibly OUTWEIGHING EXPLANATION also holds when these outweighing practical reasons excuse, rather than justify, silence. Goldberg (2020, p. 176, n 55) is somewhat vague about what kinds of reasons can function as defeaters.

II

Goldberg seeks to argue that NSR is a norm to which we *de facto* conform but also that it is a norm which it is reasonable to have and which we should keep. In this section I argue that there is reason to doubt the descriptive adequacy of NSR. I develop an argument for the claim that NSR is not a norm that we should wish to have in sections four and five below.

Goldberg offers five considerations in support of the claim that many societies *de facto* conform to NSR. These are:

- A. Many current and past societies have proverbs that state that silence indicates acceptance. Similar claims can be found in the work of philosophers and novelists (2020, pp. 168-170).
- B. Many organisations use a silence procedure requiring dissenters to state their disagreement (2020, pp. 172-173).
- C. Many prominent individuals have indicated their disapproval of those who kept silent in the face of grave injustices (2020, pp. 170-172).
- D. There might be evolutionary reasons to think that acceptance to another's testimony is a default state. If so, there might be evolutionary reasons why rejections should be marked (2020, pp. 173-174).
- E. We ordinarily disapprove of those whom we discovered have been silent when harbouring doubts. This is evidence that we exhibit the normative expectations instituted by NSR (2020, p. 197).

Goldberg takes these considerations as strong evidence that competent linguistic agents *de facto* conform to NSR, and also (although he does not say so explicitly) that they endorse this norm. That is, competent linguistic agents would typically believe that everybody ought to conform to NSR. These claims, I argue, are false.

Since NSR (defeasibly) entitles speakers and other participants in a conversation normatively to expect that silence indicates acceptance, if NSR is widely complied with, we would predict that speakers and other linguistic agents regularly interpret silence as indicating acceptance. This is as a matter of empirical fact not the case. Speakers generally interpret complete silence as evidence of disengagement or even hostility (hence, the expression: 'giving someone the silent treatment'). Work on paralinguistic aspects of speech exchanges has robustly demonstrated the existence of back channelling whereby participants to a conversation signal to a speaker their continual engagement, as well as offering cues as to the likely eventual agreement or disagreement. They

use continuants such as *mmh*, *uh?* and *yeah* as well as nods and headshakes to indicate their responses (Stivers, 2008).⁶ In general, empirical research in conversational analysis indicates that people tend to display their affiliation to the speaker to promote social cooperation, and thus voice their agreement as encouragement, and try to format their disagreements in a way that indicates that they are still affiliating (Lindström & Sorjonen, 2013). What this evidence shows is that genuine silence in the face of an assertion is rare. When it occurs, it is interpreted not as acceptance but as uncooperative because it indicates lack of engagement or disaffiliation.⁷

These considerations show that linguistic agents do not interpret silence as indicating acceptance, as we would expect them to do if conformity to NSR were *de facto* in force. They do not adopt this interpretation because as a matter of fact assent (genuine or fake) is usually expressed in the back channel by means of nods and continuants such as *yeah*. When a speaker is faced with true silence her first reaction is that she has either bored her audience or that the audience is hostile.

A supporter of the descriptive adequacy of NSR could try to explain how these linguistic regularities are compatible with *de facto* conformity to NSR by invoking the fact that NSR is often, or perhaps even generally, defeated. Awareness of the prevalence of defeating conditions would explain why linguistic agents do not readily explain others' silences as indicating acceptance. If this explanation were correct, we would expect there to be at least some paradigmatic cases where manifestly NON-CONVERSATION and OUTWEIGHING EXPLANATION do not hold and in which participants readily interpret others' silences as acceptance. The opposite is the case since speech exchanges that are fully cooperative involve a lot of back channelling communication.

If these considerations are correct, then Goldberg's anecdotal evidence of the existence of proverbs to the effect that silence indicates acceptance would be surprising. However, the facts adduced by Goldberg are easily explainable without invoking conformity to NSR.

A. The prevalence of proverbs stating that silence indicates acceptance merely shows that in many societies powerful people have often found it convenient to claim that a norm in the neighbourhood of NSR should be adopted. That is, proverbs are a valuable ideological tool since they portray as folk wisdom an injunction that works in the service of re-enforcing current iniquitous relations of power. Goldberg presumes that these proverbs merely reflect a pre-

⁶ These responses are also used to indicate understanding. Further, it might be unclear which specific propositional content has been nodded through. I suspect this is because conversants evaluate the overall gist of a conversational contribution rather than parse it into individual sentences.

⁷ I should add that there are many cultural variations in turn taking, the use of continuants and so forth. I gloss these over here because I do not think that such variation invalidates my main point.

existent conversational norm, adopted because of its rationality. But the evidence is equally compatible with the view that proverbs aim to impose NSR because of its ability systematically to silence members of some social groups. If this is right, the existence of proverbs in many societies, each of which are characterised by oppressive structures, could either be explained as reflecting widely adopted conversational norms or as means to re-enforce existing inequalities by attributing a responsibility to dissenters to speak out, and relieving others from the responsibility to ascertain whether their views receive widespread endorsement.

B. The existence of institutional procedures according to which it is presumed that a proposal is agreed unless any committee member publicly voices their objection is not evidence of widespread conformity to NSR, nor of the conversational or epistemic value of adopting such a norm. It is true that some organisations employ a silence procedure as an alternative to secret ballots when deciding whether to adopt some proposals. This procedure is used precisely because of its silencing powers. If members voted on proposals by secret ballot, less powerful individuals would be able to express their opinions. The requirement that they voice their disagreement in public, greatly increases the costs associated with expressing their preference. It thus makes it much less likely that less powerful individuals voice any disagreement. Further, this silencing effect of the silence procedure is not a regrettable consequence of a procedure that is overall in the interest of each participant. On the contrary, the interests of less powerful individuals are generally better served when decisions are made by ballots (and especially secret ones). Its silencing effect is a feature, not a bug of the silence procedure. It has silencing effects because in realpolitik the function of the procedure is to silence.

C. Goldberg thinks that NSR is analogous to a moral norm requiring that one prevents harms that one has witnessed, and one can stop. The existence of this analogous moral norm would offer some evidence in favour of NSR. It is unclear why this would be so. There are sufficient differences between the norms of justice and the norms of conversation not to warrant an expectation that a norm in one realm will have an analogue in the other. Be that as it may, I harbour doubts about the analogy, but even if an analogy exists it does not support a norm with the same features as NSR.

The moral norm in question would indict of complicity those who are silent when witnessing some injustice that they could (and ought to) have stopped. Individuals who do not oppose injustice are complicit with, and thus partially responsible for, it because they have an obligation to intervene. Sometimes such intervention requires that one speaks out. In these cases, silence is a failure to intervene. It is because by being silent one behaves as one ought not to, that one is

complicit with the injustice. Three points about this norm are significant for my purposes here. First, the obligation to speak in these instances is a moral obligation, it is unrelated to linguistic norms. Second, the obligation to intervene to stop an injustice might on occasion be fulfilled by remaining silent. Silent protests against censure and silencing have been held in numerous countries and by different groups (Ranjbar, 2017; Woolley, 2012). Third, the obligation to speak out is part and parcel of a more general obligation to contribute to justice being done. It is not restricted merely to doing something to stop injustices one witnesses.

NSR could be thought to be analogous to the moral norm requiring that one acts to stop injustices. One might hold that when in a cooperative endeavour one witnesses some speech that by one's own light is false or dubious one has an obligation to intervene and stop that speech having the harmful consequence of being accepted by the participants in the conversation.⁸ Hence, one ought to signal one's disagreement or doubts by speaking out. In my view, this analogy between the moral norm to speak out against injustice and NSR is at best superficial. First, the moral norm only applies to non-cooperative contexts, whilst NSR only applies to cooperative ones. Second, the moral norm requires that one contributes to justice, including by intervening against injustice. NSR instead entails that, when witnessing an assertion being made with which one agrees, one fulfils one's responsibilities merely by not interfering. That is, the moral norm to speak out requires that we act to promote something good (namely, justice) and that includes stopping bad things from happening. NSR is limited to an obligation to block harm, it does not include an obligation to contribute to the good.

Be that as it may, even though one grants the existence of an analogy, so that one endorses the existence of a conversational norm that one must signal one's doubts about or disagreement with an assertion one has witnessed, it does not follow that silence cannot be that signal. More strongly, given that the empirical evidence offered above points to the rarity of genuine silence in conversation, it would seem that silence is suited for this role. It is only if we wrongly presume that silence is a nothing, that we might infer that it cannot serve as a signal. If this is right, whatever norm would be analogous in the conversational realm to the moral norm to speak out against injustice, that norm is not NSR.

Goldberg ignores the possibility that silence might signal disagreement because he defines silence as giving "no explicit indication of whether [one] has accepted or rejected [a] claim" (2020, p. 189). Hence, an interlocutor who gives the silent treatment to a speaker is not by this definition

⁸ Without an explicit signal the potentially harmful assertion would be seamlessly incorporated into the common ground (Stalnaker, 2002).

silent since she explicitly indicates her disapproval of the speaker. I do not follow Goldberg in adopting this definition. Instead, I use 'silence' to mean non-acoustic behaviour which is also non-verbal (Tanesini, 2018, p. 111). I adopt this characterisation because, unlike Goldberg's, it makes space for the possibility that some silences communicate. Despite this difference in our definitions of silence, I do not think that Goldberg and I are talking past each other on this issue. The linguistic facts about the backchannel I adduced above strongly support the conclusion that conversants are almost never silent in either definition of the term. Further, I have argued that when interlocutors who manifestly understood what is being said are non-verbal their behaviour often indicates hostility or boredom. If this behaviour does not count as silence by Goldberg's lights, then his kind of silence is extremely rare in conversations to the point of being practically non-existent.

D. Irrespective of whether acceptance of testimony has evolved to have some kind of default status, it does not follow that silence would indicate acceptance. Suppose that, as Goldberg claims, disagreement is usually the dis-preferred option by speakers and as such should be marked. As I indicated above, there is no reason not to believe that silence could be that marker. As it happens there is some inconclusive evidence that longer silences in turn-taking are markers of disagreement (Kendrick & Torreira, 2015). Be that as it may, if silence in conversation is unusual, since it is tantamount to the absence of visual and auditory backchannels, it is well suited to serve as a marker. We would therefore expect disagreement (as the dis-preferred option) to be marked by silence (the unusual and uncooperative absence of backchanneling). Hence, the psychological evidence, albeit highly speculative, would point against Goldberg's conclusions.

E. Goldberg argues that we disapprove of those who disagree in silence. These reactive attitudes would indicate that we exhibit the kind of normative responses that one would expect if we conformed to, and approved of, NSR. In my view our reactive attitudes do not indicate that we endorse NSR. We do censor people who mislead us into believing that they agreed with us when they did not. Our disapproval is based on moral norms against lying or misleading people. It is not grounded on the violation of a conversational norm. I have argued above that participants in conversations engage in extensive backchanneling responses. These are cues that indicate to speakers and other participants that one is engaged, but also that one is likely to agree (*yeah*) or have doubts (*mmhm*) about the claims being made. Participants who mislead others are those who nod and offer other agreeing responses when they do not agree. It is this behaviour that is

being censored. These reactive attitudes though do not indicate that linguistic agents endorse NSR.⁹

I conclude that none of the considerations presented by Goldberg in support of NSR speaks in favour of *de facto* conformity or endorsement of this norm. In addition, some of the facts invoked by Goldberg are better explained by the view that there is no widespread reliance on a norm that silence indicates acceptance. There are, however, contexts in which powerful individuals can implement procedures akin to NSR which function to stifle the ability of less powerful individuals to influence decision-making.

III

If the arguments developed so far are along the right lines, NSR is not a conversational norm routinely followed in everyday linguistic practice. It does not follow, however, that there are no circumstances in which people are made to feel that if they do not speak, they will be presumed to have agreed with the speaker. As a matter of fact, there are linguistic contexts in which some speakers and/or participants seek to determine the terms of engagement so that to help themselves to a presumption that silence indicates acceptance.

There are circumstances in which some linguistic agents have the legitimate authority to dictate the procedures to be followed in a speech exchange. Hence, for instance, a judge in a courtroom may determine who is allowed to speak and when. Similarly, the chair of a Q&A session has the authority to call on questioners or to silence them if they arrogate too much of the floor.

Ordinarily, however, no participant in a speech exchange has the formal authority to determine the terms of engagement without the consent of all participants. In these circumstances any attempt to impose an expectation that silence indicates acceptance is an exercise of power. If this is right, support for NSR in ordinary circumstances is ideological, since it is the unilateral attempt (by means of an exercise of power) to impose a novel prescription whilst framing it as merely reflecting pre-existing norms already widely accepted because of their practical utility.

Goldberg is aware that NSR might appear tailor-made for silencing. He also agrees that in current oppressive conditions belief in NSR is instrumental to silencing individuals, and in making silenced individuals potentially complicit in their own oppression. Nevertheless, he thinks that these harmful effects are not the results of NSR itself but of its misapplication.

⁹ We also disapprove of people who do not resist oppression when they have an obligation to do so. In some cases, these people have a moral obligation to speak. Hence, we censor them for their silence. I have discussed these cases when considering Goldberg's third piece of evidence for NSR.

Further, when properly followed NSR would be clearly seen as part of the solution rather than of the problem. In what follows I detail Goldberg's arguments to the effect that the misapplication of NSR has silencing effects. I argue instead, drawing on Sbisá's (2020, pp. 74-75) account of exercitive assertions, that invocations of NSR are a piece of ideology whose function is to silence and to supply plausible denials of responsibility for silencing.

Goldberg thinks that in sexist and racist societies, NON-CONVERSATION and/or OUTWEIGHING EXPLANATION is true of most speech exchanges between people of different races and genders. That is, NSR is very frequently, perhaps almost always, defeated. Thus, often there is no obligation to indicate one's doubts and no entitlement to presume the agreement of the silent. Nevertheless, Goldberg thinks that individuals who are "oblivious" to the existence of defeating conditions are likely to interpret silence as acceptance and thereby to contribute to silencing those individuals who in the given circumstances have no all-things-considered obligation to voice their doubts (2020, pp. 194-195). These silencing effects would not be the result of NSR itself but of its misapplication. In addition, the false belief that someone's silence indicates acceptance, grounded on the false belief in the applicability of NSR to the current circumstances would generate a second, or double, harm. Silenced individuals might infer from the silence of others' participants, whom they presume not to have been silenced, that an assertion they have all observed must be acceptable since it has been accepted by the audience. In this manner, even a participant who might have harboured doubts about an assertion might accept it having thus acquired higher-order evidence of its acceptability (2020, pp. 194-195).

Goldberg claims that the existence of these harms can only be explained if our community endorses NSR and widely misapplies it. More specifically, he argues that mere belief that silence generally indicates acceptance cannot explain those normative expectations, allegedly generated by NSR, and whose existence explains how people can be silenced by having their silence interpreted as acceptance.¹⁰ Goldberg is right that a belief that silence typically indicates acceptance merely licenses one to predict that those who are silent accept. It cannot license the thought that one is entitled to count them as accepting since if they had doubts, or wanted to disagree, they should have said so explicitly. This thought, however, can also be supported by the arrogation of an entitlement that one is able to enforce because one has the power to set the terms of the debate. There are many cases of asymmetry of power when one or more parties to a speech exchange can determine its directions and its rules of engagement.

¹⁰ This would be something akin to a discursive injustice that occurs when a linguistic agent performs a speech act other than the one she intends, and attempts, to perform despite legitimately expecting to be able successfully to perform it (Kukla, 2014). Thanks to Laura Caponetto for pressing this point.

I have argued above that powerful members of organisations can often impose decision procedures that raise the costs of disagreement in order to give some form of legitimacy to their exercise of superior power. Similarly, when some participants in speech exchanges are more powerful than others, they might aim to shape the rules of a speech exchange to make dissent costly. They can achieve this goal in at least two related ways.

First, they can rely on their superior power successfully to announce that any dissenting views should be voiced presently. These announcements are tantamount to introducing a silence procedure by relying on a silence procedure. These announcements are exercitive assertions; that is, assertions made in a manner that clearly indicates that speakers will not tolerate disagreement (Sbisà, 2020, pp. 74-75). If successful, they enact a temporary norm of no silent rejections. Success occurs when all participants to the conversation accept that in that speech exchange silence counts as acceptance. Sometime, the successful performance of this exercitive leads to accommodation of the belief that the speaker had the authority to perform it (Sbisà, 2019, p. 42). In this manner, exercitives further exacerbates power differentials by conferring a vein of legitimacy to the alleged superiority of powerful speakers. But these speech acts can succeed without accommodation when they bring about the intended conventional effect of changing the norms governing the conversation, which they can do as naked exercises of power. The reason for this success lies in the content of the norm they seek to enact. Power is sufficient to silence opponents. But silence in the face of an announcement that silence indicates acceptance made by someone with the power to enforce it, leads to a situation in which everyone accepts (in the sense of being resigned to the fact) that silence has in that conversation the significance of acceptance.

Second, powerful speakers can simply act and speak as if a norm akin NSR is widely accepted. That is, they can simply presume that those who are silent accept, whilst being prepared, and, able to censure silent rejections.¹¹ Such censure might involve invocations of NSR as explicitly formulated in the proverbs discussed by Goldberg. These invocations need not be explicitly performed, mere knowledge that they can be made and enforced, can be sufficient to induce all participants to be resigned to allowing the norm to govern their conversation perhaps out of a conviction that resistance would be futile.

In these, and other ways, powerful speakers succeed in setting the terms of conversation and enact conversational norms of no silent rejections. That said, the conversational success of these

¹¹ See Sbisà (1999) on the manner in which ideological content is often presupposed rather than explicitly articulated in speech exchanges.

exercitives has no tendency to counter the claim that these arrogations of entitlement are morally illegitimate. They are abuses of power because they are attempts to exploit differences in existing power relations to deny to some linguistic agents the equal role in speech exchanges to which they are entitled.

This alternative account of the role of normative expectations (and the temporary norms that they institute) to treat silence as acceptance can fully explain the role of these expectations in promoting silencing. It differs from Goldberg's in arguing that these expectations are an arrogation of entitlement, rather than the misapplication of a genuine entitlement.

One might argue that the explanation of the entitlement as an arrogation must be rejected because it cannot explain the double harm caused by the misapplication of NSR. There are, however, independent grounds to doubt Goldberg's views about the alleged double harm. His account is predicated on the idea that individuals who have often experienced silencing when observing others who are silent rationally infer from that silence that other participants agree with claims these individuals are inclined to treat as doubtful. It is in my view extremely unlikely that victims of sexism and racism would be disposed to make the required inference. It is much more probable that they would, on the basis of their own and shared experiences, conclude that these other people are also being silenced. They would not treat others' silence as higher order evidence of the acceptability of some assertion about which they have reservations.¹²

One might also ask why if normative expectations that silence indicates acceptance are a form of arrogation of power, one would even bother with the pretence that others are offered a chance to disagree. The answer in my view is that invoking a norm according to which silence indicates acceptance offers plausible deniability for the silencing effects of presuming agreement unless others indicate otherwise. Harboursing normative expectations that others are not silent in rejection offers a standing justification for silencing behaviours. It is always possible for linguistic agents to deflect responsibility for silencing simply by arguing that those who disagreed should have said something or by invoking one's misunderstanding of the others' motivations for being silent.¹³ Since it is widely agreed that silencing other people without the authority to do so is wrongful, the invocation of NSR is a useful means to exonerate oneself from this kind of wrongdoing.

¹² Goldberg could respond that the double-harm occurs only when a silenced individual is not aware that she has been silenced or that others have been. It is hard to think such a person exists. Since Goldberg's arguments are driven by the desire to portray oppressed individuals as epistemically rational, it does not seem a gain to explain the double harm in terms of their alleged ignorance of blatantly obvious facts about oppression.

¹³ This is not to deny that sometimes silence is ambiguous and hard to interpret.

IV

I have stated above that Goldberg is fully aware that, given widespread social discrimination, NSR is likely to be used in ways that promote silencing rather than remedy it. Hence, one might wonder why Goldberg thinks that NSR is part of the solution to the problem of silencing. I believe that he is led to this conclusion by his endorsement of the methodology of ideal theory. In what follows I briefly explain what I mean by ideal theory. I describe Goldberg's argument for the ideal endorsability of NSR and show why it exemplifies ideal theory. Subsequently, I explain why NSR would not be part of the solution (even if it were one of our standing conversational norms) and why even an ideal system of communication would not include NSR. I conclude the section, and the chapter, with some brief remarks about a strategy to counter the silencing effects of the normative expectations associated with NSR.

The distinction between ideal and non-ideal theory in normative philosophy marks a difference in methodology. Ideal theorists develop formulations of normative ideals that abstract away from significant, or even necessary, features of reality. It is not their subject matter concerning normative ideals (such as justice or justification) that makes these views a form of idealized theory. Instead, what marks these theories as idealized is their neglect of inescapable constraints such as the bounded nature of human rationality. These theories also ignore the (hopefully changeable) social realities of oppression and discrimination. Consequently, these theories are a kind of make-believe describing an imaginary reality where all the limiting conditions that characterise our circumstances have been stripped away. Hence, idealized theory lacks the resources to detail and explain actual circumstances for what they are. Instead, it can only describe reality in negative terms by measuring its distance and difference from the abstract idealised model that is the crucial component of the theory (Mills, 2004).

Goldberg's defence of NSR exemplifies this approach. He argues that NSR is a norm that should be endorsed because its inclusion in an ideal system of communication whose goals are primarily epistemic can be defended on rational grounds. This ideal system of communication would include rules that contribute to the reliable achievement of the epistemic aims of persuasion and the sharing of information. Goldberg's argument that this system would include a norm like NSR includes several steps and premises. My focus here is on the final two premises.

The first of these is the claim that it is in the interest of every participant in a conversation to track the doxastic responses of other participants to assertions made during that conversation.¹⁴ The final premise is that a system of communication in which participants' dis-preferred option is marked is more efficient than one in which both preferred and dis-preferred answers are signalled. These two claims support a conclusion that in an ideal system of communication participants to a conversation convey their doxastic responses to the assertions they witness to other participants in the same conversation. Further, they signal these responses efficiently by marking through speech only one of the two available options. This is the option that is likely to be dis-preferred by speakers: rejection. In conclusion, an ideal system of communication would have NSR as one of its rules because the presence of NSR makes it possible for silence to have epistemic significance (as an indication of acceptance) (2020, p. 204). Systems of communication without NSR would be less efficient in achieving their epistemic goals and thus would be improved by adding NSR to their norms. Further, the inclusion of NSR in the ideal system of communication warrants the further claim that a silent rejection is not a cooperative response, and thus participants in conversations are entitled not to expect a silent rejection, because they are entitled to cooperative responses (Goldberg, 2020, p. 160).

Goldberg's argument for the endorsability of NSR adopts the methodology of idealized theory. He abstracts from the limitations of our cognitive capacities. He is aware, for instance, that it might prove impossible to formulate doxastic responses to each assertion if we are faced with a barrage of claims. In addition, formulating these responses is cognitively effortful, so there might be instances in which one is too tired or too pre-occupied with something else to be able to respond properly. These constraints, due to the limitations of human cognitive abilities, are classified as defeating conditions as we would expect of a theory that relies on idealising assumptions.

The premise that in a conversation it is in the interest of all participants to track each other's doxastic responses is also predicated on some idealising assumptions. First, the premise only concerns conversations. Since these are cooperative activities, the premise is silent about speech exchanges that occur in conditions of oppression where it is not in the interest of several participants to reveal their mental states to other hostile linguistic agents. Second, the premise

¹⁴ This claim presupposes that participants have formulated doxastic responses to the assertions they have witnessed. Goldberg argues that participants in a conversation owe it to speakers to evaluate properly, in accordance with the relevant epistemic standards, speakers' competence with regard to the asserted content (2020, pp. 96-97). Participants who do not do this, barring excuses or justifications, are disrespectful to speakers. Hence, participants have an obligation to either reject or accept the asserted contents. That is, they have an obligation to formulate a doxastic response.

ignores that even when engaging in cooperative activities, human participants always have mixed motives (Henderson, 2020). For instance, communicating is effortful for humans. Effort is a cost and as such it is a reason not to communicate. In circumstances in which many witness the same assertion there is little benefit accruing to others from being able to track the response of a single agent, and thus the agent might reason that that benefit is outweighed by the cost of the effort involved in communicating.¹⁵ Hence, whilst it might be in each person's interest to track others' doxastic responses, it might not be always in one's interest to communicate one's doxastic responses to others. If these considerations are along the right lines, Goldberg's account, because it ignores some inescapable aspects of human cognition, cannot identify the sort of norms that would regulate a communicative system which is maximally successful in achieving the goals of persuasion and the sharing of information when adopted by creatures whose cognitive abilities are bounded.

This point can be further driven home by noting that the addition to an imperfect system of norms of a norm that would figure in a perfect system is not always an improvement. For instance, the rule of always following arguments wherever they lead, might be a good norm for a thinker unconstrained by limitations of cognitive capacities with regard to speed and tolerable cognitive load. Were a limited epistemic agent to add that norm to their current stock of zetetic norms, her epistemic performance would worsen rather than improve (Friedman, 2020; Morton, 2012).

What this point shows is that even if Goldberg is right that a norm like NSR is part of an idealised system of communication that abstracts from the fact of human bounded rationality, it does not follow that its addition to a communicative system for creatures whose cognitive abilities are bounded constitutes an epistemic improvement. For this reason, and *contra* Goldberg, it does not follow that everyone has an interest in adopting a norm like NSR on the grounds that a community of idealised agents would have such interests.¹⁶

In addition, in my opinion Goldberg also overestimates the importance of the epistemic good of silence indicating acceptance. This epistemic good is one of efficiency (2020, p. 204, n. 28). A system where only one of the two available options is marked would be more efficient than one in which both are.¹⁷ I have argued above that conversations are characterised by a stream of

¹⁵ Note that the benefit to each of knowing that 1000 participants agree as opposed to 999 is so small that it might be outweighed by the effort required to communicate. Communication is always effortful including when such communication is achieved by choosing to be silent. Goldberg acknowledges that something like this might be the case and classifies these circumstances as a defeating condition.

¹⁶ This is the argument implicitly deployed by Goldberg on p. 204.

¹⁷ This argument for efficiency relies on assumptions that could be questioned. The first is that silence is not a mark. I have hinted above to reasons why this might not be true. The second is that silence is not effortful. This is also

listener's responses in the so-called backchannel. One of the functions of these responses is to indicate affiliation either in agreement or friendly disagreement with the speakers. In human beings that often have reasons not to be cooperative, the continual display of affiliation would seem to promote the strengthening of social bonds. This strengthening leads to increased trust which is essential if speech exchanges are to proceed as conversations rather than confrontations. If this is right, there are good social and epistemic reasons in favour of a system of social norms that prescribes the expression of one's doxastic response of whatever kind in the backchannel. These reasons indicate that such system would be epistemically superior to one in which acceptance is indicated by silence since it would be instrumental in increasing cooperation. To summarise, I have argued that NSR is not one of our norms in everyday friendly exchanges. I have also argued that there are instances in which some speakers invoke NSR to silence other linguistic agents. The arrogation of the entitlement of taking silence to be acceptance is successful even though the entitlement is morally illegitimate because it is secured by the effectiveness of sanctions which some speakers have the power to impose on others. The advantage for these speakers of invoking NSR, over the naked exercise of power, is the related ability plausibly to deny responsibility for silencing. Finally, I have argued that even if NSR were a norm one might wish to have in a fully idealised communicative system, it is not a norm we should wish to have when regulating communication between agents whose thinking is bounded and whose motives are mixed. In short, the arrogation of the entitlement is part of the problem and NSR would not be part of the solution.

I wish to conclude by proposing a partial solution to the problems generated by the arrogation of the presumption that silence indicates acceptance. It is of course important to highlight that in ordinary conversations participants are rarely silent. When the exchange is a conversation, listeners display their friendliness by giving signs of encouragement and by preparing the speaker to a likely agreement or disagreement so that neither comes as a surprise. But I would also like to recommend that speakers, to avoid the risk of inadvertently silencing any participant to a speech exchange, never presume, when important matters are at stake, to know what others think without asking them for their views.¹⁸

unlikely to be true since it might require resisting impulses to respond. In order properly to assess Goldberg's claim one would need to be clear about his interpretation of efficiency.

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