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1

Witnessing

John Durham Peters

Witnessing is a common but rarely examined term in both the professional performance and academic analysis of media events. Media institutions have enthusiastically adopted its rhetoric, especially for nonfiction genres such as news, sports, and documentary. Such titles as *Eyewitness News*, *See it Now*, *Live at Five*, or *As it Happens* advertise their program's privileged proximity to events. Media personae such as correspondents and newsreaders can be institutionalized as witnesses. Cameras and microphones are often presented as substitute eyes and ears for audiences who can witness for themselves. Ordinary people can be witnesses *in* media (the vox pop interview, 'tell us how it happened'), *of* media (members of studio audience), and *via* media (watching history unfold at home in their armchairs). The media claim to provide testimonies for our inspection, thus making us witnesses of the way of the world. As a term of art, witnessing outshines more colorless competitors such as viewing, listening or consuming, reading, interpreting, or decoding, for thinking about the experience of media. What is the significance of this pervasive way of talking?

In this chapter, I propose to untangle the concept of witnessing in order to illuminate basic problems in media studies. Witnessing is an intricately tangled practice. It raises questions of truth and experience, presence and absence, death and pain, seeing and saying, and the trustworthiness of perception – in short, fundamental questions of communication. The long history of puzzlement and prescription about proper witnessing that developed in oral and print cultures is a rich resource for reflection about some of the ambiguities of audiovisual media. Hoary philosophical issues (such as the epistemological status of the senses) often show up in media practices in surprising ways; in

turn, media practices can, if seen in the proper lighting, also clarify old philosophical worries.

An important step in this direction has been taken in John Ellis's *Seeing Things* (2000), whose lucid arguments I wish to extend and nuance. Witnessing, for Ellis, is a distinct mode of perception: 'we cannot say we do not know' is its motto. To witness an event is to be responsible in some way to it. The stream of data flowing through the unaided senses already exceeds our explanatory schemata. The present moment supplies enough sensory information to outlast a lifetime of analysis. Audiovisual media, however, are able to catch contingent details of events that would previously have been either imperceptible or lost to memory. A camera can reveal the impact of a bullet in an apple; the tape recorder can fix an off-the-record comment. Such mechanical, 'dumb' media seem to present images and sounds as they happened, without the embellishments and blind spots that human perception and memory routinely impose. We thus find ourselves endowed with a much amplified and nuanced record of events, a 'super-abundance of details' rich with evidentiary value. Though photography, sound-recording, film, and radio have all expanded the realm of sensory evidence, Ellis singles out television in particular. 'Separated in space yet united in time, the co-presence of the television image was developing a distinct form of witness. Witnessing became a domestic act. . . . Television sealed the twentieth century's fate as the century of witness' (Ellis, 2000, p. 32). Liveness is a key characteristic of televisual witnessing, including the morally problematic witnessing of violence and carnage. He advances witnessing as a key term for media analysis that, he believes, is freer of ontological baggage than other more commonly used concepts.

For Ellis, in sum, witnessing has to do with complicity; owes much to modern media of inscription; is an attitude cultivated by live television, particularly nonfiction programming; and a valuable resource for media analysis. I would concur with Ellis in everything with the exception that witnessing actually carries weighty baggage, if not ontological, at least historical. Yet this baggage is not only a burden, but also a potential treasure, at least since it makes explicit the pervasive link between witnessing and suffering and shows the degree to which media problems with witnessing are built upon venerable communication problems that are inherent in the witness as a kind of signifying act. The 'baggage' has three main interrelated sources: law, theology, and atrocity. In law, the notion of the witness as a privileged source of information for judicial decisions is ancient and is part of most known legal systems. In theology, the notion of witness, especially as martyr, developed in early

Christianity, though it has resonance for other religious traditions as well. The third, most recent, source dates from the Second World War: the witness as a survivor of hell, prototypically but not exclusively the Holocaust or *Shoah*. These three domains endow 'witnessing' with its extraordinary moral and cultural force today, since each ties the act of witnessing, in some deep way, to life and death. The procedures of the courtroom, the pain of the martyr, and the cry of the survivor cast light on basic questions such as what it means to watch, to narrate, or to be present at an event. Witnessing, as an amazingly subtle array of practices for securing truth from the facts of our sensitivity to pain and our inevitable death, increases the stakes of our thinking about media events.

Analyzing the term

As a noun, *witness* is intricate. The term involves all three points of a basic communication triangle: (1) the agent who bears witness, (2) the utterance or text itself, (3) the audience who witnesses. It is thus a strange but intelligible sentence to say: the witness (speech-act) of the witness (person) was witnessed (by an audience). A witness can also be the performance itself. Thus we speak of a Holocaust survivor's witness against fascism. In African-American churches when preachers ask 'Can I get a witness?', they invite audience affirmation and participation, the witness as a public gesture of faith. In religious contexts, witness can also have a more private meaning as inward conviction of religious truth, which in turn may motivate the activity of 'witnessing' (evangelizing). In law, literature, history, and journalism alike, a witness is an observer or source possessing privileged (raw, authentic) proximity to facts. A witness, in sum, can be an actor (one who bears witness), an act (the making of a special sort of statement), the semiotic residue of that act (the statement as text), or the inward experience that authorizes the statement (the witnessing of an event).

As a verb, *to witness* has a double aspect. To witness can be a sensory experience – the witnessing of an event with one's own eyes and ears. We are all, constantly, witnesses in this sense simply by virtue of finding ourselves in places and times where things happen. Most of what we witness is insignificant in the larger scheme of things and vanishes into oblivion. But witnessing is also the discursive act of stating one's experience for the benefit of an audience that was not present at the event and yet must make some kind of judgment about it. Witnesses serve as the surrogate sense organs of the absent. If what we have witnessed is

crucial for a judgment, we may be summoned to a formal institutional setting: a court of law, a church, or a television studio. A witness is the paradigm case of a medium: the means by which experience is supplied to others who lack the original.

To witness thus has two faces: the passive one of *seeing* and the active one of *saying*. In passive witnessing an accidental audience observes the events of the world; in active witnessing one is a privileged possessor and producer of knowledge in an extraordinary, often forensic, setting in which speech and truth are policed in multiple ways. What one has seen authorizes what one says: an active witness first must have been a passive one. Herein lies the fragility of witnessing: the difficult juncture between experience and discourse. The witness is authorized to speak by having been present at an occurrence. A private experience enables a public statement. But the journey from experience (the seen) into words (the said) is precarious. Witnessing presupposes a discrepancy between the ignorance of one person and the knowledge of another: it is an intensification of the problem of communication more generally. It always involves an epistemological gap whose bridging is always fraught with difficulty. No transfusion of consciousness is possible. Words can be exchanged, experiences cannot. Testimony is another's discourse whose universe of reference diverges from one's own. Like somebody else's pain, it always has a twilight status between certainty and doubt. A parent may bear witness to a child that a stove is hot, but getting burnt may be more persuasive. Witnessing is a discourse with a hole in it that awaits filling.

The unreliability of witnesses

Witnesses, human or mechanical, are notoriously contradictory and inarticulate. Different people who witness the 'same' event can produce remarkably divergent accounts. Though awareness of the poor epistemological quality of witnessing is ancient, twentieth-century social science has explored it in detail. Eyewitness testimony, for instance, has been subject to intense social-psychological scrutiny (for example, Ross *et al.*, 1994). We now know that errors in identifying people and faces are common, with potentially devastating consequences for justice. In reports by different eyewitnesses, moustaches fly on and off faces, blondes morph into brunettes, and clothes change color like chameleons. Hats have major effects on recognition, because of the role of the hair-line in identifying faces. Post-event tampering, both from inside and

outside, can also alter testimony. From within, the psychological process of dissonance-reduction has the paradoxical effect of increasing confidence in accuracy of recall even while the memory of the event is fading; from without, testimonies can be shaped by the schematic constraints of narrative structure and altered, perhaps even created, by the way they are probed ('refreshed') by others. Social science methodology has noted the dubious evidentiary status of statements about even one's own attitudes and opinions. From polling, we know about acquiescence effects (the tendency of people to agree), the huge effects of phrasing on reported opinions, and the divergence between front-door and back-door measures (Webb *et al.*, 1981). Fabrication seems inherent in the loose coupling between sentences and the world; witnesses are evidently a fallible transmission and storage medium for sensory experience.

The legal theory of evidence is also a compendium of reflections about the (un)reliability of witnesses. There is a long history of excluding people as incompetent witnesses on various grounds. Non-Christians, convicts, interested parties, spouses, children, the insane, or those standing in a relationship of professional privilege with the defendant have all been considered hindered in truth-telling or as possessing special motives to fabrication. As in survey research, the law has an acute awareness about the ways that modes of interrogation (for example, leading questions) can manufacture, rather than elicit, testimony.

Since the transformation from experience to discourse lies at the heart of communication theory, witnessing entails many of the most fundamental issues in the social life of signs, especially how the raw, apparently private, stuff of sensation can have any input into the public world of intelligible words (also a fundamental question in empiricist philosophy since Locke and Hume). The forensics of the trial, the pains of the martyr, and the memoirs of the survivor are all attempts to overpower the melancholy fact that direct sensory experience – from the taste of pineapple to the pains of childbirth – vanishes when put into words and remains inaccessible to others except inasmuch as they claim to share similar experiences. Sensation is encircled into privately personal ontologies. Only words are public.

Pain and the veracity gap

A variety of answers have been offered to cope with the fallibility of witnessing. Devices to compensate for its inherent dubiousness are ancient. One can vouch for veracity by an oath promising to trade death or pain for truth, a practice that persists in the children's line, 'cross my heart

and hope to die'. One may appeal to ultimate authority: 'God is my witness'. According to Aristotle, witnesses in a court of law testify at risk of punishment if they do not tell the truth; he considers dead witnesses more trustworthy, since they cannot be bribed (*Rhetoric*, 1376a). To witness as if you were as dumb and indifferent as the dead is the obvious ideal, since you would be free from interest, interpretation, care, and spin. A signature is a testimony: 'in witness hereof . . .', and like all forms of witnessing, it founders on the reef of forgery. The requirement of swearing on a Bible before testifying in court is yet another device to enforce truth-telling, presumably by instilling the specter of eternal consequences. A reminder of the ancient worry about corrupt testimony is the ninth Mosaic commandment forbidding false witness (not the same thing as simple lying).

From the ancient Greeks to 'modern' intelligence-gathering, the effort to assure the transition from sensation to sentences in testimony has involved torture – a perverse but illuminating fact. As Page duBois (1991) argues, the ancient Greek word for torture, *basanos*, originally meant a touchstone, against which you could rub golden artifacts to test if they were genuine; if so, a bit would rub off and leave a mark. From there, *basanos* came to mean any test of truth or authenticity (for example, of friendship or fidelity), and eventually moved specifically into torture, which served as an instrument of proof in ancient Athens. In Greek ideology, torture served as a cultural line dividing slaves, who respect only bodily pain, and citizens, who speak the *logos* in freedom. Since slaves supposedly lie compulsively, torture exposes the truth by extinguishing the power to invent. (Here again we see the snobbery about who can be expected to be a truthful witness.) Torture enforces the claim that slaves are ruled by necessity (*anangkê*). A slave could not appear in court, but a slave's testimony obtained under torture was admissible as evidence. Even so, there were already doubts about the notion that pain produces truth. Aristotle (*Rhetoric*, 1377a) thought testimony obtained under torture 'inartistic' and generally distrusted testimony in any case.

The shift toward the confession as a source of legal proof in thirteenth-century Europe reintroduced judicial torture. It was not understood as a kind of punishment, but, cruel as it may sound, as a kind of data-gathering; that innocent people might suffer and even die under interrogation was considered an unfortunate by-product of legal investigation (Langbein, 1977; Peters, 1985). Pain was supposed to be the midwife of authenticity. Judicial torture was an attempt to assure the validity of the confession, a rather nasty way of coping with the veracity gap. In our grisly age, torture is both a method of punishment and

of extracting intelligence, a fact signaled in the French term *la question*, which means both torture and interrogation, or the English phrase, 'put to the question'. Even a polygraph test – a 'lie-detector' that circumvents discourse to tap 'direct' physiological indicators – shows the retreat to the body as the haven of truth. Deathbed confessions possess special legal status, since the incentive to deceive is thought minimal. As one judge wrote, 'they are declarations made in extremity, when the party is at the point of death, and when every hope of this world is gone; when every motive to falsehood has been silenced, and the mind is induced by the most powerful considerations to speak the truth ...' (Cross, 1974, p. 472). Here again is the sense that death or pain impels the mind to forego the temptation to embellish.

The bodily basis of testimony is seen in a strange etymological complex. Testimony stems from *testamentum*, covenant (*testis* plus *mentum*). *Testis*, which in Latin means both witness and testicle, itself stems from *tertius*, meaning third (party). In ancient Greek, the word for witness is the word for testicle: *parastatês*, which literally means bystander. In German, *Zeugnis* means testimony, and *zeugen* means to testify as well as to procreate. The explanation of this pervasive and odd system of metaphors is obscure, but one may conjecture that the testicles, as physical bystanders to the act of procreation, were thought witnesses of paternity or virility in Indo-European culture. That knowing first-hand should be associated with the testicles may suggest an ancient preference for the testimony of men over women. This curious web of metaphors, whatever its significance, attests to some deep assumptions about the physicality of witnessing. The body serves as a sort of collateral to justify the loan of our credence. The whole apparatus of trying to assure truthfulness, from torture to martyrdom to courtroom procedure, only testifies to the strange lack at its core. Witnessing is necessary, but not sufficient: if there are no witnesses, there is no trial, but witnesses do not secure a conviction or acquittal. A witness is never conclusive or final despite the most militant attempts of martyrs or torturers to make it so.

Another ancient attempt bodily to bridge the gap between inner conviction and outer persuasion is the tradition of Christian martyrology. As Paul Ricoeur argues:

The witness is capable of suffering or dying for what he believes. When the test of conviction becomes the price of life, the witness changes his name; he is called a martyr. But is it a change of name? – *Martus* in Greek means 'witness.' ... Testimony is both a manifestation and a crisis of appearances (1981, p. 129).

To judge from appearances is the fate of all who have to rely on communication for access to others' experiences. The martyr's death proves nothing for certain, but demonstrates the limit-case of persuasion, the vanishing point at which proof stops and credence begins. Saints Stephen or Sebastian, or their secular equivalents, the many political martyrs whose legacies are so powerful today, may impress bystanders with their composure under the most gruesome abuses, but their deaths alone will not convince anyone of the truth of their faith: one needs internal grounds for believing. To bear witness is to put one's body on the line. Within every witness, perhaps, stands a martyr, the will to corroborate words with something beyond them, pain and death being the last resorts.

Since the Second World War, new kinds of witnessing have been forged in the furnace of suffering. The Holocaust has generated deep thinking about the nature of witnessing (Felman and Laub, 1992). It is striking, by the way, that Ellis (2000), despite his incisive comments on psychoanalytic working-through of trauma and the complicity of the bystander, hardly mentions the Holocaust – perhaps because it is too obvious. In any case, from ashes and hell have emerged witnesses whose task, paradoxically, is to proclaim experiences that cannot be shared and to immortalize events that are uniquely tied to the mortal bodies of those who went through them. Elie Wiesel, for instance, has made his career reflecting on the privilege and loneliness of the survivor. One's responsibility to bear witness, he argues, cannot be delegated: testimony is unique to the survivor. It is impossible for the witness to remain silent; but it is also impossible for the witness to describe the event. The militancy in the survivor's voice owes to the battle against oblivion and indifference. Such militancy is found no less in the martyr, who likewise uses his or her body as spectacle of pain to convict the conscience of the observer. Already having cheated death, the survivor seeks to save his or her experiences for others who can never have them.

Specifically, the witness has become a literary genre growing out of the Second World War. Primo Levi, Anne Frank, Victor Klemperer, Wiesel, to name a few, have the cultural authority of witnesses of atrocity. As survivors of events, they in turn bear active witness which we, at one remove, can in turn witness passively. There is a strange ethical claim in the voice of the victim. Witnessing in this sense suggests a morally justified individual who speaks out against unjust power. Imagine a Nazi who published his memoirs of the war as a 'witness' – it might be accepted as an account of experiences, but never as a 'witness' in the moral sense: to witness means to be on the right side.

Václav Havel, Jacobo Timerman, Rigoberta Menchú, Martin Luther King, Solzhenitsyn, Mandela, Aung San Suu Kyi – those who have languished in jail – all stand as witnesses against inhumanity. (*Testimonio* is a recent genre of Latin American writing which records the cry against oppression.) The prison (or prison camp) is the house of witness, a maker of moral authority, just as prison literature has turned out to be one of the great forms of twentieth-century writing. The moral privilege of the captive and martyr is a founding narrative in European civilization, as in the case of both Socrates and Jesus. Not surprisingly, there has been something of a scramble to capture the prestige of the victim-witness, and media who speak of their role as witnesses are not immune. (A recent book on the making of *Schindler's List* is pretentiously called *Witness*, confusing the film and what the film was about.) Witnessing places mortal bodies in time. To witness always involves risk, potentially to have your life changed. The Roman poet Ovid bemoaned his banishment to the Black Sea for seeing something in the emperor's court he was not supposed to. You can be marked for life by being the witness of an event. The FBI runs the evocatively named 'witness protection program' providing personal security and sometimes new identities for those willing to turn state witness. Abraham Zapruder is famous (and his heirs are now rich) for a few seconds of home-movie footage of a presidential parade in Dallas on 22 November 1963. In Graham Greene's *Brighton Rock*, the gangster Pinky marries the only witness to a murder he committed in order to make her, as a wife, an incompetent witness, but of course, as usual in Greene, a sort of redemption occurs via the corruption. That simply seeing can mark your bodily fate is a suggestive way of getting beyond the idea of mere spectatorship.

In sum, the indisputables of pain and death can serve as a resource to persuade others of the truth of one's words of witness. Witnessing is a mode of communication intimately tied to the mortality of both the one who bears witness and the one who in turn witnesses that act. As Jorge Luís Borges writes:

Deeds which populate the dimensions of space and which reach their end when someone dies may cause us wonderment, but one thing, or an infinite number of things, dies in every final agony . . . In time there was a day that extinguished the last eyes to see Christ; the battle of Jenin and the love of Helen died with a man (1964, p. 243).

Witnessing, as we will see, not only turns on the mortality of the witness, but the contingencies of the event.

Objectivity and the veracity gap

A different tradition seeks to secure the validity of statements without the metaphysical and moral conundrums of pain. Very roughly speaking, the effort to put testimony on a sound footing is a project of the Enlightenment, both in the effort to minimize violence and to secure trustworthy knowledge. Indeed, one of the major tasks in the rise of modern science generally, with its need for cumulative observation from many eyes and ears, was to overcome the low repute of testimony. This was first achieved in seventeenth-century England with the creation of a genteel class of scientists, whose shared social status and norms of civility established a basis for trusting each other's reports (Shapin, 1994). As one scholar quips of the epistemology of testimony in early modern English science, gentlemen prefer gentlemen (Lipton, 1998). Without trust in others' statements about sensory experiences, science as we know it would be impossible. Further, the use of scientific instrumentation was motivated in part by the desire to bypass the stains of subjectivity, fallibility, and interest that attach to our sense organs. Scientific instruments such as the microscope or telescope were thought thing-like, and hence credible, in their indifference to human interests. The camera and microphone inherit this tradition of objectivity as passivity.

John Locke exemplifies these transformations. In his *Essay Concerning Human Understanding* (1975, book 4, chapters 13–16), Locke inverts the medieval notion of testimony: he maintains it is not the authority of an ancient text (such as scripture) but the report of the senses. Few things, he argues, in human knowledge are demonstrably certain. As social creatures with limited time to gain knowledge of a world in commotion, we rely on the reports of others but must find ways to test their trustworthiness. Among the various standards he offers, key is a hierarchy of testimony determined by the witness's proximity to the event: 'any Testimony, the farther off it is from the original Truth, the less force and proof it has' (1975, pp. 663–4). Eyewitness accounts lose truth (but may gain color) as they pass from mouth to mouth:

A credible Man vouching his Knowledge of it, is a good proof: But if another equally credible, do witness it from his Report, the Testimony is weaker; and a third that attests the Hear-say of an Hear-say, is yet less considerable (1975, p. 664).

Locke notes already the infinite regress in witnessing: to be an active witness requires another to witness your testimony (a passive witness).

Locke reflects the low legal status of hearsay: the reporting of statements made by someone else outside court without the opportunity for cross-examination. Any statement not made in court under oath is of dubious admissibility. Hearsay is quotation, testimony at second-hand. Each sentence is supposed to be funded by direct sensation, and in reporting another's reports, one is a passive witness of an active witness (instead of the reverse), which is dangerously derivative. The low esteem in which hearsay is held signals not only the hierarchy of the senses (the precedence of eyes over ears) but also the working epistemology of the courtroom: the act of linking experience and discourse must be done in a controlled setting in which speech is subject to cross-examination and penalties for perjury are in force. In this the law still maintains respect for death or pain as truth-serums. Witness is borne under sanction – whether of pain or death or legal charges and dishonor. One testifies quite literally *sub poena* – under threat of punishment. Witnesses can find themselves bodily compelled to appear in court. It does not take a Foucault to see that today witnessing is policed at its boundaries by an apparatus of pain.

Legal rules prefer a mechanical witness. A witness, for instance, may not offer an opinion (about culpability, for instance) but may only describe the facts of what was seen. The blunter the witness the better. Things, after all, can bear witness – the biblical stone of witness, trophies, or other sorts of material evidence (bloodstains). The ideal human witness would behave like a thing: a mere tablet of recording. The structure of address in testimony should be radically open and public, not varying the story for different audiences. ('Estoppel' is the legal principle that prevents altering testimony previously given.) Since a dumb witness does not know what is at stake, there is no motive to lend comfort to one party or the other.

In the preference for the dumb witness lies a distant origin of both scientific and journalistic ideas of objectivity: the observer as a mirror, dull as the microscope to human concerns or consequences. The objective witness is very different from the survivor, whose witness lies in mortal engagement with the story told. The objective witness claims disembodiment and passivity, a cold indifference to the story, offering 'just the facts'. The hearers have to compose the story for themselves. In one sense, the claim to objectivity is simply passive witnessing idealized, that is, the dream of an unadulterated and public record of events as they 'really happened'. The cultural authority of mechanical recording lies in the claim to document events without the filter of subjective experience. Since witnesses were supposed to be like machines, machines

are also held to be good witnesses. The conventional wisdom about film and photography today, however, is the inescapability of interest in all representation. What most irks the friends of science and reason – Locke’s heirs – about this position is not so much the notion that a consensual and objective document of events is impossible, but rather its darker corollary: that pain serves as the default measure of reality and authenticity. We were, they say, supposed to have graduated from all that!

Broadcasting and the veracity gap

Distance is a ground of distrust and doubt. We waver about another’s testimony because of our distance from the experience they narrate. In the same way, reports from distant personae are more dubious than those from people we know and trust. The communication situation of broadcasting is analogous to that of witnessing: experiences are mediated to an audience which has no first-hand acquaintance with them. The legitimization of the veracity gap in media followed the same path as in witnessing: using pain and the body as a criterion of truth and truthfulness. The body is authenticity’s last refuge in situations of structural doubt. Perhaps the best single thing Walter Cronkite ever did for his reputation of credibility, besides the years of steady service, was to shed an unrehearsed tear on camera when reporting the news of President Kennedy’s assassination. In the Gospel of Luke, Christ’s disciples ‘were startled and terrified, and thought that they were seeing a ghost’ (Luke 24:37). The resurrected Jesus assures them, ‘Handle me and see, for a ghost does not have flesh and bones as you see that I have’ (Luke 24:39). Modern media – which resurrect and transport phantasms in optical and acoustic channels – both place us in the situation of doubting Thomas and attempt a similar reassurance: handle me and see (Peters, 1999).

One of the most daring things in media events theory (Dayan and Katz, 1992) is the question: just when can media be agents of truth or authenticity instead of prevarication and ideology? In other words, can the media sustain the practice of witnessing? The notion that home audiences could be witnesses is one of those apparent category mistakes whose elaboration the media events movement has made its task. It is easy to mock Ronald Reagan for confusing newsreels and his own experience: he claimed to have witnessed the liberation of the concentration camps in the Second World War when he had never left the United States. He believed in false presence: that he had really been there when he had only watched films. But presence-at-a-distance is

precisely what witnessing a media event claims to offer. Critical theory has rightly highlighted the veracity gap in mass communication, the hermeneutics of suspicion, but media events studies seek the conditions in which the willing suspension of disbelief is justified. In media events, the borrowed eyes and ears of the media become, however tentatively or dangerously, one's own. Death, distance, and distrust are all suspended, for good and evil.

Singularity is key to the communication economics of witnessing. President Clinton came to my hometown, Iowa City, Iowa, for example, in February 1996, on a campaign stop, and spoke in an indoor arena. The whole event was to be televised locally, but the tickets were snapped up within two hours. Why the excitement to attend when one could get a better view on television at home? Because at home you cannot be a witness to history. If Clinton were to be shot, or make a major announcement, people could say, 'I was there.' That would be a witness forever thereafter restricted to 14,000 people (if they are honest), whereas we home viewers, a much larger and potentially infinite group, would only be able to say, 'I saw it on television.' There is no comparison in the authority or cultural capital of the two statements! Clinton's goal after the speech was to touch as many people as possible, to spread the charisma of the king's body by working the crowd, in the apt idiom of 'pressing the flesh'. A live witness can shake hands with the great man, receive the torch of contagious magic, in the same way that Clinton shook JFK's hand as a teenager (luckily for him on camera). 'Handle me and see' said the man we know mostly as a TV persona.

'Being there' matters since it avoids the ontological depreciation of being a copy. The copy, like hearsay, is indefinitely repeatable; the event is singular, and its witnesses are forever irreplaceable in their privileged relation to it. Recordings lose the *hic et nunc* of the event. The live event is open to unscripted happenings, chance, and gaffes. Accidents are a key part of media events – going off script. That so much of live coverage involves some sort of trauma suggests the draw of the unpredictable and of those occurrences that leave a mark in time. Media events are not always the happy social body celebrating its core values, but also the nasty stuff of degradation and disaster (Carey, 1998; Liebes, 1998).

Presence is fragile and mortal; recordings have durability that survives in multiple times and spaces. Billions of dollars in the entertainment industries turn on this apparently minute distinction. Why will people pay high prices for music performed in concert whose quality and polish is often better on the CD-player at home? Obviously extra-musical values shape concert-going: party, spectacle, noise, dance. Even so, live

music is different. A concert is an event, not a record. A homemade bootleg tape is a souvenir, a marker of time and place, but a CD made from the tape is a commodity, even if they are musically identical. In a concert, one's mortal time-line on earth is spent. Touch and eye contact with the artist are possible. So is imperfection: in the concert one may hear strains edited out in the studio and witness the labor of the performing body. What post-production adds musically (for example, overdubbing) it subtracts from eventfulness, since those sounds never could have occurred in time as we know it. Recording media can do time-axis manipulation, stopping, slowing, speeding, or reversing time – one reason why audiovisual media, despite aptitude in recording, are dubious witnesses. The body, however, lives only in real time. Singing, dancing, and live performance all engage time's passage. Music can reveal the meaning of, and sometimes even provide a brief escape from, growing older.

Why liveness?

The love of liveness also relates to the power of real time. If one sees it live, one can claim status as a witness present in time if not in space; if one sees it on tape, one is no longer a witness, but rather the percipient of a transcription. Sports fans, in the case of big games, will remain glued to the television screen, even though they know that any key plays will be shown ad nauseam in the game's afterlife as reportage and video. They must be there *as it happens*. To see the big moment with even a slight delay is to be placed in a derivative role, a hearer of a report rather than a witness of an event. The fan wants to be involved in history (the happening), not historiography (the recording). The few seconds between occurrence and replay open up a metaphysical gulf in the meaning and quality of what is seen. As far as the electromagnetic tracings are concerned, the live event and its instant replay are identical, but in the psychology of the fan, one is history, the other is television. One is a window to the event, the other is its representation. Liveness serves as an assurance of access to truth and authenticity.

The hard-core sports fan sweating the seconds actually offers a profound lesson about the nature of time. Why should liveness matter? It does matter, to the tune of billions of dollars in bids for live rights, because events only happen in the present – in a word, gambling. As Walter Benjamin noted, gambling is a phantasmagoria of time. No one knows what the future holds, and the gambler infuses the present with the diceyness of the future. There is absolutely no point in betting on

a game or a race whose outcome is already known. A classic con-job, as in the film *The Sting*, is to institute a small time lag in publicizing race results so that punters think they are betting on an uncertain future when in fact they are wagering on an already determined past. A few seconds do matter, and profoundly. The past, in some sense, is safe. The present, in contrast, is catastrophic, subject to radical alterations. In a single second a swerve of the steering wheel or a pull of the trigger can change history forever. Possible futures come into being and vanish with every act. In a brief moment the penalty kick is made or missed, a life conceived or taken. All history culminates in the present moment. Of course, the present is rarely so dramatic, but without a live connection its explosive possibility – its danger – is missing. Nothing quite excites like an event about to take place. In Raymond Williams's phrase, one waits for a knock on the door. Fortuna, goddess of history and gamblers, reveals her face only in the present. In the past she veils herself as necessity, in the future as probability.

The contrast between the live and the recorded is a structuring principle of broadcasting. It replays the contrast of fact and notion, so central to modern historiography, a field, like law and theology, whose enterprise rests on the evaluation of sources and documents – testimonies. Though theorists justly remind us of the factuality of fictions and the fictive character of facts, this contrast stubbornly resists total resolution. The division of fact and fiction, so central for historians and sports fans, as well as the structuring principle of media and literary genres, turns on witnessing. An event requires witnesses, a story only needs tellers and listeners. A fiction can be heard or told, but a fact is witnessed. Some kinds of events (baptisms, marriages) legally require witnesses. Testimony assures us, as children often ask about stories, that it really happened.

Historicity (or historical authenticity) has a similar logic to live coverage. If in visiting the Tower of London I am told that a block of wood is the one on which Henry VIII's victims were dispatched, I will act and feel differently than if I learn the block is a replica, even if it is physically identical or equally old. The block hovers in a limbo between reality and fake, its metaphysical status depending on something so slight as a caption. The caption 'real' ties it to a tradition of testimony passed across the generations, an accumulation of time that links the block historically to the event. If it has the right label I can ponder edifying lessons about overweening power and look for traces of martyr's blood; I will have to work a lot harder if the caption announces that it is only figurative. Live broadcasting, like objects certified as historical, offers the

Table 1.1 Sorts of Witnessing an Event

	Presence in time	Absence in time
Presence in space	BEING THERE Assembled audience For example, concert, game, theater	HISTORICITY (dead not 'live') Serial mass audience For example, shrine, memorial, museum
Absence in space	LIVE TRANSMISSION Broadcast audience For example, radio, TV, webcast	RECORDING Dispersed, private audience Profane, witnessing difficult For example, book, CD, video

chance to witness, while recorded material stands at one remove as a representation (replica) of events. It takes about a sixth-grade education in our post-modern age to puncture the idea that history is free of representation, so that is not the point. Rather, it is to read small distinctions about what is real in cultural matters, distinctions too often written off as neurosis or fetishism, as insights into structures of history and experience. Between the historical and the verisimilar lies a small but gigantic gap, that of testimony.

Of four basic types of relations to an event, three can sustain the attitude of a witness. To be there, present at the event in space and time is the paradigm case. To be present in time but removed in space is the condition of liveness, simultaneity across space. To be present in space but removed in time is the condition of historical representation: here is the possibility of a simultaneity across time, a witness that laps the ages. To be absent in both space and time but still have access to an event via its traces is the condition of recording: the profane zone in which the attitude of witnessing is hardest to sustain (see Table 1.1).

Fact and fiction, pain and time

Ultimately, the boundary between fact and fiction is an ethical one before it is an epistemological one: it consists in having respect for the pain of victims, in being tied by simultaneity, however loosely, to someone else's story of how they hurt. We may weep in reading of the slaughter of the innocents by King Herod, but we owe them nothing besides remembrance. 'Live' pain is different. Simultaneous suffering forms the horizon of responsibility: liveness matters for the living. Facts

impose moral and political obligations that fictions do not. This is the ancient ethical problem of tragedy: why people take pleasure in sights that would terrify or disgust them in real life. Aristotle's *Poetics* starts the debate about why we take pleasure in depictions of violence and human suffering. In tragedy, the representation of pain (and pain is definitional for the genre) is not supposed to excite the spectator to humanitarian service but to clarify through representation what is possible in life. The drama offers terror without danger, pity without duty. The awareness of its unreality releases us from moral obligation to the sufferers we behold. Fiction lacks the responsibility or complicity that Ellis makes definitional for witnessing. As David Hume remarked (1987), 'It is certain, that the same object of distress, which pleases in a tragedy, were it really set before us, would give the most unfeigned uneasiness.' Factual distress calls for our aid, not our appreciation; our duty, not our pleasure. Death is meaningful in fiction: it marks the passage of time, punishes the wicked, gives closure to events. But in fact, death is a blank, completely beyond meaning. 'Nothing brings them back, neither love nor hate. They can do nothing to you. They are as nothing' (Conrad, 1921). The contrast of fact and fiction has less to do with different orders of truth than with who is hurting and when. Living people's pain is news; dead people's pain is history.

It is easy to make fun of the obsession to keep up to date with the news. Kierkegaard suggested that if we treated all news as if it had happened 50 years ago we would sound its true importance. He is right about triviality, but misses what he is so lucid about elsewhere: the present moment as the point of decision. We have to keep up with the world because we are, in some complicated way, responsible to act in it, and we can only act in the present. We feel guilty about hurt people in news, not in fiction films. Pain separates facts from fictions. Facts are witnessed, fictions are narrated. Fictions may indeed inspire us to action, but the beholders' responsibility is diffuse. 'Live' coverage of global sorrow is ethically recalcitrant: because it is fact, we are not protected by the theater's 'teleological suspension of the ethical' (Kierkegaard); because it is spatially remote, our duty to action is unclear. We find ourselves in the position of spectators at a drama without the relief of knowing that the suffering is unreal. Hence the 'unfeigned uneasiness' (Hume) we face in watching the news. We feel a gruesome fascination for trauma without the exoneration of knowing it is all an experiment in mimesis. We are witnesses without a tribunal.

Finally, the curious thing about witnessing is its retroactive character, the jealousy the present has for the past. The present may be the

point of decision, but it is always underinformed about what will come after. Most observers do not know they are witnesses when the event is happening: they are elected after the fact. A vast quantitative difference separates what we experience and what we are summoned to witness. There is a lot more sensation around than stories. In testifying we must take responsibility for what we once took little responsibility for. We must report on events, the details of which have assumed as massive an importance as they were once trivial. What time did you catch the bus? What color was the car? What kind of shoes was the defendant wearing? In witnessing we look backwards on events we did not realize we were observing, restoring deleted files from memory. We do not know that what we notice or neglect may be the key to prison and liberty for someone. The present is blind to what the future will value. We did not notice the butterfly that started the typhoon.

Hence the notion, found in liberalism, existentialism, and Christian theology alike, that it is the duty of everyone to be vigilant – to be ready to stand as a witness at any time or place. Testifying has the structure of repentance: retroactively caring about what we were once careless of. A later moment revisits an earlier one in which consciousness was not fully awake. The witness's attitude to sensation (radical vigilance) goes together with the future anterior attitude to time (treating the present as if it was being witnessed from the future). To witness is to wish that the record of the past were more whole, and to grasp this lesson now is to live vigilantly, to make the present worthy as we imagine contemplating it from a future point. To cope with our fixity in the present, we can at least be awake. Every act puts one in the witness box, both seeing and saying. In Christian eschatology this attitude is dramatized by the notion of a Last Judgment that calls up the whole history of the world as judge and witness. In Nietzsche's thought it is the notion of the eternal return, acting in the present so that the action could be eternally repeated (and witnessed) without regret. In everyday civic ideology it is the idea that citizens have a duty to be informed about the events of the day. In a phrase all broadcasters would endorse, and with apologies to Matthew 25:13, the motto of witnessing should be: 'Watch, therefore, for you know neither the day nor the hour wherein the event will come'.

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An Afterword: Torchlight Red on Sweaty Faces

John Durham Peters

The previous essay was first written for a conference on media events held at the University of Westminster in June 2000 and then published in *Media, Culture and Society*. Some of it was later integrated into the final chapter of my book *Courting the Abyss* (2005), where it served an argument about the productive place of passivity, inarticulateness, civil disobedience, and 'body-witnessing' in democratic theory and practice. Discussions at the Institute for Advanced Studies at the Hebrew University of Jerusalem (2005), the National Communication Association (2005), and the International Communication Association (2006) have convinced me that witnessing deserves more thinking and study than I have given it so far. What follows here consists of a few brief responses to critics, some revisions, and wishes for future directions. I am grateful for discussions with friends and colleagues such as Tamar Ashuri, Menahem Blondheim, Lilie Chouliaraki, Daniel Dayan, John Ellis, Paul Frosh, Ian Glenn, Elihu Katz, Joan Leach, Stephanie Marriott, Carolyn Marvin, Amit Pinchevski, Carrie Rentschler, Paddy Scannell, Louis-Georges Schwartz, Robin Wagner-Pacifici, and Barbie Zelizer, though I cannot claim to have registered all of their points in this brief afterword. Perhaps the best thing about working on this topic is the remarkable network of people it has helped bring about.

That being there in space and time is not necessarily the only position for a witness is a concession I am glad to grant. For both subjective and objective reasons, being present at the event might mean precisely *not* being able to witness. Subjectively, real attendance at an event might disable the witness from testifying. Trauma or shock rarely provides the conditions for producing coherent accounts. Though the testimony of a rape victim or child witness may be essential in a court case, the question remains whether testifying does not force the witness to relive the event

as if in a repetition of the abuse. Living through hell might disqualify one from testifying coherently—or at all.

And yet, such incoherence is often part of the authenticating power of witnessing. A survivor's witness of a shattering experience is often more persuasive by performing blockage than fluency. The witness in this sense is both necessary and impossible, as Primo Levi, Eli Wiesel, Giorgio Agamben, and many others have argued. The failure of speech can dramatize the gap between experience and speech and thus underline the reality of the experience. Witnessing occurs somewhere between death and God, as Amit Pinchevski has said. Its home lies in the liminal space between the universal experience that knows no witness (death) and the being who knows everything in its most intimate details (God). Paul Frosh quotes an eyewitness named Olga, interviewed on Israeli television in 2003, who was injured in a terrorist bombing of a restaurant in Haifa: 'Horror, something that is impossible to describe, little children wounded and blood and people. I can't describe this horror, I can't.' The fractured syntax illustrates her point, and a witness who could calmly detail what had happened might *ipso facto* demonstrate distance from the event. (Such a position would be one ideal of the objective journalist.) Sometimes muteness can itself be a form of witnessing. As LSD guru Timothy Leary supposedly said: 'If you can remember the 1960s, you weren't there.' The material wear-and-tear that peril exerts on the body and soul of the witness is always front and center in the semiotics of witnessing. Witnessing is a form of communication that is uniquely attentive to its own conditions of mediation. It is a performatively reflexive genre. The witness must enact how he or she came to be a witness: 'And I only am escaped to tell thee' (Job 1:19).

Objectively, presence does not necessarily provide the best view of an event. The Exodus of the Jews from Egypt, the last supper of Jesus and his disciples, or the Hijra of Mohammad are sites visited again and again in the World Wide Web of history, but they each only happened or started on one night. (It is characteristic of the three ethical monotheisms—Judaism, Christianity, and Islam—to memorialize events that are claimed to be historical and yet also assume a mythic repeatability.) If through some kind of time machine we could transport ourselves back to the moments in question, we might be sorely disappointed by our piecemeal access to The Event. Historicist pilgrims present on one of those nights would need to worry about paying for inns, being at the right place at the right time, and fighting the crowds, not to mention dodging soldiers and angels of destruction. Being there, as any tourist

knows, sometimes gives a more limited view than one had in imagination, books, or movies. Being there can immerse one in the indelicate contingencies and limited points of view that narrative and remembrance conveniently erase. An eyewitness of the passion of Christ might only see 'the torchlight red on sweaty faces' (T.S. Eliot). One thinks of Monty Python's uncanny knack for reducing mythic events to bathos by immersing them in plausible circumstantial necessities. With the line 'Blessed are the cheesemakers?', *The Life of Brian* puts the Sermon on the Mount in the auditory conditions of its delivery. Being there matters, but it does not necessarily provide access to the whole experience. The witness has access sooner to parts than to wholes. The event only comes into focus later—usually after all the eyewitnesses are dead. Events are messy; stories are coherent.

Subjective inarticulateness due to trauma, objective partiality due to limited access—these are everlasting obstacles to witnessing. But they are also features that grant witnessing both power and distinctness as a kind of signifying act. Thus, I am hesitant to fully accept Paul Frosh's argument that the Haggadah presents a form of witnessing across time and space. The Haggadah, like other forms of liturgical or dramatic transport across space and time, is a wonderful kind of medium and the sort of medium we scholars, too long dazzled by circuits and digits, should be studying. It enables a kind of identification both across time to a historical event and across space to an imagined community of co-participants in the Passover Seder. I am delighted that Frosh, like Menahem Blondheim, has used it to enrich our understanding of media, but I am not sure if should we call its unique communicative accomplishments witnessing. The crucial point is that each person is invited by the Haggadah to act 'as if' he or she were a witness. 'As if' is the sure sign of metaphor, and metaphor is the simultaneity of assertion and negation. The *is* of metaphor always means both *is* and *is not*. The participant in the Seder is both a witness and also *not* a witness. The Haggadah enacts the Exodus ritualistically, that is, by negation of the actuality. It gives us the convenience of well-ordered, tradition-packed signs rather than the chaos of the actual Exodus, with its packing up, forgetting to leaven the bread, and 'borrowing' jewelry from the Egyptian neighbors. We have a secure perch from which to witness the unfolding event—a luxury of position that would be impossible for a real participant in the Exodus. Belated celebrants can be grateful to time for removing all the dull bits—precisely the kinds of circumstantial details a witness would have known. Imagine the quarrel of interpretations if we had to hear testimony of the people who took part in the Exodus: we might learn a lot,

but such testimony would probably not be very useful for ritual purposes. Events are jagged and stories are smooth, and witnessing always involves some translation between the two; the Haggadah tilts toward the latter pole. Reality is under no obligation to be coherent, but our explanations of it certainly are.

Witnessing in the passive sense of seeing, hearing, and being there is, to use Jakobson's distinction, metonymic rather than metaphoric. Witnessing traffics in pieces, parts, and circumstantial details, not in stories with beginnings, middles, and ends (which are the province of active witnessing, of saying rather than seeing). Witnessing is a relatively primitive and fallible recording medium for gathering experience. It presents trophies rather than tropes—proofs of an experience not susceptible to copying. Such experience can be narrated, but it cannot be transmitted. It is the scar of Odysseus and his secret knowledge of the inner sanctum of the house that provides the telltale proof of his identity to his long-lost wife Penelope—much more than his prowess at battle, voice, or demeanor, things that might have been mimicked or learned by an impostor. Frosh's critique rightly aims at a kind of brute positivism in my definition of witnessing and marvelously shows that a vital sense of participation is not necessarily attenuated but often enhanced by distance in space and time. Who is to say who is the 'real' participant in the Seder—the belated celebrant or the historic refugee? My aim is not to defend the rawness of experience in a kind of vulgar empiricist way, but to seek clarity of definition. I would be the first to praise the essential powers of imagination for human sociability and sense of history, and I see my book *Speaking into the Air* as a celebration of distance in communication. But I would not want to call imaginative reconstruction 'witnessing'. Witnessing, in my view, remains tied in some fragile way to the mortal limits of the human sensorium. It is limited, weak, and fragile; it is also essential. Sometimes the meaning of the Passion can be caught in a passing glimpse of torchlight. Witnessing at second-hand, in contrast, is crucial to the human repertoire, but it is a derivative form.

Perhaps the old contrast of reversible sacred time and profane irreversible time will help us analyze the varieties of witnessing. As myth, ritual, or memory, an event can resound forever and repeat without any exhaustion; the past is not lost forever but open to constant refreshment. Perhaps my definition of witnessing depends on a profane sense of time that once lost is lost forever. Frosh's Haggadah presupposes reversible time. The event is not lost: it presents itself anew for our witness. Religious witnessing perhaps eliminates the need for the passive face of witnessing and puts all the emphasis on mediated ritual acts of

listening, speaking, eating, and drinking by which we bear active witness as adherents to the story. As we take part, we no longer dwell in the present; we are free to travel like immortals across time and space to history's turning points. Release from the mortal bounds of sensation has always been the privilege of narrative. Rituals, novels, films, and television all provide a coherence of access that presence in the flesh could never attain. If I want to experience 'London' as a totality, a film, novel, or newspaper will do a better job than walking its streets for several days. But walking its streets will yield a harvest of experience that such reconstructions will never afford. The overpriced meal on Leicester square, the pigeons and pickpockets on Trafalgar square, and the traffic and wind all mix with uniquely personal humors of mood and memory. I can bear witness of this experience in a way that I cannot of what I learned from secondary sources. The implicit positivism in my account of witnessing is partly a reaction against the privilege that the virtual receives in much post-modern theory. Distance is not dead; gravity still holds us down; the simulacrum has not swallowed up fresh sensory impressions. The grit and surprise of experience in all of its 'uncopyability' is a precious resource that communication scholars neglect at our peril. Which is it to witness: to narrate intellectually or to experience sensorially? Running the risk of barbarism for the sake of clarity, I give first rank to the second. We would be epistemologically incoherent if our only source of knowledge were witnesses, but we would lack ground altogether if we had no witnesses. In this, I think I follow the pragmatist (or neo-Kantian) principle that sensory evidence, though never determinative of any knowledge claim, will always be in some way a decisive ingredient.

Even so, the notion of a witness stretching over time and space will never vanish from religious liturgy and cultural institutions that borrow from it, such as television, in part because witnessing is always a rhetoric of commitment. Christian theology no less than Jewish ritual is rife with this notion of witnessing at second-hand. Participants in the communion of bread and wine, itself of course first instituted at/as a Passover meal, are figured as witnesses. Latter-day disciples are to remember something they never experienced directly—the Last Supper. They are, in the classic position of active witnesses, sayers rather than seers: as a Mormon hymn has it, 'partaking now is deed for word.' Perhaps more fundamentally, Paul of Tarsus was the first apostle who could not claim to be an eyewitness of the mortal Jesus or of the resurrection. Paul's claims to apostleship, in fact, explicitly downplayed eyewitnessing: he preferred the 'testimony of conscience' to 'fleshly

wisdom' (2 Cor. 1:12). Paul had an apparent blatant lack of interest in the life or even words of the historical Jesus. To be a witness of Christ, in other words, you did not need sensory experience. A spiritual witness was unlimited by space, time, and body. In this radical claim, Paul de-parochialized Christianity by detaching faith from a cultural or experiential connection with Jesus or his historic setting. Paul is the archetype of the believer who encounters Christ at a distance, not as an apparently mortal human, but, as Alain Badiou argues, as an event. He was the first Christian believer without an empirical witness (and such a stance of commitment without sensory evidence is definitive of 'faith' in Christianity). Paul was an active witness who declared the Christ of faith without ever having been a passive witness of the Jesus of history. As Paul's latter-day disciple Søren Kierkegaard said in *Philosophical Fragments*, an eyewitness of Christ might get stuck in sensory immediacy and thereby risk missing the meaning. The 'follower at second hand' in contrast can get the message in all its mediated completeness.

Religious ritual thus gives us witnesses without experience and memories without events. The downplaying of the sensible in favor of the intelligible also occurs in the case of the expert witness. Expert witnesses do not narrate sensory experiences acquired by presence; they deliver intellectual opinions acquired by study. They deal in generalities of knowledge, not particulars of events; in probabilities, not actualities. The Roman rule that the witness is to testify *de visu suo et auditu* (what he saw and heard for himself) is suspended: an expert witness is supposed to be precisely objective, that is to ignore anything personal and only state professional opinion. A sensory witness in a court proceeding, in contrast, would be commanded by the judge to stick to the facts as they were experienced and avoid statements of opinion. Expert witnessing, moreover, is susceptible to debate in a way that personal-experience witnessing is not, which fits Daniel Dayan's well-punned concern that subjective witnesses can engage in a certain form of 'dictatorship'. A public sphere in which witnesses only spoke from experience, and not from reflection, would, he fears, make reasoned debate impossible. Witnesses are show-stoppers, and pain is always both the topic and the outer limit of the public sphere. In this, we are reminded that witnessing is not always benign, but often dangerous, and not only for the witness. Hence I would take distance from John Ellis's notion that witnessing can become mundane via television; it is important for my definition that witnessing retains its peril and risk. To use a recently fashionable term, witnessing is always a state of exception, an emergency. It is something special, not something routine.

Finally, does my essay on witnessing betray the argument of *Speaking into the Air* by succumbing to a dream of full communication, as Frosh suggests? He is right that the veracity gap is central to my argument and that I make epistemological transmission perhaps too central to my story. If you read my piece as an effort to eliminate all the threats to the validity of witnessing, it is easy to see it as another version of the longing for communication without noise. In a fine cultural studies spirit, Frosh shows that witnessing is a property of texts and audiences as well as authors. But if witnessing becomes an attitude of reception instead of a hint of the real, something is indeed lost: transmission still matters. Knowing who is really your intimate friend, kin, or lover in this world of noisily friendly appeals is still something that matters greatly. We need some clearer criterion for the veracity of witnessing besides the phenomenology of audiences. A world without the rigor of some form of process of trial or judgment would be a paradise for con artists and seducers. A world without fictions would be an aesthetic wasteland; a world without a procedure to tell fictions from facts would lack justice altogether. I read *Speaking* as faithful to the spirit of William James's pragmatism – renouncing the dream of a mental fusion between people without also abandoning the question of authenticity or fidelity. Witnessing is a form of communication that, to its credit, does not give up worrying about what is real and what is not, even if it can provide no final satisfying answer. Even though it is impossible in any strict sense to bring experience into discourse, witnessing happens all the time and continues to matter deeply for our knowledge of the world and our ability to change it. It is a mode of epistemo-discursive action that retains some link to the fragile stuff of reality, especially our fleshly beings.

If my essay has a deviation from *Speaking*, it might come in this phrase: 'Living people's pain is news; dead people's pain is history.' I strayed from the spirit of *Speaking* not by succumbing to the dream of communication, but by positing such a clear threshold between the living and the dead, thus illegitimately releasing us from our obligation to them. What seems like an epistemological conundrum, the veracity gap, is actually an ethical problem of how to witness experience that is not our own. And this is ultimately the point that Paul Frosh has, thankfully, invited me to reconsider.

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