Testimonial Justice Beyond Belief:

On Van der Heiden’s Philosophy of Testimony

Carolyn Culbertson

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 The discourse on testimony today proceeds largely on the grounds prepared by modern epistemology. The focus is on the question of whether or not one is justified in believing a given witness and, more generally, in what conditions such belief is warranted. The framing, then, is largely a skeptical one, and, while recent contributions to the philosophy of testimony have gone some way in undermining doubt about the reliability of testimony by demonstrating the regularity with which we rely on some form of testimony in developing our beliefs, it is still largely assumed that there are only two epistemological attitudes possible in response to testimony: doubt and belief. Yet the experience of hearing testimony or even giving testimony to one’s own experience is often more complicated than this. This is especially the case where a testimonial subject is uniquely situated to bear witness to some experience. A more robust philosophy of testimony, then, would need to account for the distinctive experience of disclosure that occurs in such acts of testimony and for the unique form of responsivity that such acts demand. Gert-Jan van der Heiden’s recent book, *The Voice of Misery: A Continental Philosophy of Testimony* stands to make a significant contribution to the discourse in this respect.

Because it is largely bound to the epistemological framework described above, the philosophy of testimony as a discourse has largely been identified with the Anglo-American tradition of philosophy. Yet Van der Heiden makes a convincing case in *The Voice of Misery* for the centrality of the theme of testimony in the continental philosophical tradition. Van der Heiden guides readers through the importance of the theme for the thought of a variety of continental figures, including Heidegger, Derrida, Lyotard, and Agamben. Indeed, if one had to identify topics that act as common threads among leading continental figures, Van der Heiden makes a convincing case that testimony must be included as such a thread – weaving together some of the most important questions, concerns, and arguments presented by leading figures in the tradition. *The Voice of Misery* draws valuable connections, for instance, between Heidegger’s discussion of the call of conscience, Lyotard’s analysis of the *différend*, and Agamben’s analysis of bare life. Moreover, the book identifies a sort of canon of texts whose use of poetic language, dialogue, or narrative embody the unique logic of testimony and have inspired the theory of testimony developed by continental philosophers. Van der Heiden gives due attention to the poetry of Paul Celan in this respect – a poetic testimony that, he writes, “finds itself called for in a situation that is marked by an encounter with a misery that renders the human speechless” (262).[[1]](#footnote-1) He also includes in this canon, however, Platonic dialogues where characters must give voice to other characters who are missing and stories like Melville’s “Bartleby, The Scrivener” which readers follow through a narrator tasked with bearing witness to the “singular, nonhuman character of Bartleby” (96). Careful not to let the nuances of these testimonial acts disappear under the broad strokes of theory, Van der Heiden takes the reader through the figures of testimony that appear in these literary texts at the very beginning of his study, allowing readers to get a sense for some of the instances of testimony that first inspired continental theorists to explore the theme. As he understands them, his attempts to analyze the way that testimony is figured in these texts, each amount to an “experiment” – an attempt to recognize the testimony taking place and to reflect on what is disclosed through it. The general theory of testimony that emerges out of these experiments is insightful. I turn next to briefly outline the basic characteristics of the testimonial situation as illuminated by these experiments.

Basic Elements of the Testimonial Situation

Reflecting on these experiments, Van der Heiden comes to articulate some common elements of the testimonial situations presented in each. In each of the experiments, Van der Heiden points out that “the witness or the interpreter bears witness to what cannot speak for itself or what does not any longer, does not, or does not yet have a voice that can speak.” (126) He continues: “Bearing witness is thus in the first place giving a voice to what cannot speak so that it can be heard or understood . . . .” (126). This structure of substitution characterizes every scene of testimony. It also makes clear another essential characteristic of bearing witness as Van der Heiden understands it, namely, the absence of the one for whom one speaks, since “if the hearers themselves were present and experienced those events, testimony would be redundant” (126).

Now, the fact that Van der Heiden presents testimony as a kind of substitution (giving voice to what cannot speak) might lead us to make a couple of assumptions about the rest of his argument. First, we might assume from this that the task of bearing witness is to take the place of the one who cannot speak –to say just what they would say if they could speak. As Van der Heiden argues though, bearing witness requires some attentiveness to the limits of this substitutability. It requires that one marks in some way or other the fact that a substitution is taking place. As Van der Heiden’s experiments demonstrate, a literary text can do this in different ways. It can mark the limit of substitutability, for example, by pairing characters who articulate what is born witness to with characters who remain silent about it or by qualifying the testimony one gives, directly or through one’s characters, with literary devices that mark the testimony as muted or muffled in some capacity. Second, the fact that testimony is characterized by a logic of substitution might lead us to assume that when testimony is effective what is born witness to “is fully given to or fully experienced by the witness” (126). We may imagine, for example, that successful witnessing is indicated by an object of the testimonial act that is luminous and fully present. Van der Heiden suggests, however, that what is actually borne witness to in a testimonial act cannot be understood in such a way. “. . . In each of the experiments,” he remarks, “it is not sufficient to speak of an object of testimony, at least if we take object to mean that which appears for an audience or for the witness” (127). What testimony discloses is, rather, a more ambiguous phenomenon – a formulation of what is born witness to accompanied by a shadow, a “formless reality or materiality that is always kept in reserve in the presentation of this object” (131). To capture this ambiguity, Van der Heiden refers to what is borne witness to as the “reserve/object.”

This ambiguity of what is borne witness to requires, for Van der Heiden, one further clarification. While it is tempting to suppose that the ambiguity in the testimony given is a problem to be overcome – a problem arising entirely from contingent shortcomings in the testimonial subject’s ability to communicate or the testimonial hearer’s ability to understand, Van der Heiden argues that the ambiguity in testimony is a faithful reflection of reality itself. This is, on his analysis, the ontological dimension of testimony that is typically neglected in contemporary philosophical studies but that is opened up by a phenomenological approach to the topic. This approach allows us to focus not on the question of whether testimony is reliable as a source of coming to know reality but, rather, of what is disclosed by testimony just as it is. With this approach, we might say that Van der Heiden suggests a kind of ontological turn in the study of testimony. Rather than regarding the stammering of the witness and the testimonial audience’s position of reliance as indications of the limits of what testimony can disclose, Van der Heiden explores these as positive indicators or sources of disclosure about the nature of reality.

 Van der Heiden’s choice to focus on what is disclosed through testimony does not preclude him from examining how the testimonial subject and the testimonial hearer function as necessary elements in the testimonial situation. In order for testimony to occur, someone must take themselves as a testimonial subject. One becomes a testimonial subject not because they are “identified beforehand in the social situation as the one who ‘automatically’ is awarded the subject ‘function’ in this discursive practice” but simply because they begin to bear witness “by what one could call a primordial affirmation of the practice of testimony,” by offering testimony (135). This is especially clear in cases where nobody else can be certain about who was there or what they might have seen or heard. Even if others can speak to this though, it is still ultimately up to the one who bears witness to attest to their self-presence and to claim that they can indeed speak to the experience. In this way, nobody else can ever determine for someone that to which they can bear witness. Likewise, the testimonial hearer cannot identify in advance the location from which testimony might come. To hear testimony is to undergo a rupture within one’s horizon of understanding that nevertheless demands belief.

 As previously mentioned, broader philosophical debates about testimony today tend to focus on a narrow set of epistemological questions that arise in this testimonial situation, namely, the question of whether one is ever justified in basing belief on the testimony of another, in what conditions such belief might be justified, and what exactly justifies it. In my assessment, one of the greatest strengths of Van der Heiden’s book is the way that he broadens our understanding of the philosophical questions at stake in a theory of testimony. One who hears testimony is, after all, not always left to grapple with the question “Should I believe this?” or “Why should I or should I not believe this?” Although the testimonial act makes a demand to believe, what the testimonial hearer comes away with is the task of giving voice to the object/reserve in a way that marks its ambiguity. Thus, as Van der Heiden understands it, the primary question faced by a testimonial hearer is not, “Should I believe this?” but “How exactly must I respond to the demand this makes upon me?” That such a question is appropriate in response to the testimonial act is clear in light of what Van der Heiden brings to light about the nature of the testimonial object/reserve. What is borne witness to is not something that has the character of a full presence. Socrates’ bearing witness to the account of Protagoras in the *Theaetetus*, for example, does not bring forth the “father of the *logos*” as if he were fully present and conversing there among them. After all, in such a context, “the lost voice of the father is not to be understood as a lost origin, but rather as an imperative for speakers to become the orphan’s foster parents” (31).

The Event of Testimony as a Hermeneutic Event

 Now, while Van der Heiden does not present his treatment of testimony as a contribution to philosophical hermeneutics, I would like to spell out why I think it qualifies as one. It seems to me that the description of the elements of testimony that Van der Heiden offers maps on well to how Gadamer describes the elements of interpretation. Testimony occurs when one attempts to give voice to something that cannot speak for itself or that “does not any longer, does not, or does not yet have a voice that can speak” (126). It contains, in other words, the same logic of substitution that characterizes the event of interpretation. As Gadamer argues, it is precisely the situation where the origin of meaning is absent that calls for interpretation. Written laws, religious scripture, philosophical texts, works of art: all appear to us as having something to say and demand interpretation from us who encounter them. For Gadamer, too, though, the task is not to resurrect the “father of the *logos*” but to offer something in response that gives voice while holding something in reserve. For Gadamer, this is the real task of interpreting a text, which he argues “cannot be limited by what the writer originally had in mind or by the horizon of the person to whom the text was originally addressed”[[2]](#footnote-2) but which involves reconstructing the question to which the text is an answer and allowing it to “merge with the question that tradition is for us.”[[3]](#footnote-3) Van der Heiden uses the language of “interpreter” and “interpretation” at times to describe elements in the testimonial scene. The connection to Gadamerian hermeneutics, however, remains otherwise underdeveloped in the book.

 Much, however, comes to light when we put *The Voice of Misery* into dialogue with Gadamerian hermeneutics. Both the Gadamerian account of interpretation and Van der Heiden’s description of testimony are attempts to recognize the unique kind of disclosure that occurs when one attempts to give voice to something that cannot speak for itself. In Van der Heiden’s philosophy of testimony, the testimonial act, like the act of interpretation, is a bridge spanning a gap between the event borne witness to and an addressee – the testimonial hearer or the audience toward whom an interpretation is oriented. Moreover, the character of this bridging is similar in each case. Its existence is not guaranteed in advance. Neither the interpreter nor the testimonial subject can be identified from the outside in advance because they have been recognized as being a suitable subject for the operation. The bridge provided by both interpretation and testimony are similarly alike in being disclosive while also indicating something excessive to what is presented through the disclosure. In testimony, this is what Van der Heiden calls the reserve character of what is borne witness to in testimony. For Gadamer, this is the way in which successful interpretation nevertheless leaves space for further interpretation, for future disclosures of the text, the artwork, etc.[[4]](#footnote-4) Interpretation might be said, then, to leave something “in reserve” in a way similar to the act of bearing witness.

 Beyond these intriguing parallels, though, Van der Heiden’s book makes further contributions to philosophical hermeneutics, first, by expanding our idea of what can call for interpretive understanding. It does this by elaborating on the kinds of experiences that can be “poor in language” and thus in need of a witness. Gadamer, for his part, often conceives of what solicits interpretation as an instance of writing or speech. It is often the language of the text or the words offered in conversation that reach out and demand interpretation. While he is no way limits the domain of hermeneutic objects to purely semantic phenomena[[5]](#footnote-5), he does not address the dearth of articulation that one can encounter that leads them to believe that they themselves are singularly charged with bearing witness. This is a sort of lack that needs one to come forth and testify in order for there to be a recognizable experience at all. Without someone to give voice to it, it is not merely a speech act without meaning but is a phenomenon that risks falling into oblivion or being marginalized into unintelligibility. One bears witness to events that, without any witness testimony, others may not understand or may not even believe took place. Such is the function of one who bears witness, for example, to a miracle or, on the other hand, to forms of injury and suffering that, as a society, we prefer not to think about. When, for example, one bears witness to state-sponsored genocide, torture, or sexual violence, one knows that the stakes of interpreting and articulating what they have seen are especially high.

Testimonial Justice

In highlighting the importance of giving voice to what cannot speak and of giving space for such testimony and interpretation, *The Voice of Misery* speaks to a theme that has not only been important for continental philosophy but is also of importance to conversations in contemporary Anglo-American epistemology. With the social epistemological turn, more and more epistemologists are arguing that trust in accounts that we receive from others, including testimonial accounts, is a constitutive element of the way that we come to know.[[6]](#footnote-6) In this, they are challenging the skepticism towards others as sources of knowledge that had become a default attitude with the emergence of Enlightenment epistemology. They are, like Van der Heiden, moreover, trying to think through what justifies the trust that we so often put into accounts or information we receive from others – debating, as Van der Heiden points out, between a reductionist approach attributed to David Hume that presents trust in testimony as an inductive inference about the probability of an account’s veracity and a non-reductionist approach traced back to Thomas Reid that sees trust in testimony as grounded in basic principles of social interaction. Given the increasing consensus in contemporary epistemology on the importance of testimony as a source of knowledge, we also find today a growing body of literature on “testimonial injustice,” spearheaded by Miranda Fricker, which analyzes the vices one may exhibit that unduly deny credibility to certain people who might offer testimony and the social-political conditions that allow for such credibility deficits to occur.[[7]](#footnote-7) For Fricker, though, the aim is not just to describe how habits of interpretation and belief formation reflect power imbalances in a society but to identify the conditions necessary for just and responsible epistemic practice when it comes to receiving testimony. While these theories are understood by their authors to be primarily contributions to epistemology, a focus from which Van der Heiden’s study parts way, they share with *The Voice of Misery* the goal of highlighting the important role that testimony plays in disclosing the world to us, of recognizing the way that such disclosure can be thwarted by discursive limits, and of thinking through the sort of interpretive comportment that testimony solicits. Moreover, like Fricker, Van der Heiden is not content in this book simply to indicate what is marginalized within a particular discourse but aims to think through what it means positively to bear witness.[[8]](#footnote-8)

That being said, epistemic justice studies as a field has focused primarily on the way that identity power functions to diminish the testimonial and interpretive credibility of people who have certain identities. The question of what it would mean *to give testimony its proper due* beyond the granting of credibility is undertheorized in the literature. This is, in part, due to the lack of any *ontological* dimension to this approach. This is where I think Van der Heiden’s continental philosophy of testimony could make a significant contribution to current conversations on testimonial justice. If Van der Heiden is right to say that what is borne witness to in testimony has the character of an object/reserve and that “the ‘perhaps’ the hearer confronts and which they decide on is grounded in the ‘perhaps’ of testimony’s object” (137), then one cannot measure the efficacy of a testimony by simply gauging whether a speaker was arbitrarily denied credibility by testimonial hearers. One would also need to consider to what extent the testimonial hearers allowed themselves to dwell in “the space of the *perhaps*” (137) opened up by the testimony, that is, rushing neither to belief not to doubt but attending to the ambiguity of the reserve/object disclosed in the testimony. This may not appear to be, by itself, a cure for the sort of injustices we know to take place on account of systematic forms of marginalization in our society, but I would argue that the hearer’s dwelling in the ambiguity of what is disclosed and what is held in reserve is more important for achieving testimonial justice than we make think.

When violence and other human-afflicted forms of suffering occur, it is important for a society to identify the causes and to publicly recognize those affected. We take responsibility in the most minimal way when we identify the people who acted as efficient causes of the violence. We take more responsibility as a society when we articulate and highlight the wider web of causes that have led to the problem and make genuine efforts to think through how to prevent the problem from taking place in the future. Yet one could reasonably argue that *justice* requires even more than this – that it requires that a space be opened up for us to explore what happened, to explore the nature of the harm, to carefully interpret it together, and perhaps even eventually to create new forms of understanding (new terms, genres, embodied forms of understanding, etc.) with which to make sense of it that were not previously available.

A version of this argument has been offered by Linda Martín Alcoff in her recent book on sexual harm.[[9]](#footnote-9) In the book, Alcoff insists that there are many situations in which interpretation is needed to get at the complexity of the lived experience of sexual harm, when the ready-to-hand concepts and accounts available to explain it fall short. To resist the hermeneutic and testimonial marginalization of experience in such cases requires not simply that we recognize these experiences as having happened but that we actively interpret them. Alcoff explains: “Sometimes the full and adequate description of events belies simplistic classification. Sometimes the full and adequate description of events changes over time. Well-meaning supporters and advocates may resist such complexities, urging us to make the accusation and decisively name the event.” “But,” she continue, “rejecting the possibility of ambiguity or complexity . . . has the unintended consequences of shutting down the explorations of survivors: that is, our own processes of meaning-making. Listening to survivors means affording us the credible capacity to theorize complexity.”[[10]](#footnote-10) As I see it, Van der Heiden’s treatment of testimony in *The Voice of Misery* theorizes the importance of such a listening. Rather than treating testimony as something that must either offer its audience an unambiguous presentation of reality or say nothing at all, he takes the stammering of the witness as disclosive of a reality for which we may not yet have a proper name – a reality that is, for the moment, most faithfully represented by a stammering, fragmentary, or poetic speech.

**Three Questions**

Having articulated what I see as some of the most significant and clearest strengths of *The Voice of Misery*, I want to now pose a few questions that I hope will allow Van der Heiden to further develop and clarify his theory of testimony. The *first question* arises from his privileging of cases of “extraordinary” testimony – where testimony appears unaccompanied by any other warrant for belief. Van der Heiden argues that “from the continental perspective, the true philosophical question of testimony arises only where the principle of credulity loses its ground” (145). The sort of testimonial experience that guides Van der Heiden throughout the book is, then, one where what is borne witness to defies credulity and constitutes an exception. It is the case in which, as he says, “the witness has nothing other to offer but their testimony” (171). It is one that, while not exactly a miracle, nevertheless “appears ‘in the guise of a miracle’” (147). In the case that Van der Heiden imagines, the witness offers no reasoning in support of their claim, has no reputation that should be considered, is not someone with whom the hearer has a record of social interactions that have built or depleted trust, etc. Van der Heiden is correct when he says that this exceptional case is not the one that most philosophers – whether they take a “reductionist” or “non-reductionist” approach – have in mind when they talk about our reliance on testimony.[[11]](#footnote-11) It is not the paradigm case for social epistemologists, for example. Because social epistemologists make it a point to start with a description of everyday epistemic practices, their focus is on a more commonplace scenario where we rely on testimony from others in the course of our everyday epistemic activities. In such cases, when we rely on testimony, we moderate our trust in the testimony according to factors such as the strength of the speaker’s reasoning and inferences about their reliability from what we know about their reputation and what we know about them from previous social interactions.[[12]](#footnote-12) Understood this way, reliance upon the testimony of others does not require anything like a radical leap of faith. Rather, it is a constitutive element in the process of coming to know – both in the scientific process of inquiry and in the everyday processes by which we come to our beliefs. This approach has been very effective in unsettling the deep skepticism – including the skepticism of other minds that often underwrites our ideas about knowledge today. In light of all this, I wonder: What is lost when we treat the case of “extraordinary testimony” as the paradigm case of bearing witness? Not wishing to deny that there are some instances where testimony demands our belief unaccompanied by other warrants, I wonder if excluding *ordinary* experiences of reliance upon testimony may obscure the way that a pragmatic trust in others with whom we regularly interact prepares the way for a trust in their testimony. This strikes me, moreover, as pragmatically important for those of us who wish to cultivate the spaces where such trust in others is nurtured.

One of those spaces is, for example, the classroom. Whether one is lecturing or is participating in a classroom discussion, one’s willingness to offer and to receive testimony will hinge a good deal on whether an atmosphere of trust has been cultivated through a history of social interactions. Whether a particular form of testimony will be taken seriously will depend not only on this atmosphere but also, to some degree, on whether the testimonial speaker provides reasoning for their claim that is persuasive to others in the room and on the speaker’s reputation, both in terms of academic credentials and in terms of the ethos that they have established through previous discussions. Those who strive to cultivate classrooms where appropriate forms of trust are nurtured will want to ensure as much as possible the smooth functioning of these systems of warrant that lend credulity to the testimonies offered in the space. This is not to deny the importance of being vigilant about the limits of these systems of warrant, but this is a different thing than denying their utility altogether.

This leads to a *second question* closely related to the first. Does the continental theory of testimony that Van der Heiden presents perhaps underestimate the default trust that we have in others by virtue of our primordial immersion in social life – a trust that cannot be accurately described as “faith”? As previously mentioned, the argument that such default trust in others undermines skepticism towards others is among the most important legacies of social epistemology, which seeks to rethink knowledge and justification in a way that is not premised on a deep skepticism towards others and their role in our cognition. These points are also important, though, to the tradition of phenomenology. It is a theme developed in part by Heidegger in, for example, his treatment of “being-with” in *Being and Time* but developed much more fully by phenomenologists like Maurice Merleau-Ponty.[[13]](#footnote-13) Van der Heiden would appear to join many later phenomenologists in arguing that Heidegger unduly identifies these relations as little more than sources of inauthenticity which form the backdrop against which the call of conscience stands out. Indeed, he critiques Heidegger’s account of attestation for insisting on an unjustified distinction between the voice of one’s conscience and the uncanny voice one hears in testimony (177-78). This suggests that he believes that relations with others play a more fundamental role in our lives than Heidegger acknowledges. Nevertheless, in *The Voice of Misery*, others figure mostly as a disruption of our horizons of understanding. When one hears another give testimony, Van der Heiden argues, the demand to believe always exceeds what would justify one in believing. For this reason, Van der Heiden argues, “there is always a remainder or a lack in this support that can only be filled by an act of faith that either accepts or rejects the testimony” (136). For those social epistemologists and phenomenologists who hold that we have a default trust in others on the basis of the primacy of our social relations, though, it would seem that such an act of faith is unnecessary. We do not need faith when, as children, we are receptive to what is disclosed to us about the world by others. Generally speaking, what is disclosed in this way is no more worthy of doubt than our own perception. This is not to deny that there are times when we are uncertain about whether it is wise to believe someone or whether it is necessary to withhold trust, but this is, as phenomenologists have often pointed out, the exception and not the rule.[[14]](#footnote-14)

*Thirdly and finally*, I want to ask Van der Heiden to respond to a potential concern about granting ontological status to the ambiguity of what arises in testimony. Throughout the book Van der Heiden encourages his readers to regard the ambiguity that emerges in the testimonial situation as more than an epistemological problem. It is not just that testimony leaves us in a position where we lack solid justification for belief; instead, it discloses reality itself as harboring an ambiguity. In this way, I have argued, Van der Heiden encourages an ontological turn in the theory of testimony. His title, *The Voice of Misery*, describes not the frustrated witness who wishes that they could better communicate what they have seen but what is brought to light in the most effective instances of witnessing – “a dimension of bare existence at the heart of human life, which is forgotten and erased from human memory and experience as soon as the gift of logos is received” (xiii). What the witness bears witness to then is always, in part, this bare existence at the heart of human life. This is a powerful and provocative part of the argument presented in the book, as it forces us to take seriously the possibility that the ambiguity in the testimony – its object/reserve character – is a reflection of the reality experienced and not just a problem in the understanding of one who hears it. I wonder though: Does granting the ambiguity of testimony an ontological status discourage us from looking for the more efficient causes responsible for the limitation in communication? The norm in the literature on testimonial injustice, after all, is to regard the source of testimonial injustice as consisting of contingent factors, namely, as epistemic vices enabled by systems of social inequality. One might argue that by viewing the ambiguity of testimony as an ontological necessity, one is implying that it cannot be the result of, say, an addressee’s unwillingness to listen or a speaker’s lack of confidence that they will be properly understood by their addressee. In many testimonial situations though, it is very hard to ignore these possibilities. The fact that Celan’s poetry appears to hold a lot in reserve, for example, could be a reflection of the “bare existence at the heart of human life, which is forgotten and erased from human memory and experience as soon as the gift of *logos* is received” (xiii), but it would also seem to be, more immediately, an effect of contingent social and ethical circumstances: the destruction of the Shoah and, in its wake, a widespread loss of trust in the German people and the German language that had exploited for violent purposes, especially among those most directly harmed and traumatized by the violence. To say that Celan’s poetry reflects a general reality or general human condition would seem to preclude the possibility of critiquing these historical developments and the ethical and political shortcomings that brought them about and of working toward greater forms of mutual recognition.[[15]](#footnote-15) Having said this, I want to reiterate that I consider it one of the strengths of Van der Heiden’s account that it helps us to understand the importance of dwelling with testimony – of hearing it or reading it in a way that it allows our current discursive horizons to be disrupted. As I have argued above, I think this sort of response to testimony is necessary in those instances where forms of understanding – discursive and non-discursive – are needed to make sense of some occurrence. Moreover, since one cannot know from the start whether new forms of understanding are necessary, it seems prudent to me to exercise the relevant vigilance when listening to testimony – looking out for what cannot yet be articulated or otherwise understood. Yet it seems to me that part of what it would mean to be fully responsive to a witness would be to recognize and to address specific and contingent ethical and political factors that may be unjustly limiting the credibility, intelligibility, or impact of their testimony. How, then, do we respond to testimonial acts in a way that addresses both of these needs: the need to positively recognize what manages to speak from a “voice of misery” and to struggle against the conditions that lead to such curtailments in recognition?

Works Cited

Alcoff, Linda Martín. *Rape and Resistance: Understanding the Complexities of Sexual Violation*. Cambridge: Polity Press, 2018.

Brison, Susan. *Aftermath: Violence and the Remaking of the Self*. Princeton, NJ: Princeton University Press, 2001.

Coady, C.A.J. *Testimony: A Philosophical Study*. Oxford: Oxford University Press, 1995.

Faulkner, Paul. *Knowledge on Trust*. Oxford: Oxford University Press, 2011.

Fricker, Miranda. *Epistemic Injustice: Power and the Ethics of Knowing*. Oxford: Oxford University Press, 2007.

Gadamer, Hans-Georg. “The Boundaries of Language.” *Language and Linguisticality in Gadamer’s Hermeneutics*. Edited Lawrence J. Schmidt, 9-17. Lanham, MD: Lexington, 2000.

---. *Truth and Method*. Translated by Joel Weinsheimer and Donald G. Marshall. London: Bloomsbury, 2004.

Hatab, Lawrence J. *Proto-Phenomenology and the Nature of Language: Dwelling in Speech, Volume 1*. London: Rowman and Littlefield International, 2017.

Jones, Karen. “Trust as an Affective Attitude.” *Ethics* 107, no. 1 (1996): 4-25.

Origgi, Gloria. “Trust and Reputation as Filtering Mechanisms of Knowledge.” In *The Routledge Handbook of Social Epistemology*, 78-86. Edited by Miranda Fricker, Peter J. Graham, David Henderson, and Nikolaj J.L.L. Pedersen. New York: Routledge, 2020.

Merleau-Ponty, Maurice. *Phenomenology of Perception*. Translated by Colin Smith. London: Routledge, 2002.

Van der Heiden, Gert-Jan. *The Voice of Misery: A Continental Philosophy of Testimony*. Albany, NY: State University of New York Press, 2019.

1. All parenthetical citations refer to Gert-Jan van der Heiden, *The Voice of Misery: A Continental Philosophy of Testimony* (Albany, NY: State University of New York Press, 2019). [↑](#footnote-ref-1)
2. Hans-Georg Gadamer, *Truth and Method*, trans. Joel Weinsheimer and Donald G. Marshall (London: Bloomsbury, 2004), 413. [↑](#footnote-ref-2)
3. Hans-Georg Gadamer, *Truth and Method*, 382. [↑](#footnote-ref-3)
4. For Gadamer, “the discovery of the true meaning of a text or a work of art is never finished; it is in fact an infinite process.” Hans-Georg Gadamer, *Truth and Method*, 309. [↑](#footnote-ref-4)
5. See especially Hans-Georg Gadamer, “The Boundaries of Language,” in *Language and Linguisticality in Gadamer’s Hermeneutics*, ed. Lawrence J. Schmidt, 9-17 (Lanham, MD: Lexington, 2000). [↑](#footnote-ref-5)
6. See, for example, Paul Faulkner, *Knowledge on Trust* (Oxford: Oxford University Press, 2011) and C. A. J. Coady, *Testimony: A Philosophical Study* (Oxford: Oxford University Press, 1995). [↑](#footnote-ref-6)
7. Miranda Fricker, *Epistemic Injustice: Power and the Ethics of Knowing*. (Oxford: Oxford University Press, 2007). [↑](#footnote-ref-7)
8. This is part of Van der Heiden’s criticism of Lyotard. While acknowledging that *The Voice of Misery* is inspired by Lyotard’s attempts to think through the importance of the phenomenon of testimony, Van der Heiden argues that Lyotard falls short in positing a “reigning horizon of meaning and understanding” that “excludes exactly what it calls for, which it hopes for . . . the possibility of bearing witness” (138-9). [↑](#footnote-ref-8)
9. Linda Martín Alcoff, *Rape and Resistance: Understanding the Complexities of Sexual Violation* (Cambridge: Polity Press, 2018). [↑](#footnote-ref-9)
10. Linda Martín Alcoff, *Rape and Resistance*, 61. [↑](#footnote-ref-10)
11. Van der Heiden’s approach can easily be contrasted with the “reductionist approach” in the epistemology of testimony, which Coady identifies most famously with David Hume and which claims that our trust in a given testimonial act can be attributed to non-testimonial, individually-assessed forms of warrant such as inferential judgments about the speaker’s reliability. For a description of the reductionist approach, see C.A.J. Coady, *Testimony: A Philosophical Study*, 79-100. [↑](#footnote-ref-11)
12. See, for example, Karen Jones, “Trust as an Affective Attitude,” *Ethics*, Vol. 107, no. 1 (1996): 4-25, and Gloria Origgi, “Trust and Reputation as Filtering Mechanisms of Knowledge,” in *The Routledge Handbook of Social Epistemology*, ed. Miranda Fricker, Peter J. Graham, David Henderson, and Nikolaj J.L.L. Pedersen (New York: Routledge, 2020), 78-86. [↑](#footnote-ref-12)
13. “We must return to the social with which we are in contact by the mere fact of existing, and which we carry about inseparably with us before any objectification.” Maurice Merleau-Ponty, *Phenomenology of Perception*, trans. Colin Smith (London: Routledge, 2002), 422. [↑](#footnote-ref-13)
14. See, for example, Maurice Merleau-Ponty’s treatment of the primary of others for one’s perception in Maurice Merleau-Ponty, *Phenomenology of Perception*, 422-424, and Lawrence Hatab’s treatment of the phenomenology of the social world in Lawrence J. Hatab, *Proto-Phenomenology and the Nature of Language: Dwelling in Speech, Volume 1* (London: Rowman and Littlefield International, 2017), 44-50. [↑](#footnote-ref-14)
15. Susan Brison raises a similar concern in response to Primo Levi’s claim that language lacks the ability to express a disaster on the scale of the Shoah. She writes, “It is debatable, however, whether that is the case, or whether the problem is simply others’ refusal to hear survivors’ stories, which makes it difficult for survivors to tell them even to themselves.” Susan Brison, *Aftermath: Violence and the Remaking of the Self* (Princeton, NJ: Princeton University Press, 2001), 50. [↑](#footnote-ref-15)