WITNESSING UNDER FIRE: TESTIMONY AND THE ETHICS OF SEEING IN THE PALESTINIAN HOLOCAUST

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ABSTRACT

The persistent difficulty in defining genocide has enabled institutional frameworks to systematically occlude Palestinian suffering, transforming legal and political discourse into instruments of denial. This paper examines the mechanism of 'procedural absolution'—whereby bureaucratic adherence to evidentiary standards produces moral closure—and the 'double bind' that traps Palestinian testimony between demands for verification and dismissal through technicalities. We trace how genocide discourse acknowledges its own contestability only to re-impose epistemic closure through institutional protocols, thereby rationalizing the erasure of Palestinian lived experience. The paper argues that the contemporary architecture of witnessing, caught between digital circulation and algorithmic censorship, transforms Palestinian testimony into sites of both vulnerability and defiant resistance against the machinery of annihilation.

1 INTRODUCTION

It is difficult to define genocide, and this definitional instability has profound implications for understanding the Palestinian experience. Since Raphael Lemkin first coined the term to describe "the destruction of a nation" (Lemkin, 1944), the concept has been caught between legal precision and political contestation. The Palestinian case exists at the heart of this tension, where institutional frameworks designed to identify and prevent mass atrocity often function to obscure systematic violence against Palestinian communities. This paper examines how genocide discourse produces a field where Palestinian suffering becomes simultaneously hyper-visible through digital testimony and systematically deniable through institutional protocols.

The scholarly field remains divided between those who emphasize the inherent contestability of genocide and those who demand rigid, legally enforceable definitions. This division creates a paradoxical space where the Palestinian case is perpetually suspended between acknowledgment and denial. As Meiches (2017) observes, genocide discourse often produces "double binds" that trap vulnerable populations in impossible rhetorical positions—their experiences must meet ever-shifting evidentiary standards while being dismissed through technicalities. This dynamic reflects what Derrida (1996) characterizes as an archival fever, where documentation becomes inseparable from erasure.

Within this contested terrain, Palestine emerges as a critical case study in the politics of visibility and denial. The proliferation of digital testimony from Gaza and the West Bank creates an unprecedented archive of lived experience, yet this visibility is often weaponized against Palestinian claims. Butler (2009) notes that the distribution of grievability follows colonial logics, where some lives are rendered worthy of mourning while others remain outside frames of recognition. The Palestinian witness thus occupies an impossible position: testimony must be verified through institutional channels often complicit in erasure, while simultaneously being dismissed as politically motivated or technically insufficient.

This paper argues that the central issue extends beyond determining whether the Palestinian experience constitutes genocide under existing legal frameworks. Instead, we analyze how speaking about genocide functions within a socio-linguistic field that normalizes Palestinian erasure. We examine mechanisms of "procedural absolution"—where bureaucratic adherence to evidentiary standards produces moral closure—and communicative traps that render Palestinian testimony perpetually

suspect. By tracing these dynamics, we reveal how genocide discourse acknowledges its own contestability only to re-impose epistemic closure through institutional protocols.

The analysis proceeds in three parts. First, we examine definitional contestation surrounding genocide and its application to Palestine, drawing on Lemkin (1944), Moses (2010), and Meiches (2017) to show how legal and academic frameworks produce "procedural footnoting" of Palestinian suffering. Second, we analyze conceptual systems and double binds that structure testimony and witnessing, engaging with Agamben (1999) on the witness, Levinas (1969) on recognition ethics, and Mbembe (2003) on necropolitics to understand how Palestinian voices are systematically marginalized. Finally, we reflect on implications for genocide studies and decolonial epistemology, suggesting that witnessing under fire represents ontological resistance against annihilation.

This contribution is significant for moving beyond classification debates to examine discursive machinery that makes classification possible or impossible. It bridges philosophical inquiry with political analysis, showing how concepts like "the witness" and "the archive" operate in digitally-mediated conflict. Most importantly, it centers Palestinian experience not as a case study to be evaluated but as a critical lens for rethinking genocide studies, human rights discourse, and the ethics of seeing in the twenty-first century.

2 Related Work

Our work builds upon and extends several key areas of scholarship: genocide studies, testimony and witnessing theory, and digital media studies in conflict zones. The contested nature of genocide as a legal and political category has been extensively examined by scholars including Moses (2010), Meiches (2017), and Lemkin (1944), who demonstrate how definitional instability enables political manipulation. In the Palestinian context, historians like Pappé (2006) and Khalidi (2020) have documented systematic violence and displacement, while political theorists such as Butler (2009) and Mbembe (2003) provide frameworks for understanding how certain populations are rendered ungrievable or subjected to necropolitical control.

The theoretical foundations of witnessing and testimony draw from diverse traditions. Agamben (1999) examines the figure of the witness in extreme situations, while Levinas (1969) provides an ethical framework for responding to the Other's suffering. More recently, digital witnessing has emerged as a critical area of study, with scholars like Mirzoeff (2011) analyzing countervisuality and Zuboff (2019) examining how surveillance capitalism shapes digital testimony, while **?** provides foundational theoretical frameworks for understanding how digital platforms transform witnessing practices. Scholarship on digital witnessing in conflict zones, such as the work of Chouliaraki (2015), has further examined how digital platforms mediate the ethics and politics of distant suffering. Research on algorithmic oppression, including work by Kim (2019), demonstrates how digital systems can reproduce systemic inequalities that affect marginalized communities. The foundational work of Christian (2019) examines how search engines and algorithms systematically marginalize communities of color, providing critical insights into the digital mechanisms that shape contemporary witnessing. Recent research on Palestinian digital practices by **?** examines algorithmic resistance to social media censorship, while Abushbak et al. (2024) analyzes mobile phone activism and the creation of 'phygital' war archives in Gaza. Palestinian scholars and activists have developed rich traditions of testimony and resistance literature, exemplified by Kanafani (1970) and Qumsiyeh (2011), which inform our understanding of witnessing under occupation. Contemporary Palestinian scholars like Atallah (2025) have further developed these traditions, examining how testimony functions as both documentation and resistance in contexts of ongoing violence and scholasticide.

This paper contributes to these conversations by analyzing how digital platforms and institutional protocols create new forms of algorithmic vulnerability for Palestinian testimony, while also opening possibilities for epistemic resistance that challenge traditional frameworks of genocide recognition.

3 Discussion

This discussion synthesizes our analysis of witnessing under fire in the Palestinian context, addressing how our findings illuminate the research questions while engaging with the broader theoretical framework of genocide studies, ethics of seeing, and digital witnessing. Our examination reveals

that the construction of credibility in Palestinian testimony operates within a paradoxical field where institutional validation and digital circulation both enable and constrain the recognition of suffering. The mechanisms of procedural absolution and the double bind identified by Meiches (2017) manifest with particular intensity in the Palestinian case, where evidentiary standards become instruments of epistemic violence rather than pathways to justice.

The communicative factors fostering trust in Palestinian testimony align with but also complicate existing scholarship on witnessing. While Sontag (2003) emphasizes the power of imagery to generate empathy, our analysis reveals that in the Palestinian context, emotional resonance often becomes weaponized against the very testimony it purportedly supports. The digital circulation of suffering from Gaza creates what Mirzoeff (2011) terms a "countervisuality"—a challenge to dominant ways of seeing—yet this resistance is systematically undermined by algorithmic moderation and institutional skepticism. This extends Butler's framework of grievability (Butler, 2009) by demonstrating how digital platforms have become new arbiters of which lives matter, often reproducing colonial hierarchies under the guise of content moderation.

The significance of our findings lies in their demonstration of how contemporary witnessing operates within what Zuboff (2019) identifies as surveillance capitalism, where human experience becomes raw material for extraction and control. Palestinian testimony circulates through platforms that simultaneously amplify and suppress it, creating a new form of what Agamben (1999) describes as the "zone of indistinction" between life and death. As **?** observes, digital platforms fundamentally reshape the relationship between testimony and its reception, transforming the witness into what might be termed the "visual citizen" navigating complex information landscapes. This aligns with Chouliaraki (2015)'s analysis of how digital platforms mediate the ethics and politics of distant suffering in conflict zones. The witness in Gaza exists in a state of perpetual exposure—both to physical violence and to digital erasure—transforming testimony into what we term "algorithmic vulnerability." This concept builds on scholarship examining how algorithms reproduce systemic inequalities and create new forms of digital vulnerability for marginalized communities (Kim, 2019). This represents a critical development in understanding how genocide unfolds in the digital age, where visibility no longer guarantees recognition and documentation may not lead to accountability.

Our analysis both confirms and extends previous research on genocide and witnessing. While Lemkin (1944) envisioned legal frameworks that would prevent mass atrocity, our findings demonstrate how these very frameworks can become instruments of denial when applied to Palestine. Similarly, Arendt (1963) analysis of the banality of evil finds new expression in the algorithmic moderation of Palestinian content, where corporate policies and technical standards mask profound moral failures. Empirical studies have documented systematic patterns of content removal and shadow banning of Palestinian accounts across major platforms during events like the 2021 Sheikh Jarrah crisis, demonstrating how moderation systems reproduce colonial hierarchies under the guise of neutrality (Abokhodair et al., 2024). However, our work diverges from purely pessimistic readings by highlighting how Palestinian witnessing constitutes what Mbembe (2003) might characterize as a politics of life against necropower—a defiant assertion of existence in the face of systematic annihilation.

An unexpected finding emerging from our analysis concerns the transformative potential of digital witnessing despite its vulnerabilities. While we anticipated the mechanisms of erasure and denial, we also observed how Palestinian testimony has developed what might be termed "epistemic resistance"—the capacity to create alternative archives and counter-narratives that bypass traditional institutional gatekeepers. Recent work by **?** on algorithmic resistance and Abushbak et al. (2024) on mobile phone activism in Gaza provides empirical support for this phenomenon, documenting how Palestinians navigate digital censorship to maintain testimonial presence. This aligns with Atallah (2025)'s analysis of Palestinian knowing as resistance against scholasticide and epistemic violence. Foundational ethnographic work by Monroe (2017) on Palestinian testimony and counter-archives provides crucial insights into how Palestinian communities have long developed practices of memory and documentation as forms of resistance against erasure. This finding suggests that the very digital infrastructure that enables surveillance and censorship also creates spaces for what Derrida (1996) might call an "archive of the future"—a repository of memory that persists against attempts at erasure. The endurance of Palestinian testimony across digital platforms, despite systematic suppression, represents a significant challenge to theories that equate technological mediation with inevitable co-optation.

Several limitations must be acknowledged in our analysis. As a philosophical and theoretical examination, our work necessarily engages with broad conceptual frameworks rather than empirical data collection. The rapidly evolving nature of digital platforms and their moderation policies means that specific mechanisms of censorship may change, though the underlying patterns of epistemic violence likely persist. Additionally, our focus on the Palestinian case, while analytically rich, may limit the generalizability of our findings to other contexts of mass atrocity and witnessing. Future research could benefit from comparative analysis across different cases of digital witnessing in conflict zones.

Future research should explore several promising directions emerging from our analysis. First, ethnographic studies of Palestinian digital practices could provide granular understanding of how witnesses navigate the double binds of visibility and vulnerability. Second, computational analysis of content moderation patterns across platforms could reveal systematic biases in the treatment of testimony from conflict zones. Third, philosophical work could further develop the ethical frameworks for digital witnessing, potentially drawing from Islamic concepts of *shahāda* and other non-Western epistemologies to envision more just practices of seeing and recognition. Finally, legal scholarship might examine how international law could adapt to address the new challenges posed by algorithmic erasure of evidence of potential crimes against humanity.

The broader implications of our analysis extend beyond the Palestinian case to reshape how we understand genocide and witnessing in the twenty-first century. Our work suggests that genocide studies must account for the digital dimensions of both perpetration and resistance, where algorithms and platforms become active participants in the construction of reality. Similarly, ethics must grapple with what it means to witness in an age of algorithmic mediation, where the traditional frameworks of moral responsibility may be inadequate. The Palestinian case serves as a crucial lens through which to rethink these fundamental questions, offering what Said (1978) would recognize as a contrapuntal reading of modernity's promises and failures.

Our findings critically engage with existing scholarship by challenging the presumption that increased visibility necessarily leads to greater accountability. While Butler (2009) and Sontag (2003) emphasize the ethical potential of seeing others' suffering, the Palestinian case demonstrates that visibility operates within power structures that can neutralize its transformative potential. This requires a rethinking of witnessing as not merely an act of seeing but as a political practice that must contend with what Foucault (1977) would identify as disciplinary mechanisms operating at the level of discourse and representation. The digital age has not eliminated these mechanisms but has reconfigured them in ways that demand new theoretical tools and ethical commitments.

In synthesizing our argument, we return to the central claim that witnessing under fire represents both profound vulnerability and defiant resistance. The Palestinian witness exists within multiple double binds—between visibility and targeting, between institutional validation and erasure, between digital circulation and algorithmic suppression. Yet within these impossible positions emerges what we might term, following Levinas (1969), an ethics of insistence—a persistent demand for recognition that cannot be fully extinguished by the machinery of denial. This insistence constitutes not only a political act but an ontological one, affirming existence against the logic of annihilation that characterizes both physical and epistemic violence.

As we conclude this discussion, it becomes clear that the challenges of witnessing in the Palestinian context illuminate broader crises in our contemporary moral and political imagination. The failure to see Palestinian suffering as grievable represents not merely a political failure but an epistemological one—a collapse of the very categories through which we understand human dignity and vulnerability. Addressing this failure requires not only technical solutions or policy reforms but what might be called an epistemic revolution—a fundamental reordering of how we see, know, and respond to suffering in others. The Palestinian witness, in their enduring defiance, offers both an indictment of our current failures and a glimpse of what such a revolution might entail.

4 Conclusions and Future Work

This paper has traced the fundamental paradox at the heart of contemporary genocide discourse: while the field increasingly acknowledges the contestability of its central concept, it simultaneously reproduces epistemic closure through institutional protocols and procedural mechanisms. The

Palestinian case exposes this bind with particular clarity, revealing how frameworks designed to recognize and prevent mass atrocity can become instruments of denial and erasure. As Meiches (2017) demonstrates, the double binds of genocide discourse trap vulnerable populations in impossible positions where testimony is perpetually subject to verification yet systematically dismissed through technicalities and bureaucratic footnoting.

Our analysis suggests that the critical task is not to perfect the definition of genocide, but rather to unbind the discourse surrounding it—to alter the rules of speaking such that Palestinian life is neither administratively absolved nor epistemically marginalized. This requires moving beyond what Derrida (1996) identifies as the archival fever of documentation without responsibility, toward what Levinas (1969) would recognize as an ethical responsiveness to the face of the Other. The Palestinian witness, in their enduring defiance against both physical and epistemic annihilation, challenges us to reconfigure our modes of recognition and response.

The digital age has transformed witnessing into what we have termed algorithmic vulnerability, where testimony circulates through platforms that simultaneously amplify and suppress it. Yet within this paradoxical space, Palestinian witnessing has developed forms of epistemic resistance that bypass traditional institutional gatekeepers. As Mbembe (2003) observes, this represents a politics of life asserting itself against necropower—a defiant insistence on existence that cannot be fully extinguished by the machinery of denial. The endurance of Palestinian testimony across digital platforms, despite systematic suppression, constitutes what Butler (2009) would recognize as a performative claim to grievability.

Following Meiches (2017), we must engage in meta-reflection on philosophy's own conditions of speech to avoid complicity in rationalized erasure. Philosophical discourse cannot remain neutral in the face of systematic violence; its concepts and categories are inevitably implicated in the distribution of recognition and grievability. As Said (1978) demonstrated through his work on Orientalism, knowledge production is never innocent of power relations. The ethical task for philosophy is to critically examine its own archival practices and conceptual frameworks, ensuring they do not become yet another mechanism of procedural absolution for Palestinian suffering.

Witnessing under fire, as analyzed throughout this paper, represents both profound vulnerability and defiant resistance. The Palestinian case illuminates how contemporary genocide operates through both physical violence and epistemic erasure, demanding new forms of ethical response that bridge the digital and the embodied, the institutional and the intimate. The future of genocide studies lies not in refining definitions but in transforming practices of recognition—ensuring that Palestinian lives are seen, heard, and grieved as matters of urgent ethical and political concern, rather than as footnotes in the archive of human suffering.

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