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In the ‘folds of our own discourse’
The Pleasures and Freedoms of Silence

WENDY BROWN

... Silence can be a plan
rigorously executed
the blueprint to a life
It is a presence
it has a history a form
Do not confuse it
with any kind of absence.
- Adrienne Rich
Cartographies of Silence

We no longer esteem ourselves sufficiently when we communicate ourselves. Our true experiences are not at all garrulous. They could not communicate themselves even if they tried. That is because they lack the right word. Whatever we have words for, that we have already got beyond ... Language, it seems, was invented only for what is average, medium, communicable. With language the speaker immediately vulgarizes himself.

- Friederich Nietzsche
Twilight of the Idols

Insurrectionary acts and movements require breaking silence—silence about the very existence as well as the activity or injury of the collective insurrectionary subject. Even dreams of emancipation cannot take shape unless the discursively shadowy or altogether invisible character of those subjects, injuries,

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events, or activities are supplanted with articulation, whether through slave ballads, the flaunting of forbidden love, the labor theory of value, or the quantification of housework.

Nor are the silences constitutive of dominance broken forever when they are broken once. They do not shatter the moment their strategic function has been exposed but must be assaulted repeatedly with stories, histories, theories, discourses in alternate registers until this assault finally triumphs such that the silence itself is rendered articulate as an historically injurious force. Thus have the subjugated and marginalized proceeded against the variety of silences tucked into the universal claims of humanist discourse for the last several centuries.

But if the silences in discourses of domination are a site for insurrectionary noise, if they are the corridors we must fill with explosive counter-tales, it is also possible to make a fetish of breaking silence. Even more than a fetish, it is possible that this ostensible tool of emancipation carries its own techniques of subjugation—that it converges with non-emancipatory tendencies in contemporary culture (for example, the ubiquity of confessional discourse and rampant personalization of political life), that it establishes regulatory norms, coincides with the disciplinary power of confession, in short, feeds the powers we meant to starve. While attempting to avoid a simple reversal of feminist valorizations of breaking silence, it is this dimension of silence and its putative opposite with which this Article is concerned.

In the course of this work, I want to make the case for silence not simply as an aesthetic but a political value, a means of preserving certain practices and dimensions of existence from regulatory power, from normative violence, as well as from the scorching rays of public exposure. I also want to suggest a link between, on the one hand, a certain contemporary tendency concerning the lives of public figures—the confession or extraction of every detail of private and personal life (sexual, familial, therapeutic, financial) and, on the other, a certain practice in feminist culture: the compulsive putting into public discourse of heretofore hidden or private experiences—from catalogues of sexual pleasures to litanies of sexual abuses, from chronicles of eating disorders to diaries of homebirths, lesbian mothering, and Gloria Steinam’s inner revolution. In linking these two phenomena—the privatization of public life via the mechanism of public exposure of private life on the one hand, and the compulsive/compulsory cataloguing of the details of women’s lives on the other—I want to highlight a modality of regulation and depoliticization specific to our age that is not simply confessional but empties private life into the public domain, and thereby also usurps public space with the relatively trivial, rendering the political personal in a fashion that leaves injurious social, political and economic powers unremarked and untouched. In short, while intended as a practice of freedom (premised on the modernist conceit that the truth shall make us free), these productions of truth not only bear the capacity to chain us to our injurious histories as well as the stations of our small lives but also to instigate the further regulation of those lives, all the while depoliticizing their conditions.
My concern with what might be called compulsory feminist discursivity and the presumed evil of silences has yet another source. Notwithstanding American academic feminism’s romance with Foucault, there is an oddly non-or pre-Foucauldian quality to much feminist concern with censorship and silencing. In these formulations, expression is cast either as that which makes us free, tells our truth, puts our truth into circulation, or as that which oppresses us by putting “their” truth into circulation in the form of pornography, hate speech, harassment or simply the representation of the world from “the male point of view.” If one side in the debate argues for more expression on our part—for example, by making our own pornography or telling our own stories—and the other argues for less on “their” part, both sides nonetheless subscribe to an expressive and repressive notion of speech, its capacity to express the truth of an individual’s desire or condition, or to repress that truth. Both equate freedom with voice and visibility. Both assume recognition to be unproblematic when we tell our own story, and assume that such recognition is the material of power and pleasure. Neither, in short, confronts the regulatory potential of speaking ourselves. I think the whole contemporary debate over censorship—whether focused on porn or rap music—is necessarily bound to an expressive-repressive model of power and freedom, which may explain why those who feel passionately about both freedom and dignity have trouble finding their way in this debate. If the choice is cast either as the free circulation of music and pictures venerating rape, racism, and misogyny, or state repression of the same, how does one choose?

To inaugurate a different kind of analysis of the relationship between silence, speech, and freedom, I want to turn to two passages in Foucault’s work, the first from The History of Sexuality:

Discourses are not once and for all subservient to power or raised up against it, any more than silences are . . . Discourse transmits and produces power; it reinforces it, but also undermines and exposes it, renders it fragile and makes it possible to thwart it. In like manner, silence and secrecy are a shelter for power, anchoring its prohibitions; but they also loosen its hold and provide for relatively obscure areas of tolerance.

Foucault here marks the ambiguity of silence in relationship to power, insisting that silence functions not only as a “shelter for power” but also as a shelter from it. (Foucault’s example is the putative freedom of homosexual practice in

3. See, for example, the work of Gayle Rubin.
4. See, for example, the work of Catherine Mackinnon.
5. On this point, and for an exceptionally thoughtful meditation on the feminist politics of voice that at times parallels my own, see Valerie Hazel, Disjointed Articulations: The Politics of Voice and Jane Campion’s The Piano, 10 Women’s Studies J 27 (1994).
7. Id.
a historical age when there is no discourse for or about it). This paradoxical capacity of silence to engage opposites with regard to power is rarely associated with Foucault’s thinking due to his emphasis on discourse as power. Yet I do not think he is here reneging on this emphasis nor, in speaking of silence as a shelter from power, suggesting a pre-discursive existence to things. Critical here is the difference between what Foucault calls unitary discourses, which regulate and colonize, and those which do not perform these functions with same social pervasiveness, even as they do not escape the tendency of all discourse to establish norms by which it regulates and excludes. It is through this distinction that one can make sense of Foucault’s otherwise inexplicable reference to sex in the eighteenth century as being “driven out of hiding and constrained to lead a discursive existence,” or his troubling example of the village simpleton whose “inconsequential” habit of molesting young girls in exchange for pennies was suddenly subjected to medical, judicial, and popular scrutiny and condemnation. Neither in these cases nor in others where Foucault seems to imply a “freer” because pre-discursive existence to certain practices would he appear to mean that they really occurred “outside” discourse, but rather that they had not yet been brought into the pervasive regulatory discourses of the age—science, psychiatry, medicine, law, pedagogy, and so forth. Silence, as Foucault affirms it, then, is identical neither with secrecy nor with not speaking. Rather, it signifies a relation to regulatory discourses, as well as a possible niche for the practice of freedom within those discourses. If, as Foucault insists, freedom is a practice (as opposed to an achievement, condition, or institution), then the possibility of practicing freedom inside a regulatory discourse occurs in the empty spaces of that discourse as well as in resistance to the discourse. Moreover, silence can function as speech in both ways at once, as in the following autobiographical example offered by Foucault:

Maybe another feature of this appreciation of silence is related to the obligation of speaking. I lived as a child in a petit bourgeois, provincial
milieu in France and the obligation of speaking, of making conversation with visitors, was for me something both very strange and very boring. I often wondered why people had to speak.12

In her lecture at the Swedish Academy on the occasion of receiving the Nobel Prize for Literature, Toni Morrison also displaces the conventional antinomy between silence and language, arguing that certain kinds of language are themselves silencing, capable of violence and killing, as well as “susceptible to death, erasure.”13

A dead language is not only one no longer spoken or written, it is unyielding language content to admire its own paralysis. Like statist language, censored and censoring. Ruthless in its policing duties, it has no desire or purpose other than to maintain the free range of its own narcotic narcissism, its own exclusivity and dominance. However moribund, it is not without effect, for it actively thwarts the intellect, stalls conscience, suppresses human potential. Unreceptive to interrogation, it cannot form or tolerate new ideas, shape other thoughts, tell another story, fill baffling silences. Official language smothered to sanction ignorance and preserve privilege is a suit of armor, polished to shocking glitter, a husk from which the knight departed long ago.14

While Morrison is concerned in this passage primarily with state languages, with bureaucratic and ‘official’ languages, any language of regulation, including those originally designed on behalf of our emancipation, has the potential to become “official” in the sense she describes.

If silence can function as speech in discourse, can be a function of discourse, and can also function as a resistance to regulatory discourse, such practices of silence are hardly unfettered. The complexities of silence and speech in relation to freedom brings us to the second passage of Foucault’s that I want to consider. It is from his “Two Lectures” on power,15 and occurs in the context of his discussion of discovering or “disintering” subjugated knowledges:

... is it not perhaps the case that these fragments of genealogies are no sooner brought to light, that the particular elements of the knowledge that one seeks to disinter are no sooner accredited and put into circulation, than they run the risk of re-codification, recolonisation? In fact, those unitary discourses, which first disqualified and then ignored them when they made their appearance, are, it seems, quite ready now to annex them, to take them back within the fold of their own discourse

and to invest them with everything this implies in terms of their effects of knowledge and power.¹⁶

Here, Foucault's concern is less with disrupting the conventional modernist equation of power with speech on one side, and oppression with silence on the other, than with the ways in which insurrectionary discourse borne of exclusion and marginalization can be colonized by that which produced it much as counter-cultural fashion is routinely commodified by the corporate textile industry. While "disqualified" discourses are an effect of domination, they nevertheless potentially function as oppositional when they are deployed by those who inhabit them. However, when "annexed" by those "unitary" discourses which they ostensibly oppose, they become a particularly potent source of regulation, carrying as they do intimate and detailed knowledge of their subjects. Thus, Foucault's worry would appear to adhere not simply to the study of but to the overt political mobilization of oppositional discourses. Consider the way in which the discourse of multiculturalism has been annexed by mainstream institutions to generate new modalities of essentialized racial discourse; how "pre-menstrual syndrome" has been rendered a debilitating disease in medical and legal discourses;¹⁷ how "battered women's syndrome" has been deployed in the courtroom to defend women who strike back at their assailants by casting them as sub-rational, egoless victims of male violence;¹⁸ or how some women's response to some pornography was generalized by the Meese Commission on pornography as the violence done to all women by all pornography.¹⁹

Consider, more generally, attempts at codifying feminist discourses of women's experience in the unitary and universal discourse of the law. What happens when legal universalism's silence about women, when its failure to recognize or remedy the material of women's subordination, is remedied with discourses specifying women's experience and codifying the category of women through this specification? In pursuing this question, I will focus briefly on Catharine MacKinnon's work, but the questions I am raising about this kind of feminist legal reform are not limited to her work.²⁰

MacKinnon expressly aims to write "women's experience into law," but as so many other feminists have remarked, this begs the question of which

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¹⁶. Id at 86.
²⁰. This analysis is more fully pursued in Wendy Brown, States of Injury: Power and Freedom in Late Modernity (Princeton, 1995).
women's experience(s), drawn from which historical moments, culture, race, and class strata. Indeed, what does it mean to write historically and culturally circumscribed experience into an ahistorical discourse, the universalist discourse of law? Is it possible to do this without rendering “experience” as ontology, “perspective” as Truth, and without encoding this ontology and this Truth in law as the basis of women's rights? What if, for example, the identity of women as keyed to sexual violation is an expressly late twentieth century and white middle-class construction of femininity, consequent to a radical deprivatization of sexuality on the one side, and the erosion of other elements of compulsory heterosexuality—such as a severely gendered division of social labor—on the other? Moreover, does a definition of women as sexual subordination, and the encoding of this definition in law, work to liberate women from sexual subordination, or does it, paradoxically, legally reinscribe female-ness as sexual violability? If the law produces the subjects it claims to protect or emancipate, how might installation of women's experience as “sexual violation” in the law reiterate rather than repeal this identity? And might this installation be particularly unemancipatory for women whose lived experience is not that of sexual subordination to men but, for example, that of sexual outlaw?

These questions suggest that in legally codifying a fragment of an insurrectionary discourse as a timeless truth, interpellating women as unified in their victimization, and casting the “free speech” of men as that which “silences” and thus subordinates women, MacKinnon not only opposes bourgeois liberty to substantive equality, but potentially intensifies the regulation of gender and sexuality in the law, abetting rather than contesting the production of gender identity as sexual. In short, as a regulatory fiction of a particular identity is deployed to displace the hegemonic fiction of universal personhood, the discourse of rights converges insidiously with the discourse of disciplinarity to produce a spectacularly potent mode of juridical-regulatory domination.

Again, let me emphasize that the problem I am seeking to delineate is not specific to MacKinnon or even feminist legal reform. Rather, MacKinnon's and kindred efforts at bringing subjugated discourses into the law merely constitute examples of what Foucault identified as the risk of re-codification and re-colonisation of “disinterred knowledges” by those “unitary discourses, which first disqualified and then ignored them when they made their appearance.” They exemplify how the work of breaking silence can metamorphose into new techniques of domination, how our truths can become our rulers rather than our emancipators, how our confessions become the norms by which we are regulated.

21. See, for example, Angela Harris, Race and Essentialism in Feminist Legal Theory, 42 Stan L Rev 581 (1990); Drucilla Cornell, Beyond Accommodation: Ethical Feminism, Deconstruction and the Law (Routledge, 1991).
23. Foucault, Two Lectures at 86 (cited in note 15).
If, taken together, the two passages from Foucault we have been considering call feminists to account in our compulsion to put everything about women into discourse, they do not yet exhaust the phenomenon of being ensnared ‘in the folds of our own discourses.’ For if the problem I have been discussing is easy enough to see—indeed, largely familiar to those who track techniques of co-optation—at the level of legal and bureaucratic discourse, it is altogether more disquieting when it takes the form of regulatory discourse in our own sub- and counter-cultures of resistance... when confessing injury becomes that which attaches us to the injury, paralyzes us within it, and prevents us from seeking or even desiring a status other than injured. In an age of social identification through attributes marked as culturally significant—gender, race, sexuality, and so forth—confessional discourse, with its truth-bearing status in a post-epistemological universe, not only regulates the confessor in the name of freeing her as Foucault described that logic, but extends beyond the confessing individual to constitute a regulatory truth about the identity group. Confessed truths are assembled and deployed as “knowledge” about the group. This phenomenon would seem to undergird a range of recurring troubles in feminism, from the “real woman” rejoinder to post-structuralist deconstructions of her, to totalizing descriptions of women’s experience that are the inadvertent effects of various kinds of survivor stories. Thus, for example, the porn star who feels miserably exploited, violated and humiliated in her work invariably monopolizes the truth about sex work; as the girl with math anxieties constitutes the truth about women and math; as eating disorders have become the truth about women and food; as sexual abuse and violation occupy the knowledge terrain of women and sexuality. In other words, even as feminism aims to affirm diversity among women and women’s experiences, confession as the site of production of truth and its convergence with feminist suspicion and deauthorization of truth from other sources tends to reinstate a unified discourse in which the story of greatest suffering becomes the true story of woman. (I think this constitutes part of the rhetorical power of MacKinnon’s work; analytically, the epistemological superiority of confession substitutes for the older, largely discredited charge of false consciousness). Thus, the adult who does not suffer from her or his childhood sexual experience, the lesbian who does not feel shame, the woman of color who does not primarily or “correctly” identify with her marking as such—these figures are excluded as bonafide members of the categories which also claim them. Their status within these discourses is that of being “in denial,” “passing” or being a “race traitor.” This is the norm-making process in feminist traditions of “breaking silence” which, ironically, silence and exclude the very women these traditions mean to empower. (Is it surprising, when we think in this vein, that there is so little feminist writing on heterosexual pleasure?)

But if these practices tacitly silence those whose experiences do not parallel those whose suffering is most marked (or whom the discourse produces as suffering markedly), they also condemn those whose sufferings they record to a permanent identification with that suffering. Here, we experience a temporal ensnaring in ‘the folds of our own discourses’ insofar as we identify ourselves
in speech in a manner that condemns us to live in a present dominated by the past. But what if speech and silence aren’t really opposites? Indeed, what if to speak incessantly of one’s suffering is to silence the possibilities of overcoming it, of living beyond it, of identifying as something other than it? What if this incessant speech not only overwhelms the experiences of others, but alternative (unutterable? traumatized? fragmentary? inassimilable?) zones of one’s own experience? Conversely, what if a certain modality of silence about one’s suffering—and I am suggesting that we must consider modalities of silence as varied as modalities of speech and discourse—is to articulate a variety of possibilities not otherwise available to the sufferer?

In The Drowned and the Saved,24 Primo Levi offers drowning as a metaphor for the initial experience of entering concentration camps, particularly for those who did not speak German or Polish: “. . . filled with a dreadful sound and fury signifying nothing: a hubbub of people without names or faces drowned in a continuous, deafening background noise from which, however, the human word did not surface.”25 This is a drowning in a world of unfamiliar as well as terrifying words and noise, a world of no civil structure but so much humanity that one’s own becomes a question. Primo Levi thus makes drowning function as a symbol for a lost linguistic order and as a sign of a lost civil order, for being at sea in words which do not communicate and by which one cannot communicate.26 In a radically different context, Adrienne Rich also relates drowning to speech: “your silence today is a pond where drowned things live.”27 Allowing, perhaps perversely, the Rich to rest on the Levi, I wonder if Rich’s line need only be read in its most obvious meaning—as an injunction to speak or die, a mandate to speak in order to recover the drowned things, recover life. What if the accent marks were placed differently so that silence becomes a place where drowned things live, a place where Levi’s drowning inmates survive despite being overwhelmed by the words which fill and consume the air necessary for life? What if the drowned things live in the pond, where it is silent, as they could not survive if brought back into the exposure of light and air, the cacophony of the Camp? What if silence is a reprieve from drowning in words which do not communicate or confer recognition, which only bombard or drown?28

25. Id at 31-32.
26. Id at 94.
28. Note that the verb, to drown, is not only passive and active—‘she drowned in the river,’ but ‘he drowned her in the bathtub’—it can also connote both a condition from which one can return, and a final state whose terminal is death. Thus there is a life-and-death difference between ‘drowning’ and ‘drowned.’ There is a vanishing at work in both but Levi, it would seem, wants to capture this vanishing without giving it final say, without allowing it to turn into vanquishing. Thus, the drowning may become the saved . . . or the drowned.
Of course, this possibility is heavy with paradox insofar as drowning already signals death and a pond where drowned things live therefore harbors death rather than life. But this paradox may also serve the other point I am after here: perhaps there are dead or deadening (anti-life) things which must be allowed residence in that pond of silence rather than surfaced into discourse if life is to be lived without being claimed by their weight. Certain experiences—concentration camp existence or childhood abuse—may conservatively claim their subjects when those experiences are incessantly remembered in speech, when survivors can only and always speak of what they almost did not survive and thus cannot break with that threat to live in a present not dominated by it. And what if this endless speaking about one's past of suffering is a means of attempting to excoriate guilt about what one did not do to prevent the suffering, an attempt which is doomed insofar as the speaking actually perpetuates by disavowing the guilt?

If to speak repeatedly of a trauma is a mode of encoding it as identity, it may be the case that drowned things must be consigned to live in a pond of silence in order to make a world—a future—that is other than them. Put slightly differently by Primo Levi, "a memory evoked too often, and in the form of a story, tends to become fixed in a stereotype... crystallized, perfected, adorned, installing itself in the place of the raw memory and growing at its expense." Many feminist narratives of suffering would seem to bear precisely this character; rather than working through the "raw memory" to a place of an emancipation, our discourses of survivorship become stories by which we live, or refuse to live, in the present. There is a fine but critical distinction here between on the one hand, re-entering a trauma, speaking its unspeakable elements, even politicizing it, in order to reconfigure the trauma and the traumatized subject, and on the other, retelling the trauma in such a way as to preserve by resisting the pain of it, and thus to preserve the traumatized subject. While such a distinction is probably not always sustainable, it may be all that secures the possibility that we dwell in neither a politics of pain nor of pain's disavowal.

Finally, I wonder if by putting all into discourse women do not risk sacrificing the rewards of the fragile hold some of us have acquired on autonomy, on the capacity to craft our own lives and experiences rather than living almost fully at the behest of others. If there are some experiences which, according to Hannah Arendt, "cannot withstand the glare of public light without being extinguished," do we not set at risk this very recent acquisition? Here I am thinking about the pleasures of creative writing and other artistic practices; therapeutic work intended to fortify and emancipate rather than discipline its subjects; relatively uncoerced sexual lives; and some modicum of choice in reproductive and mothering practices. When all such experi-

30. Id at 24.
ences are put into discourse—when our sexual, emotional, reproductive, and creative lives are all exhaustively chronicled—this would seem to imperil the experiences of autonomy, creation, and even privacy so long denied women and so hard won. Indeed, are we so accustomed to being without privacy and autonomy that we compulsively evade and sabotage them? Do we feel we have nothing of value to protect from public circulation and scrutiny? Are we compelled to reiterate the experience of the historically subordinated to be without a room of one's own, without a zone of privacy in which our lives go unreported, without a domain of creativity free from surveillance . . . this time by our own eyes? Are we so habituated to being watched that we cannot feel real, cannot feel our experiences to be real, unless we are watching and reporting them? Might we need to examine whether we eroticize the denigration in the conventional lack of privacy afforded women? Or are we still wrestling with an insufficiently developed feminine ego, one which fears autonomy more than its absence? Cast in a different idiom, if femininity is, among other things, a disciplinary practice, Foucault reminds us that the good disciplinary subject is one who has fully introjected the surveillant gaze.²

If there are disturbing ways in which the feminist practice of compulsory discursivity would appear to recapitulate the historical, psycho-political terms of women's subordination, there are also ways in which this practice coincides with a contemporary cultural tendency toward the glorification of banal personal experiences and unschooled opinions, of which the extraordinary popularity of Forest Gump³⁴ is but one measure. Ours is a time of truly diarrhetic speech and publication—from the unfathomable amount of technical information and personal outpouring that travels the Internet to the opinionated ignorance that animates talk radio. Notwithstanding or perhaps in proportion to the rise of illiteracy in the United States, today anyone's political opinion is worthy of the airwaves, and everyone's personal story is worthy of TV exposure. Do we explain this phenomenon, and its effect in displacing world events and learned opinion, as the confessional subject run amok, along with its hold on Truth in a post-foundational age? Or is it a kind of anxious filling of the void where meaning, profundity, and world-history lived prior to their disenchantment? To what extent does the populist valorization of the common man, common sense, and the common experience signify neo-fascist anti-intellectualism, the disdain for knowledge and educated thinking that is, historically, the material out of which fascism was fashioned?

While each of these speculations may shed a bit of light on the explosion of personal talk in the public media, for our purposes the most important explanation may be drawn from a telling feature of this talk, namely that very little of it bears the character of either communication or reflection. Most of this speech pronounces or declares, and practically none of it is aimed at

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² Michel Foucault, Discipline and Punish: The Birth of the Prison 195-228 (Vintage, 1979) (A. Sheridan, trans).
³ Forest Gump (Paramount, 1994).
connecting with specific others, working something through, or transforming understanding or experience. In other words, this speech which is aimed at bringing us in common with one another, and which glorifies the common person, paradoxically eschews the tonal and idiomatic material of connection.

This paradox must be read as a symptom, in particular, a symptom of the crisis of the sovereign subject (a subject who believes s/he is self-made and self-willed) in a world of unparalleled global complexity and contingency. This subject who is so radically in need of external resources for understanding its context in the late twentieth century is deprived of those very resources through this kind of pronunciative speaking. Indeed, this heavily defended creature conveys through this non-communicative and non-communing speech, this tenacious dwelling in his or her own experience and opinion, a kind of rampant individual xenophobia which itself must be read as a terrible fear of disintegration or dissolution through connection, an anxiety of an already profoundly weakened or disintegrated subject. The cult of personal experience and opinion, then, warns of the shakiness of the sovereign subject and of its extreme vulnerability to domination, even as this warning is expressed as a kind of hyper-sovereignty and hyper-individualism.\(^\text{34}\)

The question here for feminism is where, amidst this cacophony of expression, confession, coming out, claiming a voice and telling all, where in this cult of the personal, and celebration of the unreflective, can a political space be claimed to break a political silence? How does one tell a feminist truth about, for example, spousal abuse, without drowning in the world of words emblematized by the best selling status of Anne Lamott's utterly tiresome because utterly conventional diary of her son's first year of life?\(^\text{35}\)

On the other hand, if the compulsion to put all into discourse can in this way be read as both a problematic remnant of women's own history of subordination and the more gender generic anxieties of our time, it would seem that our capacity to be silent in certain venues might be a measure of our desire for freedom, including a desire to resist this discourse of anxiety which masquerades as populism. Such desire, of course, needs to be able to distinguish between the pleasures and freedoms of silence on one hand, and habituation to being silenced on the other. Another distinction is in order between keeping one's counsel in order to articulate a spectrum of non-obvious possibilities and silence as the consummate gesture of passive aggression. This desire would also need to learn the capacity to speak and to do so in ways that are neither confessional nor normative in a moralizing sense (the latter, according to Nietzsche, always a symptom of subordination or identification with subordination).\(^\text{36}\) It would need to learn the capacity for a kind of

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34. To go further here, we would probably want to consult Freud's little book on mass psychology, *Group Psychology and the Analysis of the Ego* (Norton, 1959) (J.Strachey, trans), but that is the occasion for another essay.


36. See, for example, Friederich Nietzsche, *On the Genealogy of Morals* 45 (Vintage,
public speaking which neither required concurrence from others, nor entailed the establishment of new norms by which to live, but rather, proffered positions about which one would argue and modify according to other public (as opposed to confessional) arguments.

It is tempting to end on this note. But it leans too hard into one side of a paradox about silence and silencing without recalling the other. For if silence can be a mode of resistance to power, including to our own productions of regulatory power, it is not yet freedom precisely insofar as it is resistance to domination rather than its own discursive bid for hegemony. Put another way, one challenge to the convention of equating speaking with power and silence with powerlessness pertains to the practice of “refusing to speak” as a mode of resistance. Here, even as silence is a response to domination, it is not enforced from above but rather deployed from below: refusing to speak is a method of refusing colonization, refusing complicity in injurious interpellations or subjection through regulation.

Yet it would be a mistake to value this resistance too highly, for it is, like most rights claims, a defense in the context of domination, a strategy for negotiating domination, rather than a sign of emancipation from it. Here I recall a provocative phrase in Patricia Williams’s essay “On Being the Object of Property.” Following a disturbing encounter with some obnoxious young students who jostled her off the sidewalk, she speaks of “pursuing her way, manumitted into silence.” In this paradoxical locution, Williams suggests that emancipation from slavery conferred a right to silence to which she is also condemned. “Manumitted into silence...” emancipated into silence—no longer a subject of coerced speech, no longer invaded in every domain of her being, yet also not heard, seen, recognized, wanted as a speaking being in the public or social realm. Perhaps then, the historical-political place of silence for collective subjects emerging into history is this crossed one—a place of potentially pleasurable reprieve in newly acquired zones of freedom and privacy, yet a place of “freedom from,” that is not yet freedom to make the world.

38. Id at 236.