

## On the concept of testimony:

### 1. Testimony

**Testimony is the report of a witness. In the western philosophical and legal tradition, testimony is based upon and formally defined by the presence of the witness at the event - eyewitness, first-hand oral testimony or hearsay based on eyewitnesses, in court, bound by legal rules and other factors. Today, however, in a time of trauma, silence and difficulty in describing what we see, the ability of the witness to recount their story and accept responsibility for the general welfare is in crisis. The discourse of testimony plays a central role in discussions of the relationship between history and memory after the holocaust. Testimony appears in linguistic practices dealing with questions of truth, whether the testimony is conscious (in historical discourse) or unconscious (in psychoanalytical discourse).**

The concepts of testimony, **fact**, and truth are closely related. "To testify means not only to recount, but to commit oneself, to require oneself to account to another: to accept responsibility – in words – for history or the truth of an event, for what is, by definition, beyond what is personal, which has general validity and consequences." (Felman, 1991:5) The question of Testimonies form a link between history and narration, between what occurred and how memory recounts it. Testimony is a practice of discourse , a vow to report, to create a speech act as a tangible proof of truth. The crisis of testimony, like the crisis in the representation of events, becomes particularly important in view of the traumatic history of the first half of the twentieth century.

The question arises: Is the witness's testimony valid? Does the fact that they were present at the event really bring them closer to the "truth." Or, perhaps, as has often been said, their presence, on the spot, hides "the big picture" and limits their understanding of what is happening? What validity is there to testimony that isn't heard immediately, but only after some time has passed, time that may blur and undermine the witness's memory? Is it even possible to view that testimony as "authentic," given the fact that it is mediated by, and gains meaning from, many other testimonies about the event? What is the status of testimony that is given a second or a third time? Does repeating the testimony insure that the story will be preserved, or does it make alterations more likely?

From a work by Dan Erev and David Gurevitch, in preparation. Emphasis in the original.

## 2. The Differend/ Lyotard

A differend is a case of conflict between parties that cannot be equitably resolved for lack of a rule of judgement applicable to both. In the case of a differend, the parties cannot agree on a rule or criterion by which their dispute might be decided. A differend is opposed to a litigation – a dispute which can be equitably resolved because the parties involved can agree on a rule of judgement.

Lyotard distinguishes the victim from the plaintiff. The latter is the wronged party in a litigation; the former, the wronged party in a differend. In a litigation, the plaintiff's wrong can be presented. In a differend, the victim's wrong cannot be presented. A victim, for Lyotard, is not just someone who has been wronged, but someone who has also lost the power to present this wrong. This disempowerment can occur in several ways: it may quite literally be a silencing; the victim may be threatened into silence or in some other way disallowed to speak. Alternatively, the victim may be able to speak, but that speech is unable to present the wrong done in the discourse of the rule of judgement. The victim may not be believed, may be thought to be mad, or not be understood. The discourse of the rule of judgement may be such that the victim's wrong cannot be translated into its terms; the wrong may not be presentable as a wrong.

Through the idea of the differend, Lyotard has drawn particular attention to the problems of the presentability of the referent when the parties in dispute cannot agree on a common discourse, or rule of judgement (i.e. cannot agree on the genre(s) of phrase linkage). Justice demands, however, that wrongs be presented – we must at least try to “present the unrepresentable.” How is this possible? Lyotard does not believe that there is any easy answer. But for the sake of justice, we must try. We must identify differends as best we can – sometimes, no more than vague feelings attest to the existence of a differend. It may be the feeling of “not being able to find the words.” Lyotard associates the identification of a differend with the feeling of the sublime, the mixture of pleasure and pain which accompanies the attempt to present the unrepresentable. He privileges art as the realm which is best able to provide testimony to differends through its sublime effects [see Reason and Representation; Politics; Art and Aesthetics].

<http://www.iep.utm.edu/lyotard/#SH4c>

### 3. The face of the other/Levinas

EL: The approach to the face is the most basic mode of responsibility. As such, the face of the other is verticality and uprightness; it spells a relation of rectitude. The face is not in front of me (*en face de moi*) but above me; it is the other before death, looking through and exposing death. Secondly, the face is the other who asks me not to let him die alone, as if to do so were to become an accomplice in his death.

Thus the face says to me: you shall not kill. In the relation to the face I am exposed as a usurper of the place of the other. The celebrated "right to existence" that Spinoza called the *conatus essendi* and defined as the basic principle of all intelligibility is challenged by the relation to the face. Accordingly, my duty to respond to the other suspends my natural right to self-survival, *le droit vitale*.

[http://www.myjewishlearning.com/beliefs/Theology/Thinkers\\_and\\_Thought/Jewish\\_Philosophy/Philosophies/Modern/Emmanuel\\_Levinas/The\\_Face\\_of\\_the\\_Other.shtml](http://www.myjewishlearning.com/beliefs/Theology/Thinkers_and_Thought/Jewish_Philosophy/Philosophies/Modern/Emmanuel_Levinas/The_Face_of_the_Other.shtml)