Creative Facticity in Peter Weiss’s The Investigation

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Peter Weiss’s play *The Investigation* (*Die Ermittlung*, 1965) is set in the Frankfurt courtroom where, nearly two decades after the end of World War II and the Holocaust, many graphic and gruesome details of the Nazi concentration camps were exposed during the Auschwitz trial. Building on, while also diverging from, the foundation he had set with his *Frankfurter Auszüge* (Frankfurt excerpts, 1965), in which some of the testimony is recorded nearly verbatim, Weiss incorporates into *The Investigation* media sources such as journalist Bernd Naumann’s newspaper reports of the trial in the *FAZ* (Frankfurter Allgemeine Zeitung). However, as explored in the research of German studies scholar Sonja Boos, the author was most interested in his own firsthand observations of the trial. Boos reports that Weiss “assembled a large number of citations taken verbatim from the Frankfurt proceedings, some of which he had transcribed himself in 1964 (Weiss was invested in seeing the procedures in person rather than reading about them in the newspaper or seeing them represented in photographs)” (p. 163). Weiss didn’t have access to the many recordings of the trials that came out later; if he had been given the opportunity to review those at the time, then it is possible he would have included more verbatim quotations in the play. But given the author’s focus on subjective experiences of existence within the utterly oppressive atmosphere and harsh conditions in the camps, while eschewing attempts to futilely pursue some
sort of objective truth about them, we can speculate reasonably that the creative rather than literal
use of quotations from the trial would have still largely characterized this work. As Robert Holub
notes, “Weiss abandoned traditional dramatic structure and constructed his drama around a
creative citation and adaptation of the documents themselves. He did not aim to reconstruct or to
invent a narrative of events, but instead sought to recount in systematic form various aspects of
the concentration camp” (p. 731). This method, as Holub observes, stood in contrast to Rolf
Hochhuth’s also-well-known play Der Stellvertreter (The deputy, 1963), which addressed the roles
of the Catholic Church and Pope Pius XII in the Holocaust; while both pieces are usually
characterized as “documentary theater,” each controversial in its own way, Weiss adhered more
closely to the actual documents in his much less conventionally structured play. Still, Weiss was
not putting himself forth as an authoritative documentarian, even while the many facts that are
soberly presented in the play may seem to hint at such intentions.

In this essay, I first briefly review the major debates that have taken place surrounding the
use of documents in The Investigation, and then I focus on what Holub calls Weiss’s “creative
employment of documents” (p. 732) to elaborate on how the play displays the artistic mode of
creative facticity. I argue that understanding fictionality and facticity as complementary rather than
contradictory forces in this work allows us to appreciate the creative representation of historical
reality that Weiss’s play offers in its expression of the uncertainty and terror that concentration
camp prisoners experienced during the Holocaust.

“Brainwashing on Stage” or “Hard Facts”? Debates and Controversy

In her reflections on the large amount of media attention garnered by the play when it premiered
in October 1965, Boos notes that:
no other play in the German postwar era caused as much controversy or was met with as much repugnance as *The Investigation*. In addition to having to cope with the unexpectedly gruesome subject matter, which was presented in literally unheard-of detail, the audience was confronted with a play that radically subverted the formal conventions of theater (p. 167).

The piece premiered at more than a dozen theaters at once in both East Germany and West Germany; the reception was mixed, and the play provoked anti-Semitic and pro-Nazi sentiments at some of its venues (Vegesack, 83). Debates ensued over Weiss’s aesthetic approach as well as over individual directorial choices, particularly in productions in which the roles of defendants, witnesses, and victims were implicitly interchangeable. Some took offense at the play’s accusations toward firms such as IG Farben and others which were complicit in the machinery that sustained the Holocaust, and those parts of the play were even left out in some cities’ productions (Vegesack, 82). Journalist Günter Zehm of *Die Welt* newspaper called the play “brainwashing on stage” (“Gehirnwäsche auf der Bühne,” Vegesack, 80). Other prominent voices, such as the famous director and fellow socialist Erwin Piscator, defended Weiss from being overly political with this play, stating that it was “not about Peter Weiss’s political expression here. Besides the fact that the statements are mostly only inexactly quoted or are taken out of context, *The Investigation* has nothing to do with political confessions but rather with hard facts” (Vegesack, 80). As Vegesack points out, some critics claimed that Weiss distorted the minutes from the trial for his purposes, while others criticized him for taking statements from the proceedings verbatim into his play (p. 83). It seems that Weiss couldn’t win when it came to his contemporary critics, but Walter Jens probably comes closest to the truth about Weiss’s artistic form in his article in *Die Zeit* from 29.10.1965; Jens writes of the play as a “passion play” (“ein Passionstück”) and stresses the work’s creative elements (cited in Vegesack, 75). It wasn’t the case that Weiss had simply put
Naumann’s reports from the trial into verse—there was so much more depth to what Weiss had created, extending far beyond some verbatim testimony that he used as his starting material.

Cohen (1998) outlines some of the harsh criticism that the play later received in the 1970s through the 1990s, particularly by Lawrence Langer (who had, at first, praised the work), Alvin H. Rosenfeld, Sidra DeKoven Ezrahi, and James E. Young in their writings on Holocaust representations: “In their view Weiss’s play was a distortion and exploitation of the Holocaust for ideological reasons; it was artless, lifeless and mechanical and, most disturbingly, it wasn’t even about the Jews” (p. 44). Indeed, Weiss avoided the words Jew, German, and even Auschwitz altogether in the play, lending it an aura of universality that was undesirable for many critics. One common interpretation of the author’s omission of these descriptors and his references to an unspecified traumatic environment (even while the context of the Frankfurt Auschwitz trial is immanently clear) is that Weiss wanted to foreground an anti-capitalist, anti-hierarchical ideological stance in the work. The Third Witness, a member of the camp’s resistance group, is arguably the main mouthpiece for such social critique, as the witness in the play thought to be the central figure (see Thomas, 560) and, presumably, “the witness [Weiss] would have been had he himself been a survivor” (Holub, 735). This figure is crucial to the author’s portrayal of the prisoners having been turned into perpetrators themselves, illustrating how “the dynamic of forced collaboration functioned as a destabilizing force that dislodged the stability of the distinct division between the positions of victim and perpetrator, thus shifting the guilt from the perpetrator to the victim” (Thomas, 571). Holub summarizes the argument that the Third Witness carries in the play as follows:

The Third Witness first notes the hermetic nature of the camp, the interchangeability of guards and prisoners, and their mutual implication in a system based on hierarchy and injustice. In contrast to the common contention that
Auschwitz was an exceptional situation, incomprehensible to the world, he claims that it was an extension of what was—and is—familiar to everyone (p. 734)

The Third Witness thus draws attention to the uncanny familiarity of the camp situation, an extreme microcosm of twentieth-century, post-industrial society and Western capitalism. Interestingly, although he is some ways the most fleshed out in his reflectiveness and tendency to express opinions, the Third Witness is the one whose statements correlate the least with those found in the documentation of the actual trial participants (Holub, 734). Through this witness, Weiss editorializes powerfully about the events that went on in the camp, as seen in this eloquent testimony:

We must drop the lofty view
that the camp world
is incomprehensible to us
We all knew the society
That produced a government
capable of creating such camps
The order that prevailed there
was an order whose basic nature
we were familiar with
For that very reason
we were able to find our way about
in its logical and ultimate consequence
where the exploiter
could expand his authority
to a degree never known before
and the exploited
was forced to yield up
the fertilizing dust
of his bones (p. 191)

While some ideological underpinning in the play is evident, discussions about it may have distracted certain scholars and critics away from discerning Weiss’s true impetus for writing The Investigation and from the creative artistry behind it. Boos makes the excellent point that Weiss’s main concern with this play is not actually about representing the concentration camps and the prisoners’ experiences accurately and comprehensively, nor is it even about the fact that such a
precisely veritable portrayal is an unattainable goal. For Weiss in *The Investigation*, there are more pressing matters to address, as Boos observes:

Much of the scholarly debate on *The Investigation* has focused on the question of whether Weiss’s representation of the trial does justice to the experience of the victims and survivors. Linked to the broader question of whether it is at all possible to bear witness to and aesthetically represent the experience of the Holocaust, this debate fails to do justice not only to the play’s most urgent concern but also to its most innovative aspect. At the center of *The Investigation* is the investigation itself, and not the crimes that were under investigation or the historical event that gave rise to them. To reiterate, *The Investigation* does not take Auschwitz or the unrepresentability of Auschwitz as its subject matter, but rather it engages the status and legitimacy of modern democracy with respect to this judicial and ethical burden (Boos, 174)

In other words, Weiss implies in his play that the impossibility of accurate representation is to be taken as a given; it is the starting point rather than the end point of his work. What is at stake for humanity and for the post-Holocaust present and future, Weiss seems to be saying, extends beyond the guilty verdicts that came out of the trial (which are not addressed in the play) and even beyond the individual fates of his composite-character victims, as unique and lamentable as each of those are.

**Creative Facticity: An Archeological Analogy to Documentary Theater**

Observed reality and reported facts form the basis for numerous creative works that vary in their levels of facticity and fictionality: documentary theater and its counterpart of the radio or television docudrama; documentary filmmaking; historical fiction; “biopic” films; and other art forms that are characterized by various degrees of realism and historicity. In each case, the fissure between the historical reality and the artworks representing that reality is bridged by human creativity and imagination. In Weiss’s documentary play *The Investigation*, this ingenuity is seen in several ways: the “Oratorio in Eleven Cantos” structure as indicated in its subtitle and modeled on Dante’s
Inferno; the rhythmic free verse form into which the author puts the testimony from the Auschwitz trial; and the creative combination of direct quotations from the defendants during the proceedings and representative—while not verbatim—statements made by composite witness figures.

In considering how to describe Weiss’s methods of historical literarization, the phrase “creative facticity” occurred to me. Upon googling this term to see if and how it had been used by others already, I came across writer and digital humanities specialist Spencer Jordan’s recent essay “Creative Facticity and ‘Hyper-Archeology’” (2021), which details the approach of “psychogeography as a methodology by which an interdisciplin ary synthesis between archaeology and creative practice can be investigated” (p. 96). To understand the context of a place in more depth, psychogeography relies on historical fact along with concrete archeological artifacts, both of which are given more contour through imagination and fictionalization. It is a playful approach with the serious intent of investigating an environment’s effects on individuals (see the entry “Psychogeography” in the Dictionary of Critical Theory). Documentary theater is, in a sense, analogous to archeology in that it also involves the investigating, digging up, and analyzing of historical artifacts. Further, at least as manifested in The Investigation, documentary theater explores in a somewhat psychogeographical manner how the extreme environmental circumstances of the concentration camps impacted individuals—whether victims, perpetrators, or by-standers—during the Holocaust. Reasons for the remarkable differences in behavior and the disparate effects of the conditions among those who experienced the same miserable environment during the same dreadful time are not deliberated upon overtly; rather, the audiences and readers are left to speculate, to fill in the gaps with their own imaginations and from their unique perspectives. A cognitive space is thereby created that ultimately has little to do with the accuracy of measurements and statistics about the camp that are undoubtedly a heavy focus in The
Investigation, and more to do with making visible the futility of portraying an objective and comprehensive version of the concentration camp reality, on stage or otherwise. The value of this piece of documentary theater thus does not lie in the presumed facts that were extracted from the documents but instead in the voices, both real and imagined, that grapple with the veracity and implications of those facts in the play. By means of creative facticity, Weiss acknowledges in The Investigation implicitly what he has made explicit elsewhere: the Auschwitz that he visited safely as a tourist in 1964, and that he referred to as “my place” (meine Ortschaft) and as a place for which he was destined, resists both imagination and facts due to the unfathomability of its scope for the human mind. We depend on artists like Weiss, with the ability to transcend the limits both the factual and the imaginary realms through their creative representations of the horrors of the camps, to prevent us from forgetting what must not be forgotten.

The Space Between Witness and Testimony

Thinkers throughout the ages have pondered the problems inherent in the temporal and representational gaps between a real historical event and a later account of it (whether more factual or more fictional). Considerations about Weiss’s theatrical investigation of the Nazi concentration camps via the Auschwitz Trial must also include the nature of the gulf between the witnessing and the experiencing of something so horrific and traumatic, and the testifying about it later. In his work on Holocaust representation and what he terms “forgetful memory,” Michael Bernard-Donals addresses this space in-between:

Witnessing is the act of seeing as we are confronted with or involved in a set of circumstances; testimony is what we say about those events. What intervenes between these two acts—one spontaneous and the other intentional—is memory and its opposite, forgetting (p. 5)
The issue addressed here is not just the temporal distance between the acts of witnessing and the acts of testifying, although the many years that passed between the end of World War II in 1945 and the beginning of the Auschwitz trial in Frankfurt in the early 1960s may well have contributed to less factually accurate testimony in some cases. But many other factors besides the passage of time can make people forget details: for instance, it is commonly thought that trauma can cause the traumatized person to repress certain memories as a protective psychological mechanism; human perception within a given environment and situation is not generally all-encompassing, and in a chaotic environment like the camps, different individuals’ attention will have been drawn to different things at any given moment, which would influence what they remembered and reported about their experience later. Bernard-Donals argues in his work that forgetting in such situations does not indicate a failure or shortcoming of memory; instead, forgetting is inherent in the act of remembering, reminding us of the important truth that some things are simply not fully knowable or are unable to be brought forth to a conscious level.

The structure of Weiss’s play prompts us to reflect on the actual, realistic processes of recollection and of forgetting that come to light during eyewitness testimony. For instance, when the questioning turns to the topic of the selection process at the train platform, where some arriving prisoners who said they didn’t feel well were shot immediately, the Seventh Witness recalls how a guard once shot five or six people. When this witness is asked whether he sees that guard in the courtroom, he responds tentatively as follows:

7th WITNESS: Your Honor
it has been many years
since I last stood in front of them
and I find it hard
to look them in the face
That one looks like him
That could be him
His name is Bischof
JUDGE: Are you sure
or do you have any doubts

7th WITNESS: Your Honor
I could not sleep at all last night

COUNSEL FOR THE
DEFENSE: We question the credibility
of the witness
It may be assumed
that he recognized the face of our client
from pictures published in the press
Certainly the exhaustion of the witness
does not inspire confidence
in the validity of his testimony (pp. 130-31)

Defendant #15 then claims to not understand what the witness is saying, particularly questioning why he says that five or six people were shot rather than giving the exact number. If the witness had been specific with his figure, though, one imagines that the defense then would have questioned how he could possibly know and remember with certainty the precise number of deaths that resulted from this chaotic incident on the platform so many years ago.

While the passage of time and the extreme circumstances of the Holocaust—in addition to the stress caused by the trial—undoubtedly impacted the memory of some who testified, it is plausible that others claimed amnesia in pursuit of amnesty. Weiss is not interested in resolving this tension in his play: we remain ignorant as to whether witnesses or defendants are lying deliberately under oath or have honestly forgotten the truth in the meantime. This uncertainty for the reader or audience member parallels the situation for those who were present in the courtroom. For example, at the end of the second Canto, the Prosecuting Attorney questions the Second Witness the rewards given to guards at Auschwitz for shooting prisoners who were attempting to flee:

PROSECUTING ATTORNEY: The court has in its possession documents which show that in a number of instances sentries were rewarded for

200
shooting prisoners attempting escape
Furthermore lists of prisoners
shot while attempting escape
were posted and periodically brought up to date
That’s news to me

2nd WITNESS:

[...] "That’s news to me"

PROSECUTING ATTORNEY: Some of these lists bear your signature

2nd WITNESS: It’s possible that on some occasion I had to sign as a matter of routine I can’t remember (p. 161)

Weiss thus skillfully uses the genre of documentary theater to emphasize that physical documents
do not always aid memory, nor do they necessarily provide concrete evidence that would bring us
closer to a universally agreed-upon truth.

**Complete Knowledge and Clear Understanding are Not the Goals**

In Alex Rosenberg’s *How History Gets Things Wrong: The Neuroscience of Our Addiction to Stories* (2018), the author—a novelist and philosopher of science—endeavors to explain through
cognitive science “exactly what it is about the human brain that makes almost all the explanations
history has ever offered us wrong” (p. 1). He is referring primarily to narratives, the use of stories
to explain the past: “explanation of what happened in terms of the motives and the perspectives of
the human agents whose choices, decisions, and actions made those events happen” (p. 2).
Rosenberg argues that historians and biographers can get all the facts exactly right while still
getting the explanations exactly wrong, because of the nature of narrative and the way our human
brains process it. In the past few decades, cognitive-literary scholars have shown how literature
necessitates and activates readers’ theories of mind—the “set of hypotheses we employ to explain
and predict behavior” (Rosenberg, 79)—at the same time that it highlights these processes in
interactions between literary characters (see for example: Mancing; Palmer; Zunshine). When it comes to reading historical narratives with varying degrees of fictionality and facticity, Rosenberg sees the likely innate and clearly imperfect faculty of theory of mind as a hindrance, even “malevolent,” as we “unleash our hostile emotions against people we don’t even know, people who may even be long dead or far away” (p. 248). Our strong feelings evoked by historical storytelling not only get in the way of our understanding of history, but they also make us believe, mistakenly and dangerously, that we actually do comprehend it well. According to Rosenberg, stories and narratives of all types are enjoyable and appealing, playing to our emotions in various ways, and for this reason they should remain in the realm of entertainment rather than education.

Rosenberg’s position is unequivocal on these points:

Narrative history is not verifiable because it attributes causal responsibility for the historical record to factors inaccessible to the historian. And they’re inaccessible because they don’t exist. The causal factors narrative history invokes—the contentful beliefs and desires that are supposed to drive human actions—have all the reality of phlogiston or epicycles. So narrative history, even at its best, is just wrong about almost everything besides the chronologies it reports (p. 247)

While Rosenberg’s arguments may be oversimplified, there are aspects of his considerations that are highly pertinent to discourse about representation of the Holocaust, and thus to the current discussion of Weiss’s Investigation and its deliberate lack of conventional narrative structure.

The Holocaust, as it has been argued persuasively and often, is not a concept that can be fully understood by those who weren’t there to experience the atrocities firsthand. It is a paradox in that it is a story that needs to be told, and at the same time, cannot really be told. Narrative representations, whether leaning toward being more fictional or more factual, may play an important role in making people more aware of the occurrence of historical events, but they cannot be said to explain all causalities and motivations that led to them—particularly not with such a
large-scale human catastrophe as the Holocaust. Narratives tend to give us the illusion that we can comprehend the trauma that survivors experienced; to fill in the blanks, we use not only our flawed theory of mind but also our imagination, which is also inherently limited, as LaCapra describes:

Extremely traumatic series of events beggar the imagination, and such events often involve the literalization of metaphor as one’s wildest dreams or most hellish nightmares seem to be realized or even exceeded by brute facts. Such facts go beyond the imagination’s powers of representation. Indeed, when things of an unimaginable magnitude actually occur and phantasms seem to run rampant in “ordinary” reality, what is there for the imagination to do? Such events cannot be intensified through imaginative recreation or transfiguration (pp. 180-81).

Weiss undertakes the opposite of such imaginative recreation, despite the artistic skill required to conceive of the play’s form and to fictionalize its source material by creating composite figures and representative if not always authentic testimony. Instead of trying to imaginatively recreate the experience of the camps by using them as his theatrical setting, Weiss tacitly acknowledges in his work set in the postwar courtroom that “Holocaust testimony is often both extrinsically incredible (the events to which the witness testifies seem impossible, unreal) and intrinsically incoherent (exhibiting gaps, silences, and disjunctions)” (Bernard-Donals, 11). The Investigation reinforces that the atrocities of the past are neither to be swept under the rug as if they hadn’t occurred, nor to be dealt with as something surmountable that we can consider conquered once we have properly acknowledged them.

**Conclusion: Inconclusive**

The Investigation is such an impactful and powerful work not because of its documentation of certain facts about the Holocaust and the Frankfurt Auschwitz Trial, nor solely due to the artistic license that Weiss takes with the presentation of these facts and with the dramatic form, but rather as a result of the unique combination of all these aspects. Holub expresses the effect of Weiss’s
creative dramatic structure as follows: “Composed on a contrast between documentary facticity and constructed representation, The Investigation is itself a testimony to the power of the documentary form in dealing with the Holocaust, and, simultaneously, to the impotence of documentation to convey an intelligible, cohesive story” (p. 735). This self-consciousness in respect to its form extends to register and genre in a way that highlights the participatory, collaborative nature of theater, as Boos elaborates:

By allowing two different registers—reality and fiction—to coexist, the theater ceases to function as an institution where politics are taught and reflected on, a Brechtian politische Anstalt (political institution). Instead, it gives shape to an event during which everyone (voluntarily or not) partakes in politics. By arranging a performance that is virtually coterminous both temporally and spatially with a real-life political event, Weiss all but eliminates the divide between illusion and reality, art and politics (p. 172)

Weiss’s elimination of these divisions through the mode of creative facticity and his refusal to weave into his Auschwitz trial play a clear-cut “moral of the story” or unequivocal judgments of its characters ensures that this particular investigation will never be considered a closed case.
Bibliography


