The silences, the empty spaces, the language itself, with its excision of the female, the methods of discourse tell us as much as the content, once we learn to watch for what is left out, to listen for the unspoken, to study the patterns of established science and scholarship with an outsider’s eye.

—Adrienne Rich

Much of the past is irrevocably silenced: gestures, conversations, and original manuscripts can never be recaptured. Silence and silencing still greet us in every library, every archive, every text, every newscast—at every turn. As Max Picard tells us, “There are eventless periods in human history, periods in which history seems to carry silence—nothing but silence—around with her; periods in which [wo/]men and events are hidden beneath the silence” (82).

Only in the light of recent feminist scholarship recovering and giving voice to women’s contributions in the broad history of culture making—in philosophy, literature, language, writing, societal structure, religion, history, education, reading, psychology, and gender—have we in rhetoric begun to probe our own disciplinary silences and silencings. By doing so, we resist the history of rhetoric at the same time that we allow for the possibility of new and “other” rhetorics. If Karlyn Kohrs Campbell’s *Man Cannot Speak for Her* inaugurated the feminist rhetorical project by regendering the rhetor, then the cascade of feminist rhetorical studies that followed soon began to re-form each feature of the discipline. Patricia Bizzell, co-editor of *The Rhetorical Tradition*, surely one of the most successful rhetorical projects in our academic lifetime, writes that the feminist project continues to present the “most trenchant challenges to
traditional scholarly practices, opening up exciting new paths not only in the material scholars can study, but also, and perhaps ultimately more insignificantly, in the methods whereby we can study it" (5). For example, Andrea Lunsford and Lisa Ede have resisted traditional rhetorical conceptions of authorship and audience for nearly twenty years, working to configure how a genuinely collaborative rhetorical community might be developed, sustained—and rewarded. My Rhetoric Retold, which accounts for the rhetorical accomplishment of historical women, resists the disciplinary belief that rhetorical history is one of vocal, virile, aristocratic males, only. Brenda Jo Brueggemann’s Lend Me Your Ear provides the first sustained scholarly view into the vibrant rhetorical world of deafness and deaf education and, thereby, resists the traditional canon of delivery, of the “good man speaking well.” And Krista Ratcliffe’s current project on rhetorical listening resists and then expands disciplinary conceptions of rhetorical invention, which I discuss in more detail below. My current project, Unspoken: A Rhetoric of Silence, connects with yet diverges from those of Brueggemann and Ratcliffe. Using a feminist purchase, Unspoken rewrites rhetorical delivery (speaking and writing) to include the delivery of silence.1

Thus, in Unspoken, and in this essay, I again resist basic disciplinary beliefs, this time having to do with who speaks, who is silent, who is allowed (or not allowed) to speak, who is listening (or not), and what those listeners might do. I argue that silence can be a specifically feminist rhetorical art, often one of resistance. I make such an argument despite the fact that our talkative western culture equates speech with civilization itself, gendering speaking as masculine and silence as feminine. That said, I don’t see speech as always masculine or powerful, nor do I see silence as always feminist—let alone always successful.

In this essay, I’ll draw on two key rhetorical moments: the Anita Hill-Clarence Thomas hearings and the never-heard hearing of Lani Guinier. Within these moments, I’ll explore the rhetorical dimensions of silence as a feminist position that can resist disciplinary pigeon-holing, embrace political resistance, and refuse the discipline (or “correct training”) of sociopolitical culture and power.

Moving into Silence

Because everything would be unsayable. Speech consists above all in silences.

—José Ortega y Gassett
To imagine a rhetoric of silence might seem peculiar, given the Western tendency to overvalue speech and speaking out (except, of course, in the case of the idealized white male: the powerful tighttipped hero embodied by John Wayne, Ernest Hemingway, Clint Eastwood.) Although some silences are, indeed, unproductive or passive, not all are; but whether it is a forced position or a tactical choice, it carries meaning. Silence is not, in itself, necessarily a sign of powerlessness or emptiness; it is not the same as absence; and silencing for that matter, is not the same as erasing. Like the zero in mathematics, silence is an absence with a function. Ratcliffe reminds us, “Silences need not be read as simple passivity. [They] take many forms and serve many functions . . . ” (Anglo-American 122). Elaine Hedges and Shelley Fischkin help us understand the expressive, positive power of silence when it denotes alertness and sensitivity, when it signifies attentiveness or stoicism, and particularly when it seeks out and listens to new voices. Adrienne Rich tells us, “Silence can be a plan / rigorously executed. . . . Do not confuse it / with any kind of absence” (“Cartographies” 17).

In much the same way that men and women alike inhabit spoken discourse, we all inhabit silence: in a kaleidoscopic variety of rhetorical situations, taking up “the politics of space, place, and time” (Schell 923). Ever sensitive to kairos, to the appropriateness of the occasion, we attempt to fashion our communication successfully, through words or silence. After all, the stupendous reality is that language itself cannot be understood unless we begin by observing that speech consists most of all in silences. In The World of Silence, Picard asks us to educate ourselves to the fact that silence and language work together, each shaping and generating the other in a natural dynamism of meaning-making: “There is something silent in every word, as an abiding token of the origin of speech. And in every silence there is something of the spoken word, as an abiding token of the power of silence to create speech” (24).

Neither speech nor silence is more successful, communicative, informative, revealing, or concealing than the other; rhetorical success depends upon the rhetorical situation. Just as a blurted-out statement or an alleged misstatement can reveal us positively or negatively, so can our silence, whether controlled, instinctive, or imposed. Just as we use words to obfuscate meaning or to buy time, we use silence, sometimes productively, sometimes not—just the way we use speech.

The question is not whether speech or silence is more productive, more effective, more appropriate; rather, it is one of a rhetoricity of purposeful silence when it is self-selected or when it is imposed. When
silence is our rhetorical choice, we can use it purposefully and productively—but when it is not our choice, but someone else’s for us, it can be insidious, particularly when someone else’s choice for us comes in the shape of institutional structure. To wit, a person can choose silence, but the choice isn’t really his or hers because speaking out will be professional suicide. In short, he or she’s been disciplined—and silenced. “What I am compelled to ask when veils seem more like walls,” writes Jacqueline Jones Royster, “is who has the privilege of speaking first?” (36).

**Coming Out of Silence**

I was going to die, if not sooner then later, whether or not I had ever spoken myself. My silences had not protected me. Your silence will not protect you.

—Audre Lorde

In 1991 Anita Hill seized the national consciousness when she broke her silence: “It would have been more comfortable to remain silent. . . . I took no initiative to inform anyone. But when I was asked by a representative of this committee to report any experience [with Supreme Court Justice nominee Clarence Thomas], I felt I had to tell the truth. I could not keep silent” (qtd. in Morrison vii). Very quickly, Hill—and all her watching and listening audience—would see that her silence (as Lorde had so firmly put it) would not protect her. But until that moment, her silence had worked to protect her from becoming the focus of a public spectacle. No one had explicitly silenced her, but Hill inhabited an institutional structure that implicitly kept her disciplined and silenced. In her statement to the Senate Judiciary Committee, she writes that Thomas had told her that if she “ever told anyone of his behavior that it would ruin his career.” She also went on to say, “I was aware . . . that telling at any point in my career could adversely affect my future career” (“Statement” 22, 23). Little wonder that it had been “more comfortable” for her to remain silent. Hill’s silence did nothing to rock party politics or draw negative personal or professional attention to herself. Thus it was that Anita Hill chose her silence—perhaps out of self-protection, perhaps out of professional protection—and she also chose to speak (perhaps for the same reasons): “This is the oppressor’s language / yet I need to talk to you” (Rich, “Burning” 117).

Except for confiding in three very close friends over the course of a
decade, Hill had remained silent about her systematic submission to sexualized conversation by her superior at the Department of Education and the Equal Employment Opportunity Commission, Clarence Thomas. In her statement, she writes, "It is only after a great deal of agonizing consideration that I am able to talk of these unpleasant matters to anyone except my closest friends" (23). But remaining publicly silent for whatever reason does not necessarily equate to remaining passive. In Hill’s case her silence could well indicate a coming to understanding, what Ratcliffe cogently defines as “rhetorical listening.”

Hill’s testimony made clear that during her silence she had been listening carefully to the politico-cultural logics of appointing Thomas (whom President Bush called “the best-qualified man for the job”) to the Supreme Court. Hill had never wanted her charges of sexual harassment made public. “In fact,” Gloria Steinem states, “she hadn’t approached the committee; it was a Yale law school classmate of hers” who did so (Sex). Only in response to a federal subpoena did Hill appear in Washington, as her lawyers said, “with nothing but the truth on her side and a Bible in her purse” (Sex).

When Hill finally spoke out to the Senate Judiciary Committee, she calmly recounted, in credible detail, a sparse narrative of “words, dates, and details shorn of any embellishment or conceptualization,” never using the words “racism,” “sexism,” or “sexual harassment” (Lacour 132):

After approximately three months of working there, he asked me to go out socially with him. . . . I declined the invitation . . . I thought it would jeopardize what at the time I considered to be a very good working relationship. . . . [However,] my working relationship became even more strained when Judge Thomas began to use work situations to discuss sex. . . . His conversations were very vivid. . . . On several occasions, Thomas told me graphically about his own sexual prowess. . . . I told him that I did not want to talk about these subjects. (“Statement” 20–21)

Conceptually, her narrative can only be read as one of sexual harassment, despite the fact that complaints such as hers were almost unheard of in 1981, that the Supreme Court did not recognize sexual harassment as employment discrimination until 1986, and that current guidelines for sexual harassment were not codified until 1988.
A Hearing without Listeners

I speak, but I cannot be heard. Worst, I am heard but I am not believed. Worse yet, I speak but I am not deemed believable.

—Jacqueline Jones Royster

As Hill recited instances of Thomas’ inappropriate office behavior (exaggerated masculine behavior out of the realm of racist mythology), she testified herself into what Kathleen Jamieson describes as the “double bind,” “a strategy perennially used by those with power against those without” (5). The Senate Judiciary Committee had power; Hill did not. Therefore, the nation looked on while Hill resisted disciplinary pigeonholing as a “clinically reserved lady” and testified herself into that double bind: “to establish she was virtuous, she would have to engage in public behavior that confirmed she lacked virtue” (78). Interestingly, when Hill was silent, she held power over the men who didn’t know what she knew, let alone what she might say. When she refused to testify, she held power for the same reasons. But as soon as she spoke, the white male senators sat silently, judging her to be a liar, if not a “scorned, vengeful, and psychotic woman” (Higginbotham 32). Quickly, they exerted their sociopolitical power over the nonwhite woman whom they had subpoenaed to speak, barely bothering to conceal their privilege of race and gender.

Compelling as it was, now a textbook case of workplace sexual harassment, Hill’s testimony was so controversial—riven by its political and racial resonances—that it became a touchstone for gendered and raced opinions and power differentials. Instead of letting Thomas’ credentials—let alone future Supreme Court decisions—speak for themselves, the entire nation (especially the Senate) was suddenly riveted by a far juicier spectacle of racialized gender politics. One columnist wrote, “Race is ranked higher than sex, which means that racial equality between white and black men is more important than the ‘lesser question’ of sex equality” (Hernton 87). Conservative Harvard professor Orlando Patterson, one of Thomas’ staunchest supporters, argues that while Hill “may have been offended by his coarseness, there is no evidence that she suffered any emotional or career damage, and the punishment she belatedly sought was in no way commensurate with the offense” (161–62). And Beverly Guy-Sheftal writes, “The overwhelming reaction among blacks, . . . despite what the polls may have revealed, seems to have been that even if the allegations were true, she should have remained
silent" (73). For many, Hill should not have betrayed her race for the benefit of her sex.

In the face of these sentiments, the African American Women in Defense of Ourselves collective placed a full-page advertisement in the *New York Times*, stating that they were “particularly outraged by the racist and sexist treatment of Professor Anita Hill,” pledging themselves to “continue to speak out in defense of one another... No one will speak for us but ourselves” (Chrisman and Allen 291–92). These women recognized immediately how gendered power differentials continue to determine who gets to speak out, who should remain silent, who gets to decide—and when. As Linda Alcoff puts it, “Who is speaking to whom turns out to be as important for meaning and truth as what is said; in fact, what is said turns out to change according to who is speaking and who is listening” (235).

Immediately upon coming out of her silence and thereby resisting the sociopolitical discipline that required her silence, Hill was attacked. The Senate Judiciary Committee could not have been listening, not rhetorically, anyway, for “what is at stake in any ‘listening,’ in any striving for comprehension, is that which our own structures of thought have made impossible to think: the unthinkable, the unhearable. Really listening across worldviews operates as a straining toward interstanding [glimpsing what lies between the ‘I’ and the ‘Other’]” (Ballif, Davis, Mountford 587). Several of the senators—Arlen Specter, Orrin Hatch, and Joseph Biden, in particular—had not listened, let alone tried to comprehend the situation, as their harassment of Hill clearly indicated: “Is ‘Long Dong Silver’ a stereotype?” “What was the most embarrassing of all the incidents that you have alleged?” “Tell the committee again about the [pubic hair on the] Coke can.” Thus, Rich is right again: “If we have learned anything in our coming out of silence, it is that what has been unspoken, therefore unspeakable in us, is what is most threatening to the patriarchal order in which some men control, first women, then all who can be defined and exploited as ‘other’” (“Lesbian” 199).

After the hearings and the testimony, after Thomas had been confirmed 52–48 (the closest vote since 1888), after the entire nation bore witness to Hill’s breaking her silence, the question lingered, even among her supporters: why had she remained silent for so long? Was silence the only appropriate course of action for Hill at the time?
A Timely Response

I have come to believe over and over again that what is most important to me must be spoken, made verbal and shared, even at the risk of having it bruised or misunderstood.

—Audre Lorde

In rhetorical terms, the answer is a definite "maybe." Kairos—or timeliness and appropriateness—depends on the rhetorical situation, in this case one constructed by powerful political (mostly white) males and a nonwhite female and a prevalent belief that any harassed woman is somehow responsible for the behavior. Together, these lines of reasoning fasten the double bind: keep silent or speak and be shamed. Or put another way, as soon as Hill spoke, she confronted a situation constructed to ensure that she was "guilty until proven guilty" (Jamieson 3). As Hill writes,

I had kept my secret for all those years... and had been fully prepared to go on keeping the secret. Now I would do so no longer. I was not happy about what I felt I had to do ten years before—keep quiet—nor was I happy about what I must do now—speak out... The shame I felt should never have been mine, but I had taken it on by my own silence. (Speaking 110)

Not even Hill herself can determine the reason for her silence, only that she was—and for a number of reasons, which she tried to articulate during the hearings. Richard Johannesen, in "The Functions of Silence," enumerates twenty functions for silence, among them four that might apply here: Hill might have been silent because she was "carefully pondering exactly what to say next," because she was "avoiding discussion of a controversial or sensitive issue out of fear," because she was "emotionally overcome," or because she felt "inarticulate despite a desire to communicate" (29).

Whatever the underlying reasons for her silence, when Specter asked her what went through her mind—"if anything"—on whether she "ought to come forward," she replied,

I can only say that when I made the decision to just withdraw from the situation, and not press a claim or charge against him that I may have shirked a duty, a responsibility that I had. And to that extent, I confess that I am very sorry that I did not do something or say something. But at the
time that was my best judgment. Maybe it was a poor judgment, but it wasn't a dishonest one, and it wasn't a completely unreasonable choice that I made. (Sex)

When Senator Patrick Leahy followed up with, "Had you not been contacted, would you have come forward at this time," she answered, "I cannot say that I would have" (Sex). She might have continued to remain silent.

Ernest Kahn explains purposeful silence in terms of an active "nonengagement"; such silence offers people the possibility of choosing what to do first or next, enclosing or distancing themselves from various events or other people, and making themselves known or not (204). Catharine MacKinnon tells us that Hill's long silence is representative of women's tendency to personalize the experience, thinking that it is up to them to understand, change, take control (6F). In her official statement, Hill submitted that she "began to feel severe stress on the job. . . . I was hospitalized for five days on an emergency basis for acute stomach pains, which I attributed to stress on the job" ("Statement" 21-22). Besides, if and when women speak up, they are admitting publicly that they have sustained damage (that is, they are no longer pristine), and they are also admitting their willingness to move into the even more public (that is, vulnerable) status of "victim," however that term might be defined. No wonder mental health professionals who study experiences such as Hill's say that the "emotional, physical, and financial risks that come with reporting sexual exploitation are so devastating they increasingly advise women against going public or making a formal complaint" (Leonard 31).

Perhaps she was employing a silence of loyalty—to her race, her workplace, or herself; after all, she didn't have another job at the time of the alleged offenses. She might have been employing the silence of incubation that permitted her to make sense out of events (most women subordinated by harassment try to make sense out of it). Hill writes that she and her close friend Ellen "struggled to discover a way" for Hill to keep her job but "avoid the behavior," even going so far as to decide that Hill should change her perfume. Pat Belanoff has recently argued for silence as reflection, meditation, contemplation—three activities that can be attached to thinking through or thoughtful uncertainty, surely a resource for Hill in this situation (413, 418). Anne Ruggles Gere writes of the ethical and political resources of strategic silence, differentiating that "good" silence (that of Hill's thoughtful silence) from the "corrosive effects of ('bad') inarticulate silence," which could be attached to the
nonlistening senators (219). So, perhaps Hill was employing silence in
the interest of working out her own timeline, agenda, context, and
speaking moment—premeditation being one thing that Hill was never
accused of.4

So it is possible that Hill remained silent for so long because she
predicted the line of humiliating questioning that she would eventually
face and endure. When she moved into the public sphere and testified, she
refused the status of victim as well as the sociopolitical discipline that had
made silence “more comfortable” in the first place, and she instead
sustained repeated demands to speak of “pubic hair, large breasts, and
long dongs,” while Thomas was guided to speak of “boot straps, hard
work, and rugged individualism” (Travis and Barlowe 38). Maybe she
remained silent for so long because she predicted just the kind of
capricious reprisals and public dismissals that her publicized, politicized,
and ambitious sisters Professor Lani Guinier, Surgeon General Joycelyn
Elders, and Hillary Rodham Clinton would eventually face and endure.5

The Last Word

The Hill-Thomas hearing . . . was about finding our voices and
breaking the silence forever.

—Anita Hill

Hill’s coming to voice out of silence galvanized the attention of the U.S.
public—but at whose expense? (Hers, temporarily.) And to whose
advantage? (The American public’s, for a long time.) The answers to
those questions may be arguable, but one thing is not: when Hill raised her
voice to those fourteen white men on the Senate Judiciary Committee ten
years ago, when she spoke truth to power, she alerted Americans to the
pervasiveness and difficulty of sexual harassment. In the nine months
following Hill’s testimony, inquiries about sexual harassment to the
Equal Employment Opportunity Commission increased by one hundred
fifty percent and a record-breaking number of charges (7,407) were filed,
a fifty percent increase over the same period a year earlier (Bystrom 268).
More than twelve thousand complaints were filed with the EEOC in 1993
(268). Within two years of the hearings, the U.S. Supreme Court strength­
ened and clarified the law, broadening the definition of “hostile environ­
ment” far beyond the former “quid pro quo” harassment situation. As Hill
writes, “It is as important today as it was in 1991 that I feel free to speak.
If I let my fears silence me now, I will have betrayed all those who
supported me . . . and those who have come forward since. More than anything else, the Hill-Thomas hearing of October 1991 was about finding our voices and breaking the silence forever” (Speaking 7).6

A Quick Next Word

The liberatory voice . . . is characterized by opposition, by resistance. It demands that paradigms shift—that we learn to talk—to listen—to hear in a new way.

—bell hooks

I am not as sanguine as Hill that her coming to voice helped the rest of us find our voices and break the silence—not always and not forever, anyway. Instead, I think of all the powerful men and women inside the beltway who have yet to outdistance their need for purposeful silence and silencing as gendered disciplines of (self-)control, punishment, surveillance, and judgment. Whether to protect their power base or their reputations, people from Guinier, both Bill and Hillary Rodham Clinton, and Joycelyn Elders to Monica Lewinsky, Gary Condit, and the tragically silent Chandra Levy have systematically refused calls to speak out and disturb their practical sense of sociopolitical power and discipline.

Negotiating Silence/ing

What I must engage . . . is meant to break my heart and reduce me to silence.

—Adrienne Rich

Two years after the Hill-Thomas hearings, Lani Guinier followed Hill onto the public, political, politicized stage. On April 29, 1993, President Bill Clinton nominated Guinier to head the Justice Department’s Civil Rights Division, as Assistant Attorney General under Janet Reno. Brilliantly educated, a highly respected professor and experienced civil-rights litigator, Guinier was hailed by Reno as “the best possible choice” for the position (West 38). She was also perhaps the “best qualified” for the position, given her Radcliffe and Yale education and her experience: she had served a clerkship with the Chief Judge of the United States District Court in Michigan before being enticed away from Detroit to D.C., where she worked as special assistant to the Assistant Attorney
General for Civil Rights, under President Jimmy Carter. After leaving that post, she spent seven successful years as a litigator with the NAACP Legal Defense and Education Fund, which included filing a successful suit against then Arkansas Governor Bill Clinton for voting rights violations.

At the time of her nomination, she was a respected, energetic, and popular professor at the University of Pennsylvania Law School. As the *New Yorker* put it, "no nominee for the post has ever been better prepared than Lani Guinier" ("Idea" 4). Little wonder, then, that Guinier’s nomination was “supported by a letter signed by more than four hundred law professors, including the deans of twelve major law schools”—a fact resolutely ignored by the press (Garrow 28).

Once again, the nation focused on a nomination process, zooming in on the words and body of a nonwhite woman, doubly gendered (in terms of power) by her race and sex. Once again, a nonwhite woman would be rendered highly visible yet apparently powerless. Hill’s testimony had counted for little, but at least she had been permitted to speak publicly. Guinier, on the other hand, was gendered feminine in yet a third manner: this high-powered scholar and attorney would be silenced.

**Why Silence?**

> Everything we write  
> will be used against us  
> or against those we love.  
> These are the terms,  
> take them or leave them.  
> —Adrienne Rich

Guinier had not charged anyone (let alone a nonwhite man) with anything; she simply (or not so simply) was well-known and in legal circles highly respected for her thinking on the fairness of voting procedures. Her scholarship assessing the Voting Rights Act rests on this critical question: "Is majority rule a reliable instrument of democracy in a racially divided society?" Her answer is “no,” and her scholarly project, long centered on collective decision making and power sharing, maps out possible ways for voting to be ultimately and truly “democratic.” In other words, "although the mere ability to vote counts for a great deal, the power that voting brings matters as much or more—at least to people who have long been denied their chance at self-governance" (Carter xiv). According to Guinier, majority rule does not automatically equal or ensure democracy,
for the issue is “not that blacks can’t register and vote—they can—it’s that they can register and vote without success in electing people who will be responsive to their interests” (Garrow 31).

By thoughtfully engaging civil rights legislation with voting practices, Guinier had discovered how easily a nonwhite—or white—candidate could be elected by a majority (even by a majority of a minority population) without ever being responsive to the needs of that minority population. But by the time this footnote from her scholarly writing gained circulation in the popular press, it had morphed into a Wall Street Journal editorial newsbite: Guinier “questions whether [Douglas Wilder of Virginia] is an ‘authentic’ figure for blacks—because he owes his job to white voters as well” (Gigot A14). But this transformation of her opinions was not what she had ever said, let alone written.

Guinier soon faced the burden of even more public criticism. Some conservatives, perhaps as political compensation for the failed Robert Bork nomination or the Thomas-Hill hearings, launched a powerfully effective smear campaign against her. Libertarian Clint Bolick addressed National Public Radio’s “Morning Edition” audience with such distortions of her politics as “Lani Guinier’s writings are profoundly anti-democratic,” and “In my view, they amount to a racial apartheid system” (qtd. in Carterix). Senate Minority Leader Bob Dole was quoted as saying that she was “a consistent supporter not only of quotas but of vote-rigging schemes that make quotas look mild” (Lewis). Mary Ann Glendon writes that the roots for Guinier’s difficulties lie in her “growing disdain of the practical aspects of law, a zany passion for novelty, a confusion of advocacy with scholarship, and a mistrust of majoritarian institutions.” But it would be Bolick’s Wall Street Journal column, appearing under the headline “Clinton’s Quota Queens,” that would soon successfully exile Guinier to the realm of imposed silence.

So it was not Guinier’s politics that would get her silenced; rather, it was an uninformed reaction to her politics that got her silenced. More to the point, it was a deliberately ignorant and manipulative reaction to her politics that got her silenced. As she herself says, it was not “a question of being lost in the translation; it [was] a question of really being a fabrication” (qtd. in Garrow 32). And she was a fabrication—a silenced, suddenly silent one. Even her own mother called her to say, “Lani, someone is using your name. I see your picture in the paper, but I don’t recognize you” (Guinier, Lift 57). The bigger her silenced image became, the more it served as a blank screen for projected threats, insecurities, and frustrations.
The Blank Screen

It doesn’t matter what you think.
Words are found responsible
all you can do is choose them
or choose
to remain silent.
—Adrienne Rich

Like Hill, Guinier was a visible Nonwhite Lady Overachiever, and therefore suspect, strange—at least to some. Daniel Moynihan described Guinier as the “black lady, the one whose disproportionate overachievement stands for black cultural strangeness” (qtd. in Rainwater and Yancey 75). Hill’s cultural strangeness (as an “overachieving” nonwhite female) had reduced her to a “lunatic,” “lesbian,” and “liar” at the Thomas hearings, where “he said-she said” prevailed. But in the land of “she says she said,” headline writers, perhaps interested only in being witty, carelessly labeled Guinier the “Quota Queen,” a racialized sobriquet resonating with all the disapproval and disgust that women from all the nonwhite “Welfare Queens” to “Condom Queen” Joycelyn Elders were already attracting. Thus, Guinier’s complex and carefully nuanced legal writing about the U.S. system of voting had been reductively if not purposefully dismissed as a “quota” system, with her the reigning Quota Queen.

The vilification of Guinier’s body of legal politext was one thing, part of the game politicians and the media play so well, but the vilification of Guinier’s physical body as a kind of cultural biotext went beyond the pale. A third-generation lawyer, daughter of a black West Indian father and a white, Jewish mother, Guinier incited nationwide skepticism focused on her “race.” Is she black or white? Why is her hair so wild? What gives with her “Madisonian majority” politics? Several magazines featured raw caricatures of Guinier, with electrified hair and a prominent nose. U.S. News & World Report launched countless repetitions and permutations: “Strange name, strange hair, strange writing—she’s history” (Leo 19).

Like Hill, she was rendered publicly powerless, whether she chose to speak (no one was listening), chose to remain silent, or obeyed the silencing that was soon to come down on her. Meanwhile, Clinton would soon choose strategic silence, where he could resist sociopolitical disciplines of equal rights and civil rights.
A Silent, Well-Mannered Other

I have been compelled on too many occasions to count to sit as a well-mannered Other, silently, ... while colleagues who occupy a place of entitlement ... have comfortably claimed the authority to engage in the construction of knowledge and meaning about me. ...  
—Jacqueline Jones Royster

Guinier had accepted the nomination with enthusiasm. After her first meeting with newly appointed Attorney General Janet Reno, she “desperately wanted the job” (Lift 31). She imagined herself fulfilling her life’s dream and a dual mission: not only did she want to enforce existing civil rights legislation, but she wanted to move beyond what she felt was an outdated 1960s vision of formal equality (34). Most of all she wanted to “start a genuine dialogue to bridge the different world views on race” and to “create a space for people to begin to speak for themselves” (35). But there would be no dialogue, no conversation, no speaking, no hearing—not yet.  

Following White House protocol not to speak to the press pending Senate confirmation hearings (a protocol bearing a striking resemblance to silencing), Guinier remained silent. After all, Vernon Jordan, Clinton’s right-hand man, had assured her not to worry: “The president ... won’t abandon you” (qtd. in Guinier, Lift 134). So it was that Guinier was not permitted a public hearing. She yearned for the same opportunity that Clarence Thomas had enjoyed two years before, but she was denied the experience by what was described as a “combination of editorial racism, Senatorial cowardice, and White House incompetence” (qtd. in Guinier, Lift 23). There would be no speaking—let alone listening—to anyone.  

Guinier was effectively shut out of any rhetorical situation: she could not speak; she had no audience; she had no opportunity to tell her story, the all-important device that would allow the American public to organize, recall, and make sense of the swirl of evaluations and opinions they were encountering about her and her nomination (see Cappella and Jamieson 86). Patricia Collins tells us that after being “forbidden for weeks to speak on her own behalf,” Guinier “pleaded on nationwide television for the opportunity to explain and defend her ideas in the open forum of a confirmation hearing. Guinier never got her public hearing. Unlike that of Hill, Guinier’s treatment demonstrated that Black women in the public eye could be destroyed at will, with no opportunity for
redress” (41). Her credibility had been sorely compromised by her inability to speak or speak back to the press or to the Senate Judiciary Committee in a formal hearing. What was even worse was that it appeared that no one wanted to hear what she had to say about herself or her legal writings anyway: no one was asking her questions; no one was listening to her. The White House was saying very little, thereby exerting its masculinist power through silence. Resisting her professional training as a speaker, writer, and arguer, Guinier was saying nothing, thereby inhabiting a traditionally feminine (im)position of silencing. Clinton, on the other hand, used his silence to deliver his power.

The All-Powerful Silent Center

It is not the case that a man who is silent says nothing.
—Anonymous

In response or defense of his nominee, the most powerful person in the free world, and also Guinier’s sponsor, enjoyed the presidential prerogative of shifting strategically from speech to silence. Even if Clinton felt that remaining silent was wiser than speaking out, he was still communicating his power. After all, as Richard Johannesen points out, “one of the widely held assumptions of human communication theory at present is that a person cannot not communicate.” Especially as president. Clinton’s silence would communicate because listeners and observers “attach meaning to the silence whether the sender wishes so or not” (25). In his May 11th remarks to the Leadership Conference on Civil Rights, Clinton told the crowd, “The Senate ought to be able to put up with a little controversy in the cause of civil rights and go on and confirm her” (qtd. in Apple A8). On June 2, he announced that he was “concerned” that she didn’t believe in one person/one vote but that he was basically behind her nomination. But very quickly, he began his now-famous back-pedaling: “I think that a lot of what has been said [about her] is not accurate. On the other hand, I have to take into account where the Senate is” (qtd. in Apple A8). On June 2, he apologized for all the controversy over his nominee, from whom he was obviously trying to distance himself: “I never have associated myself with all of her writings” (A8). Then he stopped addressing the issue of her nomination altogether. To and about her he was silent.

Again, Johannesen’s functions of silence include several that can be applied to Clinton, ranging from “the person feels no sense of urgency
about talking” and “the person is doubtful or indecisive” to “the person’s silence is a means of punishing others, of annihilating others symbolically by excluding them from verbal communication” (29–30). So it was that after listening to Clinton’s comments and then his silence, after realizing that the White House press presence was doing nothing to rectify the negative situation she was forced to endure, Guinier immediately went to work. She wrote to the president that she did indeed believe in one person/one vote, that she would like the opportunity to supply information for her defense, and that, just as important, she needed him to draft a compelling statement supporting her nomination. Her requests were met with resolute silence—by the White House communications office as well as the president. He remained noncommittal (silent, in fact) with regard to her nomination, instructing her to remain silent, too—until her hearing.

The One-Night Stand

Silence is a game of dodgeball at dusk—
A matter of time ‘til someone knocks you out
Of the circle of bodies.

—Robin Becker

Guinier’s silence was lifted for one night, just hours before her nomination was finally withdrawn. She was permitted to appear on Ted Koppel’s Nightline, where she tried valiantly to express her legal views, which had been so brutally misshapen, and save her nomination:

I perhaps have not been as clear as I should have, but I was writing to an academic audience and in the context of the expectations of academic scholars. One has to appreciate the various nuances and complexities and you write in a way that’s dense and ponderous and often misunderstood, particularly when it’s reduced to a sound bite. (qtd. in Carter xiv)

Like the victim of abuse she truly was, Guinier implies that she alone is responsible for the mess her reputation was in, as though if she had just been better, clearer, her words would never have been used against her.

After her television appearance, the White House again reimposed her silence, for fear, administrative spokespeople cautioned, that “any further statements would whip up public sentiment in her favor, forcing a hearing that would result in a ‘divisive’ public discussion of race” (qtd. in Williams 141). In this case, neither Guinier’s words nor her silence...
seemed to help anything—except to make it easier for President Clinton to withdraw her nomination and finally advise her to coordinate a press statement.6

The Dis-Appointment

Silence and obedience to authority were not rewarded.
—bell hooks

The next morning, Clinton called Guinier, saying that he had decided to withdraw her nomination, that she had done nothing wrong, and that he would spend the rest of his life making it up to her. In light of her Nightline appearance, he said that she had made the best case imaginable but that it did not change his mind.

At the press conference, Clinton claimed that he had never actually read Guinier's legal writing, but he suddenly realized that her writings "clearly lend themselves to interpretations" that do not express the views that he expressed on civil rights during the campaign (Guinier, “Who’s” 44). He went on to say that he could not ask for confirmation of a nominee with whom he disagreed; after all, “I really don’t think what’s in her articles matches what I stand for” (qtd. in Apple A1). Yet, in one of most litotes-drenched statements, he proceeded to “regret the pain that has been caused to Ms. Guinier, who bears none of the responsibility for the situation in which we find ourselves” (qtd. in Guinier, Lift 127).

The Non-Hearing

When you are silent, it speaks;
When you speak, it is silent.
—Tseu

Guinier never enjoyed a hearing before the Senate Judiciary Committee. As Collins sees it, the problem was not the wildness of Guinier’s ideas but the actuality that they could, indeed, be implemented as a truly democratic voting system. Her civil-rights ideas were easily applicable, and she had had the backing to prove it, especially that mobilized by the NAACP Legal Defense Fund. But Guinier had not been permitted to break her silence, let alone use words to leverage support on behalf of her nomination.
Suddenly, the "best qualified" person for the job was unqualified (an ironic twist since the most common complaint about affirmative-action hirings is finding qualified hires). Guinier's experience and qualifications were coming to mean nothing—except that she might be qualified to hold a learned opinion meriting consideration. She was never to be Assistant Attorney General for Civil Rights. No nonwhite female would have the opportunity to challenge—or even begin to unsettle—the age-old structure of white male dominance, or what Karla Holloway refers to as "the cultural biotext of legislative racism" (46).

The Last Word

The media were describing someone who may have been using my name but hadn't written my articles and certainly had not lived my life.

—Lani Guinier

After her nomination had been withdrawn, Guinier broke her silence, appearing before the press with her husband and young son, to say that she was disappointed that she did not have a chance to argue her views before the Senate: "Had I been allowed to testify in a public forum before the U.S. Senate, I believe that the Senate would also have agreed that I am the right person for this job, a job some people have said I trained for all my life. I deeply regret that I shall not have the opportunity for public service in the civil rights division" (qtd. in Lewis A8). Clearly, she understood how an inept White House and a calculated media blitz (invigorated by conservative activism) worked together to undermine her nomination and her legal opinions. Therefore, she immediately initiated her goal of recovering her self: "I have always believed in democracy and nothing I have ever written is inconsistent with that. I have always believed in one person, one vote, and nothing I have ever written is inconsistent with that." She was, she assured the audience, a "democratic idealist who believes that politics need not be forever seen as I win, you lose, a dynamic in which some people are permanent monopoly winners and others are permanent excluded losers" (qtd. in Lewis A8).

After months of negotiating her own silence and silencing, Guinier stressed the need for public conversation:

I hope that what has happened to my own nomination does not mean that future nominees will not be allowed to explain their views as soon as any
controversy arises. I hope that we are not witnessing that dawning of a
new intellectual orthodoxy in which thoughtful people can no longer
debate provocative ideas without denying the country their talents as
public servants. (qtd. in Lewis A8)

Thus, her opening salvos, after several months of retreat, were just the
beginning. Although the “Quota Queen,” the threat to democracy, had
been gendered silent and rendered powerless, the situation was to be
temporary. She would refuse the discipline.

From Silence to Speech

Moving from silence into speech is for the oppressed, the
colonized, the exploited, and those who stand and struggle side
by side, a gesture of defiance that heals, that makes new life and
new growth possible.

—bell hooks

Both Anita Hill and Lani Guinier sought redemption, available for neither
of them in Washington, D.C. Both women left D.C. to renew themselves
among friends and family and to reinvigorate their faith and sense of
purpose. Both women began publishing and speaking widely to stimulate
national public dialogues on important issues of sexual harassment and
participatory democracy. Their transformation of silence into language
and action effected their rebirth, the kind of transformation that
Kenneth Burke describes as an initial state of tension, catharsis, and
redemption in which a new identity (physical, psychological, or
spiritual) is achieved. Among their many redemptive writing projects,
Hill wrote *Speaking Truth to Power*, and Guinier wrote *Lift Every
Voice*, anthem-like books that created open-ended conversations,
for speaking, listening, and productive silence—not dysfunctional
silence or silencing. Of course, these conversations have become
opportunities for further misunderstanding, but Guinier tells her often
mixed audiences, “We’ve got to learn to talk to each other even when we
don’t understand each other” (qtd. in Mansnerus). Indeed, both Hill and
Guinier have moved far beyond their silence/ing—further, no doubt, than
they would have had they been permitted to speak (and had been listened
to) all along. Their silence/ing provided them greater reasons to resist—and
speak out.
Let a woman learn in silence with all submissiveness. I permit no woman to teach or to have authority over men; she is to keep silent.

—1 Tim. 2:11-12

In many ways, it’s difficult to imagine a rhetoric of silence, let alone silence as resistant rhetoric. Perceived in ancient times as a gift of the gods and thus as a distinguishing characteristic of humans, speech became the authorized medium of culture and power, and its seeming obverse—silence—a sign of “animality.” But such is not the case, despite the fact that so many silences are misread as positive emptiness (agreement or obedience) or as negative emptiness (stupidity or, worse, passive-aggressiveness). As the examples of Hill, Guinier, and Clinton have demonstrated, silence and silencing can be sites of disciplinary resistance—resistance to pigeonholing that comes with being a nonwhite overachieving female or with being a liberal president. Silence and silencing can also work to resist the correct training of sociopolitical culture; in these cases, the attorneys were all expected to speak out, to speak their minds, to persuade, control, dominate. Only Clinton, the only male, the only white person, was able to use his silence to his advantage—and use it he did. He resisted a disciplinary training that prepared him to take the verbal offensive and instead remained silent, more powerful than if he’d spoken.

As I said in the introduction, not all silences are positive, feminist, rhetorical, or successful. In the short run, Clinton’s use of silence was the most successful: he found a way to dis-appoint Guinier. But in the long run, the silences and silencings of Hill and Guinier have carried with them far more resistance and a transformative potential. As Susan Martin tells us, women like Hill and Guinier, who inhabit nontraditional occupations, are even more resented than women in traditional roles. Never totally absent, harassment increases for those women because they are directly challenging patriarchal authority. Still, silence is their modus operandi. Thus, when nonwhite overachieving women come out of their silence, they can deploy their resistance to greater influence than they might ever have if they had spoken and been heard at the time. And such resistance can be used to confront, resist, and transform—even the discipline of rhetoric.
Toward a Rhetoric of Unspoken Resistance—and Transformation

At the same time that a rhetoric of domination is being resisted, a new rhetoric that challenges power-over must be formulated in the strategy of empowered action.

—Sonja Foss and Cindy L. Griffin

Those of us trained in rhetoric have most likely learned the history of rhetoric, that history of aristocratic, agonistic, and, most of all, eloquent males. Of course, white and nonwhite women and men of every social class are now being written into rhetorical history, transforming history with every new article or book. But as Carole Blair and Mary Kahl have so eloquently argued, rhetorical history cannot be rewritten with new characters without a concomitant reevaluation of the rhetorical theories that also inform that history.

Silence and silencing both resist the traditional discipline of rhetoric—at the same time that they work to transform it. The transformative power of silence isn’t obvious; that is, it’s not obvious if rhetoric can only be delivered by words and if rhetoric can only be about establishing power. But when the delivery of purposeful silence is considered a strategic choice, its presence resonates with meaning and intention—just like that of the spoken word. Aristotle refers to rhetoric as the “counterpart of dialectic” (Rhetoric 1354a), but if his antistrophic salvo is logically extended to recognize rhetoric and dialectic as closely allied spoken arts, then the true counterpart of verbal rhetoric can only be silence.12 And considering silence as a rhetorical art can transform rhetorical theory, especially if we overturn another of Aristotle’s well-known dicta, “Silence gives grace to a woman—though that is not the case likewise with a man” (Politics 1.5.9).

In “A Feminist Perspective on Rhetorical Theory,” Sonja Foss and Cindy Griffin argue that many women have trouble understanding traditional rhetorical theory because of its inherent patriarchal bias, which embodies the “experiences and concerns of the white male as standard” (331). To prove their point, they juxtapose the rhetorical theory of feminist writer, activist, and Wicca practitioner of Starhawk with that of one of the most influential rhetoricians of our time, Burke. Using a method they refer to as “re-sourcement,” Foss and Griffin place these different rhetorics alongside each other, not exactly as Burke does with his “perspective by incongruity,” but rather as reflection and negotiation (Burke, Attitudes 308 ff.; Foss and Griffin, “Beyond”). Thus, the authors
offer Starhawk’s rhetoric of inherent worth, power-with, and empowered action in dialectical tension with Burke’s theories of hierarchy and domination, which have long dominated the discipline of rhetoric.

Like Starhawk’s rhetorical theories of inherent worth and empowered action, a rhetoric of silence can also resist the discipline of rhetoric, for it too can serve both “resistance and creation—acts that refuse compliance with the destructive rhetoric and those that create alternatives to it” (Foss and Griffin, “Feminist” 337). A rhetoric of silence, as a means of rhetorical delivery, can be empowered action, both resistant and creative. However, silence is too often read as simple passivity in situations where it has actually taken on an expressive power. Whether choice or (im)position, silence can reveal positive or negative abilities, fulfilling or withholding traits, harmony or disharmony, success or failure. Silence can deploy power—as in the case of Bill Clinton, and, to some extent, Anita Hill. It can defer to power—as in the case of Lani Guinier, and, to some extent, Anita Hill. It all depends. As I’ve said earlier, silence is not always empowering or patently engaging, but the purposeful delivery of silence can speak volumes, as it did in the case of Hill, Clinton, and Guinier. The delivery of silence can be a way of taking responsibility, all the while refusing to be compliant; it can be a way of refusing to take responsibility, all the while appearing to be compliant. On the other hand, resistance and creation (or transformation) can take the form of breaking silence, of speaking the unspeakable and “allowing secrets to become common knowledge” (Foss and Griffin, “Feminist” 337).

Thus it is that I resist the rhetorical discipline of purposeful language use and expand that discipline to account for purposeful uses of silence. By using an interpretive framework that shapes language and silence as reciprocal rather than as opposites, I can figure silence as a rhetoric, whether it’s used for domination, persuasion, or, best of all, rhetorical listening that leads to understanding. Thus, silence and language can both work to resist domination and instead invite consideration, as in the case of Foss and Griffin’s theory of “invitational” rhetoric, which they define as “an invitation to understanding as a means to create a relationship rooted in equality, immanent value, and self-determination” (“Beyond” 5). These scholars define invitational rhetoric in feminist terms, though they hasten to say that it can be used by women, men, feminists, or non-feminists: “What makes it feminist is not its use by a particular population of rhetors but rather the grounding of its assumptions in feminist principles and theories” (“Beyond” 5).
Invitational rhetoric—then, which asks only that a listener listen and, in response, the rhetor listens (both sides taking turns at being productively silent) transforms the rhetorical discipline from one of persuasion, control, and discipline (on the part of the rhetor) to a moment of inherent worth, equality, and empowered action for (rhetor and audience alike). As one feature of invitational rhetoric, a rhetorical silence of careful listening can transform the interactional goal of rhetoric, which has traditionally been one of persuasion to one of understanding (an interactional goal Guinier was clearly after). After all, Royster wants us to remember that “voicing at its best is not just well-spoken but also well-heard” (40).

The uses of productive rhetorical silence (which carries some of the weight of Ratcliffe’s rhetorical listening as well as E.T. Gendlin’s “absolute listening”) will expand the discipline of rhetoric to include silence as a rhetorical art of empowered action, action that can stimulate the formulation of a new way of being rhetorical. Rhetors using silence can use it to think through a problem and even enhance their needed isolation or sense of self- uniqueness. But rhetors using silence can also use it to reflect on what the rhetor or audience is saying and thereby invite understanding. Most of all, rhetors using silence will not be participating in the traditional rhetorical discipline of combat and dominance; they will be sharing perceptions, understandings, and power. They will use silence to embody new ways to challenge and resist domination—and, when necessary, discipline.

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Notes

1. Mine may be the first feminist expedition into rhetorical (as opposed to literary) silence, but it is not the first feminist expedition into silence. For just a few of the book-length feminist responses to cultural and literary silences and silencings, see Hedges and Fishkin; Jung; Kaplan; Laurence; Lazreg; Noelle-Neumann; Olsen; Ostriker; Raines; Rich; Tannen and Saville-Troike; and Tucker.

2. Ratcliffe’s definition follows: “A performance that occurs when listeners invoke both their capacity and their willingness (1) to promote an understanding of self and other that informs our culture’s politics and ethics, (2) to proceed from within a responsibility logic, not from within a defensive guilt/blame one, (3) to locate identification in discursive spaces of both commonalities and differences, and (4) to accentuate commonalities and differences not only in
claims but in cultural logics within which those claims function” (“Rhetorical” 204).

3. Just as Joyce Irene Middleton reminds me again of the invisibility of racial privilege and “power-concealing rhetoric,” she also reminds me of British scholar Richard Dyer’s terminology for racial categories: white and nonwhite (438–39).

4. I draw on Ratcliffe’s enumeration of silences in Anglo-American to make specific connections with Hill (123–26).

5. In two chapters of Unspoken, “Witnessing Silence” and “Attesting Silence,” I extend gender analysis to the highly politicized silences and words of Anita Hill, Lani Guinier, and the sequence of figures known as “all the President’s women,” which starts with Jennifer Flowers and ends with Chelsea Clinton. I remain interested in the silence and speech of Paula Jones, Kathleen Willey, and Monica Lewinsky, but to mention the situations of these women in the same breath as Hill is to derail my argument in this essay.

6. In 1997, Anita Hill was “relieved” of her position as Oklahoma College of Law professor under circumstances that have never been clearly explained. During the years that Hill had chosen to remain silent, her reputation was not at issue, her faculty appointment not at stake.

7. Guinier writes, “Inspired by the work of James Madison, I explored ways to insure that even a self-interested majority could work with, rather than ‘tyrannize,’ a minority” (“Who’s” 41).

8. Hillary Rodham Clinton also cut Guinier dead when the going got tough. Despite her initial strong support, which included fierce handholding and whispered admonishments to “organize,” she has not spoken to Guinier since the controversy. Silence can cut both ways: Bill Clinton silenced Guinier; Hillary Clinton employed silence.


10. This marvelous title of gendered power differential was originally coined by the Quakers, who distributed an influential pamphlet by the same title during the war in IndoChina.

11. “Lift Every Voice and Sing,” written by James Weldon Johnson in 1900 to commemorate Abraham Lincoln’s birthday, is the unofficial National Negro Anthem.

12. As I consider Ratcliffe’s ongoing research on “rhetorical listening,” I think that “silence” could easily be replaced with “the nonverbal” to include her work. Although silence and listening are often mistaken for the other, they are not the same. Productive silence and rhetorical listening, however, align in a number of significant ways.

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