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Silencing Conversational Silences

Anna Klieber

School of English, Communication and Philosophy, Cardiff University, Cardiff, UK
Email: kliebera@cardiff.ac.uk

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Abstract

This paper aims to extend the discussion of silencing beyond the realm of speech and to the domain of conversational silences—that is, silences that have communicative functions in our conversational exchanges. I argue that, insofar as we *can* use silences to communicate, we can also be *prevented* from doing things with these silences. Alongside a threefold taxonomy I show the different ways in which this can happen, utilizing and extending Maitra's (2009) account of silencing to illustrate the *wrong* happening in these cases. This discussion not only highlights a new domain of silencing that has, so far, been under-explored, but also uncovers just how deep linguistic injustices can run.

I'll start this paper with a story. During my friend's undergraduate studies, she was in a class which, apart from her, consisted only of men. The class was on a topic she was interested in greatly, so she frequently made verbal contributions. Still, there were times where she didn't say much—she didn't always feel like speaking or simply had other things on her mind. After several weeks, a male classmate found her on social media, following a brief conversation after the seminar. He began telling my friend that he first didn't like her very much, for one, because she “always had something to say,” but also because even when she wasn't speaking “her silence was incredibly arrogant.”

Needless to say there are many things wrong with these messages. I'm not going to go into detail about this here, but rather want to draw our attention to a particular aspect of this—namely that *even my friend's silences* appeared to be arrogant or passive aggressive to her classmate, once he had categorized her being knowledgeable about the class topic as arrogance. Even her *silences*, the times where she was just looking straight ahead and listened, were subject to his judgment. This paper is precisely about cases like these: where somebody's “not saying anything at all” is structurally misinterpreted in a harmful way.

Background to this is the idea that we *can* (sometimes) communicate things with silence. For example, we might remain silent to communicate “I don't want to talk about this anymore,” “This joke was not funny,” or “I agree with you.” These silences are important, yet often theoretically overlooked parts of our linguistic practices.

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However, while, in the first part of the paper, I will discuss and motivate the idea that we *can* communicate with silence with what I call silent conversational implicature, this is not my *primary* concern here. I am mainly interested in discussing *how silence can be silenced*: in short, I will argue that silence *can* be silenced insofar as somebody can be *prevented from communicating* with it. Just as we would describe somebody as silenced whose speech is discredited, not heard, or outright not taken to be informative, we can describe somebody whose *silence* is never even considered to be communicative, or is structurally distorted in some ways, as being *prevented from communicating* with it, too.

This is, in some ways, a new perspective on silencing, in that it shifts the discussion from focusing on *speaking* and *speech* to the broader notion of *communicating*, by putting more emphasis on “being prevented from (successfully) communicating.” We’ll also see a contrasting effect that can occur: in situations like these, somebody’s (enforced) silence might well be taken as *communicative*, but in a distorted and misconstrued way.

My aim here is a somewhat modest one: I want to show the different forms “being prevented from doing things with silence” can take, while arguing that we can use *already existing* accounts of silencing to explain these cases as well, while at the same time stressing that we *shouldn’t* focus on just speech alone. As such, this paper consists of the following parts: I first want to clarify what I have in mind when talking about conversational silences—instances where silences in conversational exchanges function as conversational contributions—and provide a short overview of how silence can communicate, by employing an account of silent conversational implicature. I then introduce Maitra’s (2009) account of communicative silencing, showing that her idea of silencing as a distinctively speech-related wrong can also be applied to being prevented from communicating with silence. Mainly I will focus on a threefold taxonomy of the kinds of cases I am interested in, explaining how people are *wronged* in each respective case.

What is conversational silence and how does it communicate?

Throughout this paper, I will use the notion “conversational silence” to describe silent conversational contributions that are designed and intended to bring something across, though nothing is said explicitly. These are cases where somebody remains silent throughout a conversation and it’s their *intention* to communicate with this silence.

Even though remaining silent in a conversation is very often accompanied by conventionalized gestures (such as nods, eye-rolls, frowns, etc.), the examples I’m thinking of here are meant not to include this (for now). I don’t deny that these gestures can be communicative in their own right, but I believe that, *even without* these gestures, we can still think about silence as communicative. To illustrate this, consider the following examples:

- (1) I am having lunch with my friend Thomas, but the day before I got mad at him for eating my cookie without asking. I’ve raised this with him, and we seemingly have figured it out, but secretly I am still holding a grudge. During lunch he asks:

T: Are you still upset with me?

A: [...]

T: Okay, I see you are. What else can I do to make it better?

(2) In a scene in the TV show *Dear White People*, Samantha White and Troy Fairbanks, a young couple, visit Troy's father Walter Fairbanks in his office to tell him they are planning on taking a trip over their break. The following exchange happens:

Troy: So... We were thinking of taking a four-day weekend and heading up Toronto. See the sights. Do a little legal Canadian wine tasting.

Walter: [...]

Troy looks resigned.

Samantha: Wait, what just happened? Are we still going?

Troy (mumbling): We're not going.

(Pierce 2017: *Dear White People*, season 1, episode 3, 1:32-1:58)

There are different things going on in each of these examples, but what's relevant for now is to illustrate that, in both cases, the silence functions as an *active conversational contribution*. Note as well that these silences don't *just* arise through turn-taking or because somebody is simply preoccupied in a conversation (e.g., when they are *just* distracted, taking a drag on their cigarette or a sip from their coffee, etc.).¹ As such, it is a specific, literal kind of silence I have in mind when talking about "conversational silence." This, however, should be distinguished from a different form of silence we often encounter—"omissive silence": This describes cases where someone remains silent *about* something while, or by, talking about *another* thing. In these contexts, silence or "remaining silent" refers to what was *omitted*, and not the act of *literally* remaining silent:

(3) A vice chancellor gives a speech on the importance of a new diversity and inclusion policy, providing various target examples while not saying a word about racial diversity. He has effectively *remained silent* about a crucial aspect such a policy *should*, in fact, include. Similarly, if the policy is discussed afterwards at a departmental lunch, but everybody remains silent about the vice-chancellor's omissions, the fact that they don't raise this issue, too, *says* something.

Surely, we can communicate *a lot* with what we leave unsaid.² This omissive sense of remaining silent about something is a different conversational phenomenon, however, from the more direct and literal ways of remaining silent we've seen.

I am, of course, not claiming that omissive silence is not (politically) interesting, or shouldn't receive attention. But for now I think it's relevant to distinguish these two, if we want to think about how a particular kind of silence can be affected by silencing. Given this, let me now provide a definition of *conversational silence*:

Conversational silence occurs when:

- i. somebody doesn't utter anything *explicitly*, i.e., remains silent; and
- ii. they remain silent *in order* to bring something across. Their silence functions as an *active conversational contribution*.

The question that arises now, is, of course, *how* this kind of silence communicates. While there is far from an established answer available to this in the literature, my preferred explanation of how this kind of silence communicates is to think of it as a form of Gricean conversational implicature.³

We can be thought to conversationally implicate something, quite generally speaking, when we say one thing, but mean something else instead (such as in cases of irony or metaphor). This works, according to Grice, due to some default assumptions—such as that people seek to *cooperate* with each other in conversations, expressed in his Cooperative Principle: “Make your 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 you are engaged” (Grice 1989, 26).⁴ In short, we can expect people to follow this principle in conversations, roughly, and even if not explicitly, at least implicitly.

So, conversational implicature, then, can arise in various ways—sometimes through these default assumptions being straightforwardly *followed*; other times it arises when default assumptions are *exploited* (e.g., they are violated, flouted, or clash with each other). According to Grice (1989, 30–31), somebody may be said to have conversationally implicated *q* by saying *p* if they (1) are presumed to be following the maxims and Cooperative Principle; (2) think that *q* is required to make sense of what they said (*p*) to still think of them as cooperative; and (3) think that an audience can work out, or grasp intuitively, the supposition mentioned in (2). This latter point refers to the idea of *calculability*: The presence of an implicature “must be capable of being worked out” (31), and we need to be able to give a reconstruction of how it might be calculated—even if we *grasp the implicature intuitively*.

Take an example: imagine that it is pouring with rain outside, and my sister (who I know hates rainy weather) says to me, “What lovely weather we’ve got today.” I can understand her as *conversationally implicating* that she actually thinks the weather is appalling, by taking into account what goes *beyond* what she says explicitly, so I can still consider her contribution to be cooperative, overall. And even if I grasp this intuitively and immediately, I can give a reconstruction of how I calculate that implicature (e.g., I take into account that my sister loves warm weather, and that usually she is down and depressed when it rains, etc.). So, when we conversationally implicate, even though we might *exploit* or *flout* the Cooperative Principle *on the level of what is said explicitly*, they can be thought of as being fulfilled on the level of what goes *beyond* what we say explicitly. The audience can make sense of what we are trying to communicate if they assume that we are fulfilling the Cooperative Principle on the level of what is *implicated*. I argue, the same can happen when we try to communicate with silence.

Consider again the examples of silence introduced above. In (1), my friend asks me whether I’m still mad at him. By taking into account what goes *beyond* my silence, Thomas can form some kind of conclusion on the basis of my silence—the silence is a form of responding to his utterance. He might take into account various contextual features and background knowledge about me, leading him to calculate my silent implicature as something like “Yes, I’m still mad at you.” Similar things go for (2). Troy knows things about his father, and his reactions to his requests, that Sam does not, at least not to the same extent. While she *is* able to understand that the silence communicated something (leading her to ask “Are we still going?” indicating that whether or not they are going on the trip is not so clear anymore), there are specifics Troy is able to pick up on. Just like with common conversational implicature, also in cases of silent

implicature people rely on broader and situational context as well as background knowledge more generally to calculate them.

We can thus redefine our notion of conversational implicature as outlined by Grice (1989, 30–31), to accommodate for cases of conversational silence:

Somebody who, by (in, when) saying (or making as if to say) that *p*, **or by remaining silent**, has implicated that *q*, may be said to have conversationally implicated *q*, provided that

- (1) they are to be *presumed* to be observing the conversational maxims, or at least the Cooperative Principle;
- (2) the supposition that they are aware that, or think that, *q* is required in order to make their saying, making as if to say *p* (or doing in *those* terms), **or their remaining silent**, consistent with this presumption; and
- (3) **the person making the conversational contribution** thinks (and would expect the hearer to think that they think) that it is within the competence of the hearer to work out, or grasp intuitively, that the supposition mentioned in (2) is required.

The highlighted changes to the Gricean notion are minor. However, this slightly altered definition can describe how we can silently conversationally implicate—and explain *how* people communicate with silence.

Conversational implicature is, of course, an extensive topic, and I'm not able to go into detail with the many different interpretations of it here. However, one point is worth pointing out: especially in political philosophy of language, implicature has been criticized for its focus on cooperative exchanges. It is an *idealization* to take the presumption of cooperation as our standard of communication, or our *starting point* of understanding communication. One commonly raised point is that this standard only applies to a very small share of people and excludes those who are marginalized and usually not seen in a cooperative light, but also that we have plenty of successful speech-exchanges that do not rely on cooperation at all (e.g., cf. Beaver and Stanley 2018, 352; Keiser 2022, 42–62). To zoom in on the first point a bit more: most people affected by marginalization (e.g., along the axes of race, gender, sexuality, class, and their intersections) will often be confronted with situations where their conversational partner *does not* encounter them with cooperation. This, then, limits the kinds of cases implicature can grasp, and it seems like it doesn't really grasp the cases that matter most.

Now, this paper is *precisely* about cases where people are *prevented* from communicating. Applied to silent implicature, it's about those situations where people are *attempting* to silently implicate something, but something blocks this. Cooperation, in both a minimal and more expansive sense of the word, seems to be absent. *Silencing* takes place, in short, where “a speaker should be heard, but is not heard” (Fricker 2012, 290). While silencing as a social and philosophical issue is surely more complex than this, there is something to this overall definition: In the cases I am interested in, somebody's silence *should* be heard, they *should* be able to do something (communicative) with their silence—they *should* be given genuine respect and recognition—and it is because of the lack of this that they fail to communicate with silence. In other words, there is a *possibility* of interpretation. Where silent implicature fails, we can point to *what is going wrong*.

I'll establish this general idea of silencing in relation to conversational silence in a next step.

What does it mean to be prevented from communicating (with silence)?

The above, short definition of silencing describes it as a case where somebody *should* be heard, but isn't (cf. Fricker 2012, 290). Silencing has, for some time now, been a central topic in exploring feminist issues of language and speech—with a myriad of accounts that explain its linguistic, epistemic, moral, and political dimensions. It should be noted, however, that the central accounts of silencing in the philosophical literature⁵ are all concerned with *the silencing of speech*: to be silenced, somebody must be, for one reason or another, prevented from *doing what they want with their words*. Accounts of silencing show various ways in which power structures, oppression, and marginalization have an impact on how we are able to use our speech, on how and when we are able to *say things*. And, of course, it might *seem* that cases of conversational silence are very different—after all, *nothing is said*.

My point here, however, is that things are not *that* different at all: in virtue of silence being able to do *all kinds* of communicative things, sometimes the things we want to communicate and *do* with our conversational silences can be distorted, ignored, or structurally misinterpreted, *too*. In cases where silence is silenced, people *should* be heard and understood (and *could* be understood), but they are not, in part because they are not given *what people are owed* in a conversation—they are not given the respect and recognition they deserve.

In the following, I want to carve out the idea of silencing I have in mind here some more—but also further motivate the value silence has as a conversational tool. First, following Maitra (2009), I want to make sense of silencing within a Gricean picture. Next, I'll show how this also applies to silence, and more specifically the idea of silent implicature, and illustrate the taxonomy along which I will discuss how silence can be silenced.

In 'Silencing speech', Ishani Maitra (2009) provides an account of silencing as communicative disablement, understood as a specifically speech-related, moral wrong.⁶ She introduces this idea of communicative silencing alongside a Gricean account of speaker meaning:

A speaker *S* means something by uttering *x* iff, for some audience *A*, *S* utters *x* intending:

- (i.) *A* to produce a response *r*
- (ii.) *A* to think (recognise) that *S* intends (i); and,
- (iii.) *A*'s fulfilment of (ii) to give him a reason to fulfill (i). (Grice 1989, 92; Maitra 2009, 325)

According to her, (i) to (iii) can be understood as different dimensions of the *intentions* we take on in conversations. More specifically, she understands (i) as the speaker's *informative intention*, (ii) as the speaker's *communicative intention*, and (iii) "as requiring that the fulfilment of the speaker's communicative intention give her audience some reason, though typically not a sufficient one, for fulfilling the speaker's informative intention" (325–26). What speakers mean, on specific occasions, is the content of the response in (i). Consider Maitra's example of a speaker meaning *refusal* by something they say—Ben offering Amy some coffee, which Amy wants to refuse: "(I)n refusing, a

speaker typically intends to produce in her audience the belief that she does not want what is being offered, *all things considered*" (326). Amy's intentions may be threefold: (i) she wants Ben to understand that she doesn't want the coffee, (ii) she wants Ben to recognize that she has the intention to refuse the coffee, and (iii) Ben's fulfillment of (ii); so, his understanding that she *intends* to refuse the coffee gives him a reason to fulfill (i), that is, to understand that she doesn't want the coffee.

On this picture, what is it that makes for communicative success? After all, if Ben thinks that Amy, who refuses the coffee, is a liar, Ben might stop pressing coffee on her, *even though* he thinks that Amy isn't telling the truth about not wanting coffee. In that case, Amy's refusal of coffee is satisfied, while the informative intention is misinterpreted (327).

According to Maitra, then, we can consider a communicative act to be successful, *even if* the informative intention is not fulfilled. It's enough to fulfill the communicative intention (ii) and the "reflexive" intention (iii) to count an act as a successful communicative act (327). And this point is important. For communicative success, we need a *minimum* of recognition and cooperation. But we don't actually need the audience to fully believe the speaker; we don't even necessarily need them to respect the speaker. As Maitra points out, fairly *little* is required for successful communication on this view. We can recognise somebody's communicative intention by giving them a *minimum* of recognition that allows us to grasp their communicative intention, even if we don't believe them, or are not interested in them: "To this extent, communicative success comes cheaply" (327).

What does it mean to be silenced, then, on this account? According to Maitra (2009, 327–328), "[a] speaker is communicatively disabled iff she is unable to fully successfully perform her intended communicative act, because her intended audience fails to satisfy either the second or the third of her (Gricean) intentions." So, if somebody is unable to satisfy (ii) or (iii) of their intentions, they are silenced.⁷ Speech has, according to Maitra, distinctive value, in that it allows us to get what we need, defend ourselves, and communicate knowledge, among other things (328–331). So, when speakers are communicatively silenced they are "thereby deprived of these (and other) benefits that speech can offer" (331). Silencing, on this account, can be understood as a "*distinctively speech-related wrong*" (333) because it deprives the speaker of the benefits speech—and speech specifically—can provide.

It's important to note that this excludes accidental cases, such as those where somebody isn't heard or understood because a noisy lorry drives past; and Maitra also maintains that there are some cases of being deprived of the benefits of speech that do not constitute a (moral) *wrong* (and which are thus not cases of communicative silencing in her sense)—silencing happens when this deprivation is *unfair* (cf. 328; 331–32). We can be deprived of a benefit in ways that aren't unfair, or the deprivation can be justified in some other manner.⁸ But in cases of silencing, and in particular in the cases of silencing Maitra and I are interested in, this happens neither by accident nor with reasonable justification. Silencing is a moral wrong because it *unfairly* deprives people of benefits they *should* reasonably have access to. There is a moral wrong "common to all instances of silencing understood as communicative disablement, though some such instances (but not all) will result in additional wrongs as well" (331). So, we are able to maintain that not every speaker who is silenced is wronged in the same way or to the same extent—but it allows us to grasp what they are missing in virtue of not being able to communicate.

Next, let me clarify further how this applies to the issue at question in this paper. First of all, I have introduced an account of silent implicature here. And Gricean speaker

meaning and conversational implicature are not the same thing. While this is correct, it is worth stressing that, commonly, conversational implicature is considered to be a *version* of speaker meaning. On this view, to conversationally implicate is to *mean* a particular thing. While questions can be raised about this picture overall (e.g., cf. Saul 2002), we can see how an account that uses speaker meaning to make sense of silencing can be quite clearly applied to the implicature-based picture I have painted as a background for this discussion. That is, *if* we can implicate with silence, we can also *mean* something with silence. If this holds, then this also means that, on the Maitra/Grice picture, silence *can* be silenced.

At the same time, it is worth noting that most of the silencing literature has discussed the issue as one regarding the ability or inability to do things with *words*. Along the same lines, Maitra puts specific focus on the value of speech—to the extent that her view of silencing being wrong is in virtue of unfairly depriving people of that value. So, a question might arise: how does communicative silence fall into this idea? *Even if* we buy into the idea that silence can communicate, surely it is different from speech, and surely it is different from the kind of communicative value Maitra has in mind? At the same time, it simply seems to be the case that conversational silences *are* part of our communicative enterprises. Somebody's silence in a conversation can cause us pain, it can confirm feelings, it can make us rethink a decision, and much more. While silence is not speech, silence can do many things speech can do. Having access to doing things with silence *is* a mark of one's ability to use communicative tools. At the same time, it is also not hard to imagine that some people's silences will more likely be heard than the silences of others—if a very powerful person remains silent in response to a question, it is likely going to have more effect, and more effort will be made to adequately interpret that silence, than if it is somebody who is the target of marginalization. When somebody's silences—the communicative intentions standing behind one's remaining silent—are not heard, when that minimal level of recognition is not given, we are deprived of something that others do have access to. This is what makes silencing silences wrong—just as it is wrong to silence people's speech: somebody's silence *should* be heard, but isn't.

While the literature has, so far, not really considered cases like this, there is a notable exception. Rae Langton (2007, 204), in a paper titled “Disenfranchised silence,” raises the idea of the “silencing of silence.” What she makes clear—even though her discussion is brief—is that we really only need to acknowledge that silence can have communicative force to understand that it can be deprived of that force.⁹ In line with Langton's point, I hope that the rest of my discussion will give more backing to this general observation, that “being prevented from communicating with silence” can, in many cases, be analyzed in parallel ways to “being prevented from communicating with speech.” At the same time, I do think that this will be an exploration of a whole domain of linguistic injustice that has, so far, been under-explored in the literature. Not least, this will serve to show just how *deep* power structures and injustices run in our linguistic practices.

Maitra's account provides, I believe, the right background to establish this claim. Specifically, there are three kinds of cases I want to look at:

- (a) Somebody might *intend* to communicate something with their silence but their silence is *not taken to be communicative*.
- (b) Somebody might *intend* to communicate something with their silence but *something else* is taken to be communicated.¹⁰

- (c) Somebody *might not intend* to communicate anything with their silence but their silence is *still* taken to be communicative.¹¹

It is important to note, however, that I am not the first to describe a taxonomy of this sort. In his paper “Epistemic violence and emotional misperception,” Trip Glazer (2019) discusses a similar typology to mine (itself adapted from Ekman and Friesen 2003, 141) in his analysis of the wrongful and harmful structural misreading of *emotions* (from body language, facial expressions, and gestures) in the context of *non-verbal communication*. For example, in Glazer’s terminology, an interpretation would be a *false positive* (what I’ve labelled (c) above) when a “woman did not speak in an emotional tone of voice, yet [her] interviewer heard her tone as subtly contemptuous” (Glazer 2019, 60). According to him, *emotional misperception* occurs when “1. A misreads B’s nonlinguistic expression of emotion, 2. owing to reliable ignorance, 3. harming B.” (60), drawing on Kristie Dotson’s (2011) concept of epistemic violence.

Glazer and I are interested in similar things. I want to stress, however, that the actual phenomenon we want to investigate is not the same. Let me first point out our similarities: for one, we’re both interested in explaining cases with a similar taxonomy (the one indicated above). Moreover, unlike most accounts of silencing, we’re not talking about verbal speech, but are instead interested in non-verbal communication (in Glazer’s case, emotions communicated via tone of voice, gestures, or facial expressions, etc.; in my case, conversational silence). Applied to an example, however, a central difference becomes clear: for example, Glazer talks about how, given the racist stereotype of “the angry black woman,”¹² a black woman’s facial expressions might be vulnerable to emotional misperception and be read as passive-aggressive or angry from the outset, no matter what she actually says or thinks, as Glazer argues (cf. Glazer 2019, 71). Were I to analyze a similar example, I’d be interested in a case where her *act of remaining silent* is wrongfully (and harmfully) interpreted as communicating something passive-aggressive. As such, our most central difference is the *phenomenon* we’re interested in: Glazer is not talking about *conversational silence* but rather emotions communicated through tone of voice, gestures, expressions, and body language as it occurs in exchanges and *alongside* speech (and possibly alongside silence, though this is not explored further). I’m specifically *not* focusing on the interpretation of gestures but want to zoom in on the *act of remaining silent*, and how that act, and what is taken to be communicated by it, is misinterpreted.

I will utilize Maitra’s (2009) account to explain exactly what is happening in situations (a) (somebody might intend to communicate with their silence but *nothing* ends up communicated) and (b) (somebody might intend to communicate something with their silence but *something else* ends up communicated), *specifically* in order to elaborate how people are wronged in these cases. Category (c) (somebody *might not intend* to communicate something with their silence but something *still* ends up understood) does not fall in with the other silencing cases in an equally straightforward way. I will discuss this case as an extension of silencing issues that seems to specifically apply to cases of remaining silent, and meaning nothing by that silence—where one’s communicative agency, broadly construed, is still stifled.

Silencing silence

The following will apply the previous discussion to various examples corresponding to categories (a), (b), and (c) in our previously identified taxonomy, with each of the following sub-headings indicating one part of the taxonomy. In thinking about how they

apply to conversational silence, I want to extend discussions on silencing, to show just how broad and far-reaching these issues can be.¹³

Silence that is intended to communicate but not taken to be communicative

To start, let's take a look at the following example:

- (4) Dragana works in a predominantly male field, and often has to struggle with sexism at the workplace. The most recent meeting she took part in was dedicated to deciding on buying a new computer software. As per usual, the chair of the meeting employs the tacit acceptance procedure—he calls for a vote, and per the procedure, silence means agreement. After the meeting, Dragana is asked to double check the notes the chair wrote down. She notices that the notes read: “14 of the present employees agree”, which puzzles her, after all the whole team of 15 people were there, and all remained silent. Dragana inquires: “I think there is a typo here, I think we *all* agreed to the new software. I actually know it, it's really good.” The chair responds: “Oh, you know, I actually just thought that you'd probably not know anything about this software so I didn't take you to be voting on it.”

We can see that, even though a lot of people were communicating with silence throughout the meeting (which is a sign that silently communicating is a common practice in this community meeting), the chair does not take Dragana's silence to be communicative. She isn't able to communicate assent (or anything else) with her silence.¹⁴ To explain how this kind of case functions, let me first draw apart the different communicative “levels” involved here.

In our example, Dragana wants to communicate, or silently implicate, *agreement* in remaining silent. Dragana believes that her audience will manage to understand what she wants to communicate here—it makes sense, especially in the context where everyone is doing it that way. But she is mistaken. Her target audience doesn't, in fact, think that she is doing *anything* with her silence. What she intends to communicate doesn't really matter anymore; it doesn't “arrive” at the audience level.

Note that this involves an epistemic dimension. Part of why Dragana isn't able to cast this vote is due to the fact that she is considered to not know anything of relevance about the issue in question, which would make it an account of epistemic injustice or oppression, such as Fricker's (2007) *testimonial injustice*, or Dotson's (2011) *testimonial quieting*. However, I think there is also a distinctive communicative injustice happening: in the present context, silence is used to cast a *vote*. Casting the vote clearly has important communicative dimensions, but Dragana is deprived of being able to perform that very act.

Let's think back to Maitra's view of silencing. According to her, somebody is communicatively silenced iff they can't fulfill their intended communicative act. One way in which this can happen is for the audience to fail to see *entirely* that something is a conversational act (Maitra 2009, 327–28). Applied to silence, this would mean that an audience fails to recognize that a person's silence is intended to be communicative—they are not able to generate a silent implicature at all, and miss her communicative intention (ii)—the very minimum of conversational recognition is absent.

In our case, Dragana is deprived of using a conversational tool others have access to because of the absence of that recognition—she is experiencing communicative silencing, and thereby a moral wrong. Even though it is her active intention to silently

implicate, her silence is rendered meaningless in this context. This deprives her of something crucial: silence is used as a means of voting in this context. So, her silence failing to register as communicative is having a pragmatic effect—that she cannot cast her vote. But it also has a broader effect: It is clear that she (a) doesn't have access to a tool everyone around her has, and therefore (b) has to grapple with the fact that she is not able to fully realize her communicative agency.

So far, then, we have discussed one way in which the first category in our taxonomy can manifest. Let's move on to the next case.

Silence that is taken to communicate something else

Let's start with another example:

- (5) Lucas and Chris have been assigned as partners in a project. They know each other a little bit—enough so that Lucas knows that Chris is gay, and Chris knows that Lucas is straight; but they are not close friends. When they meet up, Lucas starts talking about how he couldn't do the preparation because his girlfriend just broke up with him, and they start chatting about this a bit more. After a while, Chris is growing tired of the topic, and more stressed about the project. He remarks that they only have until 4 to finish this work, and maybe they should start working. Then the following exchange happens:

Lucas: "I know, we should start, but honestly, I just hate this, I don't like being single."

Chris remains silent in response. He thinks that he really wants to get started with work, but at the very least he *doesn't want to keep talking about the breakup* and move on from the topic. His silence is intended to implicate something along the lines of *Let's not talk about this anymore* or *Let's get going*.

Lucas responds, sounding worried: "Oh no, I didn't mean it like *that*, I'm really not gay!"

This case involves some (more or less subtle) expression of homophobia. Lucas is, quite literally, *afraid* that Chris might think that he, Lucas, is attracted to him, and therefore makes sure to clarify that none of what he said should indicate this to Chris. He's worried that his going on about his breakup might have indicated to Chris that he is "now available," and takes his silence, which is intended to bring across something different entirely, to be an expression of "coming on to him." Chris, on the other hand, is not interested in anything like that—he tries to implicate something very different with his silence—its broad message being about his not wanting to continue the conversation about the breakup. Is this implicature calculable? I think it is. In the context where the setting is taking place—a project meeting, with time-pressure, and the desire to get working already having been mentioned—it seems that this is a calculation entirely achievable for Lucas. How can he consider Chris' silence to be cooperative, overall? By taking into account that he, in a subtle way, is trying to communicate that it would be good to move on from the conversation in question. This, however, is not possible for Chris. His silence, in this context, is structurally misconstrued and distorted.

It should be noted that this hyper-sexualization of queer people is a well-known phenomenon. As Zach Howe (2014), stresses, "men in America have grown up learning to be scared of gayness. But not only for the reasons we typically think. ... The truth is,

they're afraid because heterosexuality is so fragile"—a point that is surely applicable beyond the American context. As such, comments like the one in our example are not rare. Most queer people will hear them at some point (and too often the fragility of heterosexuality even leads to grave or deadly violence). Here, in our case, some misinterpretation is going on, on the basis of some homophobic background assumptions. Again, let's consider the "levels" of communication involved in this structural misinterpretation.

Chris intends to communicate something like *I would like to move on from this conversation*—but is not able to do so: his communicative intentions are unrecognized, to the extent that what Lucas *takes* to be communicated is something different entirely. While, in our case with Dragana, no implicature got generated *at all*, here we *do* have one, but one that is beyond Chris' control. Lucas makes wrong assumptions about Chris and what he might be communicating—motivated by some of his harmful assumptions about gay men. Because of this, what ends up communicated is an expression of sexual or romantic interest, which is not what Chris intended to convey. So, while there is some recognition of a communicative and informative intention, it gets mistaken in a distorted in an overall harmful way. Chris is not able to do with his silence what he'd be able to do if he was straight, or Lucas didn't know that he was gay.

Again, Chris is wronged in ways that clearly go beyond the communicative realm. Lucas, quite clearly, is holding on to some kind of negative identity prejudice, in Fricker's (2007) words, about Chris, which impact Lucas' reading of Chris' silence. Lucas' fear of having accidentally made Chris think that he's interested in him stems from some deep-seated homophobia, expressing itself in assumptions like *Chris must be interested in me if he knows I'm available*, and *all gay men are hyper-sexual and always looking for a hook-up*. As I mentioned above, these are, of course, wrongful and stereotyping assumptions. As such, they can have a significant effect on our conversations—an effect that also extends to our conversational *silences* (but which is surely not limited to them). Here, we see the extent to which the force of what Chris wants to communicate for this audience with his silence is distorted. As such, this case has a significant communicative dimension: while something does end up communicated, Chris' communicative autonomy is severely limited.

Consider Maitra (2009): “[A] speaker is communicatively disabled iff she is unable to fully successfully perform her intended communicative act, because her intended audience fails to satisfy either the second or the third of her (Gricean) intentions” (Maitra 2009, 327–28). Another way in which this can happen, in addition to what we heard with case (a), is for the audience to understand that there is *some* informative intention but *mistake* the content of that intention (328). This is exactly what is happening here. As a result, Chris is unable to draw on certain communicative features (in this case, making his silence meaningful in a particular, *intended*, way) he *should* have access to, all things considered.

This point is further illustrated by another example, which I'll introduce before moving on to the next category:

- (6) According to the 2018 EMRIP report “Free, prior and informed consent”, authored by *The Expert Mechanism on the Rights of Indigenous Peoples* (2018) and presented at the 39th session of the Human Rights Council, “Free, prior and informed consent is a manifestation of indigenous peoples' right to self-determine their political, social, economic and cultural priorities. It constitutes three interrelated and cumulative rights of indigenous peoples: the right to be

consulted, the right to participate, the right to their lands, territories and resources. Pursuant to the Declaration, free, prior and informed consent cannot be achieved if one of these components is missing.” In an input to the report by the *Kaurareg Aboriginal Land Trust*, Kaurareg addresses “the peculiar situation where consent is constantly sought by Australia to validate its prior decision to integrate colonized dependent populations, continually resident on their own non-self-governing territory. That decision by Australia was made without our knowledge, without free prior and informed consent” (Kaurareg Aboriginal Land Trust 2018, 1). Later in the report they specifically remark on one way in which the Australian State seeks out consent of Kaurareg in less than genuine ways: “In the Settler State, Australia where the decision was made to integrate Aboriginal peoples and Torres Strait Islanders, the key objective is to obtain our consent by overt and covert means. When we examine these means, we find the policy language and programs of persuasion to gain our consent are ‘wiped clean’ of clues pointing back to Australia’s decision to integrate us without our consent. **They are for the most part cunningly engineered so that our known cultural norms of silence are interpreted by non-native rules of debate and majority votes, duly registered as our agreement. Despite our cultural norms of silence being well-known to the social sciences, where our silence indicates respect and/or disagreement and/or matters of discomfort, our silence is turned against us and used to indicate our consent**” (Kaurareg Aboriginal Land Trust 2018, 8, my emphasis).

It should be clear that the treatment described by the Kaurareg Aboriginal Land Trust constitutes an injustice that goes beyond the linguistic wrong I’m discussing here. But it also illustrates what we’ve seen over the course of this section: how an act of silence, intended as a particular communicative act, can be perniciously misconstrued. There is a structural distortion of the communicative intention—and in this case, custom, of silence. In the illustrated case, silence was taken as consent, and, even though the Kaurareg did not intend to consent with their silence on certain issues, it got taken up in the precise way consent *would* have been taken up if it had been given unambiguously, which brought on the corresponding *consequences* on the level of legal decision-making. There is a sense in which Kaurareg’s silence, as they write, “got turned against [them] to indicate [their] consent” (8).

We might wonder at this point whether we *can* expect this silence to be understood correctly. Or, in terms of implicature, whether this implicature is calculable? Surely, just because the social sciences have established the Kaurareg’s use of silence, that doesn’t mean that the Australian state knows (or wants to know) about this. Let me respond to this briefly: as the example outlines, free, prior, and informed consent has to be sought out by the Australian state *before* integrating indigenous land. It seems questionable to assume that such consent *can* even be acquired via tacit acceptance—it seems that *more* is needed to confirm that there is genuine free, prior, and informed consent in the case illustrated, namely explicit, established, and verbal agreement from the Kaurareg. When calculating an implicature, background knowledge and context need to be taken into account—in this case, the context is the integration of indigenous land, a topic which is undoubtedly controversial and obviously deeply rooted in colonial history.¹⁵ Is silence as agreement in this context a *plausible* interpretation? Only in a very specific, established context, such as governmental decision-making procedure—

and again, it seems that the Kaurareg were not fully part of that procedure in the first place. Still, their silence was taken to communicate consent.

So, the bottom line of this case seems to be, again, that a certain group has their communicative agency misconstrued in a structural way that furthers their *already ongoing* oppression, while also suffering a wrong that is tied to limiting what they can and cannot do with their silence.

Silence that is not intended to be communicative, but is nonetheless taken to be communicative

This final category is of a different kind, simply because here the question isn't about being able to do something with silence—rather it's about *being able to not do* something with silence. Consider another example:

- (7) Lani is a young woman sitting on the bus, listening to music. She had a long day in an even longer week, and is looking out of the window while she has her ear-plugs in, loudly listening to her favorite new album, thinking about all the tasks she has to do tomorrow. While she is deep into her thoughts, she doesn't notice that the man sitting next to her tries to get into a conversation with her. He asks "What are you up to tonight, love?" Lani remains silent. He tries again, "Sure a pretty girl like you is going out tonight?" Again, Lani is silent. Finally, he shouts: "Right, you think you're too good to even talk to me. Well f*ck off, ugly b*tch"—only then Lani realizes, terrified, that the man is addressing her, quite puzzled and terrified about what is going on. She quickly leaves the bus at the next stop.

It is easy to see that there is some kind of sexual harassment happening in this case—a kind many people will, sadly, be familiar with. Many will be equally familiar with having reacted to this in the following way: "I'm just not going to say anything." It is quite common to be advised to just *ignore* cat-calling or unwanted sexual advances in public spaces. As such, the guy talking to Lani might well have had similar reactions from other women he's tried to hit on before. In those cases, however, the silence *can* be thought to communicate something specifically: the intention behind the silence might be a refusal to engage in the first place, it might communicate that the harasser's comments and advances are out of place and unwanted, and so forth. What is different in case (7) is that Lani *did not intend* to implicate any one of these things with her silence because, as far as she was concerned, *she was never in a conversation in the first place*. However, the man sitting next to her still (wrongly) takes her to *intend* to communicate something with her silence.

In terms of implicature, this situation is interesting because there is no intention to generate any implicature at all. Yet the self-appointed audience still thinks there is one. The man trying to talk to Lani might make at least two assumptions about what her silence is intended to communicate:

Interpretation i: He thinks that her first instance of remaining silent is just a case of "a woman playing coy" but that she still might be interested in him. He might read the silence as "something women do," or as "playing a game", communicating something like *I'm playing hard to get, keep trying*.

Interpretation ii: Once he realizes Lani is not entering into the alleged game they are playing, but remains silent, he takes her silence as expressing something like *I'm not interested in someone like you*—which he takes badly.

Even though Lani clearly cannot possibly have any communicative intentions along these lines, doing nothing with her silence is not an option for her in this case. While she does not manifest any intentions to generate an implicature whatsoever, her silence still takes on meaning. And it takes on a meaning that, unknowingly, puts her in quite possible danger.

So why is this a case of silencing? This case is not obviously reflected in Maitra's (2009) discussion of communicative silencing. However, I think it highlights another issue so far under-appreciated in the literature on silencing and communicative agency more generally—an issue that becomes specifically apparent in the case of silence in a way it doesn't in the case of speech.

Again, recall that, on Maitra's account, communicative disablement happens when somebody's communicative intention is not recognized at all, or is distorted. The Lani-case is an inversion of this idea: some form of silencing can *also* happen when a person not having any communicative intention is construed as having one, and one that leads to a situation that is, overall, harmful or oppressive to them. Lani does not have the freedom to choose what conversation she wants to be in, in this context.

Of course, we do not always have a choice about which conversations we are part of—we do sometimes just get drawn in. In fact, Maitra (2012, 100–16) herself makes a convincing case along these lines, when she talks about a case of a man shouting racist hate speech at a woman in a subway car, and the failure to intervene or speak up on behalf of the populated carriage. A failure to speak up, in this case, could be defended with the claim that the bystanders simply were not part of the conversation in question—so they didn't want to, or have to, get involved. Maitra shows how that claim doesn't hold, and sometimes, in the context of quite public rundowns of such events, people simply do not have a choice but to be drawn into a conversation like that.

From this, we can see a difference to the Lani-case. For one, Lani isn't even aware that somebody is talking to her. But, more crucially, the central problem derives from the fact that what her silence is taken to mean *is wronging* her, *on both interpretations of the silence*. The first one exemplifies questionable views about women, to say the least (e.g., “playing coy”), the second one, while probably more along the lines of what she might have actually tried to communicate were she aware of the situation, leads to an aggressive outburst against her, putting her down. In the subway case, the harassment is *not* going against the bystanders—in case (7), it clearly is. In the subway case, the bystanders are clearly aware of the conversation going on—in case (7), Lani isn't.

What would be an alternative way of the man interpreting Lani's silence? He might think that her initial, alleged, silent response means that she doesn't want to talk to him, or that she's feeling uncomfortable with him addressing her like that. He might respect that, and not attempt to talk to her further. He might also pay closer attention and *see* that she is listening to music, drawing the conclusion that she maybe didn't hear him at all. The right reaction to that would likely be for him to draw the conclusion, that, while her silence didn't mean anything specific, her listening to music probably means that she doesn't want to be disturbed, and to leave her alone. In the first version of this alternative uptake, there is still a misunderstanding of silence happening, but it is one that respects Lani's communicative agency in the most plausible way of interpreting her silence. In the second one, there seems to be *actual* understanding of the situation.

An underlying problem for our original version of (7) derives from the man thinking that he is *entitled* to Lani responding to him and giving him attention, which underpins the situation in question (and the broader issue of sexual harassment in general). This

entitlement seems to have a detrimental impact on Lani's ability to do nothing with her silence. And while, again, Lani is wronged and harmed beyond the mere communicative case, this doesn't undermine the communicative issue: while it might well be the case that cases like (7) are rare, all things considered, they do illustrate another way in which people's silence can be taken out of their control—but in a different way than in category (b), due to the absence of communicative intentions altogether. The bottom line is that, insofar as we have communicative agency, we should—at least in scenarios similar to Lani's—have the agency to not communicate anything.

Silencing and silences: summing up

Silence and its communicative functions are not always a one-way street. There are audience-dependencies to take into account—contextual features of exchanges, background knowledge, and so on. Just because you want to communicate one thing with your silence, that doesn't mean that you will actually be successful in doing so. The fact that the people in our examples didn't succeed in communicating what they wanted shows that something in the process went wrong, and in our particular cases, to the detriment of those attempting to communicate. There can be honest misunderstandings in misinterpreting silence. But, as we have seen, there are clear indications as to why that is not the case in the examples discussed. What we can see from this discussion is that there is another *level* of silencing, a level that affects aspects of our communicative aims that aren't speech as we commonly conceive of it. We've seen how silence, just like other forms of communication, needs to be captured in ways that are sensitive to oppression, power structures, and marginalization.

The central aim of this paper was to assess how silence can be silenced. In order to address this, I have discussed a taxonomy of ways in which somebody might be prevented from doing certain things with their silence: (a) Somebody might *intend* to communicate something with their silence but their silence is *not taken to be communicative*, (b) they might *intend* to communicate something with their silence but *something else* is taken to be communicated, or (c) they *might not intend* to communicate anything with their silence but their silence is *still* taken to be communicative. When silence is silenced, we have seen, agents are wronged in that they are deprived of access to certain communicative tools—and the benefits of those communicative tools. As such, *silenced silence* can be a form of oppression: it can oppress somebody's communicative advances and potentials in unjust and unfair ways, and limit their opportunities to communicate (or do) with their silence what they want.

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Notes

1 This isn't to say that taking a drag of your cigarette can't be a communicative act in a conversation—it's just not the kind of conversational act I am interested in here. Moreover, we should also note that using sign language is not a form of communicating with silence, but rather is speech. While this might need more

linguistic investigation, conversational silence in such a language would involve stopping signing to make a specific point.

2 Another discussion of such omissions can be found in Eric Swanson's (2017) paper "Omissive implicature."

3 The arguments in this paper don't depend on this particular analysis of how silences communicate. However, it will allow us to spell out more specifically how certain intentions manifest themselves when people remain silent, and how silence could be calculated and receive uptake among audiences (considering things like context and background knowledge). Two other accounts of how silence communicates can be found in Alessandra Tanesini's (2018) and Sanford Goldberg's (2020). In addition, I explore silent implicature in more detail in Klieber (2021). I want to thank an anonymous reviewer for urging me to include this more explicitly in this paper.

4 The principle is further illustrated through certain maxims of conversations—*Quantity, Quality, Relation, and Manner* (cf. Grice 1989, 26–28).

5 The list of important work one ought to mention here is far too long for the following to be exhaustive in any way. I still want to highlight at least a few: some of the first works to mention here are Rae Langton's influential (1993) and Jennifer Hornsby's and Langton's (1998). A more critical assessment of Langton's and Hornsby's claims can be found in Bird (2002) and yet a different angle on the discussion is presented in Mikkola (2011). Other important contributions are Ishani Maitra's (2007), as well as Quill Kukla's (writing as Rebecca Kukla) (2014). More discussions on the epistemic dimension of silencing (but not only silencing) can be found in Dotson (2011) and Fricker (2007), to only name a few.

6 The background to Maitra's (2009) paper is her engagement with Langton (1993) and Hornsby (1994, 1995) on illocutionary silencing, freedom of speech, and pornography. Maitra diagnoses issues with both the idea of illocutionary and perlocutionary silencing, (partly) stemming from the problem of clearly distinguishing illocution from perlocution. Her account establishes an idea of silencing that can leave out the notion of illocution altogether, focusing instead on communicative acts more broadly. For the sake of the present discussion, these details will be left out. Rather, I will focus on Maitra's account of silencing itself. I want to thank two anonymous reviewers for urging me to refine the idea of silencing used in this paper more.

7 This view of silencing, then, allows us to further distinguish different *ways* in which speakers can be silenced. For instance, if somebody trying to communicate something is unable to satisfy her communicative intention, the audience might fail to recognise *entirely* that she has some informative intention. But it could also happen that the audience understands that there is some informative intention, but *misinterprets* the content of that intention.

8 Maitra gives several examples of this, e.g., someone might not be entitled to a certain benefit, deprivation can be justified to achieve some greater good (her example is not letting people sit on a patch of grass because it's too expensive to repair the grass) (cf. 2009, 331–32). The point is that we sometimes might be justified in preventing somebody from enjoying certain benefits—including the benefits speech can provide (e.g., we might have very good reasons to stop a hate speaker from spreading hate, etc.).

9 Langton's (2007) paper is a response to Philip Pettit's (2002) chapter 'Enfranchised silence', in which he argues that "silence in the presence of freedom of speech is itself capable of becoming a form of meaning and communication," and, according to him, is "typically going to be significant of approval" (372)—silence can itself *be* a speech act of approval. This is challenged by Langton along several lines. For one, it is unclear whether we will ever reach the ideal of freedom of speech. Second, if we can't really reach this ideal, we need to ask what this will mean to the interpretation of silence meaning approval. I can't go into the broader discussion of Pettit's account and Langton's response here.

10 Note that points (a) and (b) in the taxonomy map onto Maitra's brief discussion of the different ways in which we can understand people being silenced on her view (2009, 328).

11 In cases of this last kind, the speaker in question wouldn't be *prevented* from *communicating* with their silence, strictly speaking, because they didn't want to communicate with it to begin with, but they would still *not be able to do* certain things with their silence (in this case, be non-communicative).

12 Numerous black women have written about how, in Trina Jones and Kimberly Jade Norwood's (2017) words, "in an instant, a reasonable Black woman, who is just going about her business, gets transformed into the trope of the Angry Black Woman." Jones and Norwood's article provides an important overview and discussion of this topic, connecting historical insights with the contemporary situation and treatment of black women. Further analysis can be found in Rachel Alicia Griffin's (2012), which, among other things,

analyses black feminist thought and practice, as well as resistance, and applies her reading of influential texts autoethnographically, reflecting on her own experiences. Finally, we also see the pervasiveness of this in an example given by Nadena Doharty in her (2020) article, in which she writes about how apparent this racialized-gendered stereotype became to her in discussions of her dissertation: while her black examiner critically asked why she clearly *avoided* writing her own feelings into the thesis (cf. Doharty 2020, 548), her white examiner noted that she “felt [her] anger through the strength of [her] writing” (548). Doharty writes: “Even in a context where my feelings were noticeably absent for the Black woman professor, I was still positioned as angry” (557) by the white woman academic.

13 I want to thank two anonymous reviewers for prompting clarification of all the examples discussed in this section.

14 In fact, it seems that, *even if* the chair was under the (wrong) impression that Dragana was the *only* person who didn’t know about the workings of this software, it should have been specified that only those experienced with it should take a vote. In that case, he might still ignore Dragana’s silence based on his wrongful assumptions. Only if he asked specifically who had experience with the software, and Dragana failed to communicate that she did, could this be construed as an “honest” misunderstanding.

15 The other dimension of this case is that the misinterpretation of silence might be *willful* (in a different way from Lucas’ misconstrual of Chris’ silence above). There may be awareness of the adequate norms of silence, but the Australian state knows that they can construe this silence as meaning consent *by their own standards*, and thereby avoid a situation of conflict or rejection of their plans. This, then, would be a case of misinterpreting silence willfully while establishing a backstory of “plausible” deniability. This opens up another dimension of discussion, about the interpretation of silence, misleading, and deniability, which I will have to pursue elsewhere.

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Anna Klieber is a lecturer in philosophy at the School of English, Communication, and Philosophy at Cardiff University. They recently completed their PhD in Philosophy at the University of Sheffield, writing on the communicative and political potential of silence. Their research is primarily situated in the areas of political, social, and feminist philosophy of language, trans philosophy, and social epistemology.