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Trust in Testimony: The Institutional Embeddedness of Holocaust Survivor Narratives *

Trust in Testimony: The Establishment of Truth in Holocaust Survivor Testimony

THE PROFESSED GOAL of institutional Holocaust remembrance is to make audiences remember the salient and traumatic events that transpired during the Nazi interregnum, thereby preventing their recurrence. Documenting, preserving, and disseminating the accounts of those who experienced such events is one of the most common ways to achieve that goal. Perhaps the most comprehensive effort to do so is Steven Spielberg's Survivors of the Shoah Visual History Foundation and the Fortunoff Video Archive for Holocaust Testimonies at Yale University who together have videotaped over 56,200 individual testimonies (1).

Another influential way to present individual survivor accounts is live, in-person testimonies. Many Holocaust educational or memorial institutions, as well as trips to sites of concentration and extermination camps, include survivors who tell their story. These stories are often presented to pre-college students who are exhorted to remember the Holocaust. As Margalit (2002, p. 181) notes, "We are dependent on testimonials in an essential way... [we] do not know witnesses [who testify] first-hand, and yet [we] count on them constantly''. But how precisely do these testimonies engender trust? Why are they trustworthy? (2)

* We thank Laura Beth Nielsen for her comments on an earlier draft of this manuscript.

(1) Data collected from http: //www.vhf.org/vhf-new/Pages/1-ATA-Collecting.htm and http: //www.library.yale.edu/testimonies on June 11, 2004.

(2) We do not at all question the validity or accuracy of the testimonies. Rather, our concern is the ontology of testimony.

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Arch.europ.sociol., XLVIII, 1 (2007), pp. 55-75—0003-9756/07/0000-852$07.50per art + $0.10 per page©2007 *A.E.S.*

https://doi.org/10.1017/S000397560700029X Published online by Cambridge University Press

To understand testimony trustworthiness, we examine testimonies through a sociological lens, focusing on their institutional contexts and narrative structure. Testimonies are trustworthy because they make implicit and explicit truth claims. It is not simply that listeners can act as human lie-detectors, determining the accuracy of truth claims without considering the meaning of contextual cues, but that claims are embedded in institutions. We first discuss current testimony literature and suggest that a sociological analysis of testimonies can contribute to this literature by describing how testimonies gain cultural power. We argue that testimonies operate through activating institutions that produce cultural objects with similar meanings and structures. We discuss the content of testimonies observed at a Holocaust museum and suggest how this examination of the institutional domains of extra-legal testimony can serve as a framework for empirical research on courtroom testimonies.

Toward a Sociology of Testimony

Social scientific and humanistic examinations of testimony are concerned with the empirical accuracy of testimony as well as its believability. This literature examines testimonies by eyewitnesses and expert witnesses in courtrooms and other explicitly legal institutions, as well as testimonies that are not *prima facie* "legal''. While the testimonies we examine are given in extra-legal institutions, all testimonies are subject to the same considerations of trustworthiness. That is to say, in all sorts of testimony, the ultimate concern is whether it should be believed. The law has developed strategies for assessing accuracy and believability in the courtroom, which together create the conditions of trust. And while evaluation outside the courtroom differs in its lack of explicit institutionalization (i.e., it lacks formal criteria to evaluate extra-legal testimonies), even there assessors of truth operate on similar underlying principles as courtroom practices. Our review of the testimony literature blurs the distinction between legal and extra-legal testimony, but we return to this distinction in the conclusion.

Testimony Accuracy

Although seeing something "with my own eyes'' is a powerful claim of facticity, scholars recognize that eyewitness testimony is problematic. Indeed, memory is distorted, often a function of political perspective, emotional stress, prejudicial beliefs, or even the form in which memory

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is requested (see Rosnow and Fine 1976; Wells and Olsen 2003). For example, people who had witnessed an event are more likely to report seeing a nonexistent object if asked "Did you see *the* broken headlight?" than if asked "Did you see *a* broken headlight?" (Loftus 1979). The word "*the* presupposes a previously introduced referent, whereas *a* does not" (Mertz 1994, p. 443). In addition, witnesses can provide inaccurate testimony through "repressed memories" (Loftus and Ketcham 1994). Research on testimonies in the courtroom demonstrates that a testifier's confidence in his account is unrelated to the account's accuracy (Deffenbacher 1980; Monahan and Loftus 1982). Moreover, older witnesses are less likely to be accurate than younger ones (Brimacombe *et al.* 2003). There is also a strong concern that coerced interviews by police investigators and paid testimony yield inaccurate or even blatantly false testimonies (Beeman 1987; Harris 2000; French 2003).

According to Felman, testimonies are composed of "bits and pieces of a memory" (Felman and Laub 1992, p. 5) and each "testimonial stance" and "cognitive position of seeing and not seeing" is incommensurable with every other (Felman 1994, p. 96; cf. Hartman 1996). Although testimonies are a crucial mode by which we relate to and understand the mass atrocities of contemporary history, they are not complete statements of the events they document, but rather are "fragments of chagrin" (Langer 1991, p. 67). A testimony is a performative event that "exceeds and thereby undermines the self-certainty of theoretical discourses" (Katz 1998, p. 71). A testimony is a speech act, rather than just a descriptive statement.

Testimony Believability

One of the most consistent findings of the psychology of testimony is that speakers who use a powerful and confident speech style are more likely to be believed by jurors than are those speakers whose style is less powerful (Monahan and Loftus 1982). This confidence reflected in socio-linguistic performance has a strong influence on judgments, regardless of whether testimonies presented in the same trial are consistent (Brewer and Burke 2002). Narrative style also has an effect: a witness using a coherent narrative style is judged to be more credible than one using a fragmented one (O'Barr and O'Barr 1995). Despite rhetorical performance, certain categories of witnesses are less likely to be believed by jurors, including older witnesses (Brimacombe 2003) and "hired guns" (Cooper and Neuhaus 2000) – witnesses who are highly paid for their testimony and who testify frequently.

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The epistemology of testimony is concerned less with the dynamics of credibility and more with the mechanisms that make individuals rely on testimony. David Hume ([1772] 2000) argues that an individual can legitimately rely on testimony only after the individual's experience has confirmed the testimony to be generally reliable. But Hume's contention is impossible, as most individuals' personal observations can never confirm the reliability of another individual's experiences and memories (Coady 1992; see Margalit 2002). If we relied on testimonies only by confirming their validity through our similar experiences, then there would be no need for testimony, as testimonies are demonstrations of experiences with which others are not familiar.

The Cultural Context of Testimonies

The anthropology of testimony is concerned generally with testimony's cultural embeddedness. The power of a testimony to convince an audience is manifested in its development as a genre; successful performances are often imitated. These performances are developed interactively: "audiences and tellers develop conventions which cue 'a horizon of expectations'; these conventions include performers, but their creative work, even in and with the constraints of genre, can make it increasingly 'artful', aesthetically, emotionally and intellectually'' (Tonkin 1992, p. 97). Testimonies possess "shared devices for structuring narrative'' (Skultans 1998, pp. 5, 157), and ultimately are empowered by the cultural frames in which they are situated (Vaughan 2000; cf. White 1988; White 1989; Visweswaran 1994).

Most empirical examinations of testimonies describe the outcome of an individual-level, causal relationship between the testifier and the receiver of that testimony, often a jury. These studies do not contextualize testimonies in their broader cultural, social, and institutional structures, not postulating how expectations translate into believability. But at a time when testimonies have become important political and legal entities (Felman and Laub 1992; Minow 1998, pp. 61-79), this translation gains new importance.

A sociology of testimony takes these factors into account by analyzing how testimony performance is affected by the interaction of institutional actors, receivers of testimony, and institutionalized forms of memory that demarcate that system. This permits us to examine the discourse and narrative structure of the testimonies, as well as its situational dynamics. Testimonies are embedded within a system of collective memory, as well as depending upon narrative structure and truth claims.

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To this end, we examine three processes by which claimants make the case that their testimonies are trustworthy. Testifiers rely upon institutionally legitimated information, personal information, and societal remembrances as justification. In each case, as we will demonstrate, speakers align their claims with the bases of trust by which information is judged plausible (Fine 2007).

The Holocaust Center and American Holocaust Consciousness

While Holocaust awareness in the United States was largely non-existent until the late 1950s (Novick 1999; Alexander 2000), it has grown dramatically in the last twenty years. Popular culture objects have been appearing with increasing regularity (see Gewen 2003), and the Holocaust museum industry is growing (Alexander 2000). Holocaust museums, memorials, or centers are appearing with increasing frequency in the United States as well as in Europe. Currently over twenty American Holocaust memorials and museums are registered with the Association of Holocaust Organizations. A significant majority of them provide regularly scheduled lectures by survivors (3).

Between March and September 2002, the first author conducted ethnographic observation at one of these local institutions that we label the "Holocaust Center''. The Holocaust Center was founded by a group of Holocaust survivors in the early 1980s, and was one of the first Holocaust museums in the United States. It is located in a community that in the 1960s and 1970s was populated by a large number of Holocaust survivors as well as many other Jews. Although many of these residents have since migrated to neighboring suburbs, a significant portion has stayed. The fact that students hear lectures in a town with a powerful connection to Holocaust survivors situates the museum in a larger institutional setting, connecting it to an ongoing discourse of Holocaust collective memory.

The Center's board was integral to the passing of a Holocaust education mandate by the state legislature. Soon thereafter, the Center organized a summer educational institute where high school teachers attend classes taught by Holocaust researchers from local universities. The Center has made many contacts through this institute – teachers that take the Center's classes bring their own students to the Center to hear the survivors' lectures. This connection is mediated within shared understandings of Holocaust collective memory, and spurs the

(3) Data collected from http: //www.chgs.umn.edu/aho/members.html on June 5, 2003.

https://doi.org/10.1017/S000397560700029X Published online by Cambridge University Press

interaction between the Holocaust Center and other educational institutions.

Most of the Holocaust survivor lectures at the Center are given by members of the Center's board or their friends; lecturer recruitment is done largely through localized social networks. Also, survivors are not trained before they speak to students. Some informal conversations might occur between current speakers and new ones, but information about what should be included in one's lecture or how to give the lecture is not disseminated systematically or in a structured setting.

When groups of students visit the Holocaust Center, they not only hear a lecture by a survivor, but are also shown a documentary about the Holocaust and given a tour of the small museum at the Center. Most groups have read books or watched films as part of a lesson in their schools before they visited the Center (the book or film version of *Anne Frank: The Diary of a Young Girl* was the one teachers said they discussed most). The presentation of other memory objects such as photographs situates the survivor testimonies in a broader context and enforces its connection to the institutionalization of Holocaust collective memory.

While at the Center the first author observed 43 Holocaust survivor lectures to students (4). The testimonies were given by 14 survivors (the most testimonies any one survivor gave was four), and totaled 58 hours. Forty of the student groups were either in middle school or high school (the students were aged between 12 and 18), two groups were from local universities, and one was from a theological seminary.

The Discursive Mechanisms of Trust in Testimonies – or Manufacturing Trust in Testimony

While the consistency of objects across institutions reinforces the objects' reliability, it does not address the moment of contact between object and receiver. Institutions produce consistent objects, but recei-

(4) At the lectures the students' behavior varied – sometimes they were attentive, sometimes disruptive, sometimes quiet and seemingly unmoved, yet sometimes taken aback by the testimony they were hearing. The teachers equally varied in their behavior – some paid attention to the speaker, others to the students and also were varied in their emotional responses to the testimonies. Although the attitudes of the students and teachers toward the testimonies, as well as their actions during the testimonies, are factors that affect the trust in, and trustworthiness of testimonies, it is not our concern in this analysis. Although their interactions with each other and with the speaker determines, to a certain degree, the power of the testimonies' trustworthiness, we focus on the institutional and discursive characteristics of the testimonies – how the testimonies are produced – rather than how they are received.

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vers of Holocaust collective memories interact with people, and only implicitly with institutions, and as a result the interpretation of testimonies is variable. Genres have different contours of believability. Fairy tales are less trustworthy than testimonies; action movies are less trustworthy than documentaries. This is due in part to the cultural knowledge available about each object, but the discrepancy also stems from the truth claims implicitly made by each object. Testimonies *claim* to be true, fairy tales do not. Video documentaries claim to demonstrate a reality that action movies do not.

When individuals hear a truth claim, it forces them to evaluate the veracity of that claim, implicitly or explicitly. If the receiver responds positively, trust increases in that claim, the presenter of that claim, and the system in which it is embedded. Ultimately, trust in testimonies is impossible without institutional support, but truth claims enhance that trust. Two specific types of truth claims are evident in the testimonies at the Holocaust Center: those implanted on the occasion of each testimony and those found in rhetorical claims made by the survivors within their lectures.

Testimonies claim the reality of one truth and the falsity of at least one other truth claim (Tonkin 1992) – they would not take place if the truth to which they were testifying were not contested (explicitly or through forgetting). This contestation is particular evident in Holocaust testimonies because of the counter-claims of Holocaust deniers who suggest that the standard historical treatment of the Nazi genocide is "myth" or a "hoax". While relatively few Americans deny the existence of the mass killing of Jews, the publicity of these counter-claims provide a background in which survivor claims may be treated as contested realities. Still, those who assert the reality of Nazi genocide have an advantage in producing claimants, who, by their lived experience, can provide direct evidence. Testimonies make explicit truth claims by asserting that the events they are documenting are true and other claims are false. While the reliability of those claims may be contested (Stone 2000) and distortions are inevitably seen as part of the process of testifying (Loftus 1979), they claim plausibility through the authenticity that derives from a subjective perception of an objective reality, as backed by the institutional locations in which the testimony occurs. Young (1997, p. 56) gracefully describes the issue: "In the final analysis, no document can be more historically authentic than that embodying the victims' grasp of events at that time".

Testimonies at the Center make explicit discursive truth claims through three types of assertions: the presentation of *institutionally*

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legitimated information, the presentation of *personal experiences*, and the demonstration of *societal remembrance*. These are assertions of fact, morality, and need, respectively. Factual claims are assertions of institutionally legitimated historical information; the information that the survivors presented is drawn from a shared body of Holocaust collective memory and is most likely information of which their audience is aware (Fine 2002). By presenting historical claims consistent with institutionally legitimated information about the Holocaust found in textbooks or other cultural objects, the survivors enhance their trustworthiness (Berger 2002).

The framing of personal experiences as morality asserts the ethics of experience. Survivors articulate their experiences in terms of the luck or character that helped them survive, and the pain, suffering, and learning that resulted from their experiences. These claims assert the value of hearing testimony and related forms of remembrance and to prevent the occurrence of similar events. They are what C. Wright Mills (1940) calls *vocabularies of motive* that inspire social action. At the Center, survivors encouraged their student audiences to remember either through Holocaust commemorative discourse – salient phrases drawn from well-accepted tropes of collective memory (Novick 1999) – or Holocaust cultural objects – tangible objects (like books or films) also constituting well-accepted tropes. These claims infuse truth claims with moral necessity: not only are the truth claims true, but audiences are exhorted to disseminate their truth, proclaiming the power of memory to shape communal action.

Claims of fact, morality, and need are justified through the presentation of evidence. At the Center, survivors claimed that their testimonies were real, that their specific observations were real, and, as a result, that the Holocaust in its entirety was real. They framed their memories in the form of justification (e.g. "I saw event X, therefore the Holocaust happened"), and used cultural objects in a similar context (e.g. "Object X I am holding is from the Holocaust, therefore the Holocaust happened"). These claims were either explicitly or implicitly framed as a response to the allegations by Holocaust revisionists or Holocaust deniers (Lipstadt 1993) (5) and contribute to the images of justice that the survivors convey by constituting a threat to that image. They stem from the

(5) "Holocaust revisionists" and "Holocaust deniers" are empirically identical – they are individuals who either deny certain central claims by mainstream Holocaust historians or deny the occurrence of the Holocaust in its entirety. These individuals are technically historical revisionists, as they propound an historical reality that contradicts normative claims. But they have also been labeled deniers based on the contention that their historical assertions are predicated on an anti-Semitic ideology, and that denying the Holocaust is just an attempt to advance an anti-Semitic agenda.

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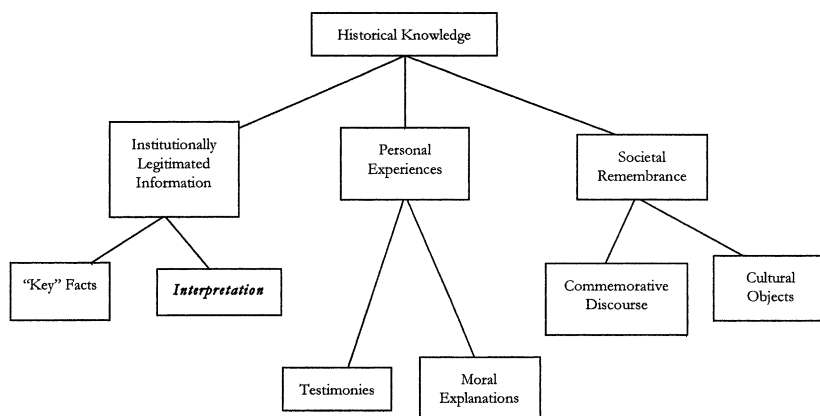
survivors' legal consciousness, a worldview constructed through culturally available ideas about truth and justice, about what is right and wrong in a moral-legal sense (Merry 1991; Ewick and Silbey 1998; Nielsen 2000; Marshall and Barclay 2003).

The survivors' presentation of historical knowledge drew from a common structure, detailed in Figure 1.

FIGURE 1
Holocaust Survivor Narrative Structure



To be sure, the boundaries around the domains are not firm. Survivors do not explicitly separate these domains in their narratives. These categories are not mutually exclusive and we only use them as tools to demonstrate a collective phenomenon. Although we depict the discursive structure vertically, it is neither sequential nor hierarchical. Still it serves as a model through which narrators are able to structure their accounts.

Institutionally Legitimated Information

Although survivors typically emphasized their own experiences, justifying their presence, they each incorporated historical events or situations that are institutionally recognized. But despite speaking about similar events – mostly D-Day, the Warsaw Ghetto uprising, and *Kristallnacht* – they did so from the perspective of their own personal

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experiences, making this history authentic. For example, one survivor recounted the beginning of the Warsaw Ghetto uprising:

> On April 19, 1942, that was the day of Passover. That was also the day of Easter. It had been a happy time, but it wasn't for us. It was the day the Ghetto was surrounded. They wanted to give Hitler a birthday present by taking over the ghetto. A tank tried to go in but we ambushed it and they waited a day. Our answer was "never again". We were fighting longer than Poland, Belgium, France, and Holland.

Of course, there is nothing strictly objective and devoid of interpretation here, as is the case with most other presentations of historical information. This survivor uses a contemporary remembrance trope – "never again" – in recounting an historical event; yet, to prevent the reoccurrence of an event before the event was completed is impossible. We explore these tropes and the sense of necessity they infuse in the testimonies as we describe commemorative discourse.

Lecturers infused similar events with their personal inflections. For example, one survivor recounts VE-Day and related historical events through the chaos that ensued after the American military mistook the Jewish transport train he was on for a German military train:

> We got to April 1945, and heard a rumble. The people in the sick camp who had lived during World War I said they recognized the noise as gunfire. We were ordered to get into an evacuation train. We all climbed into the train. There were heaps of humanity in the train. We all piled into the train. It went 100 yards, and then stopped. We looked outside and saw American airplanes flying overhead. They were firing at us. They mistook us for a German military transport. We all jumped out of the trains and ran into the woods. The Germans gathered us and marched us to a third camp. And they shoved us into bunkers and we waited. We woke up the next morning and no one came to get us. Someone went outside to see if anyone was there. He came running back into the bunker and said that the Germans were gone. We walked out of the bunker, saw no one, then walked out the camp onto the main road and eventually saw American soldiers. They gave us everything they had: chocolate [and] spam. I must have had twelve chocolate bars that day. I was so sick that night. But no matter, because I survived.

This survivor recalls a liberatory battle (VE-Day) as yet another near-death experience in a string of near-death experiences. Other survivors tell the story of another liberatory battle (D-Day) as a day of salvation and liberation. The survivor from the following example did not experience life in a concentration camp, but spent most of the war "in hiding"; in this case she lived as a non-Jew in a remote village in German-occupied southern France. Here she recounts how D-Day to her was the day she could once again openly embrace her Judaism.

> Life went on, more or less. We did the best we could. Then D-Day came. We listened to it on BBC radio. We weren't supposed to listen to the radio, but my father stayed up late and did it every night. At that time we slept in another village in

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someone's barn because my father thought it would be safer. And we walked back and forth from our village every night and morning. Early one morning we were walking back and we saw Americans driving by. We ran back to the village and woke everyone up and they came out in their pajamas to see the Americans. Two or three times American jeeps would stop by our house because we were the Jewish refugees. They would ask the villagers if there were any Jews and all of a sudden all the villagers knew who we were.

Some survivors relied on a less explicitly subjective approach in their presentation of historical information. In the following example, a survivor uses a question-and-answer approach that pervaded his lecture. By offering the "right" answer, the survivor provided an interpretation of an objective reality.

Survivor: In what year did [the Holocaust] start?

Male student: 1933

Survivor: Right. 1933-1945. Not 1939. 1933 was the year Hitler came to power. Where the Nazi party vowed to... vowed to what?

Another male student: Eliminate?

Survivor: Let's use the word "annihilate" – to get rid of – European Jewry. There were some other groups that were chosen. What were they?

While the presentations of "key" facts are interpretive, they are not as explicitly interpretive as the survivors' analyses of facts and trends that also invariably occurred in their lectures. The historical trend most commonly interpreted by survivors was the Germans' decision to ostracize and eliminate Jews and to create a classification system of "being Jewish". For example, one survivor addressed his student audience:

I know you're all smart, and the Jews don't look any different, but over there we had to carry documents with [stamps] showing that we were Jewish. But what did it mean to be Jewish? If your parents were Jewish, you were Jewish. If your parents were Catholic, you were Catholic.

Another survivor had this to say:

When they campaigned, the Nazis not only said, "we'll make things better" – they needed to add something new to make things different. So they decided to get rid of the Jewish race. But Judaism is not a race, it's a religion. There's nothing racial about Judaism.

Both examples demonstrate how the survivors question the unique characteristics of Judaism that made the Nazis discriminate against them and thus advance an interpretive truth about historical circumstances. Since this claim is most likely considered true given contemporary assumptions, it serves to promote trust in the whole of the testimony.

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Personal Experiences: Testimonials and Moral Explanations

The survivors at the Holocaust Center framed their personal experiences during the Holocaust in two salient ways: they presented their narratives in evidentiary frames – as testimonies to the occurrence of the Holocaust – and offered moral explanations of particular experiences or of the entirety of their experiences during the Holocaust. These evidentiary and moral framings of memories empower truth claims supporting the accepted claims of Holocaust collective memory.

Survival as Moral Experience

Survivors articulated their ability to endure the circumstances of the Holocaust through two mutually exclusive moralities: personal qualities (such as strength or intelligence) and luck. The first suggests the centrality of agency; the second, its absence. Survivors incorporated these moral domains to explain either how they survived specific events or the Holocaust in its entirety.

For instance, a survivor articulates how integral her internal strength was. She explains survival by strength, and through a syllogism, concludes that she must have been strong:

> My Polish father was shot and then my Polish mother had to take care of me by herself. We had no money, no food, nothing. Somehow I survived. The only people who survived are strong. Obviously I was strong.

She attributes her ability to endure the trauma of losing her surrogate father and her survival of the Holocaust to her inner qualities. Another speaker explains her ability to survive through her "toughness":

> I remember the first morning [in the German workcamp]. There was food in the front of our door. It was no luxury, believe me, but we managed. We were tough.

These moral frames that specify the speaker's personal worth not only promote empathy, but also rationalize how survivors outlasted the Holocaust. In a sense they justify the failure of others, lacking these qualities, to survive.

Intelligence likewise was used to explain the ability to outlast the Nazis, anticipating the Nazis' strategic maneuvering. For example, one survivor remarked:

> My brothers and sisters lived in the ghetto and died. But I was smarter than that. I started sneaking out of the ghetto and selling candy on the trains when I was only eight. I was an entrepreneur and was smart. When I moved to the United States after the war, I had to learn English on my own. I did. And I am obviously good at it since I am speaking to you.

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This man demonstrates his intelligence through examples of his ability to survive. Intelligence is not a trait that he learned or acquired during the war, but is an intrinsic quality that benefited him during and after the Holocaust.

Other survivors articulated their survival in terms of luck; their actions or character had no effect on their endurance of the war. One survivor asserted, "my family was one of the few to survive and people appreciated us. We were a miracle. We're the only family that survived intact''. Another attributed her survival to luck, but had a less ambiguous explanation, as she explained her good fortune by her physical attributes. She said, "my parents and I were lucky because we were blond haired and blue eyed, so we were more inconspicuous than most''.

Many survivors attributed their survival of specific events or situations (rather than the Holocaust in its entirety) to chance. For example, one reported:

> I knew that there was no possible way to survive. But a miracle happened. They wanted girls aged 19-30 to register. I had a friend who I said to come with me. And she did. We had to undress and there was a doctor sitting behind the tables. They took my number and then it was quiet for two weeks. There was again a selection. I was the lucky one, and my friend was not.

The following examples demonstrate the same phenomenon:

> I stayed with my aunt for a while. But one day my aunt took the family to the train station to go to... Treblinka. I protested. I didn't want to go, so I stayed home. If I had gone with them, I would not be here today, because the train went straight to a concentration camp. The cattle cars were coming on time and people would go to their death. The underground found out but didn't know what was going on. I don't know, I was lucky somehow.

> It was hot, and I was not working. I could swear I saw my [dead] father and he said "run, don't go to work''. The Germans rang the whistles and I ran as far as I could and other people followed me. The Germans followed us. I ran into a store and I closed my eyes and hid. I heard bullets. When the noise stopped, I opened my eyes and saw that I was not hiding. Also, everyone around me was dead. I don't know how I survived. I was lucky.

Although luck is a different method of justification than is toughness, it similarly asserts the truthfulness of the personal experiences it frames. Given the severity of the traumas experienced during the Holocaust, and given the sheer number of lives that were taken during the Nazi interregnum, explaining survival through luck is an effective framing of impression management, a justification of why me and not equally worthy others.

A significant component of all the survivors' lectures consisted of accounts of suffering. They emphasized two types of suffering: the implicit pain resulting from difficult external and/or physical circums-

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tances (an obvious claim that requires no special justification), and explicitly articulated psychological pain. Survivors often attempted to present the pain in forms that the audience might understand from their own personal experience:

> I had quite a number of different jobs at the [concentration] camp. I was unloading cement sacks. The next job was not so pleasant. It was laying railroad tracks. Have any of you seen when the [subway workers] lay tracks? They carry them with protective gloves because they're made of wood. We were carrying these with our bare hands. And we had lots of splinters. Sometimes at night we would try to get them out, but other times we just didn't bother. This is nothing compared to the tracks proper. A piece of rail weighs around 800-900 pounds and we were grouped in six people to carry them.

The articulation of psychological pain took place in the context of both general situations and more specific events. For example, one speaker remarked, "I felt so abandoned. I thought, 'Nobody raises a finger to help us. Is the plight of the Jewish people insignificant?' I was revolted by the Nazis and their hate for the Jews''. Here the survivor suggests that his psychological pain – his sense of abandonment – was caused by the generally indifferent response to the plight of European Jewry during World War II. In the following example, a survivor attributes her feeling of aloneness and hopelessness to more specific events – her parents' deaths.

> I saw a sign for a doctor, and my father is so sick, and I said to the doctor I have no money to pay you, but I can give you the coat I have on my back. The doctor said not to worry about it and he came with me to my father. He took one quick look at my father and said he was dying and that I should let him die in peace. The doctor left and I went close to him and I opened his arms and wrapped them around me. I didn't know what to do. My younger brother wasn't there because he was in Warsaw. They took him away. Two weeks later I lost my mother the same way and by the age of fifteen I was completely alone. I ran out of that place. I thought the world was over, and I didn't care.

These detailed depictions of pain and suffering incite empathy in the receiver. And in the process they build trust between speaker and audience.

The Evidentiary Framing of Memories

Virtually every lecture used similar evidentiary framing of memories, relying on the *primacy of experience*:

> For a while I have volunteered, telling my story. What I can do is be a witness to the Holocaust... I can tell how it's no imagination. I lived through it. My own story is what I tell you; it's what I remember.

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> You know how you can remember things when you were a little kid if they were really upsetting? Well I remember the Holocaust well. That's why you can *believe* what I say. It happened. (Emphasis added).

These survivors use their memory to justify that "it happened", that the Holocaust in its entirety took place because they witnessed a portion of it. The survivor is not only the witness, but the judge. They recount testimonials and then assert that the testimonial is valid. The second instance specifies the general claim by intensifying it through emotion. This survivor claims that she is accurately recalling "really upsetting" events from her childhood because it upset her so much. Her anguish gainsays the truth of the evidence presented, instead of suggesting the possibility of transformation or repression.

These evidentiary frames serve as a context for the presentation of a truth claim. By supporting institutionally legitimated information with personal knowledge, or by framing experience as evidence, survivors assert the validity of their story. This contributes to a relationship of trust, just as it urges its credibility in institutionally legitimate ways.

Other images of proof are found in the lectures; the most salient of those were the survivors' personal validation of their own memories. The following quotations indicate the two-fold dynamics of testimony, where survivors provide the testimony itself and then, speaking in the position as an omniscient narrator, assure the audience of the validity of their own claims. In the following example, a speaker recounts a story about "the man of power" who helped her family survive the war.

> The man of power was told the story, and he brought my father to the police station, asked for his papers back, and they were returned. Just like that. Again, you can call this a miracle, you can call it luck, you can call it whatever you want, but this is *exactly* how it happened.

In a similar instance, a lecturer asserts the validity of her claim to the uniqueness of her situation:

> The soldier said, "If I help you cross, we can't help you on the other side". My mother said that she would take that chance. And we were given the pass. I don't know how, but the soldier gave it to us. I can *assure* you that that was the only Jewish pass ever issued during those days. Here was a man who decided to do the right thing.

One survivor even assured his student audience that his testimony would empower them with the knowledge of the Holocaust's validity and the false claims of Holocaust deniers. His narration allowed students to provide their own testimonials.

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> And these people that tell you that the Holocaust never happened... there are people out there every day who are deniers. They're called revisionists. Just like people who tell us that we didn't land on the moon. They say it was faked from a sound stage... We the survivors know it happened. *You* are going to know it happened.

Although the explicit discussion of Holocaust denial was not a salient part of most lectures, this survivor framed his talk as an educational experience that would empower his student audience to respond to those who doubted the existence and extent of the Holocaust. By framing his testimony as a response to counter-claims, he explicitly asserts the validity of his claim. He makes his audience aware of competing views and challenges them, thus positing a contrapositive truth.

Societal Remembrance of Cultural Images

The expression of a need to remember figured prominently in all testimonies. Some survivors articulated societal remembrance using the word "remember" while others used the negative phrase "never forget". Both are salient tropes of institutionalized Holocaust remembrance (Novick 1999), filtered into survivors' dialogues. Others took remembrance one step further, and encouraged students to prevent the Holocaust from recurring. This phenomenon is marked by the phrase, "never again", another salient trope of institutionalized Holocaust remembrance. One speaker expressed these sentiments when he said, "You've heard the story, now you have the challenge. We can't be silent to the bullies and to all the other bad things that happened in society. We were the lucky ones, six million were not lucky and we must remember that".

For these survivors "never again" depends on not forgetting. Morality cannot be created anew with a response to each emerging situation, but depends upon a recognition of the enshrined moral choices of history. Consider these quotations from survivors' lectures where they articulate the need to remember, or its counterpart, never to forget:

> -All those experiences need to be retold, remembered and written down.
>
> -I'm going to make sure that when you leave, you never forget.
>
> -I wrote this book because it's a history. This book is dedicated to the sacred memory of my parents. May they never disappear from our memory.
>
> -Now just remember when you leave that there was a little lady who told a story about a tragedy in the 20th century.

This idea of never forgetting was also a salient feature of the survivors' description of personal experiences, particularly when they described images they considered horrific and inexplicable. One survivor recounted this gruesome story:

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> There were dead animals and Germans had surrounded the city. We were hiding in an abandoned building and I still remember a French soldier shooting out of a window right next to me. He was shot in the eye. Before I knew it, there was blood oozing out. He took off his helmet and started to catch his blood. I'm not sure why he did it. But that's a view that I'm not ready to forget.

In the following example, a survivor responds to a question from a student about recurring memories or flashbacks:

> Male student: Do you ever get flashbacks?
> Female survivor: Yes, every night before I come to speak to you guys, I get nightmares. It is always something that I will never forget.

By speaking of never forgetting, survivors build upon institutionalized memory normally used to impress remembrance on others in describing *their own* remembrance process.

Using Cultural Objects as Evidence

Truth claims are not only the result of memories and cultural logics, as survivors also present tangible Holocaust cultural objects as confirming evidence. Like the presentation of institutionally legitimated information, the utilization of cultural objects in testimonies provides a material basis of support for the verbal claims. This is most explicitly evident when objects are located in museums and other sites of institutional memory, where the stature of the institution validates the object's legitimacy. However, it is also true in our site as the Holocaust center validates what is said in its auditorium.

Some survivors referred to popular fiction and framed it as testimonies:

> Did anyone read *Number the Stars*? You know the story about the Dutch family threatened by the Nazis. (Most students raise their hands). Well, it was real.

Another survivor used documentation of the numbers Nazis tattooed on the arms of all those who were sent to Auschwitz to prove that "it" was real.

> All those who went through Auschwitz had numbers tattooed on their arms so the Nazis could keep track of them. I have records here (holds up papers). It was real.

This evidentiary framing extended to circumstances only tangentially related to the Holocaust. For example, half of one survivor's testimony focused on how she was reunited with her brother after they were separated in 1939 at a very young age. The survivor recognized that they were siblings when she saw her brother's picture in a newspaper and

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realized that he resembled a relative of hers. She ultimately contacted the brother and discovered that they had similar childhood memories. The survivor announced, "We don't need DNA'' as she held up pictures of her brother and another relative highlighting the similarities.

Conclusion: Courtroom Testimonies, Cultural Testimonies

Our analysis extends two domains of sociological research. First, we expand the empirical base of research on the institutional characteristics that enable trust. Most literature on the sociology of trust considers how individuals interacting with institutions produce and rely on trust. For the most part, this literature ignores how institutions engender trust and thus either assumes it is *a priori* or non-existent. We argue that institutions serve to vouch for claims, giving those selected as representatives standing, authority, and, ultimately, make them trustworthy to institutional audiences.

Second, we also attempt to build a sociology of testimony. Most considerations of testimony advance the claim that testimonies are believable through their psychological salience or performative persuasiveness. In contrast, we present a distinctly sociological explanation. We argue that two sets of mechanisms enable testimonies to be trusted: institutional mechanisms that support the propagation of collective memory and discursive mechanisms that support claims of truth. This occurs through an interrelated set of institutions that produces thematically and structurally similar cultural objects. Receivers access these cultural objects and trust the system it represents because of its institutionally legitimated support as well as through its consistency. Each performance of testimony produces similar consequences – a discursive or visual demonstration of truth. These claims of truth exist in the very act of testifying in itself as well as through explicit claims of truth found within testimonies. The latter are transmitted through assertions of institutionally legitimated information, personal experiences, and societal remembrance and are further empowered by the evidentiary framing of these claims. Institutions produce a society from which societal remembrance can come.

While we develop a model of testimony power in cultural settings, we do not explicitly address testimonies in the courtroom. Research on the role of testimony in legal institutions is commonplace, but focuses on testimony accuracy and believability. These examinations are undertaken using explicitly psychological, jurisprudential, and historical analytic schemes (but see Geertz 1983, pp. 191-95). Although our

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empirical analysis is of extra-legal testimonies, extending the sociological model of testimony to the courtroom is critical, as it exposes the institutional dynamics that make testimony believable and effective (6). The extension, however, is a complex one, as the dynamics of institutional interconnectedness and discourse are different in the legal world, and are more contingent on formal rule-making.

But the principal mechanisms that engender trust are similar. Legal witnesses are given institutional authority by virtue of their presence in the courtroom, their willingness to take an oath before God, and the role they played in the issue being adjudicated. A juror's assessment of the strength of a witness's legitimacy is mediated by the judges as well as lawyers – lawyers can strengthen or diminish a witness's credibility, and judges possess similar capabilities. Further, a jury is more likely to find a testimony trustworthy if they are familiar with its narrative structure. If testimonies are consistent with what jurors expect of testimony in a courtroom (based on jurors' expectations about the law derived from the media and other encounters with representations of the law), then they are more likely to trust it than if the testimony deviates from their expectations. The trustworthiness of courtroom testimonies is as contingent on its institutional embeddedness as are Holocaust survivor testimonies.

Courtroom testimonies are powerful legal tools in both political trials – where the historical record is adjudicated – and in ordinary, mundane trials – where "history", per se, is not at the fore, but where testimonies still play a vital role in establishing a factual narrative. Determining how legal testimonies as well extra-legal testimonies derive their power must transcend the psychological relationship between a testifier and a jury member. It must examine the institutions that legitimate the testifier and the narratives they provide. To ignore this relationship is to disregard the basic ontologies of trust and power.

(6) One effective model is Hagan's (2003, p. ch.2) research on the Prosecutor's Office in the International Criminal Trial for the Former Yugoslavia (ICTY). Hagan argues that the political lobbying and institutionalized testimony collection that he observed at the ICTY demonstrates the existence of what Dezelay and Garth (2001, p. 2n) call a "transnational legal field" – the combination of human rights activist organizations and international legal institutions. While Hagan effectively details the role power brokers and other institutional actors play in the organization of an international political trial, specifically the politics of testimony collection, he does not address issues of testimony trust and power in the courtroom.

https://doi.org/10.1017/S000397560700029X Published online by Cambridge University Press

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