

Testimonies of Violence

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Within recent philosophical literature on testimony, much attention has been paid to the epistemic role that testimony plays not only in justified moral belief formation, but whether or not we are justified in acting upon such beliefs. In this essay, the epistemic status of moral testimonies will be addressed in tandem with political considerations of testimonies within acts and relations of violence. Testimonies are not only basic to our acceptance and understanding of the reality of violence within social life, but our reliance upon testimony is necessary for both belief formation about justified and unjustified uses of violence as well as a basis for action in response to acts and relations of violence. Thus, in light of recent philosophical accounts of violence seeking objective grounds for analyzing and evaluating violence independent of moral testimonies, I argue that our idealizations and judgments about violence demonstratively and motivationally depend upon the testimonies of those who experience violence. Given this understanding of violence and moral testimonies, two particular questions arise when considering the role of humiliation within moral testimonies of violence: are we to say that the phenomenon and experience of humiliation provides intersubjective evidence of the reality of violence? Does the reality of humiliation provide grounds for, and/or evidence of, the testimony which recognizes violence as a social reality?

To avoid subjectivism within conceptualizing and judging violence, in addition to avoiding a premature assignment of the concept of violence to the 'essentially contested' category, Vitorrio Bufacchi recently argued for an objective account of violence based upon the impartial spectator position (i.e. third party perspective). From this standpoint, one is able to analytically examine instances of violence from other kinds of social relations and normatively judge violence without falling into a culturally or individually centric perspective. Buffacchi, like many other philosophers of violence, aims to find a universal definition of violence in order to clarify what it is as a concept, to eliminate particularistic justifications of its use, and to independently legitimate its proper function within institutional and interpersonal life. Bufacchi argues that in order to rationally identify and judge violence, we must adopt the position of the spectator. Identifying and judging violence from the standpoint of the victim (i.e. one whose integrity is violated) or the perpetrator (i.e. the "social agent whose performance causes or contributes to the violation of integrity of another social agent"), would simply be to adopt a subjective position, thus eschewing rational and critical consideration of the reality of violence and its justified use. For example, perpetrators by and large argue that they are forced to use violence (e.g. justified on self-defense or pre-emptive grounds) or are simply responding to violence that is already present and prolific. On the side of victims, revenge, humiliation, or shame can underlie claims to violations so as to put the spectator in a position of empathy and identification with the victim's perspective. Such justifications clearly are in the interest of perpetrators or victims and to judge violence from one particular perspective is, in short, to simply adopt an interested (i.e. egoist) stance with regard to the phenomenon of violence. The potential problem with these standpoints is, Bufacchi claims,

...their subjectivity. This is not to suggest that per se subjectivity is a problem...On the contrary, there is no doubt that the most powerful and important voice in the dynamics of violence is that of the victim. One only needs to think of the inestimable insights we have gained from reading the testimonial evidence by genocide survivors... [but], these narratives cannot be taken simply at face value. ...'Victim talk' tends to provoke counter-'victim talk', hence the importance to evaluate all claims, in order to separate legitimate from less-legitimate claims of victimization.²

In order then to identify and evaluate violence from an objective perspective, we need to adopt "the view-from-nowhere," the Spectator's view.³ Not only then will we avoid the bias and partiality of both the perpetrator's and victim's perspective, but we will also be in a position to recognize violence even in cases of consent or culturally-embedded practices not seen as violence (e.g. footbinding, FGM). While I ultimately reject Bufacchi's dependence upon the spectator position for his conception and evaluation of violence, it is important to briefly explain three ways that we both generally understand the phenomenon of violence so as to contextualize why I argue that testimonies of violence are central to its basic conceptualization and evaluation.

First, in general agreement with Bufacchi, violence is a social phenomenon, something that is done to people and that people do. While the concept may be employed to talk of destructive power that produces death, we must be clear about how we use it literally versus metaphorically. The inevitable hurricanes or the unavoidable lightning storms that destroy property and lives should not themselves be considered violence in any meaningful philosophical sense. The

1 Buffacchi, Vittorio. *Violence and Social Justice*. New York: Palgrave MacMillian, 2007, p. 33.

2 *Ibid.*, p. 34.

3 *Ibid.*, p. 37.

metaphorical use may be attractive for the despair and frustration at events which, in many instances, destroy lives. However, a recognition of violence within philosophy must include that those occurrences or outcomes were *avoidable* or can be, or could have been, *prevented*. Restricting our thinking to a social understanding of violence may seem trivial, but the importance of analytic clarity of this conception has far reaching normative considerations. While storms may just happen to destroy property and people, violence is does not 'just happen'. Regardless of whether the violence was directly or indirectly caused, intended or unintended, forcefully or slowly done, we must avoid the implication that the relation or act of violence is a something on par with a natural occurrence (i.e. something which cannot be other than it is). Thus, if we cannot avoid or prevent harm and injury befalling ourselves or others, not only is there no responsibility for violence, there is no violence as such. If harm or injury can be avoided or prevented, even with regard to a natural occurrence, then clearly we do have violence as such.

Second, stating that violence is a normative category is not, as Johan Galtung and Samuel Kim argue⁴, to make a particular judgment about it as a phenomenon. That is, to recognize violence as a normative concept does not entail that the use of violence is *prima facie* unjustifiable. Violence may be the basis for, or the underlying cause of, the changing or eliminating of conditions that block or undermine political self-determination (e.g. revolutions, rebellions, riots, guerrilla warfare) or may ultimately reduce violence overall in the context of conflict, war, or genocide. We must morally reason about violence. Whether its use can be justified or not as a means to more just and peaceful ends is an open question. While nonviolence does occupy the high-ground within moral reasoning, public debates, and political considerations, one cannot ignore the complexity of relations of violence nor the possibility that the maxim 'violence begets violence' is, in some cases, empirically false.

Finally, despite, or because of, such consequentialist reasoning about violence, violence is always understood to stand in need of justification. Even with the use of state violence, those actors and institutions must publicly justify (in some cases through public testimony) that the use of violence is necessary to maintain or re-establish so-called "law and order" (e.g. torture or the use of so-called "harsh techniques" of interrogation, police shootings or beatings of criminal suspects, engaging in international conflict or warfare, whether in self-defense or for humanitarian reasons). As Robert Audi states this point, "Even those who advocate certain uses of violence tend to speak of the need to "resort" to it, and almost everyone believes that violence is in itself undesirable and must therefore be used only when some powerful, usually moral, justification can be given."⁵ Given the need for public justification of its use, we clearly understand and use violence as a normative concept. By pointing out violence as a phenomenon in need of justification clarifies that there is no mere description of something as violence independent of moral judgments about that phenomenon. While we can theorize force amorally and merely describe its deployment and use, violence is not such a phenomenon and thus its idealization and conceptualization always involves normative judgments and commitments.

While we agree that one must approach violence as an essentially normative concept, Bufacchi claims that testimonies are crucial, but not sufficient, for identifying and evaluating the phenomenon of violence. The claim that the victim's testimony of violence is insufficient, and in need of independent evidence to test the legitimacy of the claim, relies upon two substantial assumptions that are false with regard to testimonies, particularly testimonies of violence. It is these two assumptions underlying Buffachi's position (though, of course, not exclusive to his position) that we must challenge if we are to retain a robust philosophical and moral account of violence.

First, Bufacchi too narrowly construes the options available within our analytic thinking of violence. It is not the case that we either relativize violence to the perspective of the victim or perpetrator and thereby leave ourselves with a parital (i.e. distorted and uncritical) view of violence or that we adopt a 'neutral, independent, uninvolved' perspective of a third party and thereby open ourselves up to an objective (i.e. undistorted and critical) perspective. This dualism of partiality/subjectivism, on the one hand, and impartiality/objectivity, on the other, has a long-standing, and relatively undisputed, place within European and North American political philosophy and philosophy of law. It is "merely dogmatic," Bufacchi and Schirmer argue, to depend upon the perspective (i.e. testimony) of those who experience violence to judge the reality of violence itself.⁶

Conversely, Arne Vetlesen, in his reflection upon Hannah Arendt's *Eichmann in Jerusalem* and the Bosnian genocide, argues that:

4 Galtung, Johan. "Cultural Violence," in *Violence and its Alternatives*, edited by Manfred B. Steger and Nancy S. Lind, New York: St. Martin's Press, 1999; Kim, Samuel. "Global Violence and a Just World Order," *Journal of Peace Research*, Vol. 21, No. 2, 1984.

5 Audi, Robert. "On the Meaning and Justification of Violence," in *Violence: Award Winning Essays in the Council for Philosophical Studies Competition*, edited by Jerome Shaffer, New York: McKay, 1971, p. 47.

6 Buffachi, *ibid.*, p. 35; Schirmer, Jennifer. "Whose Testimony? Whose Truth?," *Human Rights Quarterly*, Vol. 25, No. 1, pp. 60-73.

...being a non-party to evil often often proves an obstacle to understanding and judging it, rather than a precondition for doing so...the victim is the only one who, without ideological distortion or psychological (self-)delusion, knows the reality of evil, that is, of what evil amounts to as experience, as suffering. Thus, the victim is the supremely privileged source of any understanding of evil. As far as the third party, the non-party to what happened, is concerned, she or he has no direct, first-hand, experiential access to the reality of evil. Lacking this, the third party must open herself or himself to the victims, to those who bear witness to evil in the capacity of having suffered it.⁷

Vetlesen proceeds to show how some philosophers - here I would include Bufacchi and Schrimmer - falsely assume an identity between partiality and egoism. As briefly noted in the previous section, Buffacchi argues that we must avoid looking at relations of violence from one of the involved parties perspectives since that will lead us to making an interested, versus rational, judgment. Rather, Vetlesen argues, when one “opens oneself up” to the testimony of the victim of evil or violence, one adopts a virtuous attitude of empathy and affectivity about the suffering and harm experienced by victims. This is not to say that it is merely, as Philip Nickel states, the “expressive *force* that certain utterances have on attitudes” that provides the basis for making judgments from testimonies.⁸ The convulsive cry and scream of a parent watching her child die of a stray bullet wound to the head does *force* the spectator into a position to recognize and respond to the reality of violence. This is not to say that “opening up” to the victim entails that our recognition and judgment of violence is based only upon her visceral account. Instead, it is to show that since the phenomenon of evil and direct violence is always particular (i.e. it is done by one to another and is known *as* violence experientially), the “view-from-nowhere” is an imaginary fiction - the non-involved party (i.e. the bystander) will always already have an attitude of partiality when identifying violence or its lack thereof. Third parties may assume that impartiality requires neutrality, yet substantial evidence shows that such so-called impartiality actual makes possible the perpetuation and extension of violence, particularly in cases of mass murder and genocide. As Vetlesen states,

For all the integrity of this principle [of impartiality], judgment qua impartiality-cum-neutrality failed when it faced evil in Bosnia [or Rwanda for that matter]...It failed to judge, to stop, to punish evil because it failed to recognize what evil is.

In the light then of Vetlesen's considerations of evil and impartiality, I will now show how the testimony of the victim of violence is not only sufficient for identifying instances of violence, but also basic to its identification.

A second reason we ought to reject Bufacchi's approach to violence is based upon his understanding of the role played by moral testimony within philosophical conceptions of violence. He assumes that not only do testimonies relativize our thinking about violence, but that in relying upon testimonies to judge violence, we are only justified in doing so when we can substantiate that testimony from an independence standpoint. However, the reality of violence is such that there is no impartial standpoint of truth from which a some particular act (call it X) is known as violence or not-violence. That is, there is no independent standpoint (i.e. a “view-from-nowhere”) from which to identify X as violence without grounding that judgment in the testimonies of those who experience or perpetuate violence. Given the intrinsic social nature of acts and relations of violence, testimonies of violence are basic to our accepting and understanding X as violence or not-violence. As spectators to violence, we neither seek out sources of verification independent of testimony to form a belief that X is violence nor are we able to bring in an additional or independent perspective to trump the testimony of the victim or perpetrator. This is not to say that violence is an 'essentially contested concept' but rather to recognize that if violence is to be understood as a philosophical concept, the basic source for its understanding is not within idealizations of the phenomena which ground our identification and examination of the testimonies of perpetrators and/or victims. Rather, the inverse is the case: testimonies ground our idealizations.

As Audi states, “It is natural to consider an epistemic source to be unqualifiedly basic only if it can supply what it is a source of...without depending on the operation of another epistemic source.”⁹ If we seek to justify a claim that X is violence, upon what basis can we substantiate our claim as true? While we will seek out corroborating evidence that situates and contextualizes X (e.g. historical antagonisms or conflict, social dynamics between agents prior to X, social positions and identities of agents), when called to justify a claim that 'X is an act of violence' the source of that claim will ultimately find its origin in the testimony of involved parties. Whether the act of hitting someone was intentionally or unintentionally done, whether harm ensued or not from the act of hitting, or whether such an act of harm was foreseeable or not are all essential for substantiating whether or not that act is one of violence or not. As such, this evidence is to be found within

7 Vetlesen, Arne Johan. “Impartiality and evil: A reconsideration provoked by genocide in Bosnia,” *Philosophy & Social Criticism*, Vol. 24, No. 1, 1998, p. 17.

8 Nickel, Philip. “Moral Testimony and its Authority,” *Ethical Theory and Moral Practice*, Vol. 4, No. 3, 2001, p. 254.

9 Audi, Robert. “The Apriori Authority of Testimony,” *Philosophical Issues*, Vol. 14, 2004, p. 18.

the testimony of those who experience violence. On the one hand, if, for example, the perpetrator was dancing and unintentionally struck her partner's nose and broke it, such an act would not constitute an act of violence given the nature of the agent's intentional activity. The testimony of the dancer that "I was just swinging my arms, I did not intend to hit her" is a basic source of justification as to whether the nose was broken through an accidental act or an act of violence. If, on the other hand, the victim claims that her partner was dancing recklessly and should have known and foreseen that such moves could injure fellow dancers, her claim would be basic to our identification of the act being one of violence. In cases of political violence, to judge occupation, exploitation, or invasion as acts of violence, force, or coercion depends upon the testimony of those groups and individuals immediately situated within such relations of power.

Whether we should primarily rely upon the perpetrator's *or* the victim's testimony to judge X as violence or not-violence is an open, moral-political question. But, that testimony is basic for understanding relations of violence substantiates the invariability of the position of impartiality in relation to identifying and judging the phenomena of violence. That is, the testimony of violence is basic for belief formation about the fact of violence between perpetrator and victim. If this is the case - that testimonies are basic to our understanding of violence - then the question of trust in testimony for *moral* belief formation is raised. That is, since a testimony of violence is always a *moral* testimony (in that the identification of violence is done in tandem with a claim for its justified or unjustified use), is it "merely dogmatic" to trust and accept the truth of the testimony of victims of violence? Ought we to equally consider the testimonies of both the perpetrator and the victim or should we, as Vetlesen claims, adopt the privileged perspective of the victim?

Much work has been done within standpoint epistemology to provide both epistemic and political justifications for relying upon the perspective of those who occupy a subordinate position of power, given their privileged perspective within dynamic social relations. While I do not have the space to review this work, there are two related reasons why such privileging of the victim's perspective is justified, particularly within acts and relations of violence. First, we depend upon the testimony of victims of violence to identify such violence. Without the victim's testimony, the reality of violence within relations of power remains absent (whether expressed through overt statements or forceful, non-propositional expressions). It is not that the moral salience of violence is absent and is made apparent to spectators when the victim reveals its presence, but rather we lack a standpoint from which to claim that X is violence. Not only are perpetrators disinclined to expressing their actions as one's of violence (i.e. direct, intended actions that cause harm against others), but even with the intention to do harm to another, the victim's recognition of violence is necessary for direct violence to be present as such. For example, torture that literally amuses the one supposedly tortured is not torture at all. Pain that arouses sexual desire instead of bodily harm and violation again lacks the reality of pain and harm *as* violence. Yet, when the victim testifies that X is an act of violence, the justification of the actions of the perpetrator are immediately brought into question. Again, neither Bufachhi nor I argue that violence is *prima facie* unjustifiable, but rather that violence always stands in need of justification. Thus, the recognition and belief that 'X is an act of violence' demonstratively depends upon the victim testifying to its presence.

Second, the spectator lacks the motivational disposition to respond to the reality of violence without the testimony of the victim. As we consider the phenomenon of violence in terms of those who experience harm and violation, we thereby understand and appreciate why violence is *prima facie* wrong and in need of justification. Seeking its justification will be foremost without eviscerating the reality of violence by privileging the stated intentions and motivations of perpetrators. As we have seen in cases of genocide, spectators that claim neutrality were clearly seeing and judging the social dynamics from the perpetrators perspective (e.g. Dayton Accords, Delaire and the UN in Rwanda). Yet, when the victim's perspective is privileged, the question of justification is much more clearly and forcefully raised. This is not to simply state that from the victim's perspective, violence is never justifiable. In cases of domestic violence, we have clear cases where not only is violence as such recognized as a reality by both perpetrator and victim, but that its use, under the circumstances, is justified by both. Thus, it is not to state that the victim's testimony and justification is the sole authority for its evaluation, but rather that we can only fully understand and appreciate the reality of violence - thus giving fully moral consideration of its justifications - when we privilege the testimony of the victim(s).

From my argument here, it should be evident then that testimonies are basic to our consideration of direct violence within relations of power and necessary for our belief formation and action. Though I've briefly stated a few reasons to justify privileging the testimony of the victim, we can see in cases of structural and institutional violence how judgments of violence depend upon a complex set of considerations, given that victims may consent to or be unaware of the avoidable and contingent nature of the harms they experience. But, we can neither form beliefs about the reality of violence nor are we motivationally inclined to act upon it without ultimately considering the testimonies of those who experience violence. As such, when addressing the moral considerations surrounding the relations of violence, we must jettison the fictional ideal of the spectator position and recognize the particularity of violence as it is based in moral testimony.