PETER WEISS

DIE ERMITTLUNG

ORATORIO IN 11 CANTOS

A FILM BY RP KAHL

Deutsche Film- und Medienbewertung
Prädikat besonders wertvoll
FBW

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OVERVIEW

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1. FOREWORD

The Frankfurt Auschwitz trial, which began in 1963, is an extremely important event in German post-war history. Peter Weiss, who was present in person in the courtroom at the time, turned the court proceedings into a significant, yet poignant stage play. Producer Alexander van Dülmen and director RP Kahl have now translated Peter Weiss' work into a film which is highly impressive and, at the same time, exhausting and sometimes difficult to endure. Those responsible should be thanked for bringing the difficult topic of dealing with the crimes of the Nazi dictatorship in German post-war society back into the public consciousness. We at the Friedrich Naumann Foundation for Freedom were delighted to support the project as much as we could.

The film, as well as the stage play it is based on, highlight the two main problems in dealing at that time with the crimes of the Nazis in both Auschwitz and the other concentration and extermination camps. On the one hand, a criminal reappraisal of the offences became more difficult due to the unclear legal situation, as it first had to be established which law could be applied in the first place. As a result of this, only perpetrators who were proven to be directly involved in murder could be convicted. What this meant becomes clear several times in the film in the line of argument taken by the defence counsel, which outraged and horrified not only the prosecutor at the time, but also the modern audience.

On the other hand, many of the statements made by the defendants reflect a mood in German society that was still widespread in the 1960s. At the very end of the play and the film, a defendant expresses it in this way: *"All of us / I would like to emphasise this again / have done nothing but our duty / even when it was often difficult for us / and when we wanted to despair / Today / as our nation has again / worked its way up to a leading position / we should deal with other things / than accusations / that should be regarded / as having expired long ago" The author notes the response in the courtroom as being: "Loud approval from the defendants."* The fear is that this was not only the attitude in the courtroom, but also of large parts of German society at the time, which was enjoying the "Wirtschaftswunder". And even today, some would like to talk down the Nazi regime's reign of terror as an almost insignificant episode in German history, one that has been overcome.

Photo: © Tobias Koch

We cannot allow that! The fight against anti-Semitism, hatred of Jews and xenophobia, the fight for a democratic, open and tolerant society and for a fair, functioning state based on the rule of law with comprehensive, secure civil rights is as important today as it was after the overthrow of the Nazi regime. The task of preventing such a barbaric situation, which is symbolised by "Auschwitz", from ever occurring again in our country lies with all of us. The trepidation and pain, even the disgust and anger, that the film "Die Ermittlung" leaves behind can help us to literally stay awake, and therefore to also remain vigilant. Freedom has not yet been won!

Sabine Leutheusser-Schnarrenberger, former Federal Minister of Justice; Deputy Chair of the Board of the Friedrich Naumann Foundation for Freedom; Anti-Semitism Commissioner of the State of North Rhine-Westphalia

2.

"To whoever finds these documents, I have a request for you. It is the wish of a person who knows, who feels that the last, decisive moment of their life is near. I know that I and all the Jews here have long been condemned to death; only the day of judgement has not yet been decided. And that is why you, my friend, should fulfil my wish, the last wish before the final execution! You shall, my friend, contact my relatives at the address given. From them, you will learn who my family and I are. Get them to give you a picture of my family – and also one of me and my wife – and you should print these pictures in all my publications. So that maybe whoever looks at them will shed a tear, breathe a sigh. For me, that will be the greatest solace for me after my mother, my father, my sisters, my wife, my family, and perhaps also my brothers, have disappeared from the world just like that,
without a tear from anyone. May their name and memory not be erased so quickly!"

SALMEN GRADOWSKI

3.
WHY MAKE A FILM OF "DIE ERMITTLUNG" NOW?

Photo: © Sammy Hart

The plan to film "Die Ermittlung" was driven by two reasons:

First: As the surviving victims of the Holocaust die from natural old-age, there will soon be no contemporary witnesses. Younger generations in particular will miss out on engaging with the witnesses directly. Through a timeless but modern imparting of knowledge about Auschwitz, such as turning Peter Weiss' play into a film, it seemed important to me to try not to simply preserve reports by contemporary witnesses in documentary form, but to keep them alive through the actors. Often, documentary archives appear boring and therefore do not receive the attention that is a basic prerequisite for education. The dynamic "show" character of the production makes the process enthralling and very immersive. It is very difficult to escape, even if it is sometimes a challenge due to the unflinching description of what happened in Auschwitz.

Second: There is a tendency, particularly in German filmmaking, to deal more with the perpetrators and their psychological profiles than with the victims and the consequences for the survivors of the Holocaust. (There are many examples of this in films, TV series and books - whose legitimacy I, of course, do not question. Nevertheless, I believe that the memorial work's main focus should be on the experiences of the victims and survivors). In "Die Ermittlung", the victims and the survivors are in the foreground, and the defendants are confronted with their direct actions. This is also an exception that reminds us of each individual's responsibility in a noteworthy way.

I would like to quote the director PR Kahl at this point: "The testimonies in court about the events in the camp [...] form the centre of the film and illuminate the deeds and the underlying reasoning as well as connections between them. In January 2025, it will be eighty years since the liberation of Auschwitz. This means that soon, every witness to these crimes will have passed away. They will no longer be able to report first-hand what happened and serve as a reminder to us all. This leaves us with a great responsibility to keep this part of history in our consciousness. Society is also constantly changing. This is why appropriate, modern approaches to this memorial work are needed which provide a new impetus and respond to the changing viewing habits of audiences. A liberal democratic society needs a clear stance on history. Democracy, freedom and humanism must always be struggled for, fought for and desired. In "Die Ermittlung", we see the complete opposite: A totalitarian terror system with a deluded ideology that has no room for humanity." I would like to endorse these words one hundred percent.

Alexander van Dülmen, filmmaker and producer, Berlin

4.
WHY THIS FILM?

Director RP Kahl (Photo: © Sammy Hart)

"It has happened, and therefore it can happen again: That is at the heart of what we have to say." **Primo Levi**

Young people attending school in Germany are first confronted with the details of National Socialism (Nazism) and its consequences in history lessons, usually in Year 9. Their average age is 15, and they were therefore born in the first decade of the 21st century. This also means that often, not even their great-grandparents actually experienced this period.

Many young people in Germany also come from migrant communities and may also identify with the history of other countries and cultures. The encounter with the Nazi dictatorship and the Holocaust, the systematic persecution and murder of European Jews, sometimes remains abstract, as they often cannot connect it with their own life experiences.

Dealing with the Holocaust therefore poses great challenges for all those involved: for young people, their families and teachers. But it has to happen, and it can and should also be challenging. Essentially, it can only be overwhelming. How could it be any different with a subject such as the Holocaust? Because if we as adults are brave enough to address this topic with young people and accompany them on their journey, we must be clear that it cannot be about understanding and comprehension in the traditional sense.

"The opposite of love is not hate, but indifference. The opposite of faith is not arrogance, but indifference. The opposite of hope is not despair, it is indifference. Indifference is not the beginning of a process, it is the end of a process." **Elie Wiesel**

The systematic extermination of six million Jews is hard to comprehend. But dealing with it can help to better counter prejudice, hatred and distortion of history. Because the worst thing that can happen to us as a society is to slide into indifference.

The eyewitnesses and survivors will soon no longer be able to give us personal accounts of their fate, and so we need other ways of remembering what they experienced in order to maintain a vivid culture of remembrance. The archives are well stocked with documents, the personal testimonies of those who were persecuted, as well as video and tape recordings. And thanks to AI, you can even interact with holograms of survivors; they offer new ways of ensuring that this part of history is not forgotten. Many feature films are also an ideal way of approaching this subject. But rarely has a film offered such an intensive examination of everything that Auschwitz stands for than "Die Ermittlung".

The film provides insight into the darker aspects of German history without repeating stereotypical images. The spoken word and the human face are at the heart of this artistically radical film adaptation, in which an excellent cast manages to draw the audience into the abyss, which is unbearable in places, but which we must not lose sight of. Looking into the past teaches us what losing freedom and dignity can mean. But unfortunately, we forget too quickly the extent to which humanity had already been lost. The film makes a valuable contribution in a very focused way, because it not only dares to deal with the cruelty of the camp, but also offers reference points for how German society after 1945 dealt with these crimes.

The director RP Kahl emphasises that he has long spoken of the "indescribable" in his approach to Auschwitz. But he has come to understand that it has to be described, because it happened. In researching the film, an essay by Georges Didi-Hubermann helped him a lot: *"We have to try to get an impression of the hell that Auschwitz was in the summer of 1944. Let us not refer to the unimaginable. Let us not protect ourselves by pointing out that we could never fully imagine this hell anyway – even if that is the truth."*

This is also the power of the film, because *"[i]n unmistakably clear language which is concentrated and refined into a lyrical lament, the piece confronts the perpetrator and victim, and makes the horror in Auschwitz palpable."* RP Kahl admits that this is difficult to endure, yet the film allows for rational analysis precisely because of the unequivocal language, despite its dramatic interpretation being emotionally overwhelming. *"In this way, you can recognise and understand the systematic failure of society, the structural issues caused by unchecked power, the negative force of opportunism, but also the very personal guilt of individuals. Emotion does not prevent your ability to think. Asa result, today's audience can draw conclusions for the now. Making it universal makes it relevant today."*

The photo was secretly taken in August 1944 by an inmate from inside one of the gas chambers in the Auschwitz concentration camp.

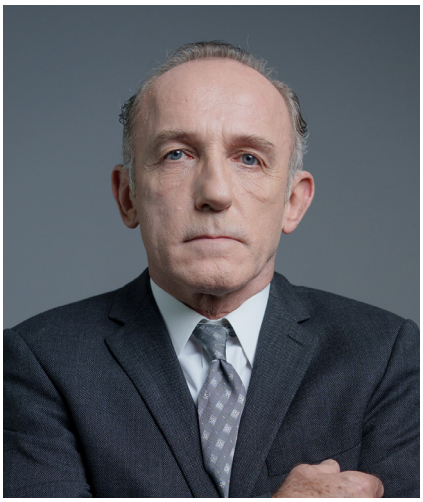
The film is no Hollywood-style melodrama, but gives the victims a voice so they can tell their story and say what Auschwitz was like. It is the words and sentences from the play that are etched into the memory when they are spoken in thesoberly staged courtroom in all their precision and sometimes unbearable legal objectivity. *"Nothing distracts from the enormity of horror, some sentences are shocking in their simplicity,"*says the film classification board in their report.

"The text is the text", as producer Alexander van Dülmen emphasises again and again.

This offers great potential for working with older students. The words of the victims, but also those of the perpetrators, possess a particular power.

SELECTED VOICES FROM THE ENSEMBLE CAST

"Never in my professional life have I experienced such an intense and collaborative engagement with content, all those involved and the meaning of my profession in general as in this work on DIE ERMITTLUNG by Peter Weiss...And perhaps, at this time, honouring the victims of Nazi tyranny and taking a clear stance against the resurgence of fascist thinking and its structures can help to bring people to their senses……?! Political films cannot achieve anything more. By the way, I simply won't give up hope." **Rainer Bock**



"This film is a bit much. Why would I watch something like that? Why would I listen to something like that? The answer is the film itself. Because it happened. It actually happened. Because they were "our people" – on both sides of the ovens. This film has found a brutally simple form for the "unspeakable" and "unseen". At the time, Bernhard Schütz summed it up during a break in filming: What an invocation of the dead! The finished film has immortalised this evocation beyond its point in time. The only possible thing left for us to do is to make it intuitive. Anyway, creating anything more than a sense of foreboding around what really happened is impossible. This foreboding must be burnt into everyone's consciousness. That's what the film is for. So no one can say they didn't know about it." **Karl Markovics**

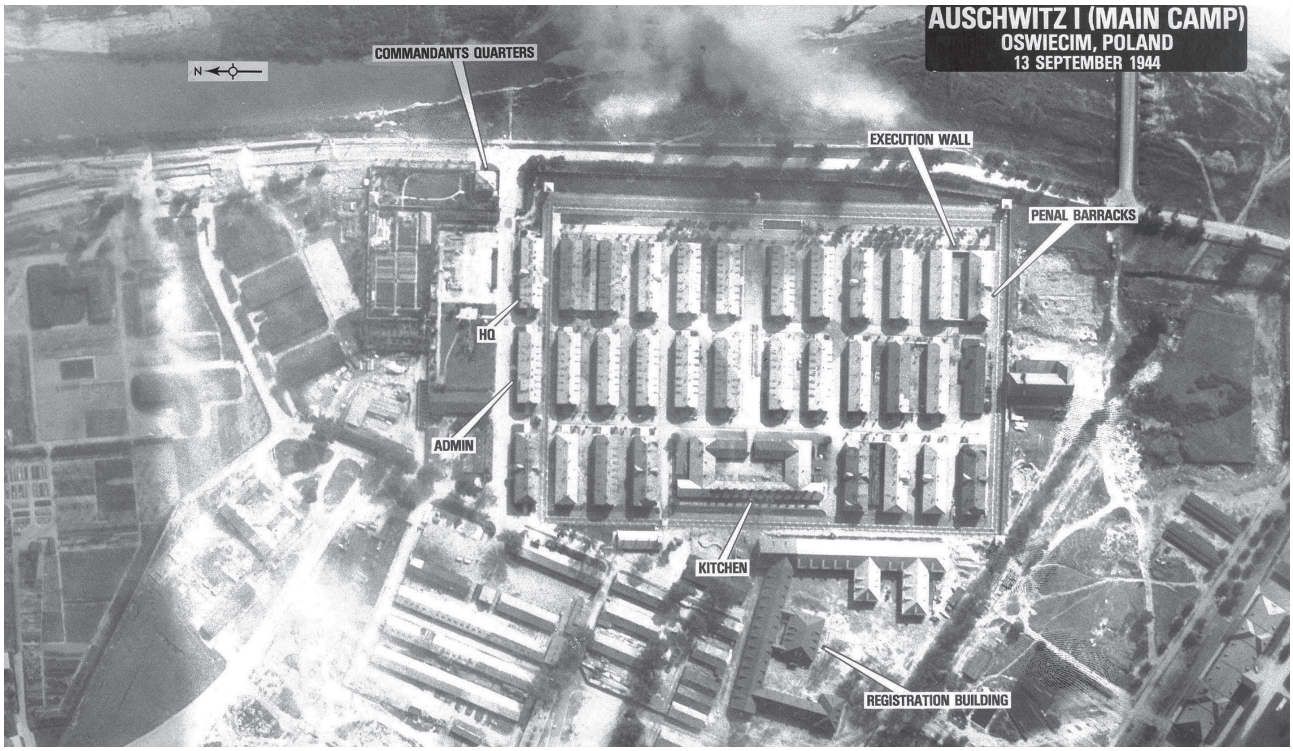
As a descendant of Holocaust survivors on my father's side and a resistance fighter who was imprisoned in the concentration camp on my mother's side, the rehearsals and filming felt like a huge family undertaking for me. Here we sat and stood as representatives of the victims and over there, a large group of representatives of the perpetrators. Up front, the representatives of the prosecution, the defence and a fictitious justice, humanity, a collective conscience or that of an imagined God in the form of the judge. I could feel for myself what it must have been like to come back to the perpetrators' country, perhaps for the very first time, without any financial or organisational support, only to be confronted as an individual by a horde of executioners who reacted to your statements with smirks, rants, boredom or apparent indifference. Not playing a game, but being an advocate for part of your own family's history. It was a unique experience for me." **Axel Sichrovsky**

5.
AUSCHWITZ AND THE HOLOCAUST

After the Second World War, Auschwitz became the most important symbol of the Holocaust. When covering the murder of Europe's Jews, publications usually use images from Auschwitz: the famous gate with the inscription "Arbeit macht frei" ("Work sets you free") or the railway track leading up to the Birkenau camp gate. The dominant presence of Auschwitz in the collective memory is so prevalent that quite a few people think Auschwitz was the only place in which the Holocaust occurred, and even think that six million Jews were murdered in Auschwitz's gas chambers. That is not exactly the case. Although Auschwitz was a central location in the Holocaust, it was by no means the only one. In Auschwitz, particularly in the gas chambers of the Auschwitz-Birkenau extermination camp, the SS murdered about one million Jewish children, women and men. However, this also means that about five million Jews were murdered in other places.

On 1 September 1939, the Second World War began with the German invasion of Poland. Before the war, about three million Jews lived in Poland, meaning the country had the second-largest Jewish population in Europe after the Soviet Union. Although 1 September 1939 did not yet signify the transition to the systematic genocide of the Jews, they had been targets of exclusion, oppression, and even murder, from the very beginning.

Hundreds of thousands of Jews were crammed into ghettos by the occupying German administration, including in the major cities of Warsaw and Lodz (Łódź). The living conditions in the ghettos were catastrophic. In the Warsaw ghetto alone, about 100,000 of the more than 400,000 people trapped inside died of hunger, disease and exhaustion.



Auschwitz I (Main Camp) - Oswiecim, Poland

By telling the prisoners / before deportation / to take as many valuables as possible / laundry clothes money and tools / under the pretext that they would not be able to get anything / where they were being resettled / so they all took their last possessions with them / A lot was taken away on the unloading ramp / during preliminary selection / The doctors making the selections / not only took everyday items / but also jewellery and valuables / which they set aside for themselves / Then the guards / and the members of the train crew / took theirs / And there was always something for us / which we could use for barter later. / The storage room contained / when it was all added up / personal items worth billions
[Script p. 27, Canto from the Ramp III, Witness 8]

With the invasion of the Soviet Union, the already brutal German war machine became further radicalised. From the very beginning, the war against the Soviet Union was conceived as a racist war to eradicate 'Bolshevism', with Jews being equated to 'Bolsheviks'. Einsatzgruppen (task forces) and other armed units operated behind the front. Their main activity was the murder of communists, other members of the resistance and Jews. Initially, the mobile units shot mainly Jewish men, but as of late summer they went on to murder all Jews without exception, including children and women. From the Baltic Sea to the Black Sea, German murder squads shot at least 1.5 million Jews, sometimes with the help of locals. In Kyiv alone, in the Babyn Yar gorge, members of Einsatzgruppe C murdered more than 33,000 Jews in just two days at the end of September 1941, while the majority of the Jewish population of Vilnius, comprising tens of thousands of people, were shot in nearby Ponary (Paneriai). The partially neglected, unmarked mass graves left behind by the mobile murder squads are still part of the landscape in countries such as Lithuania, Belarus and Ukraine.

While firing squads in the east were already murdering hundreds of thousands, the SS leadership, particularly in occupied Poland, was considering what to do with the millions of Jews in the General Government, in the ghettos of Warsaw, Lodz, Krakow (Kraków) and Lviv. Deportation further east, i.e. to the occupied and embattled Soviet Union, seemed just as impractical to them as the murder of so many people by firing squads on the ground. These considerations formed the backdrop to the biggest plan for mass murder in the history of the Holocaust, "Operation Reinhardt": the murder of up to 1.8 million Jews, mainly from Poland, and about 50,000 Roma by poison gas in three specially built extermination camps Treblinka, Sobibor (Sobibór) and Belzec (Bełżec) between July 1942 and October 1943.

When "Operation Reinhardt" began in 1942, there was no longer any doubt over the actual goal of the Nazis: the murder of all Jews in Europe. At the infamous Wannsee Conference, at which fifteen representatives of the SS and government ministries met on 20 January 1942, there was no longer any discussion about whether, but only about how, to carry out the planned extermination programme. The decision had already been made and the murders in the east were already in full swing. Mass murder by poison gas had been common practice since the murder of sick patients under the Nazi 'euthanasia' programme. And at the end of 1941 in Chelmno (Chełmno), the SS had already begun murdering Jews from the surrounding areas in so-called gas vans using engine exhaust fumes.

These extermination camps differed fundamentally from the large Nazi concentration camps such as Buchenwald, Sachsenhausen and Dachau in that they contained hardly any barracks or daily life: The arriving deportees were not admitted to the camp, but led to the gas chambers immediately after their

arrival by train, where they had to undress and were then painfully suffocated by engine exhaust fumes. Afterwards, the bodies were taken out of the gas chambers by the Sonderkommandos (special squads), which consisted of preselected Jewish prisoners, and burned. The inhuman and inconceivable slave labour forced upon Sonderkommando members is one of the darkest chapters of the Holocaust. They also sorted the victims' belongings: part of the murder plan included robbing and exploiting their property.

This method allowed several thousand people to be murdered every day, a number which had risen hundreds of thousands in each of the three camps by autumn 1943. In Treblinka, the number of victims is even estimated at up to one million, including almost all Jews deported from Warsaw, the largest Jewish community in the pre-war period.

The reason these three places are not so well known today is mainly due to the fact that there were hardly any witnesses to these extermination camps left at the end of the war. While in Treblinka and Sobibor, Sonderkommando members dared to revolt and some of them were able to escape, only three people survived Belzec. At the end of "Operation Reinhardt" in autumn 1943, these camps were demolished.

What we now refer to under the term "Auschwitz" was a complex of different camps, each with different functions, in and around the Polish city of Oswiecim (Oświęcim). The actual Auschwitz concentration camp (also called the main camp or Auschwitz I) was established a few months after the start of the German occupation of Poland. It was based on the concentration camps that already existed in Germany. The first transport of prisoners arrived at Auschwitz in May 1940. Initially, the main function of this camp was to suppress Polish resistance; accordingly, the

It was normal / that everything had been stolen from us / It was normal / that we stole again / The dirt the wounds and the plagues around us / were normal / It was normal / that people died on all sides / and normal was / the impending prospect of your own death / Normal was / our feelings withering away / and the indifference / at the sight of the corpses / It was normal / that there were those among us / who helped those above us / to beat us up / Whoever became the block elders' servant / was no longer among the lowest / and even higher was the one / who was able / to ingratiate themselves with the female block leaders / Only the shrewd could survive / who every day / occupied their tiny bit ground / with unflagging vigilance / The incapable / the world-weary / the mild / the disturbed and impractical / the mourners and those / who felt sorry for themselves / were trampled underfoot

[Script p. 33 f., Canto from Camp I, Witness 10]

majority of the prisoners were non-Jewish political prisoners from Poland – soldiers, intellectuals, Catholic priests and members of various resistance groups. This explains why many Poles associate the word "Auschwitz" not only with the Holocaust, but also with the suffering and oppression of the Polish people. After the attack on the Soviet Union, thousands of Soviet prisoners of war also arrived.

The main camp could accommodate between 12,000 and 18,000 prisoners. Just as in other concentration camps, a complex camp social structure with complicated hierarchies developed at Auschwitz. Mortality was extremely high: Not only were living conditions catastrophic, but mistreatment of prisoners and arbitrary murders were also commonplace.

Most of the victims of Auschwitz were not murdered in the main camp, but about three kilometres away in the actual extermination camp, Auschwitz-Birkenau, also known as Auschwitz II. In contrast to the extermination camps at Treblinka, Sobibor and Belzec, Birkenau housed barracks which were divided into different areas such as the "women's camp" and the "gypsy camp" where, over the years, hundreds of thousands had to live under the most adverse, inhumane conditions. At the same time, with the construction of a total of six gas chambers, the camp was designed for mass murder from the outset. Instead of engine exhaust fumes, the SS used Zyklon B, a poison gas originally used for pest control, and which had first been used to kill people in the main camp in the autumn of 1941. The SS had four large crematoria built to dispose of the bodies of those they murdered. As in the other extermination camps, in Birkenau there were also Jewish Sonderkommandos, who were forced to sort the victims' valuables, extract gold teeth, cut women's hair and take the corpses out of the gas chambers and burn them. In Birkenau, too, members of the Sonderkommando organised an uprising in October 1944.

From 1942, the systematic mass murder of Jews was extended to most regions under the German sphere of control, and Auschwitz-Birkenau became the most important destination for deportations from all over Europe. Trains arrived from many countries including France, the Netherlands, Belgium, Norway, the German Reich, Greece, Yugoslavia and Italy. In the end, by far the largest group were Jews from Hungary: In the spring and summer of 1944, as Germany's defeat drew ever closer, a further approx. 438,000 people were deported to Auschwitz, and most were murdered in the gas chambers immediately after their arrival.

Auschwitz also differed from the extermination camps used in "Operation Reinhardt" as the SS carried out a "selection" on the unloading ramp on arrival, to keep "those able to work" alive and use them

To the witness I say / Let us clearly state / and therefore confirm the statements / in which a previous witness / referred to the system of exploitation / that applied to the camp / You / as well as the other directors / of large corporations / achieved through unlimited human exploitation / annual sales of several billions

[Script p. 106, Canto from the end of Lili Tofler II, Prosecutor]

as forced labour. The longer the war progressed, the more urgently German industry depended on slave labour. At the same time, industrial production, which was significantly disrupted by Allied bombing raids, was partly moved underground and further east. Dozens of satellite camps were created around the large concentration camps such as Buchenwald, Gross-Rosen or Auschwitz, to which prisoners from Auschwitz were sent. However, this rarely meant a chance of survival; for tens of thousands of women and men, as well as young people, it meant an incremental death, in the form of "extermination through work".

One of the most important and largest of these concentration camps, set up exclusively for manufacturers, was Monowitz, also known as Auschwitz III. It was created jointly by IG Farben and the SS. Conditions for the prisoners were catastrophic, as described by one of the most important chroniclers of the Holocaust, Primo Levi from Turin (1919-1987), in his books.

Towards the end of 1944, signs of Nazi Germany's military collapse began to emerge. The SS sent tens of thousands of prisoners on death marches from the camps in the east to the west – about 60,000 from Auschwitz alone. Thousands of exhausted and sometimes seriously ill prisoners remained behind in the three large camps of the Auschwitz camp complex. The Soviet army finally liberated the Auschwitz camps on 27 January 1945 and immediately began to document and publicise the atrocities. The camps and their infrastructure were still intact, except for the gas chambers, which had been blown up. Many of the liberated survivors were able to bear testimony immediately. What's more, thousands had survived after being "selected" on the unloading ramp and transferred to other camps. That's how Auschwitz became known worldwide as early as 1945 and, just a year later – in contrast to Treblinka or Belzec, for example – played a central role in the Nuremberg war crimes trials. The number of victims was exaggerated by Soviet propaganda for decades; until 1989, the Communist governments of Eastern Europe maintained that up to 4 million people were murdered in Auschwitz. For ideological reasons, the fact that most of the victims were Jewish was usually ignored in these countries. Current research assumes that 1.1 million people died in Auschwitz: up to one million Jews from all over Europe, tens of thousands of non-Jewish Poles, 20,000 Sinti and Roma, 10,000 Soviet prisoners of war and thousands of prisoners from other backgrounds.

The Auschwitz-Birkenau State Museum was established by the Polish state in 1947, a good two decades before anything similar happened in Germany. The significance of Auschwitz remains undiminished to this day, as shown not only by the countless books and numerous films about Auschwitz, but also by visitor numbers: In 2019, the memorial, which encompasses both the former main camp and the huge Birkenau site, received over two million visitors from all over the world.

6.

WEST GERMANY AND NAZI CRIMINALS IN THE 1950s

Held in Frankfurt from December 1963 to August 1965, the Frankfurt Auschwitz trial marks a historic turning point. In the early post-war period, a number of perpetrators of the Nazi dictatorship were still being brought to justice, mainly by Allied courts. In the main war crimes trial at Nuremberg in 1945/46, but also in several other trials, the heads of government departments and National Socialist (Nazi) organisations were convicted, as were commanders of murder units. The German justice system also investigated some Nazi criminals.

However, after the Federal Republic of Germany was founded in 1949, there were hardly any investigations into Nazi crimes. On the contrary: Large sections of politics and society were now campaigning for the release of recently convicted perpetrators. However, until then, the bulk of Nazi criminals had not been prosecuted at all. Most of them had continued their careers in the meantime and often held high positions in the civil service, judiciary, police and other government agencies.

From the end of the 1950s, there was a return to criminal prosecutions and a societal confrontation with the crimes of the Nazis. This was triggered by the so-called Ulm Einsatzgruppen trial, which investigated mass shootings by the mobile murder squads of the SS security service. The trial clearly showed once again that many mass murderers had gone unpunished. In 1958, a central investigative agency was set up in Ludwigsburg to investigate all violent crimes committed by the Nazis outside the German Reich. For the first time, investigations were instigated methodically without the need for a formal complaint to be filed.

Shortly afterwards, the news that Adolf Eichmann, a chief organiser of the Holocaust then living in Argentina under a false name, had been discovered by the Israeli Secret Service and abducted to Israel caused a sensation. His trial, which was watched around the world, took place in Jerusalem in 1961.

Meanwhile, in West Germany, students and other citizens were increasingly critical of the "brown past" of judges, professors and other dignitaries in government and wider society. A series of scandals made a critical public realise that the perpetrators of the Holocaust not only remained unconvicted, but had in some cases pursued remarkable careers after the war. This contrast between the monstrosity of the crimes and the perpetrators' impunity and bourgeois facades was strikingly demonstrated in the Auschwitz trial, where the symbolic perpetrator from next door appeared in court.

The Auschwitz trial had an enormous influence on the further investigation of Nazi crimes. In the spring of 1965, as the proceedings drew to a close, there was a danger that all Nazi mass crimes in the camps and beyond would exceed the statutory time limit for bringing a prosecution. Any perpetrator who had not yet been targeted by the justice system would escape with impunity – and that meant the vast majority of Nazi criminals. No sooner had a prosecution got underway after a long period of inactivity than it would be ended again. Not least thanks to the impact of the Auschwitz trial, politicians in the Bundestag (German Parliament) discussed this problem and initially deferred the statutory time limit for murder prosecutions by 4 years; in 1979, it was finally decided that murder prosecutions could not be limited by time.

7
THE AUSCHWITZ TRIAL

For almost 20 years, even the crimes committed in the largest concentration and extermination camp remained virtually unprosecuted in Germany. The only major trials took place in Poland; those of former camp commanders Rudolf Höss and Arthur Liebehenschel, as well as hundreds of former guards.
In Germany, on the other hand, the murderers of Auschwitz led an untroubled life, often in prosperity and prestige.

It was not until December 1963 that the great Frankfurt Auschwitz trial took place, which Peter Weiss later brought to the stage through his play. But there was no guarantee that this court case would come about. The German judiciary did not act on its own initiative and initially reacted very hesitantly to a complaint that was received, which then set the Frankfurt trial in motion. A former concentration camp prisoner from Auschwitz, who had just been imprisoned for perjury, had filed a complaint against Wilhelm Boger, who had tortured countless prisoners in the political department in Auschwitz. At almost the same time, the Chief Public Prosecutor for the State of Hesse, Fritz Bauer, had received documents relating to crimes and perpetrators at Auschwitz and started an investigation. In the end, the Frankfurt Public Prosecutor's office was given the responsibility for investigating crimes at Auschwitz. Fritz Bauer now turned the trial into an overarching trial for the mass atrocities at Auschwitz as a whole.

After lengthy investigations, his prosecutors eventually brought 22 defendants to court. Presided over by District Court Judge Hans Hofmeyer, the trial began on 20 December 1963 in the council chamber of Frankfurt city hall, the Römer. It soon turned into a major media event. Numerous observers from home and abroad, including the

writers Horst Krüger and Peter Weiss, followed the proceedings and reported on them regularly. Survivor Inge Deutschkron, for example, regularly wrote articles for the Israeli press. In total, more than 20,000 visitors are said to have attended the trial in the courtroom, including numerous school groups.

In addition to the large media interest, a particularly new aspect was the fact that the mass atrocities in Auschwitz-Birkenau were discussed in detail for the first time from the survivors' perspective. More than 350 witnesses from all over the world, including more than 200 Auschwitz survivors, came to Frankfurt to tell their story and ensured that their former tormentors were held accountable. For example, surviving political prisoners, as well as Jews from numerous countries, spoke about the killings in the camp.

Fritz Bauer wanted to turn the trial into a lesson for German society. He said: "'*Coming to terms with our past' means holding a day of judgement on ourselves, a day of judgement on the dangerous aspects of our history, not least everything that was inhumane here, which at the same time leads to a commitment to truly human values in the past and present [...].*" He therefore also commissioned a number of authoritative historical reports that thoroughly examined the Nazi concentration camp system and other subjects. In doing so, he initiated the first research into contemporary history on subjects that German historians had previously, and for the most part long afterwards, avoided.

The 22 defendants in the dock symbolically embodied the failings of West German society in the 1950s and 1960s. They were the German everyman who pursued their bourgeois life, had a family and a home, went to the office or factory in the morning and valued good neighbourliness. Behind the facade of decency and order, however, stood men who had tortured people in Auschwitz, given them lethal injections and murdered them en masse in gas chambers, who had built part of their wealth on stolen property from Auschwitz. Although the trial had stirred things up for them and brought turmoil into their otherwise orderly lives, for most of them it ended leniently in view of the crimes being tried. 17 of them received prison sentences ranging from life imprisonment to just over three years, and three were acquitted. Judge Hans Hofmeyer said in the ruling:

"In light of the countless victims of a criminal regime and the unspeakable suffering, unprecedented in history and devised in a diabolical manner, that the planned extermination of hundreds of thousands of families inflicted upon not only the victims themselves, but countless others – above all the entire Jewish people – as well as the stigma with which the German people are burdened, it hardly seems possible to find atonement through earthly punishments commensurate with the extent and gravity of the crimes committed in Auschwitz concentration camp."

8.
PETER WEISS' "DIE ERMITTLUNG"

The writer Peter Weiss was one of the many regular observers who followed the Frankfurt Auschwitz trial in person. At the time, he was already a star of the West German theatre scene, although he had been living in exile in Sweden since 1940. He was born in 1916, his father was of Jewish descent and came from Hungary, and his mother came from Switzerland. The family went into exile and first lived in Great Britain, and subsequently, from the end of 1936, in Czechoslovakia, since both Weiss' father and he himself had Czechoslovakian citizenship. At the end of 1938, Weiss fled to Sweden, where he spent most of his life until his death.

Numbers and statistics play a major role both in the formal structure of the play and in its content. The numerous metaphors from arithmetic can be considered as a reflection of Auschwitz as an organisation in which everyone and everything was counted and recorded statistically. In the formal division of "Die Ermittlung", the symbolism of numbers is a clear reference to Dante Alighieri's work "The Divine Comedy", which was completed in 1321. The Italian poet describes the realm of the dead consisting of hell, purgatory and paradise with expressive, descriptive imagery. It is divided into 33 cantos, and the number nine – divisible by three – is a constantly recurring element. Weiss divides his play, which he also calls an oratorio, into eleven cantos, each of which is divided into three parts. All 18 defendants who were present throughout the trial appear. However, unlike the film, he reduces the number of witnesses to nine, since his focus is on the Auschwitz system and not with the multiplicity and diversity of witnesses. The representatives of the judiciary are also condensed into three people. In common with Dante's work, Weiss' drama also does not have the events themselves taking centre stage. Instead, they are depicted through the lens of the human response or through the discourse about them in the court proceedings.

The entire structure of "Die Ermittlung" is circular. The sequence of the individual cantos highlights how the camp functions, with the various stages of dehumanisation and horror. It begins with the "Canto from the Ramp" and then travels via various stations such as the black wall and the bunker block to arrive at the core of the Auschwitz extermination machine, Zyklon B, and at the end, the crematoria.

Unmoving, the two groups face each other, on the one side the victims (witnesses) and on the other the perpetrators (defendants). The defendants are all identified. They are to be seen as both individuals and representatives of society at the same time. Weiss writes: *"But the drama isn't meant to prosecute the bearers of these names again. They only lend the writer of the drama their names, which here symbolise a system that made many others guilty who never appeared before this court*

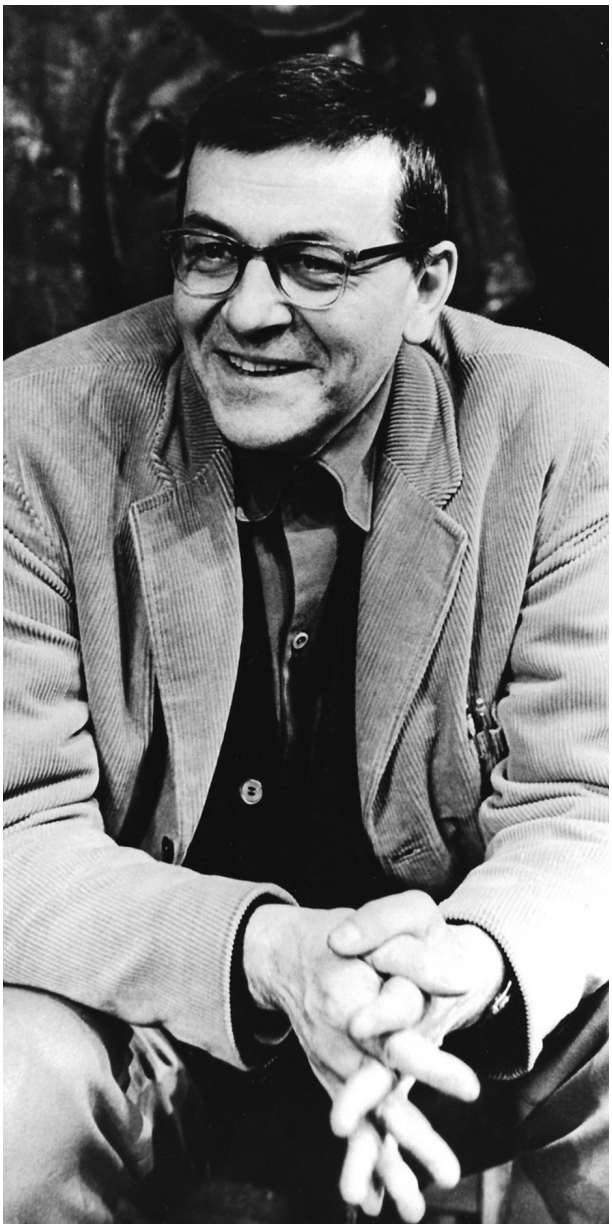
As the defendants also bore their names at the time of the crimes in Auschwitz, it is significant, according to Weiss, that they also retain them in the play. In the portrayal of the perpetrators, however, Weiss refrains from depicting specifics, but is rather more concerned with showing the typical traits that defined the system. Nevertheless, the perpetrators are held personally accountable for their crimes and cannot hide behind an anonymous system.

In contrast to the defendants, the witnesses appearing in the play do not have names, but only numbers. *"By losing their names in the drama, the witnesses become mere mouthpieces. The 9 witnesses refer only to what hundreds have articulated,"*explains Weiss. This contrast – numbers on the one side and names on the other – conveys the relationship between perpetrator and victim: While most prisoners are seen as a homogeneous nameless group by the perpetrators, the tortured often know the perpetrators by name or at least perceive them as individuals.

Weiss completed the play before the verdicts in the Auschwitz trial were pronounced; the outcome of the

trial is therefore no longer part of the drama. Just like the trial it was based on, the play became a media event, particularly as Weiss had recently achieved worldwide fame with the play Marat/Sade ("The Persecution and Assassination of Jean-Paul Marat as Performed by the Inmates of the Asylum of Charenton Under the Direction of the Marquis de Sade"). On 19 October 1965, shortly after the verdicts were pronounced, the play premiered simultaneously on 15 stages. This unique occurrence was also politically charged due to the fact that one of these premieres took place in East Berlin in the GDR (East Germany), which by itself was a scandalous event.

It was very important to Peter Weiss that his play, despite the writer's interventions and depictions, should belong to documentary theatre. He emphasised: *"This distillation should contain nothing other than the facts as they were presented in court. Any personal experiences and confrontations must give way to anonymity."* He was therefore concerned with accusing a system, ultimately capitalism, which, in his view, made it possible for Auschwitz to exist in the first place. Passages that supported this interpretation have been criticised many times. Weiss was accused of distorting facts to support his interpretation of Auschwitz. To this day, the main criticism is that Weiss anonymised the witnesses and only explicitly named the Soviet prisoners of war as victims of Auschwitz, while not mentioning Jews, by far the largest group of victims of Auschwitz-Birkenau, at all.



Peter Weiss

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9.

THE QUESTION OF GUILT AND INDIVIDUAL RESPONSIBILITY

Guilt can take various forms. For example, a distinction can be made between moral, political and legal guilt. There can also be different levels of guilt. For example, it makes a difference if someone acted intentionally or whether they were fully aware of the consequences of their actions. All these questions play an important role in "Die Ermittlung". At the heart of the Frankfurt Auschwitz trial was the question of criminal guilt: What crimes were committed in the camp? Who gave the order, and who carried them out? How can the crimes committed at Auschwitz be proven?

By its very nature, a criminal trial only has two possible outcomes: guilty or not guilty. In "Die Ermittlung", however, Peter Weiss makes it clear that the moral reality of behaviour under camp conditions often moved between these two extremes. Many defendants obeyed their orders at Auschwitz without hesitation and with no moral scruples. Some acted with particular cruelty. However, the play also features individuals who tried to use any latitude they had to help the prisoners or to save them from extermination. But individual latitude was usually very limited. However, it is important that it existed at all. It shows that even at Auschwitz there were opportunities to oppose cruelty, moral corruption and systematic dehumanisation through small acts of support and solidarity.

"I saw Dr Flage / standing at the fence with tears in his eyes / behind which a line of children / were led to the crematoria / He allowed me / to take the health cards of individual / prisoners that had already been segregated / and in so doing save them from death / Flage the camp doctor showed me / that it was possible / among the thousands / to see a single life / he showed me / that it was possible / to influence the machine / if only there had been more / of his kind"
[Script p. 83,
Canto on the Possibility of Survival II, Witness 3]

The crimes committed by the Nazi regime between 1933 and 1945 would not have been possible without the involvement, active support or tacit endorsement of large parts of the German population.

By its very nature, however, the Frankfurt Auschwitz trial was solely about establishing legal guilt. Guilt in the legal sense presupposes accountability, in other words, the ability to clearly attribute a certain act to a particular person, and to be able to "charge" them in a moral and legal sense.

The prosecutor's task is to establish and prove this connection between the "what" of the action – that is, the criminal act – and the "who" of the action – that is, the person who committed this act. Both the criminal acts committed in the camp and the individuals responsible for them must be clearly identified. This is why the prosecutor routinely asks defendants what tasks and activities they were entrusted with in the camp, who ordered and supervised these activities, how they were carried out and exactly when and where they took place. There are often very detailed descriptions in the witness statements of the places where certain crimes were committed, such as the so-called black wall, the barracks of the political department or the gas chambers. These descriptions serve a dual function: On the one hand, they graphically convey the reality of the camp to the audience. On the other hand, they serve to determine when and where crimes were committed in the camp as accurately as possible. And only this information can determine who was responsible in each case.

In contrast to Fritz Bauer's demand (see also page 17), the German justice system continued for decades to apply the so-called "evidence of individual acts" approach when dealing with the Nazi mass murders. This only changed in 2009 with the trial of former concentration camp supervisor John Demjanjuk: No specific act could be attributed to him individually. However, the court considered it sufficient for a conviction that Demjanjuk had been "part of the extermination machine" due to his work in the camp.

"I stand indifferently / in front of the individual defendants / and only point out / that they could not have carried out their work / without the support / of millions of others" (...) "I only ask / to be allowed to point out / how deep the path was lined with spectators / when we were driven out of our homes / and loaded into the cattle wagons / The defendants in this trial / were only the henchmen / at the very end"
[Script, p. 220, Canto from the Furnaces I, Witness 5]

THE DEFENDANTS

A total of 22 men were charged in the historic Auschwitz trials in Frankfurt. For "Die Ermittlung", Peter Weiss reduced the number of defendants to 18. These defendants performed various functions within the camp complex and its hierarchy. The group of defendants included ordinary guards, SS men, officials of the so-called political department, several camp doctors and members of the medical staff, as well as the personal adjutant of the camp commander. One prisoner functionary ("Funktionshäftling") was also in the dock. Here, it should be noted that many activities in the camp were not carried out by the camp staff themselves, but were transferred to prisoners (see also page 26). Forced to perform these tasks, they contributed to the maintenance of the camp. Some of them, like Bednarek, the accused prisoner functionary, acted with great cruelty themselves.

"Defendant Mulka / did you not know about the mass killings / in the gas chambers" Defendant 1: "I was not aware of this" Prosecutor: "Did you not notice the smoke / from the chimneys of the crematoria / which could be seen for miles" Defendant 1: "It was a large camp / with a natural attrition / The dead were just burned" Prosecutor: "Did you not notice / the condition of the prisoners" Defendant 1: "It was a prison camp / People weren't there for respite"
[Script p. 80, Canto on the Possibility of Survival I, Prosecutor]

WAYS OF DEALING WITH GUILT

None of the defendants could deny having worked at Auschwitz. But almost all of them took the position that they had not personally done anything wrong. After all, as per the justification that was frequently put forward, they were only following orders and serving according to the rules. Faced with the witness statements and accusations, many said they had not known about or could not remember the atrocities and mass murders committed in the camp. The denial, not wanting to know, rejection, downplaying and deliberate failure to remember sometimes took on grotesque forms. For example, Mulka, defendant 1, who had a leading position in the camp as adjutant to the camp commander, claims not to have been aware of the mass killings in the gas chambers.

Only towards the end of the play, after an overwhelming amount of evidence has been presented, does Mulka give up this stance. Instead of admitting his guilt, however, he presents himself as a victim who was "persecuted by the system" (p. 198) and claims to have been "almost mentally broken" (p. 198) under the burden of his task. This type of perpetrator-victim role reversal and self-victimisation can also be found in other defendants.

Credible signs of remorse or insight into their own culpable involvement are largely absent among the other defendants, too. On the contrary, some even boast about their actions in court,

"If I had wanted to shoot / then I would have hit / the one I was targeting / I was sharp / I can certainly say that"
[Script p. 43, Canto from Camp II, Defendant 7 /Kaduk]

bathe in self-pity

"Should I now atone / for what I had to do / Everyone else did it / Why are they arresting me"
[Script p. 44, Canto from Camp II, Defendant 7 /Kaduk]

or provide justifications that clearly show that, even years later, they have not moved on from Nazi ideology.

"In the interest of the safety of the camp / strict action had to be taken / against traitors and other pests"
[Script p. 64, Canto from the Swing II, Defendant 2 /Boger]

How the defendants dealt with their guilt was largely determined by strategic considerations.

"Your Honour / It is my aim / to clear the air here / This has been gnawing at me for years / It has made me sick to my stomach / And that the final days of my life / should be ruined with such filth"
[Script p. 19, Canto from the Ramp II, Defendant 15]

THE DEBATE ABOUT STATUTORY TIME LIMITATIONS

There is no time limit on murder. From today's perspective, this statement seems self-evident. From a historical point of view, however, this is a comparatively recent development. In fact, the statutory limitation period for murder prosecutions in the Federal Republic of Germany was only finally lifted at the end of the 1970s. This was preceded by almost 20 years of debate, which was sparked by the question of how to deal with Nazi crimes under criminal law. In this context, the Frankfurt Auschwitz trial played a decisive role. Although important trials against Nazi criminals had already taken place (see also page 14), nevertheless, there were repeated calls to draw a line under the Nazi past. The atrocities committed by the Nazi regime and the Holocaust were hardly ever discussed in public in West Germany. That changed with the Auschwitz trial. By making the extent of Nazi crimes public, the trial forced society in the relatively new country to confront this part of its past.

BACKGROUND: WHAT DO TIME LIMITATIONS MEAN?

In German criminal law, all offences are subject to a statutory time limitation. The only exception to this is the crime of murder. The principle of time limitation means that the state's duty to prosecute expires after a certain number of years. If this time limit is exceeded, the crime in question will no longer be punished and prosecuted. The police and judiciary, the bodies of the state entrusted with enforcing the law, will do nothing. In essence, the statutory time limit is therefore a principle of suspension: The duty to prosecute is lifted. After the time limit has expired, the claimant is prohibited from contacting the relevant court; if the court has already been engaged, any further prosecution will be suspended. In other words, the proceedings are left to rest, or they are not opened in the first place. When the time limit expires, the claim is no longer enforceable. This principle is based on the assumption that time has a somewhat natural mitigating effect on the prosecution. What has happened has happened, and cannot be undone. So why reopen old wounds? In his book "Jenseits von Schuld und Sühne" ("At the Mind's Limits"), Holocaust survivor Jean Améry quotes a French lawyer named Maurice Garçon, who refers to this same argument: *"Even a child," [Maurice Garçon] teaches us, "who is confronted with past disobedience, replies: But that was so long ago. The fact that it happened "a long time ago" seems to them to be the most natural excuse. And we see that distance that the passing of time creates in the principal of statutory time limits. Crime causes unrest in society; but as soon as the public consciousness loses any memory of the crime, the unrest also disappears. And punishment far removed in time from the crime becomes meaningless."*

The defendant Mulka, to whom Peter Weiss leaves the last words in the play, argues in a very similar way.

However, the argument that a prosecution almost naturally loses it significance over time conceals the fact that time could not create any statutory limitations itself if the inaction of the prosecuting authorities was not also tacitly approved by society. Mulka alludes to this when he points out in court that Germany has now "again worked its way up to a leading position".

The exact opposite of statutory time limitations is the principle of *unbarring*. It opens up the possibility of prosecuting the perpetrators of crimes considered lapsed at any time in the future. Noteworthy here is the concept of a double negation, which is implied by the term unbarring. Unbarring means that the principle of statutory time limitation is not applied. It suspends a principle, which in turn sus-

"All of us / I would like to emphasise this again / have done nothing but our duty / even when it was often difficult for us / and when we wanted to despair / Today / as our nation has again / worked its way up to a leading position / we should deal with other things / than accusations / that should be regarded / as expired long ago"
[Script p. 224, Canto from the Furnaces III, Defendant 1 /Mulka]

Auschwitz-Birkenau Complex - Oswiecim, Poland

pends the implementation of action by the state. Unbarring is justified by the extraordinary seriousness of the crimes in question. It is assumed that the condemnation of the crimes in question knows no time limits due to their excessive nature. The Jewish-French philosopher Vladimir Jankélévitch impressively sets out what this means with regard to Auschwitz: *"Time that blunts all things, time that works on mitigating grief as well as eroding mountains, time that promotes forgiveness and forgetting, time that brings comfort, eradicating and healing time in no way lessens the immense massacre: On the contrary, it ceaselessly rekindles its horror. […] Crimes against humanity cannot be limited by time, that is, they cannot be atoned for; time has no influence on them. And not because a ten-year extension is needed to punish the last of the guilty. It is completely incomprehensible that time, a natural process without any normative value, could have a mitigating effect on the unbearable horror of Auschwitz."*

10.
THE VICTIMS – FROM THE CAMP ELITE AND NAMELESS DEAD

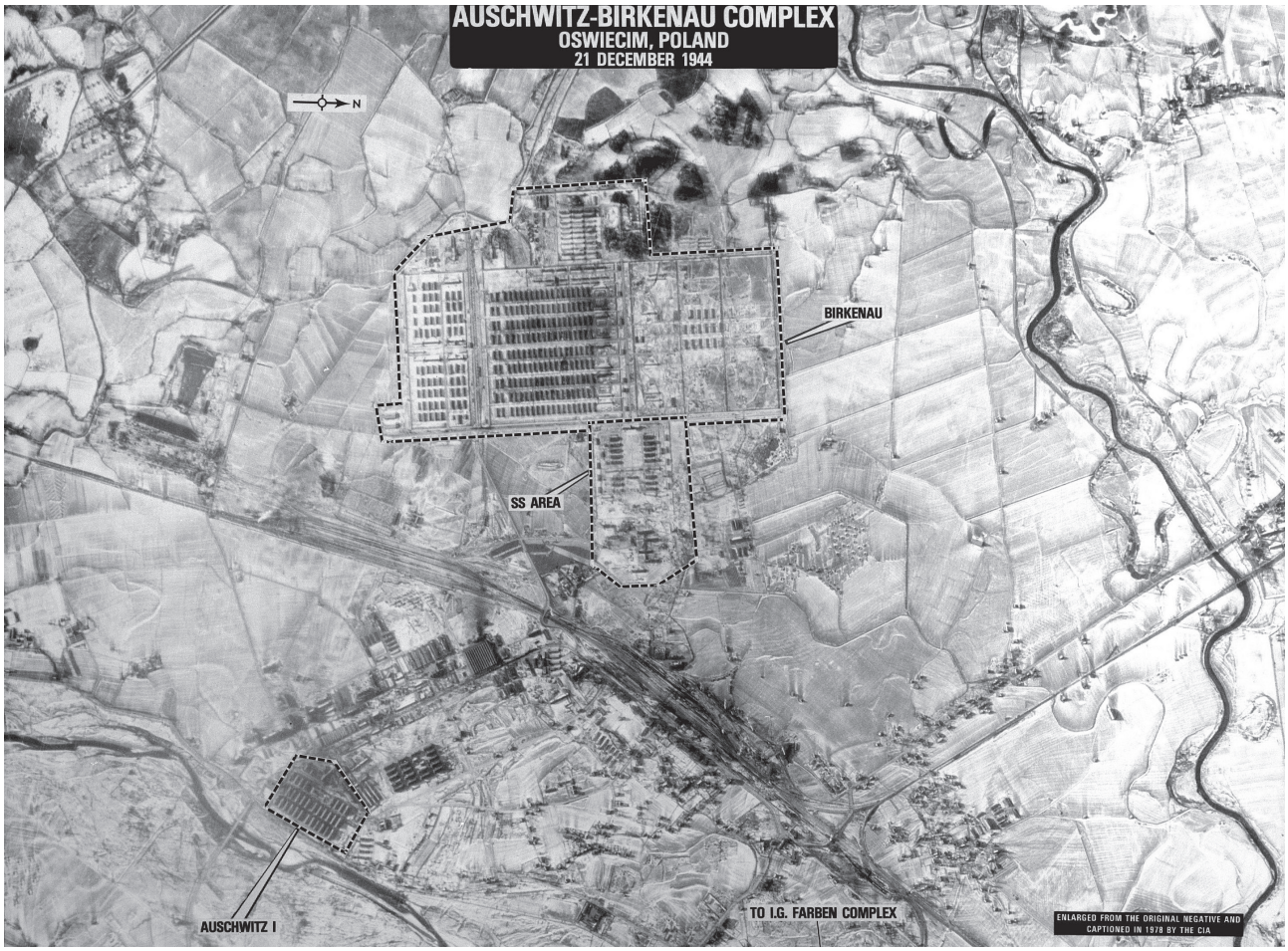
The "elites" described here were of central importance to camp society, and they fulfilled their roles very differently. For many survivors of the concentration camps (and also of the ghettos), one of the particularly disturbing experiences was that they not only faced atrocities perpetrated by the German authorities, but that, among their fellow prisoners, there were some who were higher up in the camp hierarchy, performed special functions and had privileges – and that these prisoner functionaries (Funktionshäftlinge) were often perceived as particularly cruel. These could be so-called block elders (Blockälteste) or prisoner functionaries/capos (Kapos), or clerks in certain departments. The prisoner functionaries were the bridge between the camp's SS members and prisoner society. They had to carry out the latter's orders and were dependent on them and their goodwill. In return, they had privileges: The German guards were less violent towards them, they were spared the most physically demanding forced labour, or they received better food rations.

"Those among the prisoners / who had managed / to postpone their own death / thanks to their special position / had already taken a step towards the rulers of the camp / To preserve the possibility of survival / they were forced / to create the appearance of cooperating / [...] We prisoners / from the elite / down to the dying / belonged to the system / The difference between us / and the camp staff was less / than our difference from those / on the outside."

[Script p. 86, Canto on the Possibility of Survival II, Witness 3]

Those prisoners who were not in such a favoured position lived in almost unbearable conditions. They slept in narrow, crowded and foul-smelling barracks, where they could hardly find any real peace at night and had to constantly fight for their space, no matter how small.

WITNESS 3 *The allocated space was meant for 500 people / There were 1000 people in there /*
JUDGE *How many such barracks were there*
WITNESS 3 *Over 200*
JUDGE *How wide were the bunks*
WITNESS 3 *About 1.80 metres wide / There were 6 people in each bunk / They had to lie alternately on their right side / and on their left side*
JUDGE *Was there straw or blankets*
WITNESS 3 *Some bunks had straw / The straw was rotten / The straw fell down from the upper bunk / onto the lower bunk / There was a blanket for each bunk / The one on the outside took turns pulling it over / and then the other / The strongest lay in the middle.*
[Script p. 32, Canto from Camp I]



Auschwitz I (Main Camp) - Oswiecim, Poland

In the early morning, they had to rush to the latrine en masse to do their business, line up for roll call and then go to work. Completely malnourished and inadequately dressed, they were usually forced to do very hard physical labour while being subject to arbitrary beatings and brutal violence by the guards. After returning to camp, an additional torment for the prisoners were the occasional roll calls, lasting for hours, in which the number of prisoners was checked. These conditions quickly turned many of them into a so-called Muselmann, which in camp language meant an emaciated, sick person with vacant eyes, whom the others could already see had lost all will to live.

The chances of survival were low, people were starving, and they perished due to complete exhaustion and from the diseases rampant in the camp, such as tuberculosis, typhoid and diarrhoea. Others died as a result of medical experiments carried out by scientists in the camp. Ruth Klüger, a Viennese Jew who survived Auschwitz as a young girl, remembers: *"In Birkenau, I stood in a roll call and was thirsty and scared to death. That's it, that's all there was."*

The people locked up in the camps by the National Socialists (Nazis) were by no means a homogeneous group united against the common enemy. The terrible struggle for survival did not make the prisoners better people; they were forced to fight for food rations, better places to sleep and work details. They had to set aside everything in the struggle for sheer survival; it was not easy to act in solidarity under such conditions.

As soon as I jumped out of the rail wagon / into the hustle and bustle of the unloading ramp / I knew / that the point here was / to preserve one's own advantage / to move upwards / and to create a favourable impression / and to keep away from anything / that could drag you down / When we lay / on the tables in the reception room / and our anuses and genitals / were examined for hidden valuables / the last remnants / of our usual life were gone / Family home profession and possessions / were terms / that were erased / when the number was pricked into us / And already we began / to live according to new terms / and to fit into this world / which became the normal world for those / who wanted to exist in it / The highest law was / to stay healthy / and to show physical strength / I kept close to / those who were too weak / to eat their rations / to appropriate them / at the first opportunity / I lay in wait / when anyone who had a better place to sleep / was close to death / Our ascent in the new society / began in the barracks / that was now our home / From a hole to sleep in on the cold clay floor / we fought our way up / to the warm places of the upper bunks / When two had to eat from the same bowl / they stared at each other's throats / to make sure / that the other didn't swallow one more spoonful / Our ambitions / were directed towards one goal / to win something / It was normal / that everything had been stolen from us / It was normal / that we stole again / The dirt the wounds and the plagues around us / were normal / It was normal / that people died on all sides / and normal was / the impending prospect of your own death / Normal was / our feelings withering away / and the indifference / at the sight of the corpses / It was normal / that there were those among us / who helped those above us / to beat us up / Whoever became the block elders' servant / was no longer among the lowest / and even higher was the one / who was able / to ingratiate themselves with the female block leaders / Only the shrewd could survive / who every day / occupied their tiny bit ground / with unflagging vigilance / The incapable / the world-weary / the mild / the disturbed and impractical / the mourners and those / who felt sorry for themselves / were trampled underfoot

[Script p. 33 ff., Canto from Camp I, Witness 10]

The bowls that we had received / served a threefold purpose / For washing / For making soup / and for carrying out nightly necessities / In the women's camp, the only water source was / directly next to the latrine / At the thin stream / which continued into the vats filled with excrement / the women stood and drank / and tried / to scoop some water into their bowls / Those who gave up / on washing / gave up on themselves.

[Script p. 33, Canto from Camp I, Witness 9]

Auschwitz survivor Primo Levi described the perfidious system in a nutshell: *"The assumption that a sophisticated system such as National Socialism sanctifies its victims is naïve, absurd and historically incorrect; on the contrary: It degrades them and assimilates them, and all the more so the more disposable the victims are, the more unsuspecting, the less morally or politically equipped they are."*

For many, a privileged position in prisoner society seemed to be the only way to survive. Again and again, particularly cruel behaviour was handed down by these prisoner functionaries; the so-called capos sometimes appeared more brutal and sadistic than the SS men. Emil Bednarek, the only former prisoner charged in the Frankfurt Auschwitz trial, was feared and infamous as a block elder.

WITNESS 11 *In winter, Bednarek let / prisoners stand for half an hour / under the cold shower / until they were frozen and hypothermic / Then they were thrown into the yard / where they died*
DEFENDANT 18 *These accusations are completely fabricated / I couldn't do anything like that / I was a prisoner functionary myself / and I had above me the capo / the labour officer / and the camp elder / I myself / I can say this today with pride/ I let fellow prisoners sleep / in my room / and in our block there was always / fun in the evening*
WITNESS 11 *When Bednarek / had beaten a prisoner to death / he went into his room / and prayed /*
[Script p. 40, Canto from Camp II]

Sometimes the opposite was the case. Not all prisoner functionaries used their position to the detriment of their fellow prisoners. A good room elder or a sympathetic block elder could make the other prisoners' lives easier. And the prisoner functionaries, too, remained part of the system, dependent on the favour of the German authorities, who could replace them with others at will.

The question / what was right and what was wrong / no longer existed / We were only interested in / what could be useful to us at that moment / **[Script p. 45, Canto from Camp III, Witness 10]**

Once again Primo Levi: The Italian chemist and Auschwitz survivor coined the term "grey area" after the war to describe this difficult space between victim and perpetrator, beyond black and white. In this context, he also discusses the so-called Sonderkommandos (special squads) of Auschwitz – he calls their invention *"the most demonic crime of National Socialism"* – and their terrible role, which gave them slightly better provisions for a short time: These squads had to ensure that the newly arrived victims remained calm when they had to undress to supposedly go for a shower. They were therefore extremely close to the gas chambers and had to empty them after the murders. They then cleaned the corpses, removed their gold teeth and hair and took them to the crematoria to burn them. A more horrific task is probably hard to imagine. These squads only existed for a short time, then their members were murdered – and the first task of the newly formed Sonderkommando was to burn its predecessors.

JUDGE *To the witness I say / As a prisoner you were a doctor in the Sonderkommando / which served in the crematoria / How many prisoners were / in this squad*
WITNESS 38 *A total of 860 men / The prisoner squad was wiped out in intervals / of a few months / and replaced by a new workforce/*
[Script p. 205, Canto from the Furnaces I]

The better you succeeded / in pushing down your subordinates / the more secure your position / I saw how the face / of the block elder changed / when she spoke to a superior / she was cheerful and amiable / and behind that you could feel her fear / Sometimes the warden treated her / like her best friend / and enjoyed many freedoms / But if the warden had slept badly just once / then the favoured one / could be overthrown from one moment to the next / and she had already been through everything / her relatives had been gunned down in front of her / she had to watch / her children being murdered / she was numb like the rest of us / she knew / if she was deposed / nobody would help her / and someone else in her place / would continue with the beatings / So she beat us / because she wanted to stay on top / at all costs
[Script p. 45, Canto from Camp III, Witness 9]

NAMELESS VICTIMS?

In "Die Ermittlung", the defendants have names, but the victims do not. This was put to Peter Weiss in addition to the fact Jews are not explicitly mentioned once in the play, even though they were by far the largest group of those murdered in Auschwitz-Birkenau (see also page 15 f. to be adapted according to layout). When they arrived in Auschwitz, the prisoners became numbers, which was part of the dehumanisation planned by the Nazis. Primo Levi writes about it: *"My name is 174 517; we were baptised, and throughout our lives we will carry the tattoo mark on our left arm."*

WITNESS 3 *We were herded into a washing barracks / Guards and prisoners arrived / with bundles of papers / We had to undress / and everything we still had / was taken away from us / Watches rings ID cards and photos / were registered on the personnel record / Then the number / was tattooed on our left forearm*
JUDGE *How was the tattoo performed*
WITNESS 3 *By needle stamping, the numbers were pricked into our skin / Then ink was rubbed in / Our hair was shaved off / we took a cold shower / And finally we were given clothes /*
[Script p. 30, Canto from Camp I]

The possibility of anyone surviving Auschwitz depended to a large extent on their position in the prisoner hierarchy. At its head were "Aryan" criminals, then political prisoners. The prisoners were identified using different coloured badges on their clothing, triangles which immediately indicated their status within this hierarchy. Jews, the "pariahs of the camp", as the Auschwitz survivor Hermann Langbein called them, had the least chance of seeing the end of the war. The vast majority of them were murdered in the gas chambers immediately upon arrival – trains arrived at Auschwitz-Birkenau from all over Europe. The survivor Maurice Cling aptly describes the situation: *"The typical Jewish deportee is a dead person."* In most cases, these deportees did not leave any diaries, records or final evidence that we could use to tell their story.

But these people were not nameless and faceless. As the survivor and historian Saul Friedländer once said, they were *"individuals who had a story until their death".* They were men, women and children who had dreams and plans, who lived in a home, who pursued a profession, who owned books and photo albums and

Not a single one survived / to tell us about it
[Script p. 210, Canto from the Furnaces I, Witness 38]

who thought they had a future. All the atrocities described by the witnesses in "Die Ermittlung" were committed by German and Austrian officials in Auschwitz on men, women and children, on individual people with their own story.

For example, Ruth Klüger: She was born in Vienna in 1931 and was deported as a Jew, first to Theresienstadt and then to Auschwitz-Birkenau – to the so-called Theresienstadt family camp. In her autobiographical account, "weiter leben. Eine Jugend" ("Still Alive: A Holocaust Girlhood Remembered"), she describes arriving at Auschwitz and how prisoners were denied the right to be human. She also refers to Primo Levi, who addressed this issue in his account "Ist das ein Mensch?" ("If This Is a Man"). But she, then a young girl, realised: *"He, however, arrived there with the self-confidence of a mature, accomplished European, established and grounded intellectually as a rationalist and geographically as an Italian. For a child, it was different because in the few years that I had existed as a conscious being, my right to life had gradually been stripped away, so that Birkenau was not without a certain logic for me. It was as if you had broken into someone else's property simply by being alive, and the person talking to you lets you know they don't want you to exist."*

The story of Ruth Klüger shows that not all those deported to the camps simply accepted their fate without defending themselves, and that there were also prisoner functionaries who wanted to help their fellow sufferers. During a selection process when her

Birkenau Extermination Camp - Oswiecim, Poland

mother is chosen to go to another camp, but 12-year-old Ruth is not, her mother makes her sneak back into the barracks in question, change her clothes and try again with the other SS man making selections. She urges her to pretend to be older than she actually is. The plan goes well, and what was assumed to be impossible succeeds due to the unexpected help of a female prisoner clerk: *"All the reports I know about the selections insist that the initial decision was always final, no one sent to one side and thereby condemned to death ever made it to the other side. I'm the exception – you're welcome."* Even years later, Ruth Klüger describes the reaction of the clerk, a woman she did not know at all but who decided to help her on the spur of the moment: "*She saw me standing in the queue – a child sentenced to death – she came to me, she told me the right words to say, and she defended me and got me through. There was never so great an opportunity to perform a generous, spontaneous act as there and then.*" Ruth Klüger and her mother arrived on a transport in Christianstadt, a subcamp of the Gross-Rosen concentration camp.

RESISTANCE AND DOCUMENTATION

Despite the atrocious conditions and the coercion by members of the SS, the prisoners reacted in a variety of ways. There was solidarity and mutual help, people who tried to remain human even in this hell. This was often true of groups of prisoners who were politically close to each other or who came from the same country, the same region, the same city. As some political prisoners had succeeded in obtaining better positions, on the one hand they were able to support each other, and on the other hand, some also began to organise resistance. A prominent example of this is the Viennese communist Hermann Langbein, a prisoner clerk for Eduard Wirths, the camp doctor at the Auschwitz main camp, who belonged to the resistance movement in the camp and was central to bringing the Auschwitz trial to court after the war. Because the number of survivors who were political prisoners was comparatively large, their stories after the war also largely shaped the narrative of political resistance and solidarity within prisoner society. Langbein later wrote the great work "Menschen in Auschwitz" ("People in Auschwitz"). The statements of a witness in "Die Ermittlung" can be traced back to Hermann Langbein.

WITNESS 3 *Of course, the political activists / held together / supported and helped each other / as far as they could / Since I belonged to the resistance movement / in the camp / it was only natural / that I did everything / to keep my comrades alive / above all*
DEFENCE COUNSEL *What could the resistance movement / in the camp do*
WITNESS 3 *The main task of the resistance / was to maintain solidarity / Then we / documented the events in the camp / and buried our pieces of evidence / in tin cans*
DEFENCE COUNSEL *Did you have contact with partisan groups / or other connections to the outside world /*
WITNESS 3 *The prisoners working in production / were occasionally able to establish connections / to partisan groups / and they received reports about the situation / on the battlefields*
DEFENCE COUNSEL *Had preparations / been made for an armed uprising*
WITNESS 3 *We were later able / to smuggle in explosives*
DEFENCE COUNSEL *Had the camp ever been attacked from the inside / or the outside*
WITNESS 3 *Apart from a failed uprising / by crematoria's Sonderkommandos / during the last winter of the war / no proactive action was taken / No such attempts were made / from the outside either /*
[Script p. 84, Canto on the Possibility of Survival II]

Considering the situation / it was resistance enough / to remain vigilant / and never to give up the thought / that a time would come / when we could speak out about our experiences / **[Script p. 85, Canto on the Possibility of Survival, Witness 3]**

Members of the Sonderkommando also tried to document things, to help ensure that they, the other prisoners and the murder victims, but also the crimes of the Nazis would not be forgotten. After the war, for example, testimonies written and buried by members of the Sonderkommando were found at the crematoria, such as the reports and letters of Salmen Gradowski, who writes here, among other things: *"Dear finder, you should search everywhere, in every corner. There are dozens of documents from me and others buried all over that will shine a light on everything that has happened here. A lot of teeth have also been buried. We workers from the Sonderkommando buried as many as we could on the site. The world should find living signs of the millions killed. We ourselves do not hope that we can experience the moment of freedom."*

Members of the Sonderkommando did not just resist by documenting what had happened, when they were supposed to erase any trace: Some of them managed to obtain small quantities of explosives from the Union armament plant near the camp, and at the beginning of October 1944 they defended themselves when they

realised they were soon to be murdered. They started an uprising at crematoria 2 and 4, killed some SS men and blew up crematorium 4. They broke through the fence and tried to escape. None of the insurgents survived.

JUDGE *To the witness I say / There is a report of an uprising / by the Sonderkommandos / When did this uprising take place*
WITNESS 5 *On 6 October 1944 / The squad was to be liquidated on that day /*
by the guards
JUDGE *Did the squad know this beforehand*
WITNESS 5 *Everyone knew / that they were to be killed / Long before they had / obtained boxes of ecrasite / from the prisoners / who worked in the armament factories / The plan was / to neutralise the guard posts / to blow up the crematoria / and to escape / But the crematorium / in which the explosive bombs were stored / was dug up earlier than expected / and people were blown / into the air / Fighting still broke out / but everyone was overwhelmed / Several hundred lay / behind the birch grove / They were lying on their stomachs / and the men of the political department / shot them in the head*
[Script p. 218, Canto from the Furnaces III]

The insurgents fell in battle, were shot, tortured and murdered when escaping. We know much less about many others. As one witness says in "Die Ermittlung": *"No one came back to tell us about it".* Sometimes, however, we can tell the story of the murdered and therefore fulfil their last wish. This was laid out in documents by Salmen Gradowski which were buried at the crematorium: *"To whoever finds these documents, I have a request for you. It is the wish of a person who knows, who feels that the last, decisive moment of their life is near. I know that I and all the Jews here have long been condemned to death; only the day of judgement has not yet been decided. And that is why you, my friend, should fulfil my wish, the last wish before the final execution! You shall, my friend, contact my relatives at the address given. From them, you will learn who my family and I are. Get them to give you a picture of my family – and also one of me and my wife – and you should print these pictures in all my publications. So that maybe whoever looks at them will shed a tear, breathe a sigh. That will be the greatest solace for me that my mother, my father, my sisters, my wife, my family, and perhaps also my brothers, have disappeared from the world just like that, without a tear from anyone. May their name and memory not be wiped out so quickly!"*

11.

POSSIBLE APPROACHES FOR ENGAGING WITH THE FILM "DIE ERMITTLUNG"

1. BEFORE THE FILM

Examine the official film poster together to set expectations for watching the film and to raise awareness of the subject matter:

- Take your time to look at the poster and describe / write down what you notice.
- Do you see more men or women?
- What are the dominate colours?
- What style are the clothes?
- Who or what do you suppose the actors are portraying?
- What body language do you notice?
- Why are some actors wearing sunglasses?
- Think about which principles the composition of the poster could be based on.

The film features both the accused perpetrators and the victims, prosecution and defence.

- Have a closer look at their faces. What can you see?
- Try to decide who might belong to which group.

Link to the trailer here ------>

https://www.youtube.com/watch?v=PzLtaF6dYMI

Activities about the trailer, if possible after viewing the poster.

Watch the trailer in its entirety and revisit the assumptions you made based on the poster.

- What groups of people are you able to identify? How do they act? Who is wearing sunglasses? Why?
- Pay particular attention to the spatial composition of the groups of people and the design of the set. Try to decide which decisions may have influenced the spatial composition.
- Now watch the trailer again and pay attention to the role of sound.
- What did you discover? What role is given to the spoken word?
- What phrases do you remember?

Possible visual focal points **during the film**

- Do you notice any of the perpetrators' sentences or phrases that are used repeatedly?
- Work assignments: Pay attention to the body language of the defendants / prosecutors / defence counsel / witnesses (victims).
- How does the questioning conducted by the Public Prosecutor's office proceed?
- How do the witnesses respond?
- What similarities between the groups of people have you found?
- Which camera settings are repeated? Which is the dominant camera perspective?
- Which locations are shown in the film?

2. POSSIBLE APPROACHES TO DISCUSSING THE FILM AFTER VIEWING IT ALL (OR POSSIBLY JUST PARTS) TOGETHER

Written silent discussion

- What's going on in your mind now? Write down your impressions in a silent discussion of about 5 minutes without putting down your pen.
- Afterwards, read your sentences in silence and highlight the key terms.
- Then decide which of the comments / feelings you want to share with the class and exchange ideas in the group.
- Describe which people you remember in particular. Why?
- What information about the reality of the camp affected you in particular / did you find particularly stressful?
- Which aspects were new to you? What things did you already know?
- How do you explain the behaviour of the perpetrators?
- Overall, how would you describe the language of the film?
- What do you think of the film poster in retrospect? Who do you recognise now?

12.

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14.

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