

Giving Uptake

When black civil rights activists finally got desegregation laws passed after insistent claims that their rights were being violated, they were being given uptake about their claims against racial injustice. When the Mille Lacs Band of the Chippewa tribe won the right to spearfish on Mille Lacs Lake, their claims to long-standing treaty rights were given uptake. And when the U.S. Supreme Court agreed to hear Michael H.'s appeal of the California decision that Gerald D. is conclusively presumed father of his wife's daughter—although blood tests showed a high degree of probability that Michael H. is the biological father—the Supreme Court was giving uptake to Michael H.'s claim to legal paternity.¹

How does our participation in dialogue and discursive practices create the conditions for fully flourishing individuals or, alternatively, impede the development of individuals and society? This paper examines the act called *uptake* with attention to its moral, political, and legal dimensions. Introduced by J.L. Austin, uptake is a potentially very rich concept but one that Austin applies to relatively unproblematic discursive practices. He seems to assume a speaker/hearer relation where the parties are, for the most part, familiar with and comfortable with normal speech conventions and where the sorts of relevant power differences are fairly simple versions of verdictive and exercitive authority (the authority to render verdicts and issue official commands.) It is my view that uptake is a very fruitful concept to broaden and enrich, and thus this paper extends and expands upon Austinian uptake in a way that takes into consideration our embeddedness in oppressive discursive institutions and practices. After setting out the general concept, I argue that being the sort of person who gives others uptake is not just a vital aspect of good linguistic practice, but that it is part of what is required to be a moral person.²

¹California's statute says that a husband is presumed father of his wife's child (unless he was away at all relevant times or is proven sterile, neither of which was the case here), and California courts upheld the constitutionality of its statute. The Supreme Court upheld the California decision on appeal. *Michael H. v. Gerald D.* 491 US 110, 1989.

²Giving uptake is important epistemologically as well; I discuss this in "Loopholes, Gaps, and What is Held Fast: Democratic Epistemology and Claims to Recovered Memories," *Philosophy, Psychiatry, and Psychology* 3 (1996): 237-54.

This broader way of framing uptake is Aristotelian in nature. I will argue that giving uptake, like acting justly or temperately, is the expression of a virtue—a virtue for which we lack a name. I shall call it “being the sort of person who gives uptake rightly.” As a virtue, it contributes to the flourishing of individuals and society and, as such, is important to understand more fully. This will involve understanding how failure to give others uptake affects people individually and collectively and thus can become a vice. As a virtue, giving uptake is a responsibility that is not equally and always binding upon us; whether one is obligated to give uptake to another depends on each party’s relation to power, to each other, to the content of speech, and so on.

What Uptake Is

J.L. Austin, in *How To Do Things With Words*, argues that when we use words we are, in fact, performing actions. As Rae Langton puts it, “Speech acts are a subset of actions in general, so there will always be some description under which a speech act is intentionally performed.”³ Austin points out that although philosophers attend to the content of an utterance (the locutionary act) and the effects of an utterance (the perlocutionary act), we often overlook the action that is constituted by the utterance itself (the illocutionary act). Actions like warning and promising are illocutionary, and illocutionary acts have to produce certain effects on the listener⁴ in order to count as successful. For example, one cannot be said to have warned an audience unless that audience hears what one says and takes what one says in a certain sense, say as an alarm, an alert, or a threat.⁵ When the listener receives another’s speech act—especially an illocutionary act—with the conventional understanding, the listener has given the speaker uptake. Another example is that of promising: my promise to you can be said to be successful when you understand my speech act as one in which I place myself under obligation to you. Austin adds that sometimes conventions of language require that you demonstrate uptake through a second speech act, as when someone offers you something and expects you to accept or refuse his offer.

But not just any response will do. Suppose you ask your boss for more responsibility, and he responds by deliberately piling up so much

³Rae Langton, “Speech Acts and Unspeakable Acts,” *Philosophy and Public Affairs* 22 (1993): 293-330, p. 301.

⁴There are exceptions: for example, an order given by a commanding officer counts as successful even if the soldiers do not acknowledge the order. The subsequent court-martial indicates that the order was successful as a speech act.

⁵J.L. Austin, *How to Do Things With Words*, ed. J.O. Urmson and Marina Sbisa. (Cambridge, Mass.: Harvard University Press, 1975), p. 571.

work on your desk that you can't possibly accomplish it all. In Austin's narrow sense of uptake, the crucial issue is whether the request was a genuine one and whether the boss recognized this speech act as a request. Since the worker's intention was genuine, and the boss understood it as a request, the worker has secured uptake. That is, Austin's concept of uptake would require us to view the speaker as having secured uptake, but that conclusion seems to miss something important that is going on in the example. The boss's response is an intentional defiance of the worker's locution, even though the speech act of requesting is *prima facie* responded to according to convention. In the broader sense, then, having a disposition to give uptake rightly does not just involve having an understanding of what illocutionary act was performed and what the superficially-interpreted intention of the speaker was; it also involves taking up another's speech act in the *spirit* in which it is expressed.

I am broadening the notion of uptake in another way as well. Austin is using a narrow conception of uptake that doesn't seem to be something we can choose to give or not give. This kind of uptake, since it involves kinds of linguistic conventions, doesn't involve the intentions of the listener to understand the meaning of the speaker's speech. That is, if I hear what you say, and if I know the conventions concerning that particular speech act, I "cannot help" but give you uptake. Clearly if this is all there were to uptake—if it were something entirely outside our control—then we could not be held responsible when we failed to give it. But there is more to uptake than this sense of it. The kind I discuss goes beyond Austin's idea. I believe that some of our understandings of linguistic conventions are within our control and, furthermore, that some of the conventions themselves are bound up with social conventions and power relations that it is imperative to challenge.

Marilyn Frye, expanding on Austin's idea, discusses uptake in terms of anger. "Being angry at someone," she writes, "is somewhat like a speech act in that it has a certain conventional force whereby it sets people up in a certain sort of orientation to each other; and like a speech act, it cannot 'come off' if it does not get uptake."⁶ Uptake, then, occurs when the second party, listening to my speech act, reorients herself to me and the relation between us "comes off" with an appropriate response. A proper response is one that conveys an empathetic attitude towards me or an earnest attempt to understand things from my point of view. The listener's message, then, is something like "I hear you" or "I can see that"—not expressed glibly but sincerely. Expressions of anger are (usually) acts of claiming that call for conventional responses to a person's claim

⁶Marilyn Frye, "A Note on Anger," in *The Politics of Reality: Essays in Feminist Theory* (Freedom, California: Crossing Press, 1983), p. 88.

that she has been wronged; giving uptake to anger requires that the audience acknowledges not only that a claim is being made that possibly is warranted, but also that that claim is asserting the speaker's worth. "To get angry is to claim implicitly that one is a certain sort of being, a being which can . . . stand in a certain relation and position a propos the being one is angry at. One claims that one is in certain ways and dimensions respectable. One makes claims upon respect."⁷

Frye argues that women's justified anger at moral injustices done to them does not get taken seriously; instead, women's anger gets minimized, trivialized, pathologized, mocked, and ignored by men. "Deprived of uptake, the woman's anger is left as just a burst of expression of individual feeling. As a social act, an act of communication, it just doesn't happen."⁸ What Frye is describing in her account of not giving uptake could be the willful misunderstanding of another's speech act, or it could be a convention of its own. In either case, the audience fails to take seriously both the specific claim of the speaker and the worth of the speaker making that claim. In a broader sense, giving uptake to another person involves not twisting, distorting, minimizing, or mocking her words, feelings, and perceptions—even when we disagree, or are frightened, or don't understand.

To give uptake is not necessarily to agree with a speaker; one can take another seriously and yet disagree. At the beginning of this essay, for example, I stated that the U.S. Supreme Court can be said to give uptake to petitioners when it considers an appeal, regardless of the outcome of the hearing (and in the case of *Michael H. v. Gerald D.*, Michael ultimately lost the case on appeal). But if one is taking another seriously, one is also taking seriously the reasons that person gives for holding her beliefs or values. When one is genuinely trying to understand another's reasons for her or his beliefs or values, one is trying to grasp what the world looks like from the other's point of view. One can do all of this and yet turn out to still disagree. But the sort of perspective-taking and imagination required often makes it difficult for us to grasp another's point of view. And current sociopolitical relations exacerbate this difficulty when it comes to grasping the world-view of those who are marked as different. Hegemonic institutions give rise to conventions of language that render suspicious the consistent intersection of disagreement with subordination. Even understood as a convention, uptake is not merely an isolated event occurring at a discrete moment in time. What I'm pointing to, here, are institutionalized speech patterns that accompany sociopolitical and economic relations of power. I'll say more about this below.

⁷Ibid, p. 90.

⁸Ibid, p. 89.

To give uptake rightly, then, it is not enough simply to receive another's speech act with the conventional understanding. One must appreciate and respond to the spirit in which something is expressed, take seriously what the speaker is trying to say and her reasons for saying it, and have the appropriate emotional and intellectual responses. Furthermore, one must recognize the responsibility attending social and political privilege. Indeed, giving uptake properly is partly constitutive of the kind of person one is—it requires cultivation of a certain kind of character.⁹

Uptake as a Virtue

Virtues are settled states of character that contribute to human flourishing. They are instrumentally good in that they are necessary to living a fully flourishing life, but they are intrinsically good as well.¹⁰ They consist in activities that express what is good and noble and that give the agent pleasure. As Aristotle reminds us, virtues must be exhibited, not merely possessed.¹¹ To be virtuous, we have to have a tendency to express what is good and fine, using practical reason to decide what to do within a mean that is relative to us. Virtues are distinct from right actions, because we can do the right thing accidentally or inconsistently, or for the wrong reasons. Virtues, on the other hand, are dispositional; rather than getting it right in a haphazard manner, or only when we are in the mood, when we possess virtues we can be counted on to do the right thing for the reason that doing so will give us pleasure and because we love what is good and fine.

But virtue is a matter of being the sort of person who not only performs right actions, but who has feelings appropriate to a given situation.

[Virtue] pursues the mean because it is concerned with feelings and actions, and these admit of excess, deficiency and an intermediate condition. We can be afraid, e.g., or be confident, or have appetites, or get angry, or feel pity, in general have pleasure or pain, both too much and too little, and in both ways not well but [having these feelings] at the right times, about the right things, towards the right people, for the right end, and in the right way, is the intermediate and best condition, and this is proper to virtue. Similarly, actions also admit of excess, deficiency, and the intermediate condition.¹²

As J.O. Urmson reminds us, Aristotle isn't meaning in this passage that virtue has two distinct fields—actions and feelings—but that whenever

⁹Thanks to an anonymous reviewer for culling this characterization for me.

¹⁰Aristotle, *Nicomachean Ethics*, trans. Terence Irwin (Indianapolis: Hackett Publishing Co., 1985), 1097b.

¹¹Aristotle, *Nicomachean Ethics*, trans. Sir David Ross (London: Oxford University Press, 1969), esp. 1098b30-1099a6.

¹²*Ibid.*, 1106b15-25.

our actions are displaying our character, we will be manifesting one or more emotions as well. Actions embody emotions, Aristotle seems to be saying.¹³ Or, as Nancy Sherman puts it, finding the mean requires that we act in a way that is appropriate to the situation, but it equally requires that we respond with the right sort of emotional sensitivity.¹⁴ As with actions we perform, emotions are responses that affect both the agent and the observer, and the virtuous person *cares* about these responses; they matter in the very way in which virtue pursued for its own sake matters.

The virtuous person, then, exhibits actions and feelings within a mean. But the Doctrine of the Mean is neither a mathematical standard nor a mere call for moderation. Aristotle explicitly states that the mean is *relative to us* and, as W.F.R. Hardie puts it, the

mean must be appropriate to circumstances including facts about the agent himself. The mean is not 'one and the same' for all (1106a32). The mathematical terms in which Aristotle chooses to express himself need not, and indeed cannot, be taken very seriously. It is a lecturer's patter. Do not imagine, he is saying, that finding the mean is a matter simply of 'splitting the difference' between opposing over- and under-estimates.¹⁵

Because it is not a simple calculative standard, finding the mean requires that we exercise practical wisdom. As Richard Kraut says, we must consider the consequences that various alternatives would bring about for one's activity as an excellent practical reasoner.¹⁶

As Philippa Foot explains, a person's virtue is assessed not only by his actions or intentions, but by his innermost desires as well. "Small reactions of pleasure and displeasure [are] often the surest signs of a man's moral disposition."¹⁷ This is why Foot argues that virtues are the expression of a *will* that is good, where "will" is understood to include what is wished for as well as what is aimed at. Virtues engage the will, which is what distinguishes them from other things beneficial to our lives such as good health, and this also is what distinguishes virtues from skills and arts (which express a capacity but do not engage the will.)

Another feature of virtues, according to Foot, is that they are corrective; they motivate us where we are deficient or bolster us where we are inclined to fall short of goodness. Aristotle recognizes that people have

¹³J.O. Urmson, "Aristotle's Doctrine of the Mean," in Amélie Rorty (ed.), *Essays on Aristotle's Ethics* (Los Angeles: University of California Press, 1980), p. 159.

¹⁴Nancy Sherman, *The Fabric of Character* (Oxford: Clarendon Press, 1989), p. 49.

¹⁵W.F.R. Hardie, *Aristotle's Ethical Theory*, 2nd ed. (Oxford: Clarendon Press, 1980), p. 135. Hardie's citation of the *Nicomachean Ethics* is from *Works of Aristotle*, Oxford Translation, ed. J.A. Smith and W.D. Ross.

¹⁶Richard Kraut, *Aristotle on the Human Good* (Princeton, N.J.: Princeton University Press, 1989), p. 332.

¹⁷Philippa Foot, *Virtues and Vices* (Los Angeles: University of California Press, 1979), p. 5.

natural tendencies toward pleasure and cautions us to ward against it becoming too dominant in our lives. And Foot adds:

there is, for instance, a virtue of industriousness only because idleness is a temptation; and of humility only because men tend to think too well of themselves. Hope is a virtue because despair too is a temptation; it might have been that no one cried that all was lost except where he could really see it to be so, and in this case there would have been no virtue of hope.¹⁸

Virtues, then, help us overcome obstacles to living a consistently good life and guard against the tendency to get too caught up in a self-centered world-view with its attendant motives and inclinations.

It is not necessary to an appreciation of this analysis that Aristotle himself might have counted the disposition to give uptake as a virtue. Rather, I suggest that a disposition or character trait to give uptake rightly fits an Aristotelian conception of a virtue. Being the sort of person who gives uptake rightly, understood as concerning not only literal speech acts but also our emotional responses and attitudinal orientation towards others, is a vital part of discourse and dialogue; in fact, it is necessary for democracy. In order to see the merits of this claim, it is instructive to think about some of the specific virtues Aristotle did discuss.

Consider the virtue of mildness, for example.¹⁹ Mildness is the mean concerned with anger, Aristotle tells us; the intermediate condition requires the proper responsiveness to insults. An appropriate response, in such cases, expresses the belief that you or someone you care about is worth defending and that you are not so cowed by others that you are unwilling to stand up for what is right. At the same time, excessive anger at insults tends to antagonize others. The attention Aristotle gives to our reactions to one another with respect to insults illustrates the role that a social virtue plays in fostering harmonious civic relations.

Similar things can be seen with respect to wit. The scope of this virtue concerns amusement in times of relaxation, where Aristotle says "here also it seems possible to behave appropriately in meeting people, and to say and listen to the right things and in the right way."²⁰ The mean involves taking opportunities to raise a laugh while keeping audience, context, and content in mind, or taking pleasure in another's clever intellect. The person who consistently fails to respond to witty things is a boor, but we need also to be sensitive to situations where being the party clown (Aristotle's "buffoon") would be out of place.

Another virtue that illuminates the emphasis Aristotle places on appropriate responsiveness to one another is the one he says is most like

¹⁸Ibid., p. 9.

¹⁹Aristotle, *Nicomachean Ethics*, 1125b25-1126a10.

²⁰Ibid., 1128a; emphasis mine.

friendship—that is, friendliness toward one another in civic relations.²¹ Aristotle has in mind the situations in which people meet one another and converse and, in general, aim to live together sociably. It is good and fine to be sensitive, in social contexts, to what might cause pleasure and pain to others—as long as we don't go overboard: being ingratiating and overly worried about displeasing others (as with the Eddie Haskell of the world) doesn't facilitate comfortable and energizing encounters any more than does being argumentative at every turn.

This discussion suggests that Aristotle assumes discursive practices that function interactively—and these interactions are best when we develop individual character such that our discourse exhibits these virtues. Justice, friendship and friendliness, mildness, and other virtues are good for their own sake, but it is also the case that virtue requires that we learn to become responsive to humor, insults, and social contexts in general because individual and society must function effectively together in order for us to fully flourish. An Aristotelian emphasis on virtuous dialogue and discourse is crucial to current concerns about how to foster a democratic pluralist society.

In general, then, having the appropriate emotional and intellectual responses at the right times, towards the right people, and so on, is integral what it means to be virtuous. And in particular, having the appropriate responses is integral to being the sort of person who gives uptake rightly. The role that a disposition to give uptake rightly plays in flourishing will become clearer in the next section, where I explain the consequences of failing to give uptake, but here I want to state the reasons to consider uptake a virtue.

Cultivating a disposition to give uptake rightly is necessary for the full flourishing of individuals and of society, as it provides the means for genuine communication in a variety of kinds of social settings. It facilitates democratic practices, as it enhances the possibilities of understanding what justice is and when we have gotten it wrong. We can see how the facilitation and enhancement of democratic and just practices work if we think about this virtue as a corrective. As Foot says, there isn't a virtue of self-love, because we are typically quite naturally attached to the pursuit of our own good—we don't need a corrective virtue to prompt us in this area.²² But with respect to open, democratic communicative exchanges, most of us are rather flawed. People can be dogmatic, close-minded, and overly confident about our own beliefs, values, and interpretations. We can become entrenched in our own world-views and display a tendency to dig in our heels, confident that we are right and others

²¹Ibid., 1126b12.

²²Foot, p. 13.

wrong. John Stuart Mill devotes a significant part of his treatise on liberty to arguments urging us to take other points of view seriously so as to foster freedom of thought and speech and increase truth. Mill characterizes this dialogical problem as a tendency in people to be unwilling to entertain opposing points of view. But the creation of a state that makes legally possible the civil freedoms of thought and speech is not, in itself, sufficient to counter people's tendencies toward dogmatism and close-mindedness. This is where virtue comes in. A character trait to give uptake rightly, then, can serve as a corrective, as for people who view others with an arrogant eye²³ or whose feelings of certainty lead them to discount the views of others.

As with most virtues, uptake has a mean and two extremes. Giving uptake can be done deficiently or it can be done in excess—although Ross reminds us that the intermediate state does not always lie equidistant between two possible extremes.²⁴ The mean and the extremes, for this virtue as for others, are relative to us and to the situation at hand. The extremes may be only accidentally or occasionally expressed, in which case they might simply be “out of character” for us. But when they are expressions of our character, they comprise the vices of failure to give uptake and giving uptake excessively. (I discuss the vices below, highlighting the deficiency.) But there is an intermediate condition: to be the sort of person who gives uptake “at the right times, about the right things, towards the right people, for the right end, and in the right way.”²⁵

Casting a disposition to give uptake rightly as a virtue marks it as analytically distinct from other possible virtues such as respecting, attending, and empathizing. As Aristotle indicates, each virtue has a scope by which it can be identified and differentiated from other virtues. Thus, the scope of bravery is feelings of fear and confidence about frightening things; the scope of temperance is bodily pleasures and pains of touch and taste; the scope of mildness is responses to insult and injury. From an Aristotelian perspective, the scope of the virtue I'm calling “the disposition to give uptake rightly” is dialogical responsiveness and openness in the context of plurality and power relations. The scope of respectfulness might be something like attitudes about the worth of others. But I am not convinced that respectfulness is a virtue, if by “respect” is meant granting others an intrinsic moral worth or value. Respect, then, would be something we should always grant others—in which case it wouldn't admit of an excess. Having a respectful attitude might still be necessary

²³Marilyn Frye, “In and Out of Harm's Way: Arrogance and Love,” in *Politics of Reality*, pp. 52-83.

²⁴Ross (ed.), p. ix.

²⁵Aristotle, *Nicomachean Ethics*, 1106b15.

to the full expression of the virtue of being the sort of person who gives uptake rightly. But one may be respectful and, say, detached and disengaged in ways that leave the other feeling not quite heard or understood. So (however we classify respectfulness) a disposition to be respectful and a disposition to give uptake are distinct sorts of things.

Perhaps attentiveness could be a virtue, with its scope as perception of particulars and universals, or of details and unity.²⁶ A deficiency of attentiveness would manifest itself in a tendency not to notice important details or to overlook the particulars of situations, whereas an excess of attentiveness would manifest itself in a tendency toward slavishness when it comes to details or an obsession with pinning down the particulars of a case at the expense of moving on to action—or something like that. I don't know whether attentiveness qualifies as a virtue. But if I am right about the scope of attentiveness, that scope is different from the scope of our virtue. And one can be attentive and yet miss the mark when it comes to giving uptake: people who tend to be good at one or the other are not necessarily concerned with the same things. Recall the example of the boss who overloads the worker after she requests more responsibility: it's not *attentiveness* that is missing from the interaction but something else.

Empathy does seem like a likely candidate for being a virtue (although I will not argue for it here).²⁷ Furthermore, it seems clear that, in order to cultivate a disposition to give uptake rightly, we must sometimes be empathetic in that we must try to understand how the other person sees and experiences things from her point of view. But just because we must sometimes call upon one virtue in order to rightly exhibit another, it doesn't follow that those virtues ultimately collapse into one. The scope of empathy is distinctly different from that of the disposition to give uptake rightly. The virtue of empathy is concerned with cognitive and emotional perspective-taking of others as a response to their distress, while the virtue of being the sort of person who gives uptake rightly is concerned with dialogic interactions in a pluralistic and unequal society.

While a full treatment of the separateness of uptake from other virtues and dispositional attitudes is beyond the scope of this paper, I should also say that I am not worried if there is some overlap. Trustworthiness, for example, is related to hope, expectation, faith, confidence, predictability, and so on, and this makes for a somewhat messy and difficult conceptual

²⁶I'm thinking especially of Iris Murdoch's discussion of attention in *The Sovereignty of Good* (1970).

²⁷For a discussion of empathy as a virtue and the role of moral education in learning how to be empathetic, see Nancy Potter, "Can Prisoners Learn Victim Empathy? An Analysis of a Relapse Prevention Program in the Kentucky State Reformatory for Men," forthcoming.

analysis. This doesn't mean that trustworthiness just *is* hope or expectation but that in pointing to one character trait we frequently invoke another. My aim is not so much to identify necessary and sufficient conditions for what I am calling "uptake" but to illuminate some ways in which being the sort of person who gives uptake rightly is a virtue.

There are, however, virtues that Aristotle himself identifies that it is interesting to consider in light of the virtue of having a disposition to give uptake rightly. Virtues such as friendliness and mildness share a family resemblance with being the sort of person who gives uptake rightly, even though they are all analytically distinct. Without the disposition to give uptake rightly, it's not clear how other virtues could be exhibited well either. Being the sort of person who gives uptake rightly enhances justice, friendship, trustworthiness, and other social virtues—indeed, justice in the absence of people whose characters are constituted such that they give uptake rightly seems to stand as a rather empty concept. Justice in a democratic society depends, in part, on our ability as citizens to develop sensitivities to others and to respond appropriately to claims against violated rights. As Aristotle says, "our well-being is relational."²⁸ While we may not need one another for our basic needs, we will still need each other to create jointly a life of virtue.²⁹ Justice, friendship, trustworthiness, then, depend on the reciprocity of meaningful, responsive presence in dialogic interactions.

The social virtues require vigilance; it is not enough to do what is just or trustworthy, or to give uptake, once or twice, or occasionally. The sensitivities involved must become part of character. Another way in which I am conceptualizing uptake within an Aristotelian framework, then, is that I see the giving of uptake as dispositional. When we have a disposition to give uptake rightly, we are acting out of a settled state and are giving uptake in the way a virtuous person would do so.

I am broadening the Austinian view of speech acts as isolated events that occur at a discrete moment in time, by pointing to the need to broaden the context of speech. But I am also highlighting the way in which giving or not giving uptake is connected to our positionality, our ways of seeing the world, and our commitments, values, and interests—in a word, our character. Giving uptake, then, like doing just acts, is not merely a matter of understanding the convention of a particular speech act and responding appropriately, but a matter of the sort of persons we are over time, whom we have a tendency to take seriously, treat with dignity, and so on. Giving uptake engages the whole self. As Sherman says, "others must directly feel our presence, *know* our reactions through

²⁸See Sherman, p. 128, citing Aristotle's *Eudemian Ethics*, 1245b18-19.

²⁹*Ibid.*, p. 130.

the direct communication of emotion and bodily response; . . . At stake is the (emotional) impact we have on others."³⁰

This point leads me to another way in which an Aristotelian framework applies to being the sort of person who gives uptake rightly. It is difficult to find the mean, Aristotle suggests. To find the mean in giving uptake, we need practical wisdom—we need to develop skills at communication that go beyond a mere understanding of linguistic conventions. More than that, we need to acquire a rich understanding of power relations and how they play themselves out in speech and silencing. We have to learn how to make good judgments about where, to whom, when, about what, and in what way uptake is called for. To do so well (finding the mean, reasoning well) may require a character change.

Building upon Aristotle's metaphor of the eye of the soul,³¹ I suggest that a disposition to give uptake rightly can be understood as requiring that we learn to see with the whole heart:

Without emotions, we do not fully register the facts or record them with the sort of resonance and importance that only emotional involvement can sustain. It is as if our perceptions were strung together in our minds but not fully understood or embraced . . . the failure to feel is really a failure to record with the whole self what one sees. So, for example, when I fail to help another when I know I can and should, it may be that I see the other's distress, but see it without the proper acknowledgement and sympathy.³²

Being the sort of person who gives uptake rightly requires that we engage with others not only intellectually but also emotionally. Perception or attentiveness are necessary aspects of developing and appropriately expressing this and other virtues, but perception or attentiveness alone will usually fall short of excellence when uptake is called for.

In summary, then, being the sort of person who gives uptake to others rightly is good. Having a disposition to give uptake rightly tells the speaker something about us and about how we perceive her. It may also be a way in which we exhibit other virtues such as trustworthiness. By giving uptake, I say: you can count on me to take you seriously according to your idea of seriousness and not mine alone; you can expect me to treat your picture of the world, or your claims against me, or your cries of pain and anger, with respect—but more than that: it's an emotional presence. And by taking the voices, needs, concerns, and emotions of another seriously, we indicate to that person that we recognize her full humanity.

³⁰Ibid, p. 49.

³¹Aristotle, *Nicomachean Ethics*, 1144a30.

³²Sherman, p. 47.

The Vice of Deficiency

To see why we should consider a deficiency in giving uptake as a potential vice, let's examine what happens when one is not given uptake (keeping in mind that one or two deficient actions do not a vice make, any more than repeated acts of giving uptake within the mean guarantee that a virtue is being expressed). The general idea I will argue for is that the failure to give uptake diminishes flourishing, although I will also discuss a way in which people attempt to adapt and flourish even while living in contexts where crucial experiences of uptake are largely absent.

The first point is that a society in which individuals can flourish is one where claiming of rights is possible, and receiving uptake is necessary to claiming. That is to say, I am likening claiming to warning, promising, and marrying: claiming is an illocutionary act that doesn't come off unless there is uptake. As Langton argues, "one mark of powerlessness is an inability to perform speech acts that one might otherwise like to perform."³³ One way this might happen is at the level of locution itself, where one is unable to make utterances. Another way is when one speaks but doesn't get the desired results; Langton calls this "perlocutionary frustration." The third way is through "illocutionary disablement," where one utters words but doesn't get the desired result and it isn't recognized as the action one performed. This is a kind of silencing that occurs when an utterance is prevented from counting as the act it was intended to be.

A community or society that doesn't give uptake to claims thwarts the well-being of (at least some) members of that community and opens the door to other detrimental effects to the overall citizenry as well. As Joel Feinberg shows by asking readers to imagine a world called Nowheresville that does not have the concept of rights, "[t]he activity of claiming, as much as any other thing, makes for self-respect and respect for others, gives sense to the notion of personal dignity, and distinguishes this otherwise morally flawed world from the even worse world of Nowheresville."³⁴ Although claims and rights and dignity are not part of the conceptual scheme in the Greek *ethos*, I think the sketch I give below is consistent with an Aristotelian interpretation of the fully flourishing life.

To fill out this idea, I return to Frye's argument that (most) men are socialized to respond to women's anger with dismissal. Refusing, on the basis of gender, to take seriously a woman's claims that an injustice has been done or a right violated is to reduce her status to membership in a

³³Langton, p. 314.

³⁴Joel Feinberg, "The Nature and Value of Rights," *Journal of Value Inquiry* 4 (1970): 263-67.

class and then to use that classification to justify ignoring those claims. But the act of claiming ought not be dealt with in this manner. To ignore someone's claims against *x* on the basis of group membership is both morally and legally objectionable: it is the nature of claiming that each person is entitled to have her or his claims acknowledged at least to determine whether there is a legitimate claim to be investigated.

To affirm or deny that a right has been violated, it first must be acknowledged that a claim has been made. A claim may, in fact, turn out to rest on a mistake. But in some cases, the hearer refuses to acknowledge that an act of claiming has even occurred. The hearer fails to recognize the act, and the claiming is not given uptake. From the perspective of the hearer, nothing is claimed. And if nothing is acknowledged as having been claimed, then the question of whether a right has been violated simply doesn't get raised. The fact that claiming requires uptake in order for it to count as a speech act suggests that, in societies with systematic injustices encoded by linguistic conventions and discourses of power, many individuals' rights are likely to be threatened.

This is not to propound a simple equation of claims with rights. Feinberg notes that there is a *prima facie* sense of "claim" which consists in acknowledging that one is entitled to a fair hearing and consideration—that the audience grants minimum plausibility that the speaker has a right to *x* without yet establishing that one has a right to *x*. But Feinberg also says that "having a claim consists in being in a position to claim"—which position is not always recognized even when minimum plausibility ought, objectively speaking, to be granted.³⁵

That is, structural injustices sometimes impede members of nondominant groups from being recognized as meeting *prima facie* conditions for claiming. Deciding whether or not to give uptake to a person's claims on the basis of membership of subjugated groups is both a symptom of oppression and an act of oppression.

The ability to perform speech acts of certain kinds can be a mark of political power. To put the point crudely: powerful people can generally do more, say more, and have their speech count for more than can the powerless. If you are powerful, there are more things you can do with your words . . . If you are powerful, you sometimes have the ability to silence the speech of the powerless . . . But there is another, less dramatic but equally effective, way. Let them speak. Let them say whatever they like to whomever they like, but stop that speech from counting as an action. More precisely, stop it from counting as the action it was intended to be.³⁶

Even if the dispositional failure to give uptake is apparently independent of systems of oppression, consistently not giving uptake may be wrong

³⁵Ibid.

³⁶Langton, pp. 298-99.

because not to give at least *prima facie* credence to another's utterance is to treat that person as less than fully human: it is to say that, where that person is concerned, I don't have to consider his or her needs, views, claims, or emotions.

The link between this cluster of concepts—uptake, rights, and humanity—comes in with the concept of dignity. Dignity, as Bernard Boxill explains, is “the sense that one's manifest humanity makes one manifestly worthy of one's human rights.”³⁷ Dignity functions here as a moral concept that is at once individual and communal. Robin Dillon states that “as various declarations of human rights affirm, the equality of human dignity is taken to be the basis of the equal moral rights that all persons have as persons, independently of social law, custom, convention, and agreement.”³⁸ Failure to give uptake, then, (for example, when someone's speech act is that of claiming that a right has been violated) can be an assault on the speaker's dignity.

Presumably we can recover from the occasional assault on our dignity. But power relations render it more likely that the actual distribution of assaults on dignity fall regularly and consistently to the disempowered. A social climate in which a group of people come to expect a lack of uptake on claims, coupled with assaults on one's dignity when one attempts to get uptake, eventually can undermine even the most resilient people. An environment like that is clearly not one for flourishing. Both the individuals themselves and society overall are diminished when dignity is threatened or lost. Furthermore, a society in which claiming and giving uptake are activities that fall along power lines is less likely to progress towards the virtue of justice: to create and sustain a just society, claiming and giving uptake must be an ongoing practice in which a plurality of voices can and do participate.

Failure to give uptake can also be seen to be a potential vice if we consider an assault not just on one's dignity but on one's deepest psychological self. An example of this is found in Lawrence Langer's *Holocaust Testimonies* (although the focus here isn't on claiming). Langer, in his analysis of interviews with Holocaust survivors, argues that their selves and their memories are fragmented as a result of their wartime experiences.³⁹ Interviewers were ostensibly (and probably earnestly) seeking understanding of those experiences.

Recall that giving uptake rightly is not simply a matter of receiving

³⁷Bernard Boxill, *Blacks and Social Justice* (Lanham, Md.: Rowman and Littlefield, 1992), p. 197.

³⁸Robin Dillon (ed.), *Dignity, Character, and Self-Respect* (New York: Routledge, 1995), Introduction, p. 22.

³⁹Lawrence Langer, *Holocaust Testimonies: The Ruins of Memory* (New Haven: Yale University Press, 1991).

another's speech act with the conventional understanding. The hearer may need to do more than merely rely on his or her own imagined or remembered responses in a similar situation. The hearer must try to see and understand what the world looks like *from the speaker's position*.

Langer, in carefully going through the interviews with Holocaust survivors, finds that central aspects of their narratives are not given uptake—that the interviewers impose their own language of heroism and moral virtue on the speakers and explicitly discount the interpretations given by the speaker telling the story. The consequence of this deficiency is that it forces deep memory of horrible events, and of survivors' now-fragmented selves, further away from the common memory that can be more comfortably shared. This suggests that the failure to give uptake does further harm to already harmed victims of violence. (This can also be said of political prisoners whose reports of torture are not believed or rape victims whose reports of assault are doubted.) The initial harm done to a victim of violence is exacerbated when the audience fails to give uptake to the victim's experiences.

In asking to whom we can entrust the public memory of the Holocaust, Langer suggests that those looking to understand this history are primarily "witnesses to memory rather than rememberers themselves," searching for what Blanchot calls the "impossible real." As Langer explains it,

[these witnesses to memory] have an "unstory" to tell, that which, according to Blanchot, "escapes quotation and which memory does not recall—forgetfulness as thought. That which, in other words, cannot be forgotten because it has always already fallen outside memory." Blanchot's style may appear cryptic but, in fact, duplicates the frustrated efforts of language to enclose irreducibly intractable material. The oxymoron of an impossible reality is a small knothole piercing the obstacles.

The impossibility, however, lies not in the reality but in our difficulty in perceiving it as reality.⁴⁰

The survivors are mining their common and deep memory about their experiences, thoughts, and feelings. But the interviewers have no cognitive or moral space to accept as real the things they are being told. The difficulty the interviewers have in hearing what the survivors are actually saying and in accepting as real their experiences of the Holocaust leads the interviewers, tragically, to fail to give uptake. As Langer's work implies, we have no conventions to lead us through this discourse in a way that preserves the integrity of the witnesses to memory. And without conventions to map our way that are appropriate to the discourse, most hearers fall back on familiar conventions rather than chart new territory.

Another reason to consider a failure to give uptake to be a potential

⁴⁰Ibid, pp. 39-40.

vice is that it can give rise to rage in the speaker. It makes most people frustrated and angry to be ignored or misunderstood, or to have their words trivialized or exaggerated. And rage can lead to violence: consider how the failure of the legal system to give uptake to black males' reports of police brutality eventually led to collective outrage at injustice, voiced through rioting in cities nationwide after the Rodney King verdict. When individual speech acts are not given uptake (for example, when individual claims against the police are ignored), collective activity is more likely to be emphatic, even violent, in increasing attempts to obtain that uptake. It seems clear that it would be better (in terms of constructive efforts towards a just society) for court systems and police departments to have given uptake earlier on. That is, one reason that not giving uptake is a deficiency is that it is one of the causes of the increase of violence in society, which, in turn, diminishes the quality of life for citizens.

Another reason to think that the failure to give uptake is detrimental to flourishing and hence a potential vice is that it may silence the speaker. Uptake is not just a matter of receiving public recognition of various speech acts; part of the problem of institutionalized speech is that persons in nondominant groups don't have equal access to institutionalized speech. This next section, then, focuses on the relationship between uptake and silencing.

Speech and Silencing

I have argued that the scope of the virtue that concerns giving uptake is that of dialogic responsiveness in the context of pluralities and power relations. I have also argued that a failure to give uptake is a deficiency that can, over time, become a bad habit, or a vice. One kind of failure to give uptake is that of silencing.

In discussing the convention of uptake, Austin is thinking about datable speech acts—locutionary acts that occur at a given place and time that also are perlocutionary and illocutionary acts. Austin would agree that uptake is best understood as contextual in the sense that we have to know the context of a given speech act in order to assess proper uptake. (For example, is shouting "fire" given as a warning or a joke? The question cannot be answered in the abstract.) But the broader notion of uptake I am using brings in a larger context that includes a greater temporal span. To determine whether a particular silencing is a failure to give uptake in the broader sense, we have to examine the history, the context, and the politics of the situation. If we don't consider dialogical encounters in a larger context, we are likely to overlook the significance of relations of power and structural inequalities to the giving or not giving of

uptake. Bringing in a larger sociopolitical and temporal context means that we might not be able to pinpoint some kinds of silencing as discrete events that occur at given moments. What we find has happened, instead, is that we have gradually become attuned to the silencing of some as a *climate* that has evolved and entrenched itself over time.

Many of the institutionalized methods available for not giving uptake are more sophisticated means of silencing than overt physical actions of silencing or explicit censorship. Silencing others by such methods as torture is viewed as morally wrong, so the silenced become recognized victims whose rights have been violated. In contrast, by allowing speech to occur, we create the impression that communication is possible. When one doesn't get uptake, then, it may be much less clear who is to blame. But whether or not it is physically possible to make a speech act at a given time, silencing may occur. As Mill suggests, the legal protection of civil liberties isn't sufficient to bring about freedom of speech if the society's majority are dominating discursive practices and suppressing, through judgment and exclusion, unpopular views. The cultural climate, then, may serve to silence members of minority groups even though those minority members have the legal right to engage in dialogue and exercise that right.

Following Langton, I mentioned three ways of silencing those with relatively less power that parallel the three components of speech acts that Austin discusses (although this discussion is not meant as a strict parallel): when one cannot utter speech at all, when one speaks but doesn't get the intended effects, and when one speaks but doesn't get the desired effect or get one's action acknowledged as a speech act. The latter we are calling (again, following Langton) illocutionary disablement. I will discuss these kinds of silencing one at a time.

1. *Locutionary silencing.* In her poem "Cartographies of Silence," Rich distinguishes between silence and absence,⁴¹ and notes in her introduction to *On Lies, Secrets and Silence* that women's struggle for self-determination has been largely muffled in silence; women's history has been obscured, so each feminist voice sounds idiosyncratic, odd, "orphaned of any tradition of its own."⁴² But the silencing itself is a presence that can be felt in our various historical constructs.

Rich attributes this silencing to a cultural climate that simultaneously manipulates passivity and nourishes violence against women. This culture, Rich says, "has every stake in opposing women actively laying

⁴¹ Adrienne Rich, "Cartographies of Silence," in *The Dream of a Common Language: Poems 1974-1977* (New York: W.W. Norton, 1978).

⁴² Adrienne Rich, *On Lies, Secrets, and Silence: Selected Prose 1966-1978* (New York: W.W. Norton, 1979), p. 11.

claim to our own lives."⁴³ Even speaking out, then—for example, by attempting to get uptake through engaging in conversation—amounts to a kind of silencing in which women are, in complex ways, both victimized and complicit. This kind of silencing, then, might take the form of either perlocutionary or illocutionary silencing.

2. *Perlocutionary silencing.* In this kind of silencing, as Langton explains, "one argues, but no one is persuaded; one invites, but nobody attends the party; one votes, hoping to oust the government, but one is outnumbered. Such frustration can have a political dimension when the effects achieved depend on the speaker's membership in a particular social class."⁴⁴ Langton gives, as an example of this kind of silencing, a woman whose "no" to sexual advances is spoken and heard but disregarded: the male persists in raping her. In the narrow sense of uptake, then, uptake is secured because she does perform the locution "no" and he recognizes the action as a refusal. But her perlocutionary act was frustrated.

In the broader sense of uptake that I am arguing for, he has failed to give it. I am not suggesting that this counts as a failure of uptake on the grounds that there is an abstract relation between refusals and uptake. It is a failure to give uptake given our understanding of virtue and the intermediate condition. Following an Aristotelian framework of virtue, the mean is determined in relation to the situation, context, parties involved, and the goals aimed at. And some ends that people aim at will never be fine, as Aristotle sees it, such as murdering a family member. Actions that have bad ends should never be aimed at: they should be refused, and the refusal should be given uptake.⁴⁵ It is reasonable to infer that to proceed in a sexual encounter where one party has said "no" to a sexual advance is to aim at an end that is never fine—nonconsensual sex—and hence such sexual encounters would count as a kind of situation where refusals always require uptake.

Another example might be found in Linda Carty's description of being a black female student in an English class where Conrad's *Heart of Darkness* and *The Secret Sharer* were discussed.

When I dared to suggest that we look at Conrad's notion of "darkness" because, despite his seemingly progressive ideas, Conrad's reference to the Congo as the "heart of darkness" is clearly indicative of his own racist views of Africa and its people, the professor calmly glanced in my direction and informed me that to read such meaning into the work is to miss the sophistication of Conrad's analysis and besides, "Africa with all its strange rituals and primitive cultures is understandably referred to as dark and not only by Conrad."⁴⁶

⁴³Ibid, p. 14.

⁴⁴Langton, p. 315.

⁴⁵Aristotle, *Nicomachean Ethics*, 1110a27.

⁴⁶Linda Carty, "Black Women in Academia: A Statement from the Periphery," in

This, then, is silencing through bullying, ridiculing, mystifying, and intimidating. The silenced may indeed speak, even superficially be listened to, but the institutionalized context of the conversation, and the rules of the language-game, do not facilitate genuine dialogue. This is because the language-game, in this case, is structured by power relations that include not only the teacher/student relation but each party's relation to the text. In the Conrad example above, the racial contract—to borrow a term from Charles Mills's book⁴⁷—is built into the linguistic exchange in such a way that Carty cannot, as things stand, get uptake about the racist meaning of the phrase "heart of darkness."

3. *Illocutionary silencing.* Langton clarifies the difference between perlocutionary and illocutionary silencing by returning to the example of the woman who refuses a man's sexual advances. When her perlocutionary act is frustrated, her "no" is simply overridden.⁴⁸ But when a woman's illocutionary act is not given uptake, her "no" doesn't even register as a "no." It's not that he has heard her refusal and decided to proceed anyway—he didn't hear a "no," or he didn't hear it as a "real no." He heard a "yes." "No," in the gender conventions of heterosexual sexual encounters, means "yes." Her speech act of refusal did not occur, even though the woman did speak.

Langton is pointing to illocutionary silencing where the conventions require the hearer to follow the rules of the language-games. But there is another aspect to illocutionary silencing, as well: conventions require the speaker too to follow the rules of the language-games. That is, silencing also can occur when there are social conventions concerning what cannot be named for what it is (for example, sexual violence such as rape), or that cannot be talked about in certain ways (for example, rape and incest as a problem of male domination), or that cannot be contextualized (for example, abortion rights in the context of the history of women's oppression.)

Rich, in "Cartographies of Silence," calls our attention to the bind many people find themselves in: silence could be imposed upon them, but it can also be something they are attempting to break through. A central problem, though, is that to break through externally imposed silences often requires that the silenced use terms, conceptual frameworks, and value systems that are not of their own choosing and that distort or

Himani Bannerji, Linda Carty, Kari Dehli, Susan Heald, and Kate McKenna, *Unsettling Relations: The University as a Site of Feminist Struggles* (Toronto: Women's Press, 1991), p. 14.

⁴⁷Charles Mills, *The Racial Contract* (Ithaca: Cornell University Press, 1997).

⁴⁸As Langton notes, what we're really talking about in this case is the crime of rape—and an academic concept called "perlocutionary frustration" doesn't capture the act or meaning of rape.

falsify those attempts to communicate. This problem can give rise to a different kind of silencing.

In the next sections, I will discuss that kind of silencing and one other kind, neither of which seems to fit quite as neatly into the Austinian framework. Nevertheless, I believe they merit consideration in that they are within the scope of the virtue concerned with dialogical responsiveness under pluralism and power relations. The fourth kind I will call mother-tongue silencing.

4. *Mother-tongue silencing.* This kind of silence is a result of differences in language where a dominant language is institutionalized. Lugones identifies a problem in the construction of the self where one inhabits different "worlds" more or less comfortably and where one is taken up in these various worlds in ways one may not recognize or understand.⁴⁹ A "world," she suggests, is an actual or constructed, incomplete or partial, society inhabited by some flesh and blood people (as well as perhaps imaginary ones).⁵⁰ We can be at ease in a "world" in different ways, such as being normatively happy, being humanly bonded, and having a shared history. Another determinant of the extent to which one is able to be at ease in a world, Lugones says, is our relationship to the language in that world. "The first way of being at ease in a particular 'world' is by being a fluent speaker in that 'world'. I know all the norms that there are to be followed. I know all the words that there are to be spoken. I know all the moves. I am confident."⁵¹

In the fourth kind of silencing, one's most familiar language is stifled, and one is confined to moves in language-games that are uncomfortable, odd, and lacking fit. It is not necessarily that speech is ineffective or not recognized as acts, but more that the "world" one is constructing through the dominant language is a "world" in which the speaker is far less likely to be able to locate herself as the self she knows in her more familiar "world." Lugones's mother-tongue is Spanish, and although she is fluent in English, she isn't at ease in that language: her participation in dialogue is bounded by and made contingent upon her willingness to play the language-games of the dominant (English-speaking) "world." Not only can this kind of experience be destabilizing and disorienting, but it can distort the "world" of the speaker and twist truths.

But it is also the case that, when one is not fluent in the dominant language of the institutions of society, one is excluded from more than just ease or comfort: one's ability to make claims about injustices, for exam-

⁴⁹Maria Lugones, "Playfulness, 'World'-Traveling, and Loving Perception," in Diana Meyers (ed.), *Feminist Social Thought: A Reader* (New York: Routledge, 1997), p. 152.

⁵⁰*Ibid.*, p. 153.

⁵¹*Ibid.*

ple, will be seriously impeded. I am reminded of language difficulties experienced among Hmong women in Minnesota who sought legal intervention for domestic violence. Minnesota has a significant Asian population concentrated mostly in the Twin Cities area, and many people are refugees who speak little or no English and are not familiar with the American legal system. One of the features of this system is that those in need of guidance and advice through the legal process can obtain a legal advocate who works in the client's broader legal and social interest. English-speaking plaintiffs, too, often need advocacy when it comes to historically contested legal rights such as the right to be protected from domestic assault. But ten years ago, very few legal advocates even spoke Hmong, and the few who did had trouble adequately translating between Hmong and English for the Court. Over time, it was discovered that translators were not really translating after all; instead, they were "conveying the gist of things" and adding their own comments when they were uncertain about Hmong terms. When this practice came to light, many Hmong women were discouraged from continuing in the legal process, and distrust of the American legal system spread through the Hmong community of women.

The kind of silencing I am identifying here is not just a matter of whether one can participate in the dominant language when one needs to. It creates a conversation of exclusion.

We [Hispanas] and you [whites] do not talk the same language. When we talk to you we use your language: the language of your experience and of your theories. We try to use it to communicate our world of experience. But since your language and your theories are inadequate in expressing our experiences, we only succeed in communicating our experience of exclusion. We cannot talk to you in our language because you do not understand it. So the brute facts that we understand your language and that the place where most theorizing about women is taking place is your place, both combine to require that we either use your language and distort our experience not just in the speaking about it, but in the living of it, or that we remain silent. Complaining about exclusion [if the only way to do so is in your language, on your terms, and in a way you'll understand it] is a way of remaining silent.⁵²

The existence of a dominant language, then, creates a culture of exclusion, and exclusion is a way of silencing people. But Lugones doesn't advocate merely speaking out against exclusion, either. As I understand it, the point Lugones is making—that speech acts that call attention to exclusion don't necessarily address problems in communication—resonates with a theme in Rich's writing: that in having to speak, not in one's

⁵²Maria Lugones and Elizabeth Spelman, "Have We Got a Theory For You! Feminist Theory, Cultural Imperialism, and the Demand for 'The Woman's Voice'," in Marilyn Pearsall (ed.), *Women and Values: Readings in Recent Feminist Philosophy* (Belmont, Cal., Wadsworth, 1986), p. 23.

mother tongue but in the language of the dominators or the language of the fathers, one is coerced into modes of communication that exist primarily to serve dominant groups and function to maintain the status quo. The conceptual framework, the meaning-making, and the experiences of a people are bound up in the language of that group. To use another group's language, when the linguistic relation mirrors relations of domination and subordination, is to make oneself an outsider to the conceptual framework, meaning-making, and experiences of one's own culture.

Lugones points out that while members of marginalized groups have to do "world-traveling" as a matter of survival, those whose mother tongue is the dominant language need not do so and so are not likely to experience "outsider" status. While there are situations in which being an outsider is not silencing (for example, an invited public speaker often is an outsider to the community she is asked to address), not to be able to communicate with one's own language—to have to draw upon a conceptual framework and meaning-making that is not only not one's own but has been forced upon one through the violence of domination—is silencing even when a member of a nondominant group has facility with the dominant language. It is silencing because it is an institutionalized and asymmetrical way of impeding communication across difference, and it is silencing because it results in distorted communication while not leaving open other alternatives to using the dominator's language.

To put it another way, exclusion through language difference is institutionalized. And silencing through linguistic exclusion works on another level as well. In the United States, differences in language function as markers of deeper "differences" between those who are worthy or not, deservedly subordinate or not. That is, linguistic markers point to nonlinguistic markers of difference that serve to justify differential and unjust treatment. In today's climate of suspicion towards immigrants and "foreigners," those for whom English is a second language are routinely refused uptake. The fact of language differences, then, can be used as an excuse for exclusion, a reason not to give uptake, based on the existence of a language barrier. And, as Lugones points out, the burden of responsibility for bridging any barriers is arrogantly assumed to be that of the marginalized group.

Linguistic barriers occur, however, even when the speakers speak the same generic language. Dialects, class differences, and educational differences often make it difficult for us to understand one another. More than that, they reflect and reinforce social and economic hierarchies. Rich, in an essay on teaching, identifies this as a tension between empowerment and mystification. Although she expresses confidence in the power of language to enable people to free themselves through the written word, she also recognizes that both the canon and the accepted

ways of teaching it can serve to entrench, rather than undermine, relations of domination and subordination. Language and literature, she finds, is often used against students to keep them in their place, to mystify them, to bully them, and to make them feel powerless.⁵³

5. *Imitation-uptake silencing.* There is another way one can fail to give uptake that is related to silencing as well. I have in mind situations in which someone who seems quite progressive can appear to have a disposition to give others uptake rightly but isn't actually doing so. Can one imitate uptake? I believe so: consider the movement towards so-called politically correct language. One can be careful as a language-user not to use terms marked as offensive or denigrating to others and yet not take seriously the reasons why one ought to be doing so; one's motivation might be to avoid professional or legal problems. The fact that a superficial kind of uptake can occur that can have little to do with taking seriously another's claims or treating him or her with dignity points to the sense in which giving uptake genuinely and properly requires the right motives and intentions, not merely the right behavior. And having a disposition to give uptake properly requires that one be moved by the right motives and intentions not only occasionally but from a settled state.

John Stoltenberg, for instance, in an essay addressing men who claim to be sympathetic to feminism, criticizes them for putting more energy into declaring themselves supporters of feminist concerns than into actually working to change the world. He cynically offers several predictions, one of which is the following:

Many men of conscience will turn out for one feminist demonstration every twelve months. They will raise their voices in shout. They will shout louder, in fact, than all the women combined. They will even get into a scuffle with some other men, any other men, hostile bystanders, the police: They will make a noble scene; they will stage a cockfight. Then they will go home and try to get in touch with their feelings for another year.⁵⁴

Stoltenberg reminds us of the myriad of ways we can communicate that we "get it" or can say "I hear you" while missing the richness of what is required to genuinely and properly give another uptake. Feminists who work with men like Stoltenberg describes may not feel utterly silenced by them, but they are likely to feel that they haven't been given uptake. But it's hard to get uptake on the claim that one hasn't been given uptake, when the party being criticized is loudly and publicly proclaiming its sensitivity and loyalty. Ironically, participation in a demonstration can function as a signifier to silence claims that the activist sympathizers and supporters are not giving genuine uptake. When feminists try to point to

⁵³Rich, *On Lies*, p. 63.

⁵⁴John Stoltenberg, "Feminist Activism and Male Sexual Identity," in *Refusing to be a Man: Essays on Sex and Justice* (New York: Penguin Books, 1989), p. 192.

what is missing, the male activist may respond by pointing to what he has done to show he is taking feminist claims seriously. "What more do you want?" the male activist asks. A similar dynamic can be identified between people of color and white anti-racist activists when whites are criticized for continuing to perpetuate racial hierarchies: "I've included writers of color in the course. How can you still say that this course perpetuates racist ideology?" This kind of exchange ultimately is silencing, in that it shuts down the communication from feminists of all colors or activists of color to their proclaimed supporters that they are not getting their message across.

At this point, some members of minority groups get discouraged and decide to opt out of dialogue with members of dominant groups altogether. This, then, would be a strategy of silence, and it is to this idea that I now turn.

Silence as an Act of Communication that Requires Uptake

Being silent is different from being silenced, because being silenced is an externally imposed silence. Being silent, on the other hand, retains an element of agency. That is, one may be silenced into being silent as a strategic way of circumventing the conventional methods of silencing outlined above. In the case of silencing, one can be silenced without that silencing being locutionary; that is also so in the case in being silent: one can be silent in many ways and for different reasons, only one of which is by opting out of conventional forms of dialogue. (By this I mean that being silent is still a move within a dialogue, but being silent is not overtly dialogical in the usual sense.) As Lugones says, there are many kinds of silence, and their meanings are nuanced: there are "attentive silences, refusal to speak silences, tongue cut out silences, provocative silences, refusal to listen silences, intimate silences."⁵⁵

Opting out of conventional dialogical moves by being silent is often more of a default strategy; it is a way of being that one would not choose if things were otherwise but that one chooses under the circumstances. It is a way of taking control and, by doing so, making a point that one couldn't get across under silencing conditions.

This kind of silence is like boycotting. It is a refusal to participate in things as they stand. Like the Montgomery bus boycott, being silent can be a way of being in the world that one is driven to in order to have an

⁵⁵Maria Lugones, "El Pasar Discontinuo de la Chacaper/Tortillera del Barrio a la Barra al Movimiento"/ "The Discontinuous Passing of the Cachapera/Tortillera from the Barrio to the Bar to the Movement," in Bat-Ami Bar On and Ann Ferguson (eds.), *Daring to be Good: Essays in Feminist Ethico-Politics* (New York: Routledge, 1998), p. 156.

effect when more usual routes to gain uptake have failed. And, like the Montgomery bus boycott, being silent is an activity: far from being passive, one is communicating through refusing to communicate by conventional linguistic means. If one is not to be co-opted, one might elect to be silent as "a plan rigorously executed." Such silences are not necessarily acoustic ones. Being silent is often an attempt to communicate (even if what it is communicating is a refusal to engage in speech acts); silencing is often an attempt to hinder or prevent communication.

An example of being silent that consists in more than a mere refusal to engage in speech acts is the fairly common occurrence in Women's Studies programs of low attendance of faculty of color. I take this phenomenon to be a kind of boycott that expresses anger and frustration at predominantly white Women's Studies programs and the white faculty who persist in racist practices. This kind of silence happens, not because women of color are unwilling to be direct about racist issues in Women's Studies but because they have been direct and have not been given uptake. Although not the preferred method of communication, silence by absence does tell attentive others that something is seriously amiss. In other words, being silent in this manner, although not a conventional speech act, is a move in a dialogue that calls for uptake. Thus again we are reminded that there is more to uptake than the overt speech act of giving uptake.

But, as Lugones reminds us, not all silences are refusals to speak or to listen. We are also silent as a way of being attentive. We may be silent in intimacy. Our silence may be provocative. These ways of being silent seem to be different from the "boycotting" kind, in that they imply hope in the ability to communicate. Default silence, in contrast, comes about because one has lost hope or become discouraged about other communicative processes.

A central point of this section is that being the sort of person who gives uptake rightly involves more than just understanding speech acts; it also involves having a disposition to try to understand the various ways in which silence works in our society and to attend to the ways we need to give uptake to silences. But it is not always easy to tell what kind of silence one is hearing. Is it one of having been silenced by others? Is it an attentive silence that the person willingly engages in? Is it a boycotting silence? What is the silence telling us? What it means to give uptake to silence will depend on what kind of silence it is, what the domain of the silence is, who the audience is, and so on. And determining the answers to those things takes practical wisdom as well as imagination and empathy; it takes cultivation of character.

The Excessive Uptaker

The responsibility to give uptake should not be understood as a requirement on demand: like any other virtue, although I am morally bound to exhibit it, there is a right time, a right place, a right way, and so on. First of all, as Aristotle says, the mean is relative to us.⁵⁶ At a most basic level, this claim means that the intermediate condition isn't something we can identify once and then hold fast in future calculations. Since giving uptake is a move in a dialogue, and participants in dialogue have different social positions, histories, perspectives, and relationships of their own, no set rule can be established that can be applied across the board. And our responsibility to give uptake has to be balanced with other commitments, time constraints, and so on. For another thing, there may be encounters in our lives in which it would be downright dangerous to give uptake to an utterance (for instance, if I am walking home alone late at night and a stranger tries to make conversation with me.)

But someone may, over time, develop a disposition to give uptake excessively. What would this look like? I can imagine two ways in which such a character trait would show up.

First let's return to the idea that the virtue we are considering—that of being the sort of person who gives uptake rightly—requires that one give uptake towards the right people, at the right time, in the right way, and so on. Now, one might, instead, develop a tendency always to give uptake to certain people such as authority figures or to an important person in one's life. When the excessive uptaker is faced with decisions or asked to voice opinions, she not only consults those others for advice—she takes their point of view to be the correct point of view without trying to differentiate her own beliefs from theirs or assessing ideas autonomously. As a disposition, this would be a deficiency because the person would not be in the habit of thinking for herself, and this habit would undermine her ability to be a good practical reasoner. Instead, she would listen so carefully to others and take seriously their views to the detriment of discerning for herself what is good and fine and pleasurable.

A second way in which the excessive uptaker might be seen to develop a bad character trait over time is when she is so committed to giving others uptake that she puts off decision-making. Thinking that she must hear "everyone" out before taking action, she judiciously weighs each speaker evenly and fairly and avoids the rush-to-judgment, unfortunately, too long. For as Aristotle reminds us, part of getting it right about the mean is that there is a right time to decide and to act, and the excessive uptaker, in the interest of being inclusive, may miss the moment

⁵⁶Aristotle, *Nicomachean Ethics*, 1107a.

again and again.

The Doctrine of the Mean does not provide a universal principle but, rather, the mean functions as a heuristic for constructive dialogue that makes possible not only better interpersonal and civic relations but institutional and structural changes. This is not to suggest that the giving of uptake is subjective. The intermediate condition is objectively right in the sense that any Aristotelian practical reasoner who had access to all the relevant moral and nonmoral facts would come up with the same mean. Nevertheless, in order to find the mean, we have to *have* all the relevant facts, and for that, we need to consider the context in which uptake arises, the particular persons involved, and power relations taken as a whole.

The Responsibility to Give Uptake

Aristotle tells us that each virtue has two extremes and that, in some cases, one of the extremes is more opposed to the intermediate condition than the other. In aiming to hit the mean, we should "steer clear of the more contrary extreme . . . For since one extreme is more in error, the other less, and since it is hard to hit the intermediate extremely accurately, the second-best tack, as they say, is to take the lesser of the evils."⁵⁷ With respect to the virtue of giving uptake, I suggest that the more opposed extreme is in failing to give it, since the excess is more like the intermediate condition than is the deficiency. This reasoning would suggest that if we are to err, we should err on the side of giving more, rather than less, uptake.

This piece of general advice, though, must be mediated by another point that Aristotle makes: that "we must examine what we ourselves drift into easily . . . We must drag ourselves off in the contrary direction; for if we pull far away from error, as they do in straightening bent wood, we shall reach the intermediate condition."⁵⁸ So how do these ideas apply to dialogical responses and uptake?

The social organization of the United States is founded on structural inequalities. This means that many, if not most, of our social, institutional, and interpersonal relationships may be infused with power imbalances. When it comes to the uptake given various speech acts, we are not on a level playing field. Given the sociopolitical and material reality of our lives, how are we to understand our responsibility to give uptake? I suggest that those in a position of institutional or structural power relative to another bear more of the responsibility to give uptake to the disen-

⁵⁷Ibid., 1109a30.

⁵⁸Ibid., 1109b5.

franchised.

The origins of this line of reasoning can be found in a passage by Maria Lugones:

You [white/anglo women] are asking us [women of color] to make ourselves more vulnerable to you than we already are before we have any reason to trust that you will not take advantage of this vulnerability. So you need to learn to become unintrusive, unimportant, patient to the point of tears, while at the same time open to learning any possible lessons. You will also have to come to terms with the sense of alienation, of not belonging, of having your world thoroughly disrupted, having it criticized and scrutinized from the point of view of those who have been harmed by it, having important concepts central to it dismissed, being viewed with mistrust, being seen as of no consequence except as an object of mistrust.⁵⁹

As this passage says, part of being trustworthy involves being willing to take *prima facie* responsibility for the distrust of those to whom one stands in a relation of relative power. And to extend the point, I suggest that the responsibility to give uptake similarly lines up along dimensions of power.

People who are members of nondominant groups are much more likely not to have their part in dialogue given uptake. This is partly because this is the way power operates: those in a position to choose whom to give or not give uptake to *can* decide to ignore, twist, mock, or deny the voices of the marginalized, whereas members of nondominant groups learn to give uptake to dominant voices as a matter of survival, socialization, and internalized oppression. Social conventions converge with linguistic ones to shape our responses to others in terms of power relations. Furthermore, those in dominant groups do not recognize that there is a *prima facie* moral responsibility to give uptake to the disenfranchised; we are not aware of it, we do not think it applies to us, or we reject it as a moral responsibility altogether.

The lack of reciprocity in giving uptake—the asymmetry—is a common phenomenon embedded in systems of oppression. I have argued that those with relatively more power and privilege have a *prima facie* responsibility to give uptake to the claims of the disenfranchised that accompanies their position of power. This moral (and in some cases, legal) responsibility is weightier for those with more power in order that inequalities and injustices can be appropriately and fairly addressed. Such a responsibility does not require that we always agree with claims of the disenfranchised, but I do think the more powerful must be on guard against the tendency to be dismissive of those claims. Those in relative positions of power, then, will take a somewhat suspicious attitude towards their own convictions about rights and harms.

⁵⁹Lugones and Spelman, p. 29.

Conclusion

So how do we enter into meaningful dialogue with others, given the complexity of uptake and silence? Lugones provides a beginning to the answer by emphasizing a kind of dialogical openness:

Una conversacion: a word, a look, a gesture, directed out, anticipating a response that anticipates a response in turn without closing out meaning not already contained in the expectations; without pulling by the roots tongues that break the circle of expectations. Our creativity lies in our putting out gestures, words, looks that break closed cycles of meaning en un desafio erotico.⁶⁰

Conventions can close meaning. They can create meaning that is static and, as I argued, riddled with the social conventions expressing domination and subordination. As Langer says of those listening to Holocaust survivors, "[w]e should not come to the encounter unprepared . . . We cannot listen to what we are about to hear with normal ears."⁶¹ Being the sort of person who gives uptake rightly, then, requires that we learn to listen and converse differently. And learning to do that requires that we change not only speech patterns but our ways of seeing and being in the world.⁶²

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⁶⁰Lugones, "The Discontinuous Passing," p. 156.

⁶¹Langer, p. 20.

⁶²I am indebted to comments and suggestions from participants at the Chico, California conference for Concerned Philosophers for Peace in September 1997; anonymous reviewers for their helpful suggestions; and Robert Kimball for attentive criticism and encouragement.