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Résumé de l'article

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WITNESSING AS AN EXISTENTIAL PHENOMENON*

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RÉSUMÉ : Dans cet article, je propose une exploration du phénomène du témoignage. Mon but est de montrer que la perspective phénoménologique rend possible une approche intégrative du témoignage, compris comme un phénomène qui engage la structure existentielle du sujet, articulant les relations entre langage, présence, mémoire, vérité et temporalité. Le témoin n'est pas seulement celui qui témoigne, mais d'abord celui qui affronte, dans sa présence expérientielle, un événement dont le sens est bouleversant et institue ainsi le sujet comme témoin : soit comme « témoin endurant » si l'enjeu est d'abord le soi le plus propre du témoin, ou comme « témoin oculaire » s'il s'agit principalement de l'autre. Le témoignage trouve sa signification particulière dans la tension qui se creuse entre le pôle ontologique, où le témoin est compris comme « être là » en présence de l'événement sur le plan expérientiel, et le pôle herméneutique, où le témoin est convoqué devant les autres au niveau du langage. Une autre différence doit être tracée entre le « témoin-confessant », lorsque le témoignage porte précisément sur ce que le témoin a enduré soi-même, et le « témoin-tiers », dont le témoignage porte sur ce que l'on a principalement observé sans le subir soi-même.

ABSTRACT : In this article, I propose an exploration of the phenomenon of testimony. I argue that the phenomenological viewpoint makes possible an integrative approach to testimony, understood as a phenomenon that engages the entire existential structure of the subject, articulating the relations between language, presence, memory, truth, and temporality. The witness is not only the one who testifies, but first of all the one who faces, in experiential presence, an event whose meaning is overwhelming and thereby institutes the subject as a witness : either as an "enduring witness" if what is at stake is primarily the ownmost self of the witness as such, or as an "eyewitness" if what is at stake is mainly the other. Testimony displays its peculiar significance in the tension between the ontological pole, where the witness is understood as "being there" in the presence of the event on the experiential level, and the hermeneutical pole, where the witness is summoned in front of the others on the level of language. A further difference should be traced between a "confessing-witness," when the testimony concerns precisely what the witness endured, and the "third-party witness," whose bearing witness concerns what one mainly observed without enduring it oneself.

In the following study, I aim to contribute to a phenomenological analysis of the question of testimony. My research is structured in six sections. First, I emphasize

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the multifarious meanings of testimony, showing that this phenomenon is related in various ways to the dimensions of language, memory, truth, and temporality. In the second section, I argue that although testimony is often understood in the horizon of proof, credibility, plausibility, and truth, what is first and foremost is that it engages the existential structure of the subject, and must therefore be described starting from the originary experience of witnessing. Thus I contend that prior to the epistemology of testimony, we need to carry out first of all an existential phenomenology of testimony, one that is able to uncover the bodily, emotional, intersubjective, and recollective experience of the witnessing subject. In the third section, I question the constitutive relation between witness and testimony, and I emphasize that the subject does not first become a witness by uttering a testimony in front of the other, but by being summoned by the overwhelming presence of an experientially endured event. Thus the phenomenology of testimony evolves in the intertwining of the existential experience of a "witness-presence" (in enduring the witnessed event) and the hermeneutical experience of a "witness-speech" (in bearing witness in front of the others). In the fourth section, I focus on the originary relation with the event that institutes the witness as witness. At stake there is not an ordinary incident or a common happening, but an extraordinary event claiming a radical significance for the one who becomes its witness. The event breaks the everydayness of the subject, either by its negativity (often related to violence) or by its overwhelming positivity, as in the radical renewal of the world of the self. The fifth section discusses the witness's relation to oneself, occurring between the originary ontological moment of being a witness-presence and the ultimate hermeneutical moment of being a witness-speech. Finally, the last section analyzes the relation between the witness and the one who hears the testimony, arguing that the possibility of being believed or not by the other is decisive for the witness's belongingness to the common world.

I. THE MANIFOLD MEANING OF TESTIMONY

In their current sense, testimony and its correlate — the witness — most often appear in a juridical institutional context : in court (before the judge), in the investigation of a crime (before the police officers), and even in the situation of formalizing a marriage (before the officiating county clerk). We are also talking about a special meaning of testimony in a historical framework, when what is at stake is the attempt rigorously to reconstruct the meaning of events from the distant past, taking whatever testimonies that are currently available to us as our point of departure. Moreover, at the confluence between the historical and the juridical contexts, there is another meaning of testimony, completely different and more acute — for example when we are dealing with testimony related to recent humanitarian catastrophes, in which case the testimony inevitably has an intense ethical and political charge.

Of course, the structural configuration of testimony differs among these distinct contexts, and one of the decisive phenomenological questions concerns precisely its unitary eidetic core, the one that can bring together the plural manifestations of testimony. For example, in the legal context of a trial, the person who is summoned be-

fore a court and assumes the role of a "witness" "testifies," expressing him/herself with regard to certain past facts, events, or situations that the "witness" allegedly perceived and observed as such, while the court — and the public space — is essentially entitled to find out "the facts of the matter." Thus, a series of structural moments are related to the essence of this phenomenon, such as "the fact of having been present for…," "the fact of being summoned by…," "the fact of being in front of…," as well as the self-expression of the witness along with the authority/entitlement of the court to uncover what it needs to find out. It is therefore first of all an act of language, one that is nevertheless not an ordinary one, but an officially performed one, engaging the asymmetric relationship between the individual and the institution (between the particular and the universal, between the citizen and the state). Not only does the relation between *testimony* and *language* prove to be essential (for it is often a challenging task to appropriate language in service of testimony), but the connection between *testimony* and *memory* is also crucial, for this linguistic act puts into play the considerable distance between past and present, a distance that the memory of the witness traverses and recovers with its inherent syncopes. But testimony also implies *a determined meaning of truth*, which the witness promises to render "as such" before the court ("the whole truth and nothing but the truth"). We have here the dynamics between the *known* and the *unknown*, because the witness is called to say what s/he "knows" before a court (judge, jurors, etc.) that in principle "does not know," but must find out. And the fact that the witness provides a testimony "before the law" also implies that s/he is automatically accountable for the veracity of the testimony in which s/he is engaged "under oath."

Even when occupying the position of a "third party" (being neither a victim nor a perpetrator), the function of a juridical witness is not simply neutral, because one's testimony is always teleologically involved : one is either called up as a "defense witness," and then the testimony is meant to prove the innocence of the one who is judged, or is summoned as a witness "for the prosecution," so that the testimony is meant to prove the accused party's guilt, ultimately aiming at punishment. In any case, "defense" and "prosecution" are the two competing narratives that call for favorable witnesses providing support, evidence, and justification on each side. The hermeneutical manipulation of testimony is the versatile art of the lawyer. And the judge (or the jury) is called upon to decide between these competing narratives, depending on their plausibility and credibility. Even if the juridical trial can sometimes bring into play secondary meanings of the idea of witness, such as the "character witness" (one who can, for example, describe in court the "temperament" of the defendant)[1] or the "expert witness" (for example, a graphologist, a doctor, or a chemist,

1. This practice is quite old. According to Hans-Georg Gadamer, the witnesses in ancient Greece testified more about the character of the one who was accused and less about the facts with which s/he was charged : "[…] legal testimony always involves a personal commitment, which deduces its authenticity from the authenticity of the person. This point can be illustrated by referring to Greek law and the role of witnesses in the Greek trials. There, the statements and declarations of the witnesses are not at all about the crime discussed as a matter of fact, but only about the authenticity of the people who are in court. The accused appeals to witnesses and especially to one's friends to prove one's personal authenticity, and in a private trial the opponent does the same" (Hans-Georg GADAMER, "Témoignage et affirmation," in Enrico

summoned exclusively for their expertise), the primary meaning of testimony remains essentially related to the "eyewitness."

In fact, the figure of the "eyewitness" is already at stake within the framework of the police investigation, which is prior to and subsumed in the juridical setting of the court. An "eyewitness" is one who, in an investigation, can provide direct, "first-hand" information — thus coming from one's own experience, given "in the first person" — about incidents that fall within the area of police jurisdiction (accidents, crimes, violations of the law, etc.). Unlike the juridical context, which regularly refers to a more distant past, the circumstances of a police investigation usually involve the witness's testimony in relation to a recent past. Indeed, in the investigation, the temporal distance between the investigated event and the present of the testimony is generally much shorter, at least compared to a juridical court setting. But here too the volatility of memory plays a decisive role, for if in the juridical court context memory is challenged by the considerable temporal distance separating the event from the present of testimony, in framework of the police investigation, the acuity of memory can be disturbed by the emotional impact of the event. In any case, the primary aim in the questioning of eyewitnesses is to gather "hot" information, with all the risks that the heated proximity of the event in question hermeneutically implies.

As in the case of the legal witness in court, in the police investigation we are dealing with a coercive setting, because the one who testifies is held responsible for what s/he claims, and a false testimony automatically put the witness in a culpable situation. At the same time, testimony can not only be given by third-party witnesses — those who witnessed the incident, and consequently are able retroactively to give information about it — but can also be requested both from the injured party and from the one who is targeted by the police investigation as a "suspect." It is true that technically, a distinction is made between "interviewing" witnesses and "interrogating" suspects, but both procedures seek to obtain clarifying testimonies. If the suspect, in and through his/her testimony, admits his/her facts, then the "testimony" becomes a "confession," with this act of language then being submitted to the court. However, it is also possible that such a confession-testimony may be seized by force (for example, under torture), in which case the asymmetric coercive character of the relationship between the individual and the institution is radicalized in the logic of violence. In any case, a first essential differentiation regarding the "about-which" of the testimony is already prefigured : that between the testimony concerning "something other than oneself" and the testimony "about oneself," the latter thus being a "confession."

Common to these cases (belonging to the "penal" code) is the fact that the witness — always engaged in an act of language, whether truthful or not (true vs. false testimony) — is not simply free, but is summoned and constrained to testify, and a possible resistance or reluctance to do so may shed an unfavorable light on the one

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CASTELLI, ed., *Le témoignage*, Paris, Aubier, 1972, p. 162, my translation). For a more detailed picture of the meaning of testimony in classical Athens, see Nicolas SIRON, *Témoigner et convaincre. Le dispositif de vérité dans les discours judiciaires de l'Athènes classique*, Paris, Éditions de la Sorbonne, 2019.

who is summoned. However, there is another legal context (this time related to the "civil" code) in which the witness is not at all constrained, but freely participates as a witness ; moreover, in a further legal context, the witness is not at all called to *speak up*, but simply to be *present* : the witness to a marriage, for example, is not asked to invest him/herself in a particular act of language (except for the signature on the marriage certificate), but is a "silent" or "quasi-mute" witness, one who has the role of attesting to the reality and validity of the event simply by one's presence.[2] In other words, the essential correlation in this context is that between the *event* and the *presence*, and memory does not play a decisive role here. It is true that even if it is silent, this presence ("being there") is also understood in view of a possible later verbal confirmation — for example, if the validity of the marriage were to be challenged at some point. Therefore, even if most of the time the witness retroactively aims at the *past*, the temporality of testimony also makes possible some situations in which the witness aims instead at the *future*, in the sense that s/he stands ready to guarantee this present at some point in the future. It is significant, however, that unlike the juridical or police context, here the witness — this guarantor of temporality — is not called to "speak," but only to be "present." In comparison, a witness in a judicial trial who would only be "present," saying absolutely nothing, could not be called a witness at all, because this mutism would essentially contest one's own status as a witness.

From this we can see that the fact of "being a witness" or "becoming a witness" (whether free or constrained) seems to play out its concrete possibilities between two clearly distinct levels : on the one hand, the *existential presence* ("being there" in flesh and blood), and on the other hand, the *level of discursiveness* (restitution of the past through language, engagement of the witness in self-expression before others). Thus, the existential meaning of witnessing is balanced between a certain sense of "seeing," on the one hand, and a special possibility of "speaking" on the other.

If we move to the historiographical context, we can observe that testimonies are considered as one type of "source" for the historian's (present) task of hermeneutically reconstructing a representation of the past.[3] Unlike the juridical contexts in which the witness testifies "in person," as the one who "was present" in the situation about

2. The witnesses' status in the context of a marriage can be contrasted with another setting, this time a contentious one : the duel. Those elected as witnesses in a duel were also present without assuming any explicit discursive function. Of course, the two dualities at stake in these situations are diametrically opposed : the two involved in marriage aspire to a unity that guarantees the otherness of the other, while the two clashing in a duel basically aim to eliminate otherness by imposing the supremacy of one over the other. But both situations need, in their duality, witnesses — as if, following Levinas in contrast to Buber, the third is always needed in a "I-Thou" relationship. Regarding the figure of the witness as a third, see Jean-Luc MARION, "Le tiers et la relève du réel," in ID., *Figures de phénoménologie*, Paris, Vrin, 2012, p. 149-178 ; see also Francesca PERUZZOTTI, "Entre parole et histoire. Le témoin dans la philosophie de Jean-Luc Marion," *Studia Phænomenologica*, 21 (2021), p. 53-176.

3. Thus "[…] testimony constitutes the fundamental transitional structure between memory and history" (Paul RICŒUR, *La mémoire, l'histoire, l'oubli*, Paris, Cerf, 2000, p. 26 ; ID., *Memory, History, Forgetting*, trans. Kathleen Blarney and David Pellauer, Chicago, University of Chicago Press, 2004, p. 21). For Ricœur's approach to testimony, see Emmanuel ALLOA, "Du témoignage ou de l'ininterprétable," *Études Ricœuriennes/Ricœur Studies*, 6, 1 (2015), p. 94-110 ; and Jean-Philippe PIERRON, "Pourquoi avons-nous besoin du témoignage ? Penser le témoignage avec Paul Ricœur," *Studia Phænomenologica*, 21 (2021), p. 113-128.

which s/he testifies (which s/he witnessed "in the flesh"), in the historiographical context the witness may very well be missing, testifying only through the "traces" that the historian takes into account in recovering the configuration of a past event. As François Hartog emphasizes, the historian is not a witness, just as the witness is not a historian.[4] Therefore, in contrast to the judicial settings in which the connection between the witness and his/her testimony is very close — the witness being essentially engaged in his/her testimony — in the strictly historiographical context, what really matters is instead the testimony as such, and not the witness : originally, the testimonies used by historians (the great majority of which are texts) may very well not have been meant at all, in the circumstances from which they emerged, to be testimonies as such ; it is only the activity of the historian that subsequently constitutes them as testimonies (sometimes even in spite of their original purpose). In fact, they are, as documents, mute in their inert textuality. The historian gives them life and a voice. In this sense, testimony is again the figure of an interval, balancing between the pole of utterance (of living speech) and that of writing. In any case, as Paul Ricœur has rightly pointed out, testimony is essentially the basis of the historiographical approach.[5]

This is especially true when a *distant* past is documented : in this case, the witness inevitably fades in favor of the testimony. It is also true that when what is at stake is testimony regarding the *recent* past, and particularly testimony related to catastrophic situations (persecutions, pogroms, genocides, wars, atrocities), the neutral reading of the historical approach and its epistemic distance can be more difficult to maintain, for here the ethical-political charge of the testimony comes to the fore, retaining as well an acute juridical relevance. In the context of recent history, the witness is not merely the more-or-less anonymous source of testimony (the only source that usually really matters for the historian), but is also a concrete, living, witnessing-and-confessing presence ; a mutual belongingness between witness and testimony therefore proves to be essential here as well. What is at stake in this case is not only the accurate reconstruction of the facts of the recent past, but especially restoration of justice, political intervention, and societal transformation. The aim is not the pure ideal of knowledge, but the recovery of the "common world" following the social traumas that have undermined it. Moreover, the focal point is not simply the past as what needs to be known and made explicit (as in the standard case of his-

4. See also the thematization of this relation with recourse to etymology, *histôr* and *martus*, in François HARTOG, "Le témoin et l'historien," *Gradhiva. Revue d'histoire et d'archives de l'anthropologie*, 27 (2000), p. 6 : "The *histôr*, which intervenes in a situation of dispute, is required by both parties, it listens to both, while the *martus* has to worry only about one side — more precisely, for it there is only one side. The *martus* intervenes in the present and for the future, while the *histôr* must add the dimension of the past, since his intervention today bears upon the future in relation to a quarrel that has arisen in the past" (my translation).

5. "Yet we must not forget that everything starts, not from the archives, but from testimony, and that, whatever may be our lack of confidence in principle in such testimony, we have nothing better than testimony, in the final analysis, to assure ourselves that something did happen in the past, which someone attests having witnessed in person, and that the principal, and at times our only, recourse, when we lack other types of documentation, remains the confrontation among testimonies" (P. Ricœur, *La mémoire, l'histoire, l'oubli*, p. 182 ; ID., *Memory, History, Forgetting*, p. 147).

toriography), but rather the present of witnessing aiming for justice, and above all, the ethical and political future that testimony establishes and constitutes. Finally, in the case of testimony revealing recent catastrophes, especially when the witness is precisely the survivor of a formidable ordeal endured in one's own flesh, what is decisive is not "what" one declares, but first and foremost the very fact that "one is speaking," assuming the word in expressing oneself ; in other words, in Levinas's terminology, not so much "the Said" (*le Dit*) as "the Saying" (*le Dire*).[6]

II. THE PHILOSOPHY OF TESTIMONY : FROM EPISTEMOLOGY TO EXISTENTIAL PHENOMENOLOGY

In all these contexts — juridical trials, police investigations, and historiographical inquiries (whether related to the recent or the distant past) — the testimonies are plural, and above all, are corroborated and evaluated in relation to each other, with some compared to others, some contrasted to others. The assessing pole is either an authority of state force (the police officers), an authority of the judicial system (the judge or jurors), or an epistemic authority (the historian) — or in their convergence, the "public space" or the general human "all of us" (in the case of testimonies referring to humanitarian disasters). The key notions in this sphere are those of proof, credibility, and plausibility. What prevails is the establishment of the "truth," and this truth, which is often a factual one, is brought to light in a highly disputed context by confronting multiple testimonies, and eventually by settling the hermeneutical conflict they bring on stage. At the basis of these plural meanings of testimony we have the insistent concern for *knowing* the truth, in the sense of reconstituting it, even if in some cases such knowledge aims to establish *justice*, in view of the social cohesion of a community, while in others what is foremost is a *purely epistemic* interest, related to the specific tasks of historiography as a scientific discipline.

However, the issue of *knowing the truth* based upon testimonies is already a philosophical concern. It obviously enters the philosophical domain of epistemology, and it is no coincidence that under the title of "epistemology of testimony," an extremely laborious line of research has been developed, predominantly in the space of analytic philosophy.[7] It is true that in this context, the notion of "testimony" is in most cases taken in a very formal sense and as broadly as possible, simply indicating what another person tells us about something that is initially unknown to us. Therefore, any statement or utterance of another person, however ordinary it may be, that refers to a state of facts inaccessible to us (or not experienced by ourselves) would fall, from this point of view, into the area of the epistemology of testimony. The main concern in

6. Emmanuel LEVINAS, *Autrement qu'être ou au-delà de l'essence*, The Hague, Martinus Nijhoff, 1974, p. 182ff ; ID., *Otherwise than Being or Beyond Essence*, trans. Alphonso Lingis, Dordrecht, Kluwer Academic Publishers, 1991, p. 143ff.

7. C.A.J. COADY, *Testimony : A Philosophical Study*, Oxford, Clarendon Press, 1992 ; Jennifer LACKEY, Ernest SOSA, ed., *The Epistemology of Testimony*, Oxford, Clarendon Press, 2004 ; Robert AUDI, "Testimony as a Social Foundation of Knowledge," *Philosophy and Phenomenological Research*, 87, 3 (2011), p. 507-531 ; Jennifer LACKEY, "Knowing from Testimony," *Philosophy Compass*, 1, 5 (2006), p. 432-448 ; Duncan PRITCHARD, "The Epistemology of Testimony," *Philosophical Issues*, 14, 1 (2004), p. 326-348.

this context is to assess those of our beliefs that are based on what others tell us, and to clarify whether these beliefs can fully count as knowledge (how justified they would be, how sure and well-grounded, what kind of evidence they provide us, etc.). At the same time, the central idea is to clarify the relationship between our beliefs based on the testimonies of others and our beliefs grounded on other sources, such as direct perception, deduction, induction, or memory. In this way, several competing views regarding the epistemic meaning of testimony have emerged. One of the densest theoretical disputes is that between the "reductionist" view — which states, in the footsteps of David Hume, that the meaning of evidence-based knowledge is reducible to reasoning by induction and memory — and the "non-reductionist" view, which states, following Thomas Reid, that testimony is a valid source of knowledge, distinct from and irreducible to other sources.[8]

Of course, we may wonder whether beyond all these disputes and their complexities, the epistemological view of testimony is not very limited and limiting. The philosophical understanding of testimony *exclusively* in light of its epistemic dimension, pertaining to a subject whose meaning is restricted to its knowledge-related functions, does not allow us to reveal other non-cognitive or extra-discursive layers of meaning that testimony brings into play, thus risking impoverishing the phenomenon as such. In fact, testimony is an infinitely more complex phenomenon than the simple reception of what another person tells us about something unknown to us, and involves an entire range of peculiar structural moments pertaining to the embodied, affective, mnemonic, and intersubjective situation of the subject in relation to this subject's own lifeworld. In any case, testimony is not only "something received" in the epistemic and cognitive sense, raising questions about the credibility of what I hear and learn from others, but is also "something given" in the existential act of bearing witness. Through a restrictive option focused exclusively on knowledge, the *existentiality* of the testimony is completely overlooked — namely, the fact that testimony has to be understood first of all as a phenomenon of the order of existence, stemming from a factically situated subject, either as a self that bears witness before others, or as a self that receives the testimony of the other. Knowing is indeed a modality of our being in the world,[9] but not the only one, and perhaps not the most important one. This is why it is necessary to go beyond the research related to the epistemology of testimony and to put into play an existential phenomenology of testimony, allowing us to bring to light its own character and its defining dimensions.

8. The epistemological problem of testimony does not begin with Hume and Reid alone ; it can already be identified in Augustine as well — see Peter KING, Nathan BALLANTYNE, "Augustine on Testimony," *Canadian Journal of Philosophy*, 39, 2 (2009), p. 195-214. For Husserl's integration into this debate, see Michele AVERCHI, "Knowledge by Hearing : A Husserlian Antireductionist Phenomenology of Testimony," *Studia Phænomenologica*, 21 (2021), p. 63-85. The limitations of the epistemological approach to testimony are also emphasized in Gert-Jan VAN DER HEIDEN, "Testimony and Engagement : On the Four Elements of Witnessing," *Studia Phænomenologica*, 21 (2021), p. 21-39.

9. Martin HEIDEGGER, *Sein und Zeit*, Tübingen, Max Niemeyer, 1967, p. 59-62.

What would then be the basic conditions that a phenomenological analysis of testimony should meet ?[10] First of all, it should always take into account the concrete experiential context in which this phenomenon is revealed, in its particular emergence, in its specific temporality. At the same time, the subject engaged in the phenomenon of testimony (both the one who bears witness and the one receiving it) cannot be reduced to its cognitive-epistemic function, but must be considered in its full existential situation, as an embodied subject, emotionally determined, always anchored in a subtle intersubjective network, and being essentially characterized by an inner temporality irreducible to the linear time of the clock. In asking "what" testimony is from a phenomenological point of view, we first have to question its peculiar way of occurring, in its determinate facticity and in its ownmost "how." We must also ask whether it is possible in principle to distinguish between a "trivial" or "common" significance of testimony and a deeper significance — less apparent, perhaps, but no less essential — of this phenomenon. Now in the framework of the epistemology of testimony, the minimalist approach dominates : the notion of testimony is fatally anchored in the ordinary level of purely everyday, common cases. These are not only lacking any true existential relevance, but also cannot account for the deeply radical significance of this phenomenon pertaining to the core of our being. Yet, perhaps the most acute significance of testimony does not show itself within the realm of ordinary circumstances, but only when the extraordinary is involved. And if the significance of extraordinary testimony can shed some light on the significance of ordinary testimony, the converse is not possible.

Nevertheless, the primordial phenomenological question is a different one : is testimony only a punctual act of language (performed, for example, in an institutional context such as a court), or should it be understood as an *encompassing* phenomenon, one in relation to which that precise act of language would be just one constitutive moment, a moment that acquires its full significance only in relation to other constitutive moments, equally essential ? If this is the case, a phenomenological analysis of testimony must also highlight the structure of this phenomenon and its essential structural moments. What, then, is the configuration of this all-encompassing phenomenon of testimony ?

10. In the space of continental philosophy, in the wake of hermeneutics or phenomenology, the most relevant reflections on testimony can be found in E. LEVINAS, *Autrement qu'être ou au-delà de l'essence*, p. 181-194 ; ID., *Otherwise than Being or Beyond Essence*, p. 145-152 ; Paul RICŒUR, "L'herméneutique du témoignage," in Enrico CASTELLI, ed., *Le témoignage*, p. 35-61 ; P. RICŒUR, *La mémoire, l'histoire, l'oubli*, p. 201-224 ; ID., *Memory, History, Forgetting*, p. 161-176 ; Giorgio AGAMBEN, "Remnants of Auschwitz : The Witness and the Archive," in *The Omnibus Homo Sacer*, Stanford, Stanford University Press, 2017, p. 761-879 ; J.-L. MARION, "Le tiers et la relève du réel" ; and ID., "Le témoin et le paradoxe," *Revue des sciences religieuses*, 92, 1 (2018), p. 11-25 ; Jean-François LYOTARD, *Le différend*, Paris, Minuit, 1983 ; Jacques DERRIDA, *Demeure. Maurice Blanchot*, Paris, Galilée, 1998 ; and ID., "Poétique et politique du témoignage," *Cahiers de l'Herne*, 83 (2004), p. 521-539. Recent contributions to the issue of testimony include the volumes of Kelly OLIVER (*Witnessing : Beyond Recognition*, Minneapolis, University of Minnesota Press, 2001), Jean-Philippe PIERRON (*Le passage de témoin. Une philosophie du témoignage*, Paris, Cerf, 2006), and Gert-Jan VAN DER HEIDEN (*The Voice of Misery : A Continental Philosophy of Testimony*, Albany, SUNY Press, 2019).

III. THE RELATION BETWEEN WITNESS AND TESTIMONY

Of course, at first glance, the initial constitutive moment of the phenomenon could be considered to be the witness. We can therefore ask ourselves "what is the witness" or "what makes the witness be a witness." The most convenient answer, common in its circular platitude, would be that the witness is the one who testifies about something before someone else. But what is the constitutive relationship between witness and testimony ? Should we understand the witness as the origin of the testimony ? Is the witness a mere "cause" in relation to which the testimony is secondary, as a kind of "effect" ? Should we understand testimony by taking the witness as our point of departure, or on the contrary, does the witness become a witness only by virtue of the testimony s/he utters ?

These questions concern the direction of the meaning-constitution of this phenomenon : is the meaning of the testimony constituted starting from the witness, starting from her/his position or factical situation, starting from her/his decision, need, or perhaps even obligation to perform an act of language in a certain context, starting from the assumption of the task or the responsibility to testify, or starting from this process of exposing oneself to others ? In other words, is the testimony a testimony *only because* the witness is uttering it before others, in a public setting ? Or on the contrary, is the witness in fact instituted and constituted as such ? And then does the subject become a witness on the basis of the testimony in which one is involved and engaged, or as Jean-Luc Marion suggests, is this process of becoming-witness first possible due to the very fact that the subject has already had the original experience of an *event whose meaning is overwhelming*, irrepressibly demanding this subject to become a witness ?

In this case, the decisive question becomes : *in relation to what* exactly is the witness constituted as a witness ? If we ask exactly *how* the witness becomes a witness, then, a second essential moment of the phenomenon already comes into view : not only that "about which" the witness is meant to testify (retroactively, as something that happened in the past), but especially that "to which" s/he is *from the very beginning* summoned as a witness, summoned by the very presence of what s/he is experientially enduring. Here the subject becomes a witness precisely through a special lived connection with this "event" in the present. Of course, to call this event the "object" of the testimony, in correlation with the "subject" of the testimony (the one who utters it), risks entrapping our understanding in an easy and somewhat sterile dualism. What is certain, however, is that it is only by virtue of the initial fact that the subject is presently living the event — and this means that the event institutes, first of all, the subject as a witness — that the subject can later be a witness in the sense of providing testimony to others about something in the past. In other words, we must always keep in mind the essential articulation between two senses of the witness : on the one hand, the *experiential* dimension of a witness "in front of the event" (on the level of the existentiality of presence) ; on the other hand, the *discursive* dimension of a witness "in front of others" (on the level of speech or verbalization). While the first dimension is *solitary*, the witness being alone (singularized and individualized) in

front of the event, the latter is *public*, the witness appearing in front of the scrutiny of others. To understand the latter aspect separately, disconnected from the former, not only truncates the concrete meaning of the whole phenomenon, but also induces a limited optics of analysis, one that flattens and impoverishes it.

The witness is therefore essentially instituted. It is not the witness who institutes, but the subject is instituted and constituted as a witness, and this in both senses mentioned above. In the first sense, as a witness-in-front-of-the-event — therefore in its experiential, solitary, and silent dimension — the *event* is what institutes the witness as a *witness-presence.* In the second sense, as a witness-who-testifies-in-front-of-others — therefore in its verbal and public dimension — the *testimony* is instituting the witness as a *witness-speech*.[11] Thus the phenomenology of testimony emerges in the junction between the existential-ontological dimension of the phenomenon — the directly and immediately lived relation of the witness with the event : *being-witness* as *being-present* or *being-there* — and its discursive-hermeneutical dimension, involving the openness to language, on the level of explication and interpretation, in the witness's relation with those before whom s/he testifies, a relation mediated by the volatile aspect of memory.

Accordingly, testimony is constituted in the tension between silently living the event (the circumstance in and through which the witness becomes a witness) and its subsequent uncovering or exposition before others in an act of language, in an essentially interpretatively determined context.[12] The testimony must not be reduced to the latter moment (an act of language that occurs at a given moment in a particular setting), but must be understood as an *encompassing* phenomenon that brings together several constitutive moments : *(i)* the original event ; *(ii)* the subject instituted and constituted — often in spite of her/himself — as a (mute, singularized, isolated, and solitary) witness in experiencing the event ; *(iii)* assuming the possibility, the responsibility, and the call to reveal in language the experience of the event before the others (breaking out of one's own solitude) ; *(iv)* bearing witness : the utterance of the testimony as such ; and *(v)* the public space, namely, those before whom the witness gives his/her testimony. Indeed, what is relevant to the structure of this phenomenon is not only the witness who "is present" or who bears witness before others, but also the *one who receives* the testimony. In other words, the phenomenological analysis of testimony must not focus only on the witness, in its two hypostases as a "witness-

11. Renaud DULONG (*Le témoin oculaire. Les conditions sociales de l'attestation personnelle*, Paris, EHESS, 1998, p. 163-166) insists instead on the idea that "the witness institutes itself" by stating "I was there" from the beginning, which is an "act of self-designation," a self-referential act. Our reservations about this voluntarism of the self-instituted self, as in a quasi-Fichtean logic, are related not only to the legal circumstances in which the witness is forced (legally summoned, called up) to testify, but also to the overwhelming meaning instituted by the event itself, thereby constituting the witness in his/her passivity. See also the analysis of the moment of "I was there" in P. RICŒUR, *La mémoire, l'histoire, l'oubli*, p. 204ff. ; ID., *Memory, History, Forgetting*, p. 163ff.

12. See also Agamben's definition : "[…] we give the name *testimony* to the system of relations between the inside and the outside of *langue*, between the sayable and the unsayable in every language — that is, between a potentiality of speech and its existence, between a possibility and an impossibility of speech" (G. AGAMBEN, "Remnants of Auschwitz : The Witness and the Archive," p. 857).

presence" or as a "witness-speech," but must also investigate the lived-experiential connection of the latter with the one who receives the testimony, and consequently must explore the factual situation of the latter as well.

IV. THE WITNESS'S RELATION WITH THE EVENT

Thus, we have, first of all, the witness's relation with the event. How should we understand the nature of this "event" that institutes the witness ? It goes without saying that not every incident in our environing world institutes us as a witness. A usual situation, in its banality, does not require us actually to assume this very special position that we characterize by the term "witness." Indeed, in our average daily life, in which we meet various beings and go through a myriad of factual circumstances and common incidents, most of them happen without the need for something on the order of the witness to occur. Otherwise, we risk broadening the notion of the witness to the extreme, saying, for example, that the subject as such, in its self-reflective dimension, not only perceives the world, but is also a kind of "transcendental witness" of its own experience, due to the fact that any direct experience could always be accompanied by an indirect reduplication of it in self-observation. In this case, any event we live, no matter how trivial, would have us as witnesses of our own experience from the beginning. It is true, however, that even if this transcendental formulation of the problem is quite legitimate in its logic, if we take it as our privileged point of departure, it becomes difficult to establish a direct correlation with the concrete-mundane instances of being a witness such as those mentioned at the beginning of this analysis.

Yet the question remains whether being a witness will usually occur in relation to ordinary situations, or whether, on the contrary, it is constituted mainly in relation to an event[13] that precisely suspends the ordinary, putting the extraordinary into play instead. For example, in the area of the epistemology of testimony, the concept is elaborated in terms of situations as trivial as possible (*x* tells *y* that *p*). But — and this is the phenomenological counter-argument — if one takes such banal situations as the point of departure, the experiential layers that constitute the *existential* meaning of the testimony cannot be brought to light. In other words, if we begin only with common situations, which are in fact irrelevant both for the being of the witness and for that of the listener, we cannot reach the existential meaning of the phenomenon of testimony, and indeed, we cannot understand what testimony "par excellence" is. Thus, the disclosure of a *fundamental* meaning of testimony can be accomplished only if the factual situation of the testimony fully engages the existence of the witness, this engagement also being crucial in the highest degree not only for the witness, but also for *those who hear* the testimony.

In this radical sense, *being*-a-witness, or rather *becoming*-a-witness, emerges only in relation to an event that breaks, suspends, and sometimes scandalizes our average

13. See Françoise DASTUR, "Phenomenology of the Event : Waiting and Surprise," *Hypatia*, 15, 4 (2000), p. 178-189. ; Jean-Luc MARION, *De surcroît*, Paris, PUF, 2001, p. 37-66 ; Claude ROMANO, *Event and World*, New York, Fordham University Press, 2009.

daily life, which is usually undisturbed in its habitual tranquility. One becomes a witness, in a pregnant sense, only when an event suddenly bursts into the undisturbed peacefulness of our everyday life, fracturing the usual coherence of our lived experiences, interrupting our daily preoccupations. In a sense, the event is something out of the ordinary, something unforeseen, unpredictable, and in the first instance unassimilable, something that goes beyond the routines of everyday life, whether it involves violence (or even its imminence) or an essential reconfiguration of the world of our ownness. When it occurs, the event imposes itself on us with an unrestrained phenomenal power, forcing us to be there in a disconcerting way, absorbing us completely in the intensity of its bursting into our life without leaving us any possibility of escape or withdrawal.

And here two distinct paths open before us. For although testimony most often seems to concern the dimension of *negativity* — as in the case of juridical testimonies or those relating to recent humanitarian catastrophes, all of which are linked to latent or actual violence[14] — we must not lose sight of the fact that it can also bring into play an absolutely opposite syntax, one of the *positive* surplus of meaning, in which it aims at the radical transformation and renewal of one's own world of the self (authenticity), as in the ontological situation described by Heidegger in *Being and Time*,[15] or in the special case of testimony with a religious charge.[16] What is common

14. See Cristian CIOCAN, "Towards a Multi-modal Phenomenological Approach of Violence," *Human Studies*, 43, 2 (2020), p. 151-158 ; see also Pascal DELHOM, "Les exigences du témoignage," in Emmanuel ALLOA, Stefan KRISTENSEN, ed., *Témoignage et survivance*, Genève, MētisPresses, 2014, p. 169-186.

15. M. HEIDEGGER, *Sein und Zeit*, p. 267-268. In the existential analytic, the notions of *Bezeugung* and *sich bezeugen* indicate the attestation of self in and through which *Dasein* reaches authenticity, in relation to one's own death and impelled by the call of the voice of conscience. See Yasuhiko SUGIMURA, "Pour une philosophie du témoignage. Ricœur et Heidegger autour de l'idée d''attestation' (*Bezeugung*)," *Études théologique et religieuses*, 80, 4 (2005), p. 483-498 ; and ID., "Témoigner après la 'fin de la philosophie' : L'herméneutique radicale du témoignage dans la philosophie française post-heideggérienne," *Studia Phænomenologica*, 21 (2021), p. 87-112 ; G.-J. VAN DER HEIDEN, *The Voice of Misery : A Continental Philosophy of Testimony*, p. 159-173 ; Cristian CIOCAN, *Heidegger et le problème de la mort. Existentialité, authenticité, temporalité*, Dordrecht, Springer, 2014.

16. Regarding religious testimony, we can, of course, think first of all of Levinas, with his *témoignage de l'infini* linked to the biblical "me voici" (*hinemi*) (E. LEVINAS, *Autrement qu'être ou au-delà de l'essence*, p. 186 ; ID., *Otherwise than Being or Beyond Essence*, p. 146). See Paul RICŒUR, "Levinas, penseur du témoignage," in his *Lectures 3*, Paris, Seuil, 1989, p. 83-105 ; Rodolphe CALIN, "Levinas et le témoignage pur," *Philosophie*, 88, 1 (2006), p. 124-144 ; Rodolphe OLCÈSE, "Excès du témoignage, déhiscence du témoin. Søren Kierkegaard, Emmanuel Lévinas, Jean-Louis Chrétien," *Studia Phænomenologica*, 21 (2021), p. 127-139. The signification of testimony in the Hebrew Bible is of course more complex, referring to the sacred objects of worship, such as "tent of the testimony" (σκηνὴ τοῦ μαρτυρίου), "the ark of the testimony" (κιβωτὸς τοῦ μαρτυρίου), "two tables of testimony" (αἱ δύο πλάκες τοῦ μαρτυρίου). The ark — designated most often as being "of the covenant" or "of the testament" (κιβωτὸς τῆς διαθήκης), "of the Lord" (κιβωτὸς κυρίου), "of God" (κιβωτὸς του θεού) — is also characterized as "of the testimony" (κιβωτὸς τοῦ μαρτυρίου, Ex 25:10 ; 26:33,34 ; 30:6,26 ; 39:35 ; 40:3,5,21 ; Lev 16:2 ; Nm 4:5 ; 7:89), since "the testimonies" (τὰ μαρτύρια) given to Moses on Mount Sinai, namely, tables of the law (Ex 25:16,21), were kept there. Beyond this dimension of worship, testimony also appears of course in a legal sense, both to ban perjury (οὐ ψευδομαρτυρήσεις, μαρτυρίαν ψευδῆ, μάρτυς ἄδικος, Ex 20:16 ; 23:1 ; Deut 5:20) and in the request to have two distinct witnesses for a testimony to be considered true, since one witness is not enough (Nm 35:30, μάρτυς εἷς οὐ μαρτυρήσει). This latter idea also appears in the New Testament (on the relation between testimony and truth, see Jn 5:31-33 ; 8:13-18 ; 19:35 ; 21:24). The New Testament occurrences of testimony have their center of gravity in the Gospel of John, covering multiple lines of meaning : the testimony of John the Baptist on Jesus (Jn 1:7 : "He came as a witness [ἦλθεν εἰς μαρτυρίαν], to bear witness

to such two very distinct possibilities of testimony — one involving the malignant-negative dimension of violence, the other involving the radical-positive dimension of self-transformation — is precisely their *excessive* character. The event is excessive, overwhelming, and stunning, whether it emerges within the negative dimension of violence or occurs within the positive-authenticating dimension of the transfiguration of self-world (*Selbstwelt*). And the event institutes the witness precisely by bursting into his/her life with all of its excessive force. The subject becomes a witness on the basis of the radical appeal that the event addresses and assigns to the subject. In this way we are dealing, as Emmanuel Housset points out, with "a priority of the object of the testimony over the witness,"[17] so that one becomes a witness not on one's own initiative, but *despite oneself*.[18] Becoming-a-witness must therefore be primarily understood in its unintentional, essentially involuntary character. In other words, the subject is not the master of the event, but the witness is dominated by the event. The self-become-witness is not an initiating and constituting active self in relation to the event, but is passive, instituted, and constituted as a witness, since the event occurs excessively, with a surplus of givenness that the witness is not able to assimilate or to manage, as Jean-Luc Marion points out.[19]

This is why the witness (or "eyewitness," as it is called, although this oculocentrism must be questioned further) fails, when asked, to reproduce with acuity and precision "what" really happened, because becoming-a-witness essentially involves a deep existential turmoil in which the self loses control over its own existential situation, and above all, over its own glance or gaze. The witness becomes a witness precisely from out of this chaotic bewilderment, in this very fact of being taken by surprise, where being surprised means to be caught by something beyond oneself, a beyond in relation to which the subject loses its autonomy as a subject. It is sometimes said that the witness, in his/her experiential stance as a presence before the event, takes up the "first-person" point of view, while the discursive stance of the

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about the light [μαρτυρήση περὶ τοῦ φωτός]" ; cf. also Jn 1:15 ; 1:32) ; the testimony of Jesus to the world (Jn 3:32 : "He bears witness to what he has seen and heard, yet no one receives his testimony [ὃ ἑώρακεν καὶ ἤκουσεν τοῦτο μαρτυρεῖ, καὶ τὴν μαρτυρίαν αὐτοῦ οὐδεὶς λαμβάνει]") ; the testimony of Jesus about himself (Jn 8:14 : "Even if I do bear witness about myself, my testimony is true, for I know where I came from and where I am going [κἂν ἐγὼ μαρτυρῶ περὶ ἐμαυτοῦ, ἀληθής ἐστιν ἡ μαρτυρία μου, ὅτι οἶδα πόθεν ἦλθον καὶ ποῦ ὑπάγω]"). We can also mention the bearing-witness of "the works" τὰ ἔργα (Jn 5:36 ; 10:25), "of the Scriptures" (τὰς γραφάς, Jn 5:39), "of the Father" (Jn 5:37 ; 8:18), of the "Spirit of truth" (πνεῦμα τῆς ἀληθείας, Jn 15:26), and finally, "the testimony of the disciples" (Jn 15:27 ; 19:35 ; 21:24). For a subtle and profound analysis of the hermeneutical circularity of testimony in the New Testament, see Jean-Louis CHRÉTIEN, "Neuf propositions sur le concept chrétien de témoignage," *Philosophie*, 88, 1 (2006), p. 73-94 ; see also Emmanuel CATTIN, "Le témoin pour le témoin," *Revue des sciences philosophiques et théologiques*, 101 (2017), p. 15-30 ; and Emmanuel HOUSSET, "Porter témoignage et recevoir le témoignage," *Communio*, 37, 4 (2012), p. 34-43.

17. Emmanuel HOUSSET, "L'objet du témoignage," *Philosophie*, 88, 1 (2006), p. 146 : "The necessary starting point for a study of testimony is this priority of the object of the testimony over the witness him/herself, a witness who absolutely cannot claim to produce what s/he testifies in an original speech : the witness does not testify on her/his own, but s/he receives his/her legitimacy from that which touches and summons him/her, from that which compels him/her to speak" (my translation).

18. For the phenomenological significance of this *malgré soi*, see E. LEVINAS, *Autrement qu'être ou au-delà de l'essence*, p. 65-68 ; ID., *Otherwise than Being or Beyond Essence*, p. 51-56.

19. Jean-Luc MARION, *Étant donné*, Paris, PUF, 2013, p. 324-329.

witness (as involved in the act of language spoken before others) inevitably assumes, through the inherent intermediation of memory, the "third-person" point of view.[20] But we can ask ourselves if it is not precisely the "nominative" position of the "first person" that is somehow dislocated from the beginning, when what happens is specifically an event, unsettling in its essence, and not just a trivial daily incident.

Here a fundamental difference briefly mentioned earlier can be deepened. The witness either endures the event, targeted in one's own flesh by what occurs in and through the event (therefore being a passive pole of enduring), or maintains a certain exteriority in relation to the event, being positioned from the very start as a "third party" in relation to it, thus somehow having the distance — be it minimal — of an "eyewitness" about what is happening to "others." For the one who endures the disturbing event in one's own being, the notion of "eyewitness" seems somewhat inappropriate, because its ocular meaning would suggest a certain distance and a certain exteriority that the very fact of enduring something oneself excludes from the beginning. It might be more appropriate to call such a witness an "enduring witness." Accordingly, we have, on the experiential level of being-there, a fundamental difference between the "enduring witness" and the "eyewitness" : the former is caught up in the event to which he/she will eventually bear witness, while the latter is somewhat outside of it. To this difference — placed on the *existential-ontological* side of testimony (pertaining to the actual presence of the self in front of the event) — there corresponds, in a second step (once we enter the *discursive-hermeneutical* side of testimony), the difference between the "confessing-witness" (the one who bears witness about *what one endured oneself*) and the "third-party witness" (the one who testifies to what *was seen and observed*, from a certain distance, without having endured it oneself). Therefore in the transition from the existential-ontological side of the phenomenon to its discursive-hermeneutical side — namely, in the passage from the experiential-solitary dimension of presence to the public circumstance of "bearing witness" before others — the "enduring witness" can become a "confessing-witness" (as when I'm speaking only about myself, and speaking on behalf of myself), just as the "eyewitness" can become a "third-party witness" (as when I'm speaking mainly about what happened to the other, and speaking on behalf of the other). An additional clarification is required here : when the event that gives rise to the factical situation of the testimony is negative, evil, and malignant in its essence (as in the case of radical violence — genocide or pogrom, persecution, or atrocities), the "confessing-witness" is first a "surviving witness," while a "third-party witness" takes the form of a "humanitarian witness."[21]

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20. See, for example, Dana AMIR, *Bearing Witness to the Witness : A Psychoanalytic Perspective on Four Modes of Traumatic Testimony*, New York, Routledge, 2018, p. 10-12 ; see also Emmanuel ALLOA, "Là ou il y a preuve, il n'y a pas témoignage. Les apories du témoin selon Jacques Derrida," *Revue philosophique de Louvain*, 115, 2 (2017), p. 289-303.

21. See C.J. DEAN, "The Politics of Suffering : From the Survivor-Witness to Humanitarian Witnessing," *Continuum*, 31, 5 (2017), p. 628-636, for the contrast between the figure of the "surviving witness" and that of the "humanitarian witness" ; see also Didier FASSIN, "The Humanitarian Politics of Testimony : Subjectification through Trauma in the Israeli-Palestinian Conflict," *Cultural Anthropology*, 23, 3 (2008),

But it is also possible that a dramatic caesura intervenes between the two sides of the phenomenon, disconnecting the existential-ontological dimension of witnessing from its discursive-hermeneutical dimension. And this is particularly possible when what is at stake is the negative meaning of the event (violence), in at least two distinct ways. One the one hand, the "enduring witness" can lose his/her own life, no longer being able to bear witness as a survivor : as an enduring witness until death, the "enduring witness" becomes an "absolute witness,"[22] while the survivors in this circumstance are only "witnesses in an indirect and mediated sense," as substitutes for the irreplaceable, since their testimonies bear witness, as Agamben shows, to the impossibility of bearing witness. On the other hand, the "enduring witness," even when surviving the event, might find him/herself somewhat closed off in his/her own unhealed trauma, being unable to bear witness and remaining "behind language" : the witness cannot make the hermeneutical step toward the others, remaining suspended and immobilized between the insurmountable and ineffaceable fact of *having been there* — in the situation of the "witness-presence" — and the impossible fact of bearing witness about it, although this obligation constantly and insistently remains on the horizon as an unattainable limit.

This constellation of possibilities opened by the phenomenology of testimony is already prefigured by the etymological semantics of the term, both in Greek and in Latin. On the one hand, in the Greek, the terms witness (μάρτυς) and testimony (μαρτυρία) refer to martyrdom (μαρτυρέω), engaging the relation with one's own death (in an existential sense) ; on the other hand, in the Latin, the term *testimonium* refers not only to *testis/terstis* (attestation of a third party, testing as evidence, in an epistemic and legal sense), but also to *superstes*, the one who survives an extreme and formidable hardship.[23] We could therefore say that within the semantic area of the Greek etymon the existential vein of the phenomenon dominates, while in the sphere of meaning of the Latin etymon the juridical-epistemic axis is predominant, and the experiential dimension indicated by *superstes* (survivor) seems to be somewhat secondary.

It is worth noting that the relation between *language* and *death* brought into play by the phenomenon of testimony — μάρτυς (in the Greek) and *superstes* (in the Latin) — splits into two different directions. The witness understood as μάρτυς bears witness *until* his/her own death, giving testimony with the ultimate price of one's own life, in which case the martyrdom as such (as the fulfillment of this calling) is

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p. 531-558 ; and ID., *Humanitarian Reason : A Moral History of the Present*, Berkeley, University of California Press, 2012, p. 200-222.

22. This argument is developed by Giorgio AGAMBEN ("Remnants of Auschwitz : The Witness and the Archive," p. 841-842), following Primo Levi's statement that the dead are the "complete witnesses," while the survivors of the concentration camps are only pseudo-witnesses.

23. Detailed analyzes of the etymology of the term can be found in Émile BENVENISTE, *Dictionary of Indo-European Concepts and Society*, Chicago, HAU Books, 2016, p. 402-404, 447-449, 534-536 ; G. AGAMBEN, "Remnants of Auschwitz : The Witness and the Archive," p. 772, 850, 860-861 ; J.-P. PIERRON, *Le passage de témoin. Une philosophie du témoignage*, p. 21-32 ; G.-J. VAN DER HEIDEN, *The Voice of Misery : A Continental Philosophy of Testimony*, p. 190-200 ; Y. SUGIMURA, "Témoigner après la 'fin de la philosophie'".

mute, because language ceases in that supreme silent testimony (one's own sacrifice). In contrast, the witness understood as *superstes* bears witness as a survivor, as the one who was *close* to death, in its extreme *proximity*, going through the ordeals of violence : the witness bears witness *about* what s/he lived, in which case language emerges precisely *after* the formidable adversity. Therefore, in the first case we have the testimony given in language *until* the last hardship, *before* it happens (because the martyr is not a survivor), while in the second case we have the testimony given in language *after* the cessation of the formidable suffering (because the survivor is not a martyr).

But what the "martyr-witness" confesses in bearing witness before the others is not his/her own death — toward which the witness constantly goes, continuously remaining as the ultimate horizon of the testimony, as its always possible "price" to pay — but the originary renewing event of the self-world, which fundamentally transformed his/her factical life from the beginning, instituting him/her as a witness. Precisely because this institution is so radical, it can engage the witness up to its ultimate limit, to the ownmost and insurmountable possibility of one's own death.[24] What distinguishes the martyr from the victim of an atrocity is then the decisive fact that the former goes to his/her own death willingly, beginning with the testimony given in language as an existential creed that the witness will never renounce, following one's institution as witness by the emergence of the originary event. Therefore, the witness is a martyr only if one's own being-toward-death is fully involved in and by the bearing witness as such. In the absence of this radical manner of bearing witness, death is not martyrdom, and the sufferer is not a martyr, but a victim.

In contrast, the "surviving witness" is bearing witness first of all to extreme suffering, namely, to the proximity of one's own death, lived in the suffocating space of violence, and especially to the malevolent character of the situation in which the self was imprisoned by others. To be sure, the surviving witness addresses an otherness and is exposed to an alterity (those who listen to the witness), but the testimony as such concerns the malevolent character of another, distinct otherness, embodied in this case by the agents of violence. The singularity of the surviving witness consists in the very fact that coming out of the hell orchestrated by "some others" and surviving it, s/he comes before "other others" in order to regain, through one's own testimony given in bearing witness, one's own place in the common world, a place lost by traversing the space of violence. In fact, the common world as well, after receiving these testimonies of violence at the limit of historiographical representation, is going through a crisis of foundations, a crisis of its conditions of meaning ("how was the impossibility of atrocity possible ?").[25] Thus for the surviving witness, the otherness is fundamentally ambivalent, if not deeply ambiguous. Accordingly, for the surviving

24. We should emphasize that the witness is a martyr only if, in accordance with the testimony given in the process of bearing witness, s/he risks only his/her *own* death, in strict exclusivity, without engaging in any way the death of others, since involving the death of others would instead be a crime.

25. See Paul MARINESCU, "The Duty of Memory Revisited : Ricœur's Contribution to a Crisis in French Historiography," *Human Studies*, 44 (2021), p. 461.

witness, alterity is both redemptive and malevolent, since the apprehension that a future torturer can always be hidden among those who listen to the testimony can never be repressed. Hence the distrust — insurmountable — of the surviving witness in the common world, in this space of the "togetherness," a distrust that is paradoxically intertwined with the fact that the witness constantly asks for the trust of others, for the credit of those who listen, because in giving testimony, the surviving witness asks first of all to be believed. And this essential distrust that asks for trust always keeps the surviving witness quasi-separate from the "common world" from which s/he was ripped out and to which s/he cannot fully return.

V. THE WITNESS'S RELATION TO ONESELF

To understand the witness's relation with him/herself is to explore that "in-between" that differentiates the two extreme instances of the witness. For between the factical situation of the "witness-presence" (in which the phenomenal core is given by the relation between the originary event and the one who becomes its witness) and the factical situation of the "witness-speech" (where the guiding thread is given by the relation between the witness and those who listen) a peculiar interval opens in which the witness's relations with oneself is decisive. It is decisive precisely because it is within this interval that the possibility of the "witness-presence" to become (or to fail to become) "witness-speech" emerges and develops. Indeed, if the "witness-presence" is instituted by the event through the initial existential side of the phenomenon, the transition to the discursive side depends on the possibility of the subject to assume the role of "witness-speech." Thus, the witness's relation with oneself brings into play a volatile space of intermediation that casts a bridge between the ontological situation that has overwhelmingly imposed itself on the subject in its inescapable necessity ("to be a witness of…") and the hermeneutical situation that lies ahead in its very special possibility ("to bear witness for…").

The two instances of the subject-witness are not only temporally differentiated within the common linear time — in a purely objectified and external sense, between a "then" of experiencing the event (witness-presence) and a "now" of the bearing-witness before others (witness-speech) — but must be understood precisely on the basis of the internal temporalization that essentially operates within the immanence of the subject's self. What is at stake here is precisely an essentially restless transition that goes through several phases, an unsettled progression that is initiated with the terrible situation of "being present" (living and enduring, despite oneself, the event) and passes through the various interstices of solitary disturbance, anxious doubt, and tense deliberation within the indeterminate horizon of assuming the "duty to bear witness" before others. This transition is, as has been noticed,[26] a passage from the lack of language (in the first instance) to the eventual recovery and assumption of speech. For in this turmoil, the subject existentially struggles with oneself (this being

26. G. AGAMBEN, "Remnants of Auschwitz : The Witness and the Archive," p. 786-787, 837-839, 847-848, 857-858, 870-871.

the expression of the specific temporalization pertaining to this situation), wrestling both with the initial experiential impact of the event that deprives him/her of language ("it leaves her/him speechless") and with being summoned to the responsibility of bearing witness in publicly expressed language. If we understand it existentially, the facticity of the subject in the holistic experience of testimony is therefore as distant as possible from that calm detachment of a cognitive agent who, undisturbed, verbally communicates some information to another cognitive subject. The essence of the witnessing, understood in this encompassing phenomenological sense, has this inescapable character of "disturbance," of "turmoil," of "tribulation" : it is an acute existential tumult, a fundamental unrest of life, in all phases of its development.[27] That is why, as we pointed out earlier in this paper, reducing this complex experience of enduring an event whose meaning is overwhelming to simple considerations related to the rendering, proof, testing, confirmation, credibility, and plausibility of the testimony, in a purely epistemic context related to a strictly cognitive subject, only obscures the phenomenon as a whole. On the contrary, we must understand that the relation of the witness with oneself (in the interval in which the witness is unsettled *following* the silent experience of the event and *before* assuming speech) has an essential correlation with the possible relation of the witness to others in publicly bearing witness, when the witness recapitulates in speech what was initially lived prediscursively.

But the transition to speech is not guaranteed. And this is not only because the "witness-presence" may not always find the strength to become a "witness-speech" and thus offer others a public testimony about the originary event that dislocated her/him as a subject (which might indicate a subjective vulnerability). Perhaps the event itself, in its overflowing originarity, is not always amenable to being guarded as such in memory and transposed as such in words. In this sense, we could suppose that the realm of discursiveness itself may prove to be too narrow to encompass the terrible experience of the witness-presence in its overwhelming eventiality. However paradoxically, it is precisely the excess of the event that urges the "witness-presence" to take the floor and eventually become a "witness-speech." Thus the "witness-presence," instituted as a witness by the event itself, would be summoned by the givenness of the event itself to assume the existential task of witnessing before others, even if the event itself, in its overwhelming givenness, can fatally undermine the witness's linguistic abilities to express it. In any case, it is not the witness who utters the testimony by virtue of his/her own power, decision, and will, anchored in one's freedom as a subject, but on the contrary it is precisely the originary event-like givenness that constitutes the power that imperatively demands the witness-presence to become a witness-speech, even despite oneself. In other words, the witness bears witness in a compelled manner, always in a passive way, under the imperative pressure of what must be spoken out. It would therefore be inaccurate to believe that only

27. See the constitutive moments through which Heidegger indicates the essential unrest of facticity (*Bekümmerung*, *Bedrängnis*, *Not*, *Beunruhigung*, *Trübsal*) in his early courses dedicated to the phenomenology of religious life (Martin HEIDEGGER, *Phänomenologie des religiösen Lebens*, Frankfurt am Main, Vittorio Klostermann [coll. "Gesamtausgabe," 60], 1995, p. 93-125, 143-146).

the ontological moment of the witness (in existentially experiencing the event) would be passive, while the discursive moment (bearing witness before others) would be active. In fact, the witness remains passive throughout all the phases that the phenomenon develops.

At the same time, the transition to speech can be undermined by another factor : the distrust of others. In the phenomenon of witnessing, we do not encounter only the witness's distrust, as we mentioned earlier, as a paradoxical distrust toward others that asks for their trust, but we also encounter the distrust of those who listen to the witness. Whether we like it or not, there is a constant hidden suspicion that persists in the relationship between people, so that intersubjectivity itself is constituted in and by the primordial tension between trust and distrust.[28] But for the witness, the possibility of utterance is conditioned not only by the receptivity of others — unless the utterance itself becomes a *vox clamantis in deserto* — but also by the credit they give from the beginning to the "witness-presence" who answers the call to become a "witness-speech." With this, however, another constitutive moment of the phenomenon we are analyzing opens up, one that is intimately related to the "receiving" of testimony by the others.

VI. FROM THE WITNESS TO THE ONE WHO HEARS THE TESTIMONY

As we mentioned earlier, both experiential poles engaged in the phenomenon of testimony — not only the witness, but also the one who listens to the testimony — must be subjected to analysis, in their essential junction. In the circumstance in which the witness is myself, and before me are those to whom I entrust my testimony (the audience, the public, the others, the public space), I need first to be heard, then to be believed. Of course, I can be heard and not believed. And in extreme situations I may not even be heard at all — for example, when the public itself — or those in power — do not give the "witness-presence" the chance to become a "witness-speech." The fact that I want my testimony to be received means that I need it to be accepted in the realm of publicly shared meaning, mutually validated in the intersubjective space constituting the common world (*Mitwelt*). No witness would testify if s/he did not want her/his testimony to be heard, believed, and accepted by others from the very beginning.[29] But this acceptance is never taken for granted. This is not only because the one who listens to the testimony is never credulous, but because the audience can

28. See Gert-Jan VAN DER HEIDEN, "On the Way to Attestation : Trust and Suspicion in Ricœur's Hermeneutics," *International Journal of Philosophy and Theology*, 75, 2 (2014), p. 129-141 ; see also de Nicolas de WARREN, *Original Forgiveness*, Evanston, Northwestern University Press, 2020, p. 15-42.

29. Even a false witness (which must be understood as a privative modification of the true witness) wants his/her lie to pass as truth, therefore to be accepted as such and believed "on his/her word" (as in "take my word for it"). As Renaud DULONG points out (*Le témoin oculaire*, p. 160), "the false witness can achieve his/her purpose only by secretly inscribing him/herself in the position of witness, by playing the game thoroughly, by succeeding in simulating this manifestation of truth-in-the-flesh, which is alone capable to convince" (my translation).

be hostile,[30] unfavorable from the start ; it may even mock the witness,[31] or may simply not be convinced by the testimony and thus not be able to receive it as such. Given that intersubjectivity is equally constituted by mutual suspicion, and that trust is difficult to gain and easy to lose, the fact of believing someone "on his/her word" implies a leap ("of faith") that is not part of the ways and means of everydayness.

We encounter similar problems when in the reciprocal situation, I am part of the audience, put in the position of "receiving a testimony" from the other. When I hear testimony about something unknown to me, I certainly ask myself whether or not I should believe the witness, and I wonder if I should credit or suspect the speaker. Perhaps I am cautious or evasive in deciding to accept what the speaker says as true because I am afraid of being deceived, or I do not want to be manipulated, or because there are too many unknown aspects involved and the whole situation cannot be contained under my "rational control," etc. Here as well we are confronted with the question of the dynamics between trust and distrust, between credibility and discredit, of the possibility of entrusting yourself to the other or of already being certain about what is being said, etc. : hence the problem of believing. Indeed, what does it mean to believe the other ? At least two levels must be differentiated here, because prior to any "reasoning" and "calculating" about the probability that the other will tell me something true or not (as possible grounds for accepting or rejecting what the witness says, based on a critical examination), we always start from the pre-reflective, spontaneous experiential layer in which we are or are not willing to believe the other. And this, of course, happens for various reasons related to our previous experience with similar situations, to the empathy we have with the one before us, to what "intuition" ineffably tells us about the witness's genuineness, to the agreement or disagreement we have with the witness at the level of our basic existential assumptions, etc. In any case, the self that receives the testimony is still "in control" : s/he will ultimately decide whether to accept it or not, or whether simply to refrain from crediting or discrediting what one is told, thus practicing a skeptical suspension of any belief. For the one who testifies, however, the situation is infinitely more fragile, because from an existential point of view, standing between the possibility that others may or may not believe me, I basically risk the chance of my belonging to the common world : as we mentioned earlier, not only does the event institute in the witness a crucial dimension of his/her existence, something in relation to which the witness is fundamentally linked, but also the happening of the event expels the witness from the community of being-together, at least through the fact that the overwhelming meaning of the event (that about which the witness is going to bear witness) is somehow accessible only to the witness, while being completely inaccessible to others. For the witness-speech, fully convinced of the truth of her/his testimony, the painful possibility of not being believed "on his/her word" returns her/him to the initial aloneness, especially when

30. Cf. Jn 3:11 and 32 : "we speak of what we know, and we testify to what we have seen, but still you people do not accept our testimony" ; "He testifies to what he has seen and heard, but no one accepts his testimony."

31. See, for example, the situation of the Apostle Paul in the Areopagus, Acts 17:32 : "some of them sneered, but others said, 'We want to hear you again on this subject.'"

s/he has no "evidence," but only her/his word, which can be believed or not "on his/her word." As we pointed out, if the witness-presence is alone in front of the event (silenced-as-mute) from the very beginning, summoned — without any possibility of evasion — by the event that institutes her/him as a witness (therefore deeply anchored in the world of the self, singularized and individualized), then what is implied with the subsequent self-manifestation of the witness who takes on the task of bearing witness in language and in public — and is therefore implied in the very transition to this new constitutive moment of the phenomenon — is a dramatic attempt to escape from one's loneliness and to enter into communion with others. And it is precisely the very fact of "being believed" that allows the solitary witness truly to be received once again into the community of others, in the common world, in the "we" of our living-together. But when the witness is not believed, it means that the common world is denied to her/him, so that all s/he can do is to fall back on the world of the self, in its monadic solitude.[32]

Finally, the situation of the witness and her/his testimony changes when we pass from the plural of these others, in their diffuse and indeterminate multiplicity, to the singularity of the other, a unique other given in a privileged alterity. For just as I can publicly bear witness before others, in their typical ordinary diversity, so I can confidentially bear witness in front of an exceptional singular other, in his/her uniqueness, in which case we are dealing instead with a confession or a disclosure, as in revealing a mystery or entrusting a secret. In both cases we are dealing with the constitution of a "we" through testimony, but in the first case we pass from the splitting of "each for oneself" to the community of a social "we," while in the second case we pass from monadic solipsism to the communion of a singularized and personalized "we" of the "I-Thou" type. Of course, while my testimony concerns everyone else, my secret does not. When someone bears witness before others, in their plurality, what the witness has to say does indeed concern everyone else, involving them, being of paramount importance for the community and having major significance for the public space. Otherwise, the witness would not expose him/herself "for nothing" or for something irrelevant. The testimony brings into play something essential for this "we" divided between the witness and the others : the witness seeks to be believed precisely in order to overcome this division and reconstitute an originary "we" of the common world. In contrast, when someone bears witness in front of a singular other, in his/her uniqueness, we are dealing with a confessing-witness, and his/her confession-testimony does not concern the public space, because what s/he has to say is relevant only for her/himself — for the world of the self in which s/he is essentially anchored, and into which s/he invites the other (as the singular other) to become a part through his/her listening (an existential hearing which, as Heidegger puts it, is irreducible to the simple perception of sounds[33]). What is at stake here is something existential-individual, unlike the previous situation, where what is at stake is some-

32. It is true that this solitude can be an "expanded" one, with the witness being alone before those who do not believe him/her, but together with the few who still believe in the truth of his/her testimony.

33. See M. HEIDEGGER, *Sein und Zeit*, p. 163-164.

thing existential-communitarian. In any case, even if the credit we have in the eyes of others — and conversely, the credit that others have in our eyes — involves an inevitable epistemological element, it is essential first of all to bring to light the existential-phenomenological dimension that underlies the need for the witness to be believed. This need is not simply epistemic, but is existential, and it is primarily related to the way in which being-oneself is constituted in close relation with being-together.

CONCLUSION

The phenomenological mapping of the existential situation in which the phenomenon of witnessing is constituted is, of course, barely sketched here. And it goes without saying that the experiential richness that is given in and through this phenomenon requires many other descriptive approaches, able to analyze in detail the other structures that will prove essential for its understanding. For example, one decisive aspect is related to the question of truth. What meaning of truth is engaged by the phenomenon of testimony when it is understood *starting from* the existential experience of witnessing ? Since we argued earlier that prior to the epistemology of testimony we need to uncover a phenomenology of witnessing, this implies as well that the truth-character involved in the witness's experience is not reducible to a simple *adequation*, as in the realm of judgments and propositions, within the sphere of knowledge. Behind the epistemological domain of factual exactitude of "what is said" in the testimony, we need to uncover the primary phenomenological truth engaged by the experience of witnessing, either when the event is experientially endured in its overwhelming character (the instance of witness-presence) or when it is existentially exposed to the others (the instance of witness-speech). Here it is not only a question of exactly rendering "what happened," even if in some circumstances, more or less related to a legal context, a rigorous precision is usually required — or at least expected — from the witness. The truth of witnessing is to be explored first of all it its existential dimension, as a being-true that pertains to oneself rather than as a propositional truth regarding something else that simply happened in the past. Another major topic is that of embodiment : to elucidate the way in which the essentially bodily experience of the witnessing-subject changes throughout the whole experience, during its constitutive phases, is a challenge in itself. However, it is not only the witness's embodiment that is decisive ; the embodied and affective dimension of those who listen to the testimony proves to be essential for a full understanding of this phenomenon as well. Finally, the distinct ways in which intersubjectivity concretely evolves during the various structural moments of this phenomenon must also be analyzed in depth. For one of the fundamental questions that underlies any phenomenological exploration of witnessing concerns precisely the modulations of otherness, the differentiated incarnations of the other, as well as the various ways in which the "common world" catastrophically collapses and can eventually be reconstituted.