

What is (not) said by Silence

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I feel every question like a shot. I have no words. I become motionless.

Belén López Peiró: 2021, p. 139

Introduction

The present article focuses on the scope of silence as a linguistic element that has Pragmatic value, in particular in the Argentinian chronicle titled *Donde no hago pie* and written by Belén López Peiró. The text is a reconstruction of the (legal) case of abuse suffered by the author and the following trial, where the victim is not able to answer several questions addressed to her. Due to her silence, which is a response to something (whether it is what she lived or else),

the court moderately dismisses her charges (given that the legal apparatus can act in the face of words but does not have a proper response when faced with “a void”).

We will analyse the tensions between law and literature, introducing Michel Foucault's vision on the topic. Furthermore, linguistic “tools” will be used in order to approach the value of silence, represented by the graphic mark “—...”, in the chronicle.

The Value of Silence

Silence is a way of saying and not saying at the same time. Not saying —whether by cause of fear, incapacity, election, or other motives— *says* something, indicates it. It can indicate, for instance, the reasons for which the person does not want to or cannot talk. In her *Introducción a la pragmática*, M. Victoria Escandell Vidal writes

(...) when silence is chosen instead of communication, the attitude of the subject in surroundings is exposed (...) we would soon ask ourselves why they are doing it: is it because of fear?, indifference?, to hide something?... Silence, then, has authentic communicational value when presented as a real alternative to the use of words (1996: 35).

The no-circulation of words, that linguistic obturation that silence is, could be synthesised in one word: void. A void means absence, lack of (words). Nevertheless, a particularity of the void is that (at least within and with the imagination) it can be filled. Silence is a space of not-being that can be anything. The person that listens to or reads the silence has the possibility of filling it with any piece of information they can think of. Silence is, ultimately, potency.

Inside the Chronicle

When Belén rewrites the declaration within the trial in *Donde no hago pie*, her silences are represented as “—...”. With this operation, silence is materialized, gains body, takes shape. Inside the limits of the virtual space that is the absence of words there could be, as we previously stated, anything. Or there could be nothing. There can be stories, memories, secrets. There could be pain.

In “Declaration”, one of the chronicles parts, Belén's silences are interspersed with her thoughts. For instance, we read “I want to leave”, “I do not want to declare again” and “Why the

fuck did I press charges” (López Peiró, 2021: 141 y 142). There is some sort of montage in which the lack of answers before the questions and the narrator’s elements of interiority are juxtaposed. What goes through her mind seems to explain, in a way, the incapacity to talk, to tell, to say, to respond, to answer. The intrinsic value of silence is that it can be potency and impotence at the same time.

For the law, that infinite potential found in silence is condensed in nothingness itself. If there is silence, there is nothing (that can be proved). What does not exist in the record does not exist in the universe, is not a part of (the legal) reality. Before all, the principle of innocence. If there is no evidence, there is no culprit. If there are no words, there is no justice. But what happens if the person cannot answer, precisely, *in consequence* of the actions that they suffered which give place to the trial? How do we act faced with this lack of words?

Belén is asked: “What made you, even when you knew that what was happening to you was wrong, not be able to break the silence?” (Ibid., p. 141). Immediately, the textual space replenishes (and answers with a) “Shhh...” (Ibid.). That “Shhh...” is a mental noise that is not externalised in the oral declaration, it is Belén’s mind speaking. It is the request for silence, for silencing the person that is speaking to her, for silencing her own mind. *What made you not be able to break the silence?* The *need* for silence.

Law as a fictional apparatus

One of the questions that silence evidences is the fact that the law (or at least, the file) is a fiction.

In one of his classes about Borges, Professor Enrique Pezzoni presents the possibility of exceeding historical succession, destroying the strong idea of causality associated with historical documents (1999: 36). There, he explains that historical texts are usually taken as an authority and the absolute truth (in the sense of being unquestionably accurate) instead of being taken as fictions. He says, in relation to the book that Borges writes about Evaristo Carriego in 1928, that “Borges inverts those relations [of causality] and shows that a story [and History] can be a fabrication, a creation, by whom registers it as a document” (Ibid.).

Just as historical documents can be seen as a creation or fabrication, we can see the law as a fiction: a great apparatus created by (and for) people. The file, as it leaves a series of events

outside of it, becomes a fiction. This one is not a mirror to “reality”, of how things happened exactly, but rather, it creates a reality (linguistic and the result of what people read and take as what really happened). In other words, we reject the idea that the file is totally and one hundred percent accurate as a representative of reality. In its place, we propose that what appears in the textual space of the law *creates* a reality meaning that I) it assembles some sort of reconstruction of the facts that can be less or more accurate in relation to how they really happened; II) it has concrete effects over reality.

Let us suppose that the facts given are A-B-C, in order. It may happen that the law, when reconstructing them, only restores A and C (because, being realistic, settings are never as simple as the three letters we suggest *ad loc*, where the facts are only three —A, B and C—; instead, actual reality is a complex and rhizomatic ensemble that is impossible to reproduce in a perfect manner, without any terms, ideologies or obturations affecting the reproduction), leaving B outside. In this sketch, B is silence, it is something that happened but is left out of the text. It is owing to this, partly, that the file is a fiction. The file does not reflect reality in an exact and unaltered form. In its place, it fabricates, writes, portions of reality (starting from personal readings of the former) and, at the same time, conforms a part of reality as it is a physical object in the world.

Belén López Peiró’s chronicle implies that what she lived exists as a silence in the space of the law. When they ask her questions in the declaration and she cannot answer, that lack of an answer appears as a void in the file. It is a portion of reality that does not figure in paper (such as our example, letter B). The law, in this case, comes out to us as a fiction that, before silence, is not able to (give an) answer. It justifies that lack of action (against the accused) in the already mentioned principle of presumption of innocence. Silence (the lack of proof) in the legal apparatus, derives in inaction. Again, what is not in the file does not exist in the universe. But... what if it could exist in a different universe?

Literature and law: between two universes of possibility

Given that we have established that the law is a fiction, we can say that, by opposing literature and law we are facing two systems of fiction. While one fiction (the law) is the norm that manages the disposition and intelligibility of the bodies in the social order; the other fiction

(the Other-fiction) challenges the regime of what has been established and says what (supposedly) cannot be said (or could not be said) in the virtual space of the file.

According to Foucault, Western literature

occupies in it [in the scope of discourses] a special place: consecrated to searching for the ordinary beyond itself, to trespassing limits, to discovering in a brutal or evident way the secrets, to shifting rules and codes, to saying the unspeakable, will have to therefore place itself outside of the law, or at least to make the weight of scandal, transgression, or revolt fall upon it. More than any other form of language literature is still the discourse of “infamy”, to it corresponds to say the most unspeakable, the worst, the most secret, the most intolerable, the shameless (1966: 60).

Literature becomes a space of resistance where that avoided in the file, in the law, can be visualised, can be seen. Literature is the place where B (following the previous depiction), followed by (what concerns us here) silence, appears, has a place. That presence can come into view in several ways and, in Belén’s chronicle, materialises particularly in a combination of punctuation marks: “—...” (a hyphen, the silence, and three dots, the suspense). Silence, everything that was said and what was not, everything that could be said and what was said by the act of not saying, condenses in “—...”. Literature, in a few words, is a discursive possibility alternative to that of the law.

As law does not (did not, in Belén’s case) take action before silence, literature turns into a possible path to transform that inaction into potency. This is due to the fact that it allows to “fill” or bring out that which has no voice in the law. Silence and the reasons behind silence become visible and cause an effect in the world (even if it is the diegetic world). Julio Ramos in “The law is other” talks about a “virtual space for the testimony of the Other that the ‘real’ law could not yet interpret” (1996: 5). If the law cannot interpret the silence nor generate a response when faced with it, then literature transforms into the “counter-discourse that grants the possibility and organization itself of the story that puts the emerging subject before a law that starts assuming an outdated form” (Ibid.). Therefore, a new fiction is created, “where what is projected, precisely, is the right to speak of the new subject whose testimony pressures and registers the limits of the legal order” (Ibid.).

One possible way of understanding the opposition between literature and law is to think literature in terms of the *feminine writing* presented by Nelly Richard. The author begins by

explaining the Semiotic/Symbolic dichotomy, seen as the inter-dialectic encounter of two subjectivation forces (1994: 132). She then develops the concept of *feminization of writing*, which “is produced every time a poetic or an erotic of the sign dam the contention/retention frame of masculine signification with its rebellious excedents” (Ibíd.). Thus, while the law would turn out to be the reglementary closure of the masculine-paternal culture, where there is no place nor response in the face of silence (pain), literature would be the “feminine becoming-minoritarian” that gives body to the multiple significations behind silence.

In the law, the silences mean the lack of existence. In literature, the silences give body to the narrative. The “—...” that represent nothing to the law, are what make the story move forward in the space of literature. Just as the story slowly takes form and advances based on those absences, the readers fill in the blanks through their own reading (Alison James, 2000: 45). Marcela Groppo claims (regarding French author Marguerite Duras) that “She finds in the hyphen—a textuality elaborated based off the presumption of something that is not yet—the expression of an impulse that has not realised itself as an act and as the image of inscription of the void in which writing plunges” (2006: 55). The hyphen, the silence, the void, the absence, overall, gain an irreconcilable value with the (no) space of the law.

Conclusion

To conclude, that (not) saying that silence is transforms into the unlimited potency that is literature in front of the closure or nothingness that it represents within the virtual space of the law. Literature, in other words, gives body to the silence, to that impossibility of saying. The pain and the story that are behind the void acquire meaning in the rhizome of literary fiction. There, that *punctum* of absence of voice grows into a voice that is worthy of being heard.

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