

## "The Testimonial Problem of τέχνη"

There is a motif common to several Balkan folktales, most prominently the Greek "The Bridge of Arta" and the Serbian "The Building of Skadar": a prince or master builder is forced to immure his beloved young wife within the foundations of a large construction project to put an end to its repeated collapsing. Perhaps "The Building of Skadar" is most exemplary: in it, the motif is elaborated by the presence of three brother princes, each married, and a master builder who is told by a mountain-spirit that the fortress upon which he is laboring will not stand without the sacrifice of one prince's wife. The three brothers agree to determine by chance which of their wives is to die, but the older two renege and warn their wives, leaving the youngest's wife—the only one with child—to be sent to her death. When she realizes what is being done to her, she demands that a hole be made in the foundations so that she may continue to nurse her child.

The battle-lines are clearly drawn: on one side stands τέχνη (the master builder) allied with the Law, both that of man (the princes) and that of nature (the mountain-spirit); against all this, a single woman—martyr and μάρτυς, witness. The outcome of the encounter is deeply ambivalent: the woman loses her life, and any trust she had in her husband, in the Law, but emphatically keeps hold of her femininity, in this case her ability both to nurse her own baby and (per the end of the folktale) to restore. Insofar as the martyr is witness she is witness to *what she possesses*, despite the efforts of the Law to strip all that is owned in the conventional sense from her: here a motherhood, elsewhere (in the hagiography of a Saint Lucia or Saint Agnes, say) a virginity.

The witness is always caught between her witnessing and the Law: Derrida calls this the "testimonial problem of τέχνη." What is characteristic of testimony is that it is always a second option, always an inferior substitute for proof, and thereby *fallen*; and, in the Law's appropriation of the witness, the former is attempting to handwave this deficiency, improperly elevate to the status of proof what is not proof. We may name this handwaving *representational thinking*, following Heidegger, or more accurately *statistics*: in statistics the witness is demanded and asserted to the world to be perfectly faithful reporter of reality, just as a lab-scientist might. For a perfectly faithful reporting of reality to take place would require the perfect cooperation of the reality which played itself out, of the language to be used in the report, and of the self to be called to the stand and interacted with: of perfect transmission *within* the Lacanian Imaginary, Symbolic, and Real. This amounts to nothing less than the assertion not only that unfallenness is attainable, on par with the still vaguely

respectable Hegelian assertion that utopia will come once the institutions we have already thought up and begun to implement have fully actualized themselves, but that it has already been attained: the utterly unsupportable hubris of the Fukuyama-types. Unsustainable? But whom does it concern, for whom is it scandal, apart from the overly inquisitive philosopher, that the Law consents on the sly to the necessary fictionality, surreality, particularity of that testimony, the universal reliability of which is what is cited in support of its being awarded legitimacy? No one, after all, has ever proved that there is anything at all wrong with being wrong.

The testimonial problem of *τέχνη* gestures toward the crisis, dramatized in "The Building of Skadar," in which, in some cases, the subject does not accept the deal the Law offers to her: it is common knowledge that what afflicts her is her imperfection, that what she requires is legitimacy; it is also known that what the Law needs is the image of functioning as sole purveyor of legitimacy; why, then, does the subject not accept the legitimacy the Law is willing to offer her in exchange for her simple cooperation, her cooperation in receiving this legitimacy? Out of petulance, perhaps, where *petulance* is the name for the witness' witness to her own knowledge, come by with difficulty, of what imperfection consists in—of her own imperfection. A questioning of this knowledge's value is of course a questioning of the value of the subject, so much of whose life has been dedicated to the obtainment of this knowledge; and this obtainment-askesis will certainly have had its opportunity cost. That is to say, the subject lacks much that others have: the prince's wife lacks the simple power over the environment, the agency, which her husband and the men around her possess, lacks the favor bestowed upon both of her sisters-in-law, the love of her own husband. For the subject was directly presented with a choice: have this pretense at legitimacy, or have knowledge both of one's own illegitimacy and of the unknowing (and hence less honest, worse) illegitimacy of those who participate in the pretense at legitimacy. In all probability she was not let herself make this choice; she only inherited a situation at birth in which for her it was fated to be in one way or in the other. The actual immediate choice offered to the prince's wife in the folktale, for example, is not the real choice between life and morality but the non-choice between morality (the appeal to be able to continue with one's mothering in death) and nothing, death without consolation. Given that she has ended up with the latter (for which womanhood in one of its many contradictory forms is a stock symbol), she is called upon to convincingly justify the superiority of the choice which she was made to make: naturally, this would take the form of an appeal to intellectual honesty, to an obligation toward the dispelling of illusions no matter the consequences. But certainly, like all justifications,

rationalizations, this one takes place purely after the fact. And nothing can change the fact that the subject's position is itself deeply and perhaps untenably antinomic: *I am giving a fiction*, she says, *not a testimony; and no proclamation of yours will alter this basic truth*; but this is itself testimony toward her knowledge of herself and the situation, each fiction being a testimony no less than each testimony is a fiction. To insert *knowing-my-fallenness* as real skin between *being-fallen* and *being-unfallen* is to conjure a "partial unfallenness" to which knowing guarantees access; yet it is property of fallenness that there is a difference in kind between it and its opposite, and what is characteristic of the gap which such a difference posits is its inability to be interpolated, to be bridged by measure, number. This is to say: the one who knows their fallenness is asserting that she has something (she knows) and has nothing (she is fallen) simultaneously; the time-honored φάρμακον in such a situation—see e.g. the episode with Laelaps and the Teumessian Fox, but also the fact that martyrs are after all martyred—is the death and catastrophe of those involved, but it is not exactly clear what this would have to do with anything: the martyr gains nothing by putting herself to death; the world, seeing nothing wrong with incoherence, antinomy, does not see why it ought to put the martyr to death. It might perhaps be said that the presence and pervasion of such an antinomy is precisely what it means that the subject is fallen.

In general, when the martyr is already determined as martyr, her encounter with the Law cannot result in anything but her death—her being put to death thanks to her refusal to cooperate, her unrepentant perjury, her loyalty to a "higher" morality: that inflicted upon her by language or by God. The martyr never *desires* death: even the Circumcellions, a group of Christians who allegedly would roam the North African deserts and assault travellers in pursuit of martyrdom, were after a confrontation with the Law and not simply suicide. And the orthodox martyr does not even seek out such a confrontation; the prince's wife, after all, is certainly not looking to be immured. But is the death which is the martyr's a death in the familiar sense? In Blanchot and Heidegger, that is, we are presented with two conflicting visions of the temporal character of death: death as what has always already come upon us, our own being-dead-already (which is, per Blanchot, to be identified with death as imminent, as not-too-far-off); and death as what is always yet to come, even one's own justified assertion that *one will never die*. Death at its most anindividual, antiparticular; death at its most individual, particular. It might be said that, for Blanchot, death is original sin, while, for Heidegger, death is even a release from the burden of original sin, a slipping through its fingers: the opposite phenomenon. And it is clear that the death the martyr earns for herself—at least in the stories—must be the latter, even as we all know that what is coming for us is

the former: death as meaninglessness, as shirking of responsibility, as being gratuitously shot—as Blanchot might have been—by the Nazis, *and so having failed to stop them*. Thus we come upon the greatest irony of martyrdom: the actual dramatic encounter with the Law in which the martyr is allowed to be martyr, to testify to their own inability to testify, to exhibit a certain nobility—this is in each real situation evaded, this never takes place, for the death which it would bring about with it is not a death we see except in the most stylized, the most fictional of fictions. There are no martyrs, there are no witnesses, and so there is no testimonial problem of τέχνη, for there is no one to object to τέχνη's always marching onward. So it historically always has been, and will be.