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Affirmation in Loss

On the Question of Testimony

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"Reality is always the plaintiff's responsibility."
Jean-Francois Lyotard[1]

"The testimony is inherently a process of facing loss (...)"
Dori Laub[2]

In the following reflections I would like to proceed from the tension between the two statements quoted above. This not only because these statements develop an initial, perhaps central paradox that can be linked to testimony, namely, that it tries to manifest a reality based on a loss. In my view it seems at least equally important that these quotes situate the subject of testimony in a historico-political context, at least for the European setting (certainly not limited to this but also without being generally applicable to any context). In both instances, we are faced with eminent cases of "phrasing after Auschwitz"[3] – phrases written from the experience of the *condition*, and reflecting a preoccupation with it, in which a speech bearing witness to "Auschwitz" (to everything that this name refers to) finds itself and at the same

time possibly loses itself. That a plaint is made, one that has the burden of asserting a certain reality, is one part of this condition. Another one consists in the fact that the testimony that can contribute significantly to presenting this reality is faced not simply with a saturated reality but first and foremost with a loss. The cited statements thus document a rupture, one that is not arbitrary, but has far-reaching epistemic and political consequences with regard to the question of testimony. We cannot simply speak *about* testimonies like any other subject and certainly not in a general sense. Instead, the stake is to take a certain stance towards them, to enter into a specific epistemic, political, social relation that goes along with an awareness of one's own situatedness.

Precisely *those* testimonies that speak of the Shoah, of the manifold violence of the Nazi annihilation policy and of living and dying under the condition of this violence are the ones that primarily situate my own preoccupation with the question of testimony – namely within a post-Nazi context. A context in which not only in the explicitly post-Nazi countries but also far beyond these countries and beyond Europe the statements of witnesses and the question as to the uncertain bond connecting the speech of the survivors with the dead, is still overlapped by discourses that are informed by completely different kinds of interests – from the festive-pompous tone of government-staged "commemorative celebrations" to renewed orchestrations of national innocence or the relegation of what happened to "cultural memory" all the way to the various narratives that simple deny and play down the horrors of history. Again and again, in this situation, Walter Benjamin's words continue to have a validity – words that he probably wrote around 1940 shortly before committing suicide while fleeing the Nazis, namely, "[e]ven the dead (...) will not be safe before the enemy, if he wins"[4]; and there is still the task of

finding out where this enemy, even if it is one who has supposedly been defeated, did for the time being at least win over in certain respects.

The insight into this state of affair does not, however, provide a general model of interpretation for all contexts in which practices of testimony and a specific reflection of these practices have evolved. As examples one need only cite the copious Latin American testimonial literature[5], the role of testimonies in connection with "truth commissions" (as for example in Argentine following the end of the military rule in the 1980s[6] or in South Africa following the end of Apartheid[7]) or the testimonies of Palestinian refugees and displaced persons in particular from the period of Jewish-Arab conflicts in 1947/48 as well as the founding of the Israeli state in 1948.[8]

It would, of course, be absurd to claim that there is absolutely no connection between these contexts and the role of testimony in the discussion on the Shoah or in explicitly post-Nazi contexts. On the contrary, such connections and enlacements are in part patent – even if they cannot be expected in every case from the very outset – for instance on the level of legal forms and practices that follow the Nuremberg trials. Even clearer and also more complicated, these interconnections can be seen on the level of Arabic-Palestinian *nakba*-narratives[9] which in certain cases – but not at all systematically, as some would like us to believe[10] – "compete" directly and hostilely with Jewish-Israeli Shoah narratives, thus producing a sort of frontal opposition between testimonies whose offshoots can even culminate in Shoah denial. At the same time these *nakba* narratives constitute a sort of speech which generally finds no place in the Israeli public and in the Israeli school system. Its discursive location is thus not just marked off by self-chosen

boundary lines and oppositions – even when it revolves around the speech of those who are called "present absentees".[11]

The following text does not seek to answer the questions raised in these contexts. Quickly formulated certainties probably do little to answer them. At the same time I do not want to evade these questions (like others, such as the question as to the "identity-defining" function of truth commissions which in so-called transitional societies too often give priority to the restoration of "national unity" over the preoccupation with the past) but at least recall them. It is, I believe, this sort of questions that mark the *political* stakes connected with the issue of testimony. And these questions immediately lead us to a second paradox of testimony that will surface again and again in the following reflections: Testimony hardly ever articulates a "pure" or "authentic" report of what has happened but rather takes place in a constant overlapping through existing discursive formations as well as under the condition of being assigned to certain discursive locations.

Witnesses without a court?

The classic site of discourse for a testimony is the court. It does not come as a surprise that Lyotard's statement quoted at the beginning of this text refers unmistakably to a situation that implies the existence of a court to which action can be addressed. Let us place this statement in its context:

> "The one who says there is something is the plaintiff, it is up to him or her to bring forth a demonstration, by means of well-formed phrases and the procedures for establishing the existence of their referent. Reality is always the plaintiff's responsibility. For the defense it is

> still sufficient to refute the argumentation and to impugn the proof by a counter-example. [...] The defense is nihilistic, the prosecution pleads for existents (*l'etant*). [...] This is our way of thinking that reality is not a given, but an occasion to require that establishment procedures be effectuated in regard to it."[12]

That "there is something" cannot be brought to bear simply by a complaint (there is an etymological connection between "showing" and "testifying" in the German word *Anzeige*, "complaint") and also not by a mere account (for example, in keeping with the French usage of "témoigner" which is often moved in vague proximity with "reporting"). *Validity* has its own constitutive conditions. And it is constituted within the context of a given institutional form that informs the sentences in which a plaint is formulated and – provided that these sentences are sufficiently "well-formed" – authorizes certain investigational proceedings with regard to "reality". There are points where the defense can thwart this procedure in which authorization and investigation merge without, however, having to separately back the unproven "reality" on which (or its validity) it insists, except under the specific conditions of an inversion of burden of proof. It is often enough that it de-legitimizes the *form* in which action is brought forth against someone.

It is evident that in this setting the witness can just as little be identified with the plaintiff as with any other of the cited authorities. He/she is *summoned*, cited *before* the court (to express as much citable as possible), in a sense incorporated in the text produced by the latter and thus included in the field of forces described. The witness cannot simply be identified with the plaint before court even if the reality of which he or she speaks is burdened upon his or her "responsibility". This not only because

the plaintiff him- or herself, in light of the exigencies of the court proceedings, can unfold a more or less pronounced interest in verifying the "truth" or the "credibility" of the testimony. In this procedure the testimony also assumes a different role that I would like to foreground here and which is already outlined in a fragment from a lost piece by Plautus which was transmitted by Festus. There a figure appears with the following words: *Nunc mihi licet quidvis loqui: nemo hic adest superstes* ("Now I am allowed to say everything I would like; there is no witness present.)13

Independent of each concrete testimony the mere presence of witnesses (or the mere possibility of protest and counter-assertion that is connected with this presence) appears to disrupt an uninhibited discourse basing its statements on a "reality" which is confided to the evidential value of heavy-handed assertions and thus is freed from more complex truth procedures. Thus, the testimony cannot only be questioned as to which truth procedures it can be subjected to or, in a given context, should be subjected to. It also occupies a structural place from which a specific contestation of insufficient truth procedures regarding the discourse becomes possible in which it intervenes – a contestation which in a court setting can essentially refer to all authorized authorities of the production of truth.

Lyotard gives a special turn to the motive of an uninhibitedly claimed "reality" which is freed from contestation through testimonies, when he writes:

> "[...] the 'perfect crime' does not exist in killing the victim or the witnesses (that adds new crimes to the first one and aggravates the difficulty of effacing everything) but rather in obtaining the silence of the witnesses, the deafness of the judges, and the inconsistency (insanity) of

> the testimony. You neutralize the addressor, the addressee, the sense of the testimony; then everything is as if there were no referent (no damages)."[14]

It is possible that the mere absence of witnesses evokes suspicion, that the truth procedures established in such absence precisely because of this absence appear to lack credibility and thus also challenge other truth procedures such as the search for *traces* of an event. From this perspective the *linguistic* destruction of a testimony, the destructive assault on its components can appear to be a "more perfect" strategy than the physical destruction of the witnesses. Even wherever there is no doubt that the physical destruction constitutes a central element of the crime – as in the Nazi machinery of annihilation – the motif of linguistic destruction is evident. It appears in the moment in which the murderers address their victims as possible witnesses. Primo Levi puts this at the beginning of his book *The Drowned and the Saved* in which he links the incredulity of the public in view of the atrocities described in the first testimonies coming from the annihilation camps which circulated in 1942 and the conscious motives of the perpetrators:

> "It is significant that the culprits themselves foresaw this incredulity well in advance; many survivors (among others Simon Wiesenthal in the last pages of his book *The Murderers are Among Us*) remember that the SS men enjoyed cynically admonishing the prisoners: 'Just imagine that you arrive in New York and people ask you: »What was it like in those German concentration camps? What did they do to you?« [...] You tell these people in America the truth [...] And you know what would happen then? [...] They would not believe you. They would think you were crazy and maybe even stick you in an insane asylum. How can anyone believe these

> unbelievably horrific things – if one has not experienced them oneself?".15

The much cited, yet usually little reflected talk of the "senselessness" of violence is explained in greater precision here. It has to do with a sense-lessness *produced* by violence. This senselessness splits the possibilities of speaking about this violence – from the experience of this violence – from the spheres in which sense can circulate. "Senselessness" here denotes an *active moment* of violence and not one of its characteristics that stands in opposition to its "rationality". For this very reason the most senseless violence can also be thoroughly rational.

Here it seems to me that we cannot get around the following question: What if there are no courts for certain witnesses before which they can be heard (be it the courts of jurisdiction or such that speak reason)? What if there are witnesses who are summoned nowhere, are not cited anywhere, whose possible speech remains isolated to the extent that it is not granted not even the most idiosyncratic idiomatic, because it is seen as simply being a form of "idiocy", as nonsense that is caught up in itself? And what if there are witnesses who cannot give a testimony because the event on which they are to testify has left traumas that do not by necessity prevent speech in a general sense but speech on precisely *this there* – on those "sensual certainties" that cannot be discursivized and that constitute the node of all traumatization?

Testifying, surviving

Let us first return to the statement by Plautus that I cited above and that was taken from Emile Benveniste's *Vocabulaire des institutions indo-européennes*. The Latin word for "witness" is

superstes in this quote and it is worth mentioning because *superstes* is not the only word in Latin that is usually translated as "witness". It stands in competition with the word *testis* whose semantic horizons once again point in the proximity of a court situation. "Etymologically speaking", Benveniste writes, "*testis* is he who is present at an event involving two persons (*où deux personnages sont intéressés*) as 'third' (**terstis*)."[16] The *testis/terstis* thus qualifies as witness precisely by virtue of his disinterested presence and it is this very quality that moves him, as Benveniste analyzes elsewhere in his *Vocabulaire*[17], to a specific proximity to the arbiter, the *arbiter* being a special instance of the *iudex*. Here a remarkable difference can be noted: both *testis* and *arbiter* witness as uninvolved parties an event, yet "the *testis* is there in the gaze and in knowledge of the parties, while the *arbiter* sees and hears without being seen."[18] The ancient Latin word use of the suitability of the one (*testis*) to be a witness called before court as well as the qualification of the other (*arbiter*) to judge, to act as an arbiter giving jurisdiction can be deduced from this difference between being seen and not being seen. Or to put it the other way round: the *iudex* entrusted with deciding on matters of arbitration can be constructed as a distant witness.

But what about the *superstes* of which the Plautus fragment speaks? The word can first of all be analyzed as a substantified adjective that is derived from *superstare*. Here the prefix *super-* preceding the verb *stare* ("standing, subsisting") is, as Benveniste elaborates, less to be understood as "above" and more as "beyond". In this sense then *superstare* also implies "'to be maintained further, to subsist beyond', namely beyond an event that has annihilated the rest. There was a death in a family; the *superstites* remain over and beyond the event. He who has moved beyond a danger, a test, a rough period of time, who has survived is a *superstes*."[19] *Superstare*

does not necessarily refer to misfortune or death. It can also mean "'to have gone through any kind of event and to continue to exist beyond this event', and thus to have been its 'witness'. Or also he who 'stands (*stat*) over (*super*) the matter itself, who witnesses it; who is present.' This would, with regard to the event, be the situation of the *witness*."[20]

In no case, however, should the *superstes* be understood as a passive third party. On the contrary, in particular as the survivor he is involved to the highest degree in the event to be witnessed and the capability to keep oneself "over the matter itself" (or to maintain oneself over and beyond it) and to come to speak about it is extremely precarious in various senses. To illustrate this I would like to briefly apply the old semantic proximity between the survivor and the witness that Benveniste describes with regard to the concept of the *superstes* to the cited Plautus fragment – not to suggest a "more adequate" translation but to bring attention to the horizons of connotation. The fragment is thus: "Now I am allowed to say everything I would like; there is no survivor present."

The figure of the witness always seems to refer to issues related to presence. In the semantic field of the *testis*, with his specific difference to the *arbiter*, the focus is on his non-involvement with what is happening as well as on his presence in the knowledge of the persons involved in this event. By contrast, the *superstes* is characterized by his involvement and his presence is not only precarious but also already informed by the tension existing between two situations – that to which he is a witness (and can be a witness because he has survived) and that in which he speaks about the first situation. Precisely this *twofold presence* is what the formula "maintaining oneself beyond the matter, standing over the matter itself" refers to. What then is "the matter" at hand? And

how is one to understand the precarious nature of this twofold presence?

Here we should first note that the proximity between surviving and witnessing documented in the Latin word *superstes* has to do with more than a mere old and mere semantic proximity. It corresponds to the uncanny proximity between physical and linguistic annihilation which I addressed above in connection with Lyotard. This proximity is to be found especially where there is an interest in the exercise of the dubious right "to say what one wants" without being confronted with the interventions of a different speech. In order to illustrate this connection we leave the ancient context and turn to Carlo Ginzburg's text "Just One Witness"21. Taking its distances from the Roman legal formula *Unus testis, nullus testis* ("One witness is not witness") and thus from a reduction of the question of witnessing to the court setting, this text discusses the status of testimonies made by witnesses on the basis of a historiographic approach. Ginzburg begins with the discussion of a testimony from the year 1348 which is documented in a few lines in a copy of the Tora, today found in the Austrian National Library in Vienna. The testimony reports about the annihilation of the entire Jewish community in the Provencal village of La Baume on May 16, 1348 shortly after the plague appeared (Jews were made responsible for the spread of the plague.) Its author, Dayas Quinoni, only survived because he had left the village for a few days at the time of the massacre. And Ginzburg's reflections are also mainly directed at the arguments of the post-Nazi "revisionists" à la Robert Faurisson who question the existence of the Nazi camps of annihilation also by pointing to the alleged impossibility of witnessses.22

Ginzburg's text does not offer a separate discussion of the link between both of these "cases". It is however quite remarkable given

the fact that Dayas Quinoni's testimony is that of a witness who was *not* physically present at the act witnessed – and who, as a survivor, can give a testimony for this very reason. Faurisson's "revisionist" sleight of hand, by contrast, amounts to the claim that those who appear to be witnesses can thus not be believed because they could not have survived the act witnessed if this act had taken place in correspondence to the testimonies. The cynicism of this line of argumentation is also visible in the fact that Faurisson, in the same breath as he denies the existence of the Nazi machinery of annihilation, also assumes its violent logic in two regards: one, by postulating a *complete* congruence between physical and linguistic annihilation so as to, by inversion, back his thesis that no physical annihilation had taken place in the sense of the witnesses; and second, because Faurisson seeks to disqualify the speech of the witnesses – those who actually survived the annihilation – as senseless and in so doing himself appears to be a late accomplice of those SS people who told the camp inmates that if they ever conveyed their experiences to anyone no one would believe them.

In light of the witness contexts linked by Ginzburg how can we approach, then, the twofold presence (presence in the event witnessed, presence in the speech on what happened or in a specific speech situation) which, as can be concluded from what has been argued thus far, constitutes a crucial condition of the testimony?

The Twofold Sociality of Testimony

The testimonies that actually *exist* – also with regard to the Nazi annihilation camps (and of course there is also voluminous historical evidence from other sources[23]) – are not just the product of the bare, improbable survival of the individual witnesses but also of a specific process of subjectivation and a specific sociality linked

to this survival.24 Let us reflect once again on Dayas Quinoni's testimony from the year 1348. How is the presence of the witness to be understood here? His physical presence at the moment of the witnessed act would in all probability not have allowed for a testimony. Should by contrast the physical absence devalue an individual's testimony whose most immediate social environment was extinguished with one blow and who was thus highly involved in the action witnessed?

Such a principal devaluation would once again be a product of retrospective violence – a violence which in the wake of the physical annihilation of the victims seeks to suppress the remainders of the social bond on which the testimony is based (inversely, the concrete *valuation* of the testimony could call for historiographic truth procedures whose capacity to reconstruct an event is subject to specific conditions.) However, the destruction of the sociality of potential witnesses can also become a direct stratagem of violence. Apart from the terror complex that is specifically linked to the Nazis, this becomes perhaps most evident in the murderous practices of forced "disappearance" which were applied in the 20th century for instance by the French army during the Algerian War – and later in the 1990s also by post-colonial Algerian military governments – or by the military regimes in Guatemala, Chile and Argentina. The notion of "disappearance" does not just serve as a euphemism for torture and murder but also designates the targeted and sustainable damage to the social life of those left behind whose experience of loss is superimposed by uncertainty and who for example, because there is no death certificate even in the case of the loss of spouses, also cannot remarry. – The "*mothers of plaza de Mayo*" in Buenos Aires counter this terror – to this very day – with the visible testimony of their violated and robbed sociality. They cannot bear witness to *what*

happened precisely. All the more eloquent is their testimony *that* something actually took place, the violent character of which is already evidenced by the fact that the cloak of conspiratorial silence shrouding the events was not completely lifted even after the end of the dictatorship.

Against this backdrop I would like to interpret the "presence" that since
ancient times has been seen as a prerequisite of testimony as a *socially informed* one – and thus also in this sense as a *precarious* presence. It is not just a presence "in the face of the matter" but a presence characterized by the fact that the possibility of a common, shared, conveyed presence "in the face of the matter" which extends over the event to be testified to has become precarious. Thus the possibility of a testimony that is not indebted to physical presence and to eyewitnessing (that could in fact not be indebted to it), but rather to the very sociality about whose destruction it reports; thus also, however, the solitary nature of testimony which often can only be articulated under the conditions of a broken and disrupted sociality – and thus also perhaps ultimately a specific case of testimony made impossible when the disruption of sociality in which speech could be articulated spreads to *inner* speech:

The psychoanalyst Dori Laub seems to broach this point when in reference to the Shoah he speaks of "the unique way in which, during its historical occurrence, the event produced no 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."25 This passage very clearly addresses the complex rupture which must always be taken into account in connection with testimonies, namely the break between the historical and the memory or the articulated memory.26 The

borderline case of this rupture is constituted by a historical event that does not produce any witnesses, that lets the memory inherently become fragile or ineffable.

That the Shoah was such an event, however, is something stated here by Dori Laub as someone who was not only a survivor himself and speaks as such but has also co-founded a Video Archive for Holocaust Testimonies at Yale University and who has devoted many years to "producing" testimonies.27 It thus comes as no surprise when Laub's reflections on testimony are highly concerned with the question as to how it is possible to bring forth testimonies where the event to be testified to, "during its historical occurrence, produced no witnesses." The question alludes to the second dimension of that twofold presence of the witness we addressed above: the presence that allows one "to stand over the matter" and to speak about it, that is the presence of the situation of speech. Like the first dimension of the presence of the witness, namely that referring to the testified event, this second dimension also seems precarious, broken – and at the same time thoroughly social.

One of the things Laub28 describes is the testimony of an Auschwitz survivor, who generally spoke in a hushed, monotonous voice, in her late seventies. Only when she began speaking of the revolt that prisoners of the "Sonderkommando" staged in Auschwitz-Birkenau on October 7, 194429 did her narrative become full of intensity, as she described the explosion of the four chimneys of the crematoriums. At a conference several months later where the video documentation of the interview was discussed a number of historians voiced unease about this testimony since only one of the crematoriums at Auschwitz-Birkenau was actually blown up during the revolt. The imprecise nature of the testimony was believed to even possibly play into the hands of the "revisionists". Laub sums up his own disagreement with these

objections as follows: “She [this woman] had come, indeed, to testify, not the empirical number of the chimneys, but to resistance, to the affirmation of survival, to the breakage of the frame of death [...]. This was her way of being, of surviving, of resisting. It is not merely her speech, but the very boundaries of silence which surround it, which attest, today as well as in the past, to this assertion of resistance.”30

Following Laub’s reflections it is thus less the “truth” of the statement that could be verified – on the basis of a generalized model of intersubjectivity – but rather the possibility of the social presence of the *act* of utterance which in testimony is first and foremost precarious (and perhaps the question as to the possibility of a *current social presence* of testimonies decides whether and to what extent the at-testations of this speaking are split off from the pro-test that possibly tries to become articulated in it, or whether and to what extent it is possible to bring forth new articulations of attestation and protest.) Even the historians described by Laub, who certainly cannot be accused of not being basically open, are more interested in the exact truth of the *statement* than in the complex fractured nature of speech. And it can hardly be judged if even Laub’s interpretation of this fractured speech as an “assertion of resistance” does not run the risk of becoming too straightforward. Yet this interpretation does not refer so much to the validity of the statement’s content but rather to an act of subjectivation which brings forth the speech (to the extent that it can lend itself presence and contours) just as much as the whispering, the monotony and the silence that surround it. Laub thus touches on the traces accompanying the speech which as traces are never clear but can also point to the inhibitions already alluded to above: the inhibitions of a traumatization.

And yet in that which, regarding the possibility of speech, appears as an inhibition there can still lie an affirmation – no matter how suppressed – with respect to the subjectivation of the survivors. Here I will only quote the following intense account by Dori Laub who describes these inhibitions from the experience of an interview setting, underscoring the tasks of *listening* which constitutes an irreducible part of the social nature of acts of speech and silence:

> "[The listener] needs to know that the trauma survivor who is bearing witness has no prior knowledge, no comprehension and no memory of what happened. That he or she profoundly fears such knowledge, shrinks away from it and is apt to close off at any moment, when facing it. He needs to know that such knowledge dissolves all barriers, breaks all boundaries of time and space, of self and subjectivity. That the speakers about trauma on some level prefer silence so as to protect themselves from the fear of being listened to – and of listening to themselves. That while silence is defeat, it serves them both as a sanctuary and as a place of bondage. Silence is for them a fated exile, yet also a home, a destination, and a binding oath. To *not* return from this silence is rule rather than exception.
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> The listener must know all this and more. He or she must *listen to and hear the silence*, speaking mutely both in silence and in speech, both from behind and from within the speech. He or she must recognize, acknowledge and address that silence, even if this simply means respect – and knowing how to wait."[31]

I would prefer not to comment on this description in detail. Instead I will draw a sort of conclusion: Testimonies of the type

that I have tried to speak about here hardly lend themselves for establishing a direct access to reality – even if the testimony constitutes a mode of speaking that may be more founded on experience than other modes. And this does not have so much to do with a "deficiency" of testimony that could be "complemented" by specific truth procedures. On the contrary, it could be related to an "excess" of testimony, a surplus of speech (as an *act* of utterance), an excess of silence, an excess of experience which extends beyond a statement and its possible content. The construction of a deficiency of testimony – a "lack of truth" – probably contributes to the fact that today we are perhaps only able to encounter this speech through the attempt to deconstruct the discursive layers appearing in itself as well as in the related processes of understanding and communication. But at the other end of this deconstructive movement (to the extent that it can brought to an end) there is no reality-saturated meaning awaiting us, but rather speech fractured in a variety of ways, silence fractured in a variety of ways – and perhaps in spite of everything an affirmation pervading this speech and silence. For this reason I already said at the beginning of my text that the issue is to enter into a social relationship with witnesses and testimonies – a social interaction that is capable of listening even to silence.

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1 Jean-Francois Lyotard, *The Differend: Phrases in Dispute*, transl. Georges Van Den Abbeele, Minneapolis: University of Minnesota 1988, p. 8.

2 Shoshana Felman / Dori Laub, *Testimony. Crises of Witnessing in Literature, Psychoanalysis and History*, New York and London: Routledge 1992, p. 91

3 Cf. J.-F. Lyotard, “Discussions or Phrasing After Auschwitz”, in: *The Lyotard Reader*, ed. Andrew Benjamin. Oxford: Blackwell 1992, p. 360-392.

4 Walter Benjamin, „Über den Begriff der Geschichte“, in: *Gesammelte Schriften*, vol. I.2, Francfurt-on-the-Main: Suhrkamp 1991, pp. 691–704, here: p. 695.

5 Cf. on this e.g., John Beverley, *Testimonio. On the Politics of Truth*, Minneapolis: University of Minnesota Press 2004.

6 Cf. e.g. Ruth Fuchs, *Staatliche Aufarbeitung von Diktatur und Menschenrechtsverbrechen in Argentinien. Die Vergangenheitspolitik der Regierungen Alfonsin (1983-1989) und Menem (1989-1999) im Vergleich*, Hamburg: Institut für Iberoamerika-Kunde 2003.

7 Cf. for example Claire Moon, *Narrating Political Reconciliation: South Africa’s Truth and Reconciliation Commission*, Lanham: Lexington Books 2008.

8 Cf. for example Nur Masalha (ed.), *Catastrophe Remembered. Palestine, Israel and the Internal Refugees. Essays in Memory of Edward W. Said*, London and New York: Zed Books 2005.

9 The Arabic word *nakba* means “catastrophe”. It is often used to refer to the events of 1948. The specific political meaning of this concept goes back to the book *Ma’na al-nakba* (Beirut 1948 [“The Meaning of Catastrophe”] of the Arab-nationalist historian Constantine Zurayk.

10 Here of course I also have in mind several so-called “anti-German” contexts in the immediate post-Nazi countries that only want to take note of these narratives where they believe to recognize the resurgence of fascism or “Jihadism”, throwing over

board all claims of critical, differentiated analysis of society in favor of anti-Islamic and in part openly neo-colonial attitudes.

11 The Palestinian refugees and displaced persons ("internal refugees") are referred to as "present absentees" in Israel. Cf. on this as well as on the problem addressed above: Eitan Bronstein, "The *Nakba* in Hebrew: Israeli-Jewish Awaremess of the Palestinian Catastrophe and Internal Refugees", in: Nur Masalha (ed.), *Castrophe Remembered*, pp. 214-241; Bronstein is head of the Jewish-Israeli organization Zochrot which, in working together with internal refugees, seeks to make the *nakba* and the question of a possible return of the refugees a subject of public debate.

12 J.-F. Lyotard, *The Differend*, op. cit., pp. 8-9.

13 Cited after Emile Benveniste, *Le vocabulaire des institutions européennes, 2: Pouvoir, droit, religion*, Paris: Editions de Minuit 1969, p. 276.

14 J.-F. Lyotard, *The Differend*, op. cit., p. 8.

15 Quoted and translated from the German translation: Primo Levi, *Die Untergegangenen und die Geretteten,* Munich: dtv ^{2}1995, p. 7.

16 E. Benveniste, *Le vocabulaire des institutions indo-européennes*, 2, p. 277.

17 Cf. ibid., pp. 119-122.

18 Ibid., p. 120.

19 Ibid., p. 276.

20 Ibid.

21 I refer here to the French edition of this text in: Carlo Ginzburg, Un seul témoin, Paris: Bayard 2007.

22 While the "revisionist" strategies of the right-extremist French literary scholar Robert Faurisson go beyond the question of testimony, this issue figures centrally for him. By basically calling into question the legitimacy of the testimonies of the Nazi murder machinery he tries to shift the focus of discussion to "scientific-objective" issues like that of the technical feasibility of gas chambers used for genocide. Lyotard sums up Faurisson's argument as follows: "In order for a place to be identified as a gas chamber, the only eyewitness I will accept would be a victim of this gas chamber; now, according to my opponent, there is no victim that is not dead;, otherwise this gas chamber would not be what he claims it to be. Therefore, there is no gas chamber." (*The Differend*, op. cit., p. 4) Concerning Faurisson cf., apart from Lyotard's and Ginzburg's texts, in particular: Pierre Vidal-Naquet, *Les assassins de la mémoire. "Un Eichmann de papier" et autre essais sur le révisionnisme*, Paris: La Découverte 1987.

23 Regarding the "revisionist" approach to testimonies *as well as* the evidential value of documents cf. the synoptic analysis in P. Vidal-Naquet, *Les assassins de la mémoire*, pp. 36-41. There are, besides, also "testimonies of perpetrators", cf. for example the two reports and statements explicitly directed against attempts at denial in the volume *Auschwitz: Zeugnisse und Berichte*, ed. H.G. Adler, Hermann Langbein and Ella Lingens-Reiner, Frankfurt/M.: Europäische Verlagsanstalt, 4th ed., 2003, pp. 78-81.

24 In his book *Remnants of Auschwitz: The Witness and the Archive* (New York: Zone Books 1999), Giorgio Agamben developed a language philosophical-messianological interpretation of the conjunction between survival and subjectivation. If I underscore, in

what follows, the aspect of sociality, then also because the social character of testimony remains strangely underexposed in Agamben's book. Even though we can find sentences like: "The human being can survive the human being, the human being is what remains after the destruction of the human being" (p. 134), "the human being" remains largely in the singular not just nominally but also within Agamben's analysis. Accordingly, the threshold to death appears, in a thoroughly Heideggerian way, primarily as a threshold to *one's own* death and not as a threshold to the death of *others*. Whoever speaks of "human being" (p. 148), however, is dealing with an irreducible plurality and sociality, and this is no less true of he who speaks of "survival of the human being through the human being": Survivors in this sense are not just those who have survived the "catastrophe of the subject" but also those who have experienced the catastrophe of others and have "remained" after their actual death.

25 Sh. Felman / D. Laub, Testimony, p. 80.

26 Pierre Vidal-Naquet, *Les assassins de la mémoire*, p. 8: "Between memory and history there can be tension, yes even an opposition."

27 I quote Dori Laub's own description of the differently informed perspectives from which he speaks: "[a]s the cofounder of the Fortunoff Video Archive for Holocaust Testimonies at Yale; as an interviewer of the survivors who give testimony; as a psychoanalyst who treats Holocaust survivors and their children, and as a child survivor myself" (Sh. Felman/D. Laub, Testimony, p. 75).

28 Cf. for the following, esp. pp. 59.

29 Cf. also: Israel Gutman, "Der Aufstand des Sonderkommandos", in: *Auschwitz. Zeugnisse und Berichte*, p. 213-219.

30 Ibid., p 62.

31 Ibid., p. 58.