Witnessing: On the Transmission of Perception and Knowledge through Credibility

Is Something ‘Known through the Words of Another’ a Form of Knowledge?

Whenever we learn a language, whenever we learn when we were born and the identity of our birth mother, whenever we acquire knowledge from earlier times and distant lands, whenever we are informed of the day’s events through news reports, whenever we look for a street or a train station on a city map, whenever we consult a lexicon in order to learn what terms such as ‘clay loam soil’ mean, whenever we learn anything through spoken or written instructions, then we are acquiring knowledge through the words of others. Is it possible to imagine acquiring any knowledge at all without communicating with others? How much of what we regard as experiential facts are actually experienced rather than ‘only’ heard or spoken?

To depend on information that is not ascertained by us but rather transmitted to us constitutes the basis of our practical and theoretical orientation towards the world, and this applies to science as well as everyday life. Knowledge acquired through the witnessing of others is a ubiquitous phenomenon.

What is even stranger is that this knowledge is not considered to be knowledge, according to the epistemological standards of philosophy, because knowing something means ‘knowing why’. According to the traditional epistemological perspective there are only two possible ways of explaining this ‘why’: either through direct perception or deductive reasoning (or the memory of direct perception or deductive reasoning in the past). No other sources of knowledge are taken into account except perception and deduction. Western philosophy thus deploys a concept of knowledge that denies the most widespread way of acquiring knowledge the status of ‘being knowledge’.

Of course the history of philosophy is more complex than this briefly sketched outline: Since the modern era several philosophers, including Leibniz, Hume, Kant, and above all Thomas Reid, have referred to the meaning and epistemological nature of ‘the testimonials of others’. In the last few decades in particular philosophers have revaluated witnessed knowledge, which is seen as legitimate precisely because it cannot be reduced to already recognized forms of knowledge, like perception and deduction. The act of witnessing has also developed into a genuine, irreducible source of knowledge ‘that neither requires nor is capable of feeding back
into allegedly more foundational sources’.244 And this means: ‘Testimony is a means of the creation of knowledge.’

Within the framework of the debate concerning ‘testimony’ among primarily Anglo-Saxon philosophers, therefore, knowing through witnessing has been rehabilitated and its status is now seen as equal to traditionally approved forms of knowledge.246 This perspective was the result of a methodological break with the theory of epistemological individualism in favour of a social epistemology, which acknowledges that our knowledge is inescapably dependent on others.247 I will return to this later.

What is most interesting about this epistemological rehabilitation of knowledge through the words of others is the argument with which it was achieved. In the debate concerning ‘testimony’ at least, the status of witnessed knowledge was elevated due to the fact that it is actually a form of knowledge that originates in and through the act of testifying. Witnessing is thus shown to be the genuine creation of knowledge. Conversely, this also implies that most philosophers reject the status of witnessing as knowledge because they interpret the act of testifying as a form of knowledge that can only be transmitted and not created.248

This is the central issue: Reflecting on the nature of witnessing means confronting the problem of transmitting knowledge. And it can already be established in advance that the philosophical rehabilitation of witnessing – which is both useful as well as necessary – draws on the latent or also manifest devaluation of what is merely due to ‘transmission’. Witnessing is of epistemological interest when and only when it proves to be the new creation of knowledge. In order to be philosophically acceptable, witnessing must be a form of production.249

This media-theoretical perspective presents the following question: Assuming that a witness ‘only’ functions as a medium for transmitting perception and knowledge, is it possible to specify the ‘creativity’ of witnessing in a way that does not negate but rather reconstitutes the transmission character of the event? My assumption (of course) is that this is possible, and it is for this reason alone that I am turning to the figure of the witness. The ‘creativity of transmission’ can be traced by examining the relationship between the witness and the audience for whom the testimony is given, and this social relationship is obviously rooted in ‘credibility’ and ‘trust’. The testimony of a witness can be considered a true statement that ‘gives’ listeners a knowledge that they previously did not possess only because and insofar as the listeners trust and believe the witness. The witness can function as a medium for transmitting knowledge, which at the same time produces new knowledge (on the
part of the listener), when and only when the listeners consider him to be *credible*. Trust and credibility thus constitute the ‘mechanism’ of knowledge founded on testimonials. This ‘mechanism’ is a thoroughly social process, which Thomas Reid saw before anyone else: Reid refers to a ‘social operation of mind’ related to witnessing, which he associates with the principles of ‘credulity’ and ‘veracity’.\(^{250}\)

What does ‘trust’ mean? To trust the other is to be convinced that what the other does is *right*. To regard the other as credible and truthful is to assume that what he says is *true*. Trust, credibility, and truthfulness are only important in situations of insecurity and uncertainty. When something is certain, trust is not necessary. ‘Witnessing’ is only important when something is not known. It is therefore no surprise that ‘being a witness’ is a term taken from legal proceedings, especially criminal proceedings. Its etymological origins lie in the legal sphere, and it is there that its defining conceptual contours can also be established.\(^{251}\)

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**On the ‘Grammar of Witnessing’: Reflections on Legal Witnessing**

The paradigmatic situation of legal witnessing provides an ideal starting point for understanding what a witness is. Five aspects of legal witnessing are particularly relevant: (i) the creation of evidence, (ii) perception, (iii) speech acts, (iv) the audience, and (v) credibility. These aspects constitute what I am calling the ‘grammar of witnessing’.

(i) **The witness creates evidence**: Whenever a legal dispute is to be decided there are contradictory ways of judging an event. The task of the court is to ascertain the facts and render a verdict. Witnesses are people who are deployed in this process as a means of providing evidence (this ‘objective’ form of expression is important); they ‘serve’ as ‘objects’ and ‘instruments’ for the acquisition of factual knowledge, which underlies the court’s ability to reach a verdict. Witnessing thus produces evidence.\(^{252}\) The witness only appears in situations where something is not known: ‘One becomes a witness only when one can no longer rely on knowledge and when testimony […] must nevertheless relate to a series of occurrences that is in itself not-one’ in the conflict between competing accounts of an event.\(^{253}\) The investigation of the ‘truth’ is neither an end in itself nor an evaluation of the ‘right’ version of a story; rather, it is supposed to enable the court to reach a fair verdict. It is not supposed to ascertain simply truth or falsity, but rather guilt or innocence. The evidence that the witness creates can also have serious consequences: it changes people’s lives – and sometimes also leads to death. In ancient Jewish legal proceedings the witnesses were required to throw the first stone of execution.\(^{254}\)
What matters here is that the epistemological uncertainty that is typical of witnessing is associated with legislation. Witnessing thus culminates in an act of ‘restoration’ in the broadest possible sense as the eradication of an imbalance that includes the socialization of private knowledge as well as justice for the victim and atonement for the perpetrator. If the witness creates evidence and his function is embedded in the ‘restoration of a social equilibrium’, then his truth claims always have a practical, ‘humanizing’ dimension.

(ii) The witness is able to testify by virtue of his perception. The witness was physically present at an event that occurred in the past; he saw something ‘with his own eyes’ and thus bears witness to a direct perception, something he experienced himself. This ‘principle of immediacy’ is highly valued in court proceedings. Reports from others also count as something perceived through witnessing, and hearsay testimony is today – in Germany at least – a legally admissible form of evidence. With hearsay it is not an event that is witnessed but rather the report of an event: it is therefore an inferior means of evidence. This was already true for Plato as well as Plautus, who believed that one eyewitness was worth more than ten hearsay witnesses.

By any account, therefore, the perceptual foundation of giving testimony is this: To have had a perception constitutes the conditio sine qua non of witnessing. Only the ‘perceptions of a witness’ can be an ‘appropriate object of testimonial evidence’. This distinguishes the witness from the expert, who does not report his perceptions but rather makes his expert knowledge available to the court. The witness is sought because he was an observer. He only counts as the recipient of an event. His cognitive and evaluative activities, such as his opinions, valuations, or conclusions, are not relevant; they disrupt and cloud the process of testifying and thus they remain definitively excluded from legal proceedings. Anyone capable of perception can be a witness.

The dilemma of witnesses who are at the same time victims is grounded in this recipient and observer status. The ideal witness – in the legal sphere at least – is not involved in the event being witnessed.

(iii) The witness discursifies what he perceived: The witness must not only have perceived something, but also reported it. Witnessing is thus based on the transformation of a perception into linguistic testimony. Something seen is transformed into something spoken, and the sensually received is transformed into linguistic sense. The witness must perform a kind of translation or transcription of his private experience into a public statement. This is an extremely fragile process. In order for the witness’s
statement to be considered a truth claim, which can then be utilized by the court, it is heavily ritualized and institutionalized – and not only when it takes place under oath. The witness does not simply talk and report, but rather he performs a speech act in an institutional-theoretical sense. In the first place, only those who are called to the witness stand are authorized to bear witness. In other words, the witness's statement is only considered true because it is spoken in the witness stand.\textsuperscript{266} There are therefore harsh punishments for perjury and false testimony.

(iv) \textit{The activity of the listeners:} The witness must have not only perceived something and spoken about it, but also spoken to someone. It is impossible to bear witness without listeners or an audience. The listeners are unaware of the event about which the witness is testifying; otherwise, they would not need the witness. There is therefore a fundamental asymmetry between witness and listener. The event to be cleared up is irrevocably past; no words are capable of repeating it. It is impossible to assess the truth content of the witness's statement by direct ‘reality testing’.

Testimony is therefore not a monologue, but rather an interaction between the witness and the listener(s) that consists of questions and answers. In a trial there is a distinction between the ‘statement’ and the ‘questioning’ of the witness.\textsuperscript{267} The witness's statement evolves as part of a dialogue, as the listeners’ questions always also determine, direct, and shape what the witness presents with his words and how he does this. The witness's statement is not only a speech act, but also at the same time an act of listening.

(v) \textit{Credibility:} Mental conditions like perceptions and experiences are not transmissible. As John Durham Peters laconically remarks: ‘No transfusion of consciousness is possible. Words can be exchanged, experiences cannot.’\textsuperscript{268} The possibility of lies is thus inherent in every testimony. No matter what the witness says, it can – in principle – be false testimony. This distinguishes witness statements from ‘ordinary traces’ or indexical signs, which can be misread and misinterpreted but cannot ‘lie’.\textsuperscript{269} Given the empirical unverifiability of the truth of witness testimony, the illocutionary force that enables the words spoken by the witness on the witness stand to be considered true is also stretched to its limits. The credibility, truthfulness, and trustworthiness of witnesses thus become more essential. The witness vouches for his words with his character: The truth of his sentences is based on the truthfulness of his character. Only a trustworthy witness is convincing. But trust can always be betrayed – otherwise it would not be trust.

This shows that the concept of witnessing has an ethical dimension.\textsuperscript{270} And it is no surprise that the verification of the credibility of witnesses
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constitutes an important element of the work of the court.\textsuperscript{271} Is the concept of oral testimony\textsuperscript{272} rooted in this sense of personal responsibility, which privileges the voice as a (more or less authentic) trace of the person and at the same time ensures that the participants are able to look each other in the eyes?\textsuperscript{273} As Niklas Luhmann points out, talking in the presence of others helps to prevent a breach of trust.\textsuperscript{274} The listeners’ lack of knowledge thus corresponds to the trust they place in the witness, which attributes credibility to him: the transmission of knowledge is only possible with the help of the social bond of trust.

There are five conditions that constitute the ‘syntax of witnessing’: (1) In a situation of uncertainty, where knowledge is lacking, the witness creates evidence in the sense of fact-finding; this, in turn, becomes the basis of the verdict. (2) The witness was ideally a disinterested observer of an event that took place in the past, and the basis of the witness’s testimony is his perception of this event. (3) The witness must transform his sensory experience into a verbal statement, and this speech act is considered true precisely because the witness is institutionally authorized. (4) Witnessing is an interaction between the witness and the listeners, as the expectations and questions of the listeners always also influence the content of the testimony. The listeners thus represent a constitutive element of witnessing. (5) The witness’s statement is recognized to be true not only because of the witness’s institutional authorization, but also because of his trustworthiness.

I call these five structural elements the ‘grammar of witnessing’. It does not require tremendous powers of imagination to realize that this ‘syntax of witnessing’ is related to the concrete practice of witnessing like school grammar is related to everyday speech: We are able to communicate with each other in everyday life without speaking in grammatically correct sentences. It can therefore be assumed that real witnessing (and its dilemmas) differs from the standards of ideal witnessing. I will now look at what causes this deviation.

On the Pragmatism of Witnessing: The Ambivalence of Witnessing

It is easy to identify and label the cause of this deviation: It is the fallibility of witnessing as an instrument for producing evidence.\textsuperscript{275} The witness is a means of evidence, yet the act of bearing witness is a process that remains extremely prone to error and subject to failure. To express this idea in the style of Giorgio Agamben: The potential of witnessing also contains the failure and impotence of witnessing.\textsuperscript{276}

This also applies to the thoroughly institutionalized and socially controlled sphere of the law. The appearance of witnesses in criminal trials
seems so natural that it is hardly ever reflected upon or problematized. However, in his essay ‘Witness Evidence on Thin Ice’ jurist Bernd Schünemann calls attention to the fallibility of witness testimony in a way that is unusually critical for a work of legal scholarship: ‘Disinterested witnesses suffer from poor observation, poor information processing, poor information storage, and poor information reproduction, while interested witnesses often tend to manipulate information reproduction. In the postmodern age, therefore, witness testimony must qualify as the most problematic means of evidence.’

Schünemann explains why criminal trials nevertheless do not fall apart due to the fallibility of witnesses by mentioning another fact that further problematizes the demonstrative strength of witness statements: According to Schünemann, these statements are so indeterminate that they can be extensively formed over the course of legal proceedings: Witness statements are already decisively directed and shaped by the hypotheses of the police officers who conduct interrogations. These are also the same officers who – without exception – prepare records of interrogations in writing, and this privileging of writing as opposed to other means of recording further shapes witness statements by reflecting the interrogators’ priorities and assumptions concerning the event. During the main trials, on the other hand, judges nevertheless tend to overestimate incriminating witnesses and underestimate exonerating witnesses: a ‘solidarity effect’ between lawyers and judges is thus a regular and empirically verifiable reality.

It is not necessary here to discuss legal assessments. These few references are already sufficient to show that there is something fundamentally problematic about the witness function.

Social-psychological studies also clearly illustrate the relativization of the evidentiary strength of witnessing. Different people present at the same event will provide different accounts of the event. Identification errors involving people and faces are also the order of the day: From the perspective of the perceivers hair colour, clothing, facial features, body sizes and much more are constantly changing like a chameleon. Although memory is weak, a willingness to eliminate dissonance and incongruity deludes people into making blurry perceptions into detailed statements or transforming the factually indistinct into the fictionally sharp. People would rather obey the logic of a narrative structure than admit the lacunarity and uncertainty of their own experience.

It is hard to deny that the practice of witnessing deviates from the ideal of witnessing.

If the deformation of a form in the act of its implementation, its deviations from a set pattern in the course of its realization, and the failure of a complex
praxis in contrast to its simple program were remarkable for nothing else they could at least call attention to the trivial fact that the concept and the reality are – as always – different. However, if a performative approach is employed then the otherness of praxis with respect to its normative and theoretical standards does not appear simply as a lapse or a deformation, but rather as an expression of ambivalence and aporia, which are immanent in the thing itself. In this sense the practice of witnessing, which is shaped by its fallibility, alludes to an aporetic structure that is inherent to the ‘grammar of witnessing’. And an explanation of precisely this aporetic structure leads to the core of what it means to say that the witness is a medium – or at least this is my hypothesis.

The idea of regarding witnesses as media can be traced back to John Durham Peters. He characterizes witnesses as ‘the paradigm case of a medium: the means by which experience is supplied to others who lack the original’. And for Peters the undeniable ‘unreality of witnesses’ is rooted in the transmission character of witnessing, as the witness must turn a subjective experience into an objective discursive form. The private inner world of experience is thus transformed into a public statement, and something mental is transformed into something that is socially accessible: The discursifiability of experience thus enables the generation of evidence through testimony.

I would like to pursue this observation a little further. It is perhaps obvious, but it is still worth mentioning: People function as witnesses, witnesses are people. There is therefore a tension between the depersonalization of the witness, which is reflected in the notion of the witness as a medium, and the credibility and trustworthiness of the witness, which is exclusively embodied in the person of the witness himself. The witness is at the same time both a ‘thing’ and a ‘person; he functions as a ‘means to an end’, yet he is also an ‘end in itself’. When regarded existentially, the witness is a person; when regarded functionally, the witness is an object and an instrument. This constitutes the ambivalence of witnessing – from a media-theoretical perspective.

One juridical fact is particularly revealing concerning the status of the witness as thing and object. The ‘object quality’ of the witness is actually foregrounded in the code of criminal procedure. Due to the importance of ascertaining the truth when there is a breach of the law, the notion of the witness as a subject with his own demands and needs for protection recedes into the background. It is thus remarkable that modern court proceedings tend to increasingly promote and strengthen the subject position of the witness; this development began with the successive expansion of the right to silence
(such as in the case of questions that concern the past life or intimate life of the witness) and it culminated in the institution of the ‘witness advisor’, which was first introduced in 1974.285 According to Bernd Schünemann, the expansion of the legal status of the witness advisor involves the danger that the witness will no longer occupy a position between the disputing subjects, but rather the witness himself will be treated ‘like a party’ in the case; in other words, the witness will be treated like a subject in the lawsuit.286

This tension between neutrality and involvement becomes more openly visible in criminal proceedings where the victim is at the same time also the (sole) witness. Yet what culminates and manifests in the situation of the victim-witness is a latent dilemma that is inherent in every act of bearing witness. I will return to the issue of survivor testimony later, but for now let me attempt to characterize this dilemma once again:

(i) Witnesses are always people who have perceived something and thus had an experience that is not accessible to those before whom they bear testimony. Because perception and experience are mental acts, the ‘craft’ of witnessing does not consist solely in transmitting these private experiences through public, openly accessible speech. Rather, the Archimedian point is that the witness presents a narrative of his experiences as if they had been passively recorded rather than (actively) lived. The witness must behave as if he is a ‘blank slate’, a disinterested seismograph, a meticulous recording instrument that registers an event in an entirely literal sense. Strictly speaking, it is neither experience nor knowledge that the witness relays, but rather something much simpler: Data and information that is still on the verge of being ‘processed’ and ‘integrated’ into something like experience or knowledge. It then becomes the task of the listeners to synthesize the witness’s ‘simple’ information about an event and give it the coherence of knowledge. It is precisely by acting as a recording device that the witness is able to convey something out of which new knowledge can actually emerge for the listeners. However, this presumes that the witness is able to separate the instance of perception from the processing of perceptions, which transforms them into an experience or a form of knowledge. If the witness talks about his experience, he disrupts and undermines his function as a messenger who relays ‘acquired data’. To say that the witness is a medium basically means that his personal experiences and synthesized knowledge are not relevant; rather, he is nothing more than an instrument for recording data.

(ii) There is an unbridgeable asymmetry between the ‘knowing’ witness and the ‘unknowing’ listeners. The performative strength of the witness’s statement, whose truth is supposed to be guaranteed by the fact that this
statement is spoken under certain institutionalized conditions, is thus at the same time bound to the personal credibility and trustworthiness of the witness. The witness must prove to be an objective seismograph while at the same time as a person embodying an integrity that consists in the correspondence between his mental state and his statements, between his private inner world and his publicly accessible external world. Considering the complexity of our psycho-physical existence, this integrity is – if anything – an ideal that is virtually unachievable. More importantly, this trustworthiness is not explicable in words: Saying ‘I am trustworthy’ does not make someone trustworthy.

The fundamental dilemma of witnessing thus consists in the Janus-faced character of the witness role, which involves and requires being both a medium and a person. Personality and depersonalization are both necessary to make the mediality of the witness possible. To say this in the terms of antiquity: One only functions as an end for others by at the same time appearing as an end in oneself.

In order to examine this aporetic structure in greater detail, I will now trace two distinct types of witnessing: the sacred witnessing of martyrs and the profane witnessing of survivors.

Martyrs

In the christological perspective, the concepts μάρτυς (‘martys’–witness), μαρτυρείν (‘martyrein’–witnessing, being a witness), and μαρτύριον (‘martyrion’–testimony) successively adopted the meaning of ‘martyr’ as someone who vouches for the truth of his testimony with his life. Insightful references to the dilemma of witnessing can be found in this metamorphosis from the concept of the witness, who testifies through what he says, to the concept of the martyr, who testifies through the suffering of his body.

Let us begin with an observation in Søren Kierkegaard’s *Practice in Christianity*. Kierkegaard distinguishes between two kinds of truth: On the one hand, there are truths that are transmittable, and thus teachable and learnable, and the aim of these truths is to produce a form of knowledge that can be verbalized and communicated within a community – in a way, they are therefore a ‘public good’. On the other hand, there are non-transmittable truths, which can be neither stated nor taught but rather only shown; these truths are not given as a ‘result’ but rather only as a ‘path’ that cannot be acquired through others but rather only experienced by the individual. This truth is no longer a quality of statements formulated in a commonly shared language; rather, it is an attribute of the life of the individual: ‘And hence, Christianly understood, the truth consists not in
knowing the truth but in being the truth. In spite of the newest philosophy, there is an infinite difference between these two.288

Kierkegaard’s distinction between ‘knowing a truth’ and ‘being a truth’ can be described as a distinction between a discursifiable and an existential truth. In religious terms, Christian truth can be understood as an existential truth. This involves two implications:

(i) Christ himself is considered to be a figure that attests to an existential truth, which nevertheless remains inaccessible to humans: Christ is precisely the truth that he testifies. It is fundamentally impossible for him to answer Pontius Pilate’s question ‘What is truth?’ because a question-answer structure lacks what might be called today the performative character of the ‘truth of Christ’: An answer to Pilate’s question would amount to a performative self-contradiction.289

(ii) The concept of testifying to the truth of Christianity by ‘being a martyr’ is thus based on the impossibility of bearing witness to a truth and thus only being able to show it through bodily suffering and one’s own death. Indeed, Kierkegaard also concludes that martyrdom, suffering for the sake of one’s faith, applies in a sense to all Christians.290

Kierkegaard’s considerations provide a suitable entryway into the Christian reinterpretation of witnessing insofar as he grasps the clear difference between religious witnessing and epistemic as well as juridical witnessing. While the epistemological and legal view of witnessing are based on the transmittability of experience, the Christological view of witnessing – from Kierkegaard’s perspective – assumes that it is impossible to relay Christian experiences through language. This is remarkable, for the aporia that a ‘witness’ precisely cannot witness effectively ‘compels’ the testimony of the truth to take a different route: If testimony cannot be given in words, it must be given through the body, suffering, and life.

While Kierkegaard conceives of witnessing through words and through suffering as a systematically explicable dichotomy that creates an unbridgeable divide between the legal and the martyrological meaning of testimony, Markus Barth shows how in the New Testament the word ‘martys’ was used in at least three different ways, which connects it to the legal-epistemic perspective.291 His main point is that the ‘apostles’, who in a literal sense are considered the ‘delegates of God’, unite the three properties of ‘martys’ as their speech, life, and death combine all three versions of witnessing.

(i) First, there are eyewitnesses.292 The New Testament thus complies with common legal practice: A witness is someone who was present at a particular event, was able to perceive this event by listening and seeing, and then provides an account of this perception in words. The apostles were
eyewitnesses, as they encountered Jesus after his death and they thus bore
witness to the resurrection. This was the original meaning of witnessing:
The resurrection was improbable and unusual, but the apostles testified
that it was something they actually perceived. The role assigned to the body
is particularly significant, as bodily presence constitutes the *sine qua non*
of being an eyewitness. This bodily presence involves being able not only
to see with one’s eyes and to hear with one’s ears but also to feel with one’s
hands, as Jesus invites the disciples to touch him. As Markus Barth notes,
the disciples became ‘indissolubly’ one with the ‘incarnation of Jesus Christ’
through seeing, hearing, and touching.

(ii) Second, there are *confessional witnesses* and *faith witnesses*, who do
not bear witness to an external perception but rather to an internal condi-
tion or personal conviction. These witnesses feel called upon to serve as
advocates and promoters, and they avow themselves as Christians before
Jews and non-Christians. The ‘inner world of personal conviction’ is a
new dimension that separates confessional witnesses from legal witnesses.

It is characteristic of the apostles that they integrate the functions of
both eyewitnessing and confessional witnessing: The apostles represent a
point of intersection where the testimony of (internal) faith can be traced
back to the testimony of (external) facts: ‘Which we have heard, which
we have seen with our eyes, which we have looked at and our hands have
touched – this we proclaim.’

(iii) Third and lastly, there are *witnesses of suffering and death*. As Barth
explicitly emphasizes, however, this does not refer to someone who ‘earns’
an honorary title by suffering, like the early Christian martyrs. While
martyrs were witnesses in the conventional sense because they were killed,
witnesses of suffering in the biblical sense were killed because they were
witnesses. Death is therefore not a prerequisite for but rather a result of
being a witness. Socrates is a witness in this sense, as is Jesus himself,
who became the ‘archetypal’ witness of death. The same also applies to
the apostles, who died because of their faith.

The apostles were ‘delegates’, therefore, because they combined all three
modalities of witnessing. On the other hand, this leads to an interesting
implication: If the apostles are the only people able to bear witness to Jesus
as a perceived event and their faith is thus based on and can be traced back
to ‘having been there’, and if the apostles alone personally embody the triad
of eyewitness, witness of faith, and witness of suffering, then martyrrological
witnessing, which is not yet available to the apostles in the New Testament,
becomes inevitable, for there can no longer be any sensual and therefore
transmittable experience of the divine as revealed through the resurrection.
of Jesus. But how can the authenticity of the *belief* that Jesus is the son of God be guaranteed if this subjective belief can no longer be ‘legitimized’ through eyewitnesses? The ability of words to guarantee the truth is thus no longer dependent on the corporeality of eyewitnessing, but rather on martyrdom. For Jesus and the apostles suffering signified an *a posteriori* condition for being a witness, but it subsequently became an *a priori* condition, which lead to the emergence of ‘martyrs’ in the conventional sense. The visibility, exteriority, and sensual corporeality of torture and death thus compensated for the invisibility, interiority, and spiritual intellectuality of a faith that is no longer able to bear witness to ‘facts’. Words no longer refer to the bodily perception of an event, but rather to the experience of suffering death. The ‘dying messenger’ similarly bears witness through suffering. In this sense, there is a surviving letter concerning the martyrdom of Bishop Polycarp that was sent from his congregation in Smyrna to a congregation in Phrygia in the second century A.D., and it can be considered the first text to employ a ‘fixed martyrrological use of language’.

Perhaps it is now clear how the christological and martyrrological sense of witnessing sheds light on the concept and problem of witnessing in general. The martyr transcends and surpasses the primal scene of legal witnessing and it reveals an aporetic structure that is inherent to the phenomenon of witnessing itself. To start with, the origins of legal witnessing and faith witnessing are similar: The legal context provides the basis for eyewitness testimony, and the special position of apostolic testimony is a result of this. The materiality and sensitivity of touching and feeling forges a corporeal bond between Jesus and the disciples, who acquire the ability to testify that the ‘risen’ Jesus is ‘the son of God’ through their physical, tactile, visual, and auditory connection to him. For the Christians, however, this bond no longer exists. They bear witness not to the *immanence* of their perception, but rather only to the *transcendence* of their faith. The dilemma is obvious: They must publicly bear witness to something that is not publicly accessible. This situation reveals the entire problematic of witnessing.

Faith witnessing does not involve a form of (intersubjectively verifiable) *knowledge*, which can be transmitted; rather, it concerns a thoroughly private ‘conviction’ or belief. This, then, is the fundamental situation of being a Christian. Kierkegaard also points out that words no longer count at all; only life itself is still able to vouch for something. The authenticity and coherence of a Christian’s inner conviction can only be witnessed through the authenticity and coherence of his external behaviour. The truth of testimony, or in this case the truth of the testified belief, can therefore only be shown through the truthfulness of the person or his credibility. And the
credibility of the person as a medium for transmitting messages is strongest when he is prepared to be depersonalized through dying and death. It is not simply the person but rather the **behaviour** of the person that authenticates his testimony and the borderline case of this behaviour is self-abandonment in death. Does the martyr embody the topos of the dying messenger?

**Survivors**
The martyr testifies by **dying**, but the survivor of a catastrophe testifies by **living**. The survivor witness is another extreme form of witnessing, and it reveals dimensions that surpass the classical situation of legal witnessing while at the same time bringing to light dilemmas that apply to witnessing in general. Through the process of coming to terms with the Holocaust and forming a cultural memory of this event, the survivors of concentration camps impressively illustrate these ‘fractures of witnessing’. In his edited collection *Nobody Bears Witness to the Witnesses: The Culture of Remembrance after the Shoah*, Ulrich Baer conceives of the Holocaust as a fundamental historical crisis of witnessing. I will now attempt to explicate the ‘fractures of survivor testimony’:

(i) **Witnessing on condition of the loss of identity**: The idea that the witness can occupy the role of an external, neutral observer is part of the ‘grammar of witnessing’, but the survivors of a catastrophe are always victims. The convergence of their victim status and their role as witnesses makes it impossible for them to remain ‘neutral’ observers. Witnesses are ideally expected to separate their passive perception of a situation from their active processing of this perception into an experience that is informed by opinions, beliefs, and emotions, but this is hardly possible for survivors. The fact that this separation is **fundamentally** illusionary – independent of the victim perspective – shows how survivor witnessing crystallizes a dilemma that defines all forms of witnessing. Incidentally, Renaud Dulong’s approach to the question of what constitutes an ‘eyewitness’ is based on this dilemma of being subject to the paradigm of objective registration yet at the same time not being able to fulfil it – in contrast to recording media like photography and film. Dulong conceives of the ‘eyewitness’ as something precisely beyond the epistemic observer paradigm, and he thus interprets it as a fundamental ethical constellation and challenge. Survivors are not witnesses in a historiographic sense. In the words of Sigrid Weigel, the survivor witness is to the legal or historiographic witness as a lament is to an accusation.

This context sheds light on an exhortation by the SS to concentration camp inmates, which was recorded by Levi and often cited: ‘None of you will
be left to bear witness, but even if someone were to survive, the world will not believe him. Dori Laub refers to the Holocaust as an ‘event without witness’ and states that ‘what precisely made a Holocaust out of the event is the unique way in which, during its historical occurrence, the event produced not witnesses. Not only, in effect, did the Nazis try to exterminate the physical witnesses of their crime; but the inherently incomprehensible and deceptive psychological structure of the event precluded its own witnessing, even by its very victims. This lack of witnesses did not simply consist in the fact that the dead could not testify to their deaths and that given the enormity and ‘incredibility’ of the survivor’s experiences their stories would not be accepted as testimony. No, this dilemma involves yet another dimension: There were only victims and perpetrators in concentration camps, and therefore there could be no neutral observers. This means that from the perspective of the perpetrators the inhumane practices experienced by the prisoners contaminated them so extensively that they were deprived of their identity and their humanity and they thus became ‘inhuman’. The integrity of one’s own personhood, which must at the same time have been regarded as the (legal) condition of witnessing, was thus subject to destruction.

Giorgio Agamben has reflected on this more recently by reference to the figure of the ‘Muselmann’, which embodies precisely this loss of personality. ‘Muselmann’ is camp slang for a prisoner who has given up and who has been forsaken by his comrades. He is regarded as a mummy or as the living dead. He is no longer consciously alive and cannot differentiate between good and evil or kindness and malice; he cannot even differentiate between life and death, as even the will to survive has faded. The ‘living corpse’ of the Muselmann is no longer a person. At the same time, however, he is also ‘the complete witness’. The Muselmann thus embodies the fundamental paradox of witnessing the Holocaust: By mutating into a non-human, a victim of the Holocaust is (no longer) able to bear witness according to the ‘grammar of witnessing’; at the same time, however, he is also ‘the true witness, the absolute witness’. The impossibility of speaking is thus inscribed in the speech of all Holocaust survivors, and the impossibility of witnessing is the Holocaust survivor’s cross of ash.

(ii) Witnessing as Restoration of Identity: This aporia – bearing witnessing to the impossibility of bearing witness and thus articulating what cannot be articulated – nevertheless makes the recounting of events necessary, important, and meaningful. The meaning of these stories does not lie in what they contribute to the reconstruction of history and the formation of historical knowledge. Rather, the testimony given by survivors is primarily an act that restores their identity and integrity as victims of this event. It is
therefore not surprising that these survivors remained silent immediately following World War II: Some historical distance was needed before it was possible for Holocaust survivors to speak as witnesses. As a result of this distance survivors were able to speak not only as humbled victims of concentration camps, but as respectable and respected contemporaries and thus as people who their have found their way back into life again – insofar as that is possible. Holocaust witnesses thus speak on behalf of the present and not simply the past.

What matters most in these accounts is not the testimony of facts but rather the performance of witnessing itself. It is an act that precisely does not obey the logic of a ‘demonstrative speech act’. Interviews with survivors resemble psychoanalytic dialogue in many respects: As Geoffrey Hartman emphasizes in his reflections on Holocaust witnessing, traumas are (according to Freud) events that have not been emotionally and intellectually processed and that resist being integrated into experience. Articulating these monstrous events is thus a means of integrating them into one’s own biography, becoming consciously aware of oneself as a being who incarnates history in its cruelest form, and also existentially accepting this role for oneself. As Arthur Danto points out, ‘to exist historically is to perceive the events one lives through as part of a story later to be told’. For the survivors of the Holocaust, such a re-humanization through witnessing is only possible if it establishes a kind of ‘affective community’ with the listeners: Interviews with survivors thus become a collective ‘social act’. Like every act of witnessing, the addressee is an integral component of survivor testimony. In the case of survivor testimony, however, the ‘trustworthiness’ that constitutes the *conditio sine qua non* of a person’s capacity to testify is transferred to the listener: It is the interviewer who endows trust in the survivor and his ability to communicate his past experiences.

Is the structure of survivor testimony exceptional because the survivor turns the listener into a medium for his testimony and thus transforms the listener himself into a witness? Does the hope of the Yale Testimony Project consist in ‘providing a witness for the witness’? Does the interrelationship of a double witnessing – namely, of the survivor as well as the listener – correspond to the interrelationship of dehumanization and rehumanization? Survivor testimony is exceptional because the listener himself is transformed into a kind of medium or ‘secondary witness’. As Dori Laub writes: ‘Bearing witness to the trauma involves the audience in that this audience functions as an empty surface on which the event is inscribed for the first time.’ The impossibility of witnessing caused by the loss of personal integrity is thus compensated through the restitution
of personality in the social act of the interview, in which the interviewer testifies to the survivor’s capacity to testify by recognizing and treating the survivor as a person who bears witness.

Social Epistemology
After discussing two extreme forms of existential witnessing – the martyr and the survivor – I want to return finally to the ordinary, everyday dimension of bearing testimony. It concerns the knowledge that we acquire through the words and writings of other people. In contrast to the ‘formal testimony’ given in a legal context, Coady identifies knowledge acquired through the words of others as informal or ‘natural testimony’.324 We are able to acquire knowledge about things that we could never experience on our own through the first-hand, second-hand, third-hand, etc. accounts presented in books, pictures, television, films, newspapers, maps, and timetables, and we (must) naturally depend on others for this knowledge.

The analysis of assertory speech acts has adequately examined speech acts whose illocutive role is that someone not only says something but at the same time also claims that what he says is true.320 However, there is a significant difference between ordinary assertions and informal testimony: An assertion involves a truth claim, as the speaker believes that what he says is true, and these claims can be rejected. If a person has good reason to doubt such a claim, he may enter into a discourse concerning the truth or falsity of the assertion and the one who asserted the claim must also be able to provide evidence. When bearing testimony, however, the statement itself is also at the same time evidence that what is being said is true – an idea that is embodied in the paradigmatic figure of the legal witness. This kind of performativity enables the emergence of new knowledge through the collective circulation of testimony326 – and it does not require belief in the solidarity of the source of the information. This once again raises the issue of trustworthiness, which is inevitable when discussing testimony. The key element of testimony is not the truth of the statement, but rather the truthfulness of the person. The truth of a statement thus depends on the truthfulness attributed to the people or the reliability attributed to the institutions that inform us. In a way, people ‘blindly’ accept the truth of a statement insofar as they have confidence in the trustworthiness of the information source.327 In everyday ‘natural testimony’, the condition of trustworthiness assumes the prosaic form of ‘good informants’ and ‘useful information sources’.328 Trustworthiness is therefore always subject to power, politics, and practices: As Steven Shapin was able to show, in the
seventeenth century ‘gentlemen’ were considered trustworthy witnesses of experiments in the context of the Royal Society.329

What matters here is what remained unquestioned in this form of knowledge transmission. Although information sources can (or could) in principle always be critically verified,330 people generally refrain from doing so because they trust the parents who teach them language, the teachers who educate them, the lexicons they consult, and the news reports they watch on television. It is impossible for people to orient themselves in the world any other way. The notion that people acquire most – if not all – of their knowledge through the testimony of others applies not only to everyday life, but also to science and research itself.

The reductionist position – whose most prominent representative is David Hume331 – argues that the knowledge acquired through the testimony of others can be substantiated and single-handedly justified through the listener’s own perception, memory, or inductive reasoning. According to this position, therefore, the individual’s perceptual organs and abilities constitute the basis of testified knowledge. However, this supposition is absurd: In practice it is impossible for people to verify all of their knowledge in this way because testimony usually involves facts and perceptions that are beyond the scope of what listeners are able to find out for themselves.332

There is therefore an ‘irreducible asynchrony’ in all situations that involve bearing testimony333 – and is this surprising in the context of the messenger model? Nevertheless, there is yet another reason for the necessity and irreducibility of bearing testimony: Perception is not the foundation of knowledge, but rather it is also tied to concepts that enable something to be perceived as something in the first place; furthermore, these concepts are based on language, and it is impossible to acquire language without acts of knowledge through the words of others.334

This insight constitutes an epistemological turning point in these reflections on the ‘inescapability’ of bearing testimony in everyday life as well as scientific practices. It effectively represents a revision of the epistemological individual and a rejection of the idea of ‘knowing-it-yourself’.

The individualistically-oriented epistemology of the modern era, in which the heroically isolated and independent subject rigorously verifies and justifies all of his opinions and relies exclusively on perception and logic as sources of information in order to achieve absolute certainty ‘in the fight against the windmills of scepticism’ – this epistemology stylizes an impossible fictional figure who – in the words of Oliver R. Scholz – more closely resembles ‘the Knight of the Sorrowful Countenance’.335 Testimonial knowledge constitutes the foundation and reservoir of our epistemological
practices and it accounts for the fact that our epistemology is a thoroughly social epistemology. People are thus inevitably dependent upon interactions with others not only in their everyday lives, but also in their cognitive activities. This ‘interaction’ proves to be first and foremost the unidirectional adoption of knowledge, which cannot (any longer) be verified and is thus rooted in one's faith in others. The fact that large amounts of knowledge are transmitted between individuals and are by no means originally produced by individuals means that sociality has become the innermost core of our knowledge practices and witnessing has become a basic epistemological phenomenon.

Conclusion: Transmission of Knowledge through Trustworthiness

(i) These reflections on witnessing have differentiated between the ‘grammar’ of witnessing and the ‘pragmatic’ aspects of witnessing. The ‘grammar’ of witnessing includes all of the attributes that characterize witnessing as the announcement of the perception of a past event by a non-participating observer speaking before a public that was not able to perceive this event for themselves, and this concept of witnessing culminates in the ideal figure of the legal witness. The ‘pragmatic’ aspects of witnessing consist of the diverse ways in which witnessing occurs as a process situated in space and time, from the information people receive through the words of others in their everyday lives to more extreme forms of witnessing, like the survivors of a catastrophe. Witnessing is a ubiquitous phenomenon in all cultures, yet the ‘pragmatic’ aspects of witnessing reveal a dilemma that is inherent to the ‘grammar’ of witnessing.

(ii) The act of witnessing presupposes a divide between the witness and his listeners, who are excluded from the perception of the testified event by an irreducible asynchrony. The witness basically stands alone due to his singular experience. This gap cannot be closed not only because the past experience of the witness can only be – at best – communicated to others rather than shared with them, but also because this experience is not (any longer) verifiable through reality testing. Due to the fact that the witness’s testimony is singular and secondary, it is exempt from the process of confirmation and proof. However, not only is the witness’s perception fallible, but the discursivity of the witness’s statement also introduces the possibility of lying. Formal testimony, as presented by legal witness, is therefore an institutionalized performative act, which effectively makes a statement true by virtue of the fact that it is uttered. This distinguishes testimony from ordinary claims, whose truth is not already sealed by the mere performance of being uttered but rather is based on the possibility that
a speaker can also justify what she has said. The special status of witness statements is therefore that they produce evidence but they cannot be justified in the conventional sense.

(3) Given the fallibility of witness statements, their truth potential is grounded in the trustworthiness of the witness as a person, in his honesty and integrity. The witness performs a double or ‘divided’ role: On the one hand, he is supposed to be a neutral, non-participating observer. To put it more radically, he is a ‘data collection and retrieval instrument’, and he must therefore largely ignore his own reflections, opinions, and judgements. At the same time, however, he must also prove to be a person of integrity who is consistently credible and trustworthy and whose external behaviour corresponds (supposedly) to his inner convictions. There is an inherent dilemma in this concept of the witness as a medium whose task is to transmit and convey perceptions, and this dilemma is characteristic of the figure of the witness: He must act as both a ‘thing’ and an ‘authentic person’ at the same time. This dilemma becomes particularly apparent in two of the extreme versions of witnessing: namely, the martyr and the survivor.

(4) Martyrs: In the Christian tradition the apostles could still lay claim to being eyewitnesses, as they apparently met the resurrected Jesus ‘in person’, yet Christians bear witness not to the immanence of such a perception, but only to the transcendence of their faith experience. People are most trustworthy when they are prepared to die, so the guarantee of truth gradually becomes not words, but the suffering body and death. In the process of transmitting his message, therefore, the ‘dying messenger’ transforms into a martyr.

Survivors: The people killed in a catastrophe can no longer bear witness to it. The dilemma of survivor witnesses, therefore, consists in the fact not only that they are both victims and witnesses, but also that they mark the empty position left behind by the dead. It is precisely because they survived and escaped annihilation that they embody the very impossibility of bearing witness to such a devastating event. When the act of bearing witness becomes at the same time also the act of processing a traumatic experience, the listener assumes a special role that consists in witnessing and vouching for the reintegration of the traumatic experience in the ‘unity of the person’ of the survivor.

(5) The prosaic form of witnessing lies in the ubiquity of knowledge acquired through the words and writings of others, without which socialization and orientation in a culture would not be possible. The ubiquity of this kind of witnessing, which is not actually formal (i.e. juridical) but rather informal or ‘natural’ testimony, reveals the social dimension of epistemology,
which cannot be eliminated. The impossibility of verifying the knowledge acquired from others through transmission using one's own perception and reasoning makes epistemological individualism an untenable position. The kind of knowledge produced through witnessing is based on the interaction between the witness and the listeners. It first emerges in the in-between space of this interaction, and it thus depends on two different things: on the one hand it depends on the *transmission of perception and/or knowledge* by the witness, and on the other hand it also depends on the *trust and faith* of the listener. The social epistemology of witnessing always contains an ethical dimension because transmission through witnessing is only possible when the witness is believed and trusted.