

2017

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Vivian Grosswald Curran

University of Pittsburgh School of Law, vcurran@pitt.edu

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Recommended Citation

Vivian G. Curran, *Law and Human Suffering: A Slice of Life in Vichy France*, 29 *Law and Literature* 65 (2017).

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PITT LAW

UNIVERSITY OF PITTSBURGH

Legal Studies Research Paper Series

Working Paper No. 2016-20

July 2016

29 Law & Literature 65 (2017).

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Vivian Grosswald Curran

University of Pittsburgh School of Law

3900 Forbes Avenue

Pittsburgh, Pennsylvania 15260-6900

www.law.pitt.edu

Direct: 412.648.1393

E-mail: vcurran@pitt.edu

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Law and Human Suffering: A Slice of Life in Vichy France

Vivian Grosswald Curran¹

*In the nightmare of the dark
All the dogs of Europe bark,
And the living nations wait,
Each sequestered in its hate;*

*Intellectual disgrace
Stares from every human face,
And the seas of pity lie
Locked and frozen in each eye.*

-W.H. Auden²

KEY WORDS: Vichy; diaries; France; Second World War; Nazi Occupation; Resistance³

Abstract

This essay discusses three diaries from the Vichy era, the period of the Nazi Occupation of France: Jean Guéhenno's *Journal des années noires 1940-1944*, Héléne Berr's *Journal*, and Jacqueline Mesnil-Amar's *Ceux qui ne dormaient pas*. Guéhenno was an educator and writer who entered the Resistance in 1940. His diary offers deep moral reflection as well as accounts of the dishonorable peace Vichy imposed and the ignoble servitude to which the new collaborationist French State and the Nazi occupier subjected France. In the final pages, as Leclerc's army marches into Paris, with a victory he understands to be thanks to the help of the Allied forces, Guéhenno dares to rekindle his former faith in humankind. Berr was a young university student born into a wealthy old French Jewish family, the daughter of a famous scientist. Sensitive and generous-spirited, she lived an unusual life inasmuch as her family seemed to suffer no material hardship throughout the years that culminated in their deportation in the spring of 1944. Among the memorable events of her diary is her experience of the first day she was forced to wear the yellow star. Finally, Mesnil-Amar's diary spans just one month at the end of the war in France, the month in which her husband has been detained and is about to be deported on the last train to leave Paris. The diary evokes her embracing of Jewish identity as a result of being identified as Jewish by anti-Semites. The lyricism of her writing approaches poetry in a work that is both a retrospective and a love letter to her husband. These diaries show us a slice of life of the times, but they also spur us to reflection on law and humanity, their limitations, potentials and fluctuations.

¹ Professor of Law, University of Pittsburgh. All translations from the French are mine.

² W.H. Auden, *In Memory of WB Yeats*, in *CHIEF MODERN POETS OF ENGLAND AND AMERICA* I-366 (ed.s Gerald Dewitt Sanders, et al., 4th ed., Macmillan, 1969).

Diaries lack that ability to integrate over time which a work of history or even a memoir can provide, but what they lack in foresight they compensate for by transmitting a more vivid sense of the experiences their authors live, of *le vécu*, as one says in French. During the period of the Nazi Occupation of France, known as Vichy, the anxiety of not having the capacity to read into the future what restrictive measures of the present boded, weighed heavily, and especially so on Jews whose lives became progressively hemmed in by increasing numbers of laws that deprived them of their rights to property, freedom and, finally, to life itself.⁴

Diaries, like all other non-fictional accounts, are reconstructions of events. Like other historical accounts, they involve selections and the narrator's digestion, absorption and reformulation of information. But unlike other historical accounts, even memoirs, diaries lack hindsight. At the time of writing, the narrator may be undergoing the sentiments being expressed in writing even as he or she memorializes them, sometimes physical ones, such as the misery of hunger during a period of food rationing, and of cold in a winter without heat. The diary's vividness lies in its immediacy. The three I have

⁴ See DOMINIQUE REMY, *LOIS DE VICHY* (2004).

chosen to describe are also characterized by narrative beauty, as each author strives to set forth the experience of his or her life during overlapping time periods of Vichy, in the same place, Paris. Even as they struggle to survive one more day, each also seeks the meaning of the lived experience in relation to each one's dominant concerns.

These diaries were written for different purposes, and with different audiences in mind. The first, called *Les années noires*, or *The Black Years*,⁵ the reference by which the Nazi Occupation time still is known in France, is by Jean Guéhenno. He is a man of letters in his fifties in 1940 when the diary opens, with a considerable reputation already, and one that would grow still more after the war.⁶ He returns to Paris after the Germans invasion, and soon is trapped there, unable to obtain permission to spend any time in the unoccupied, southern zone (169, 174), and only with difficulty to obtain permission to send a more personal message than the pre-written postal cards the Nazis printed for everyone's signature (104). He joins the Resistance at the earliest moment (7), and is one of the few in France to have heard General de Gaulle's actual broadcast from London on June 18, 1940 (15), rather than

⁵ JEAN GUEHENNO, *JOURNAL DES ANNEES NOIRES (1940-1944)* (1947).

⁶ He was elected to the *Académie française* in 1961. See Jean-Kely Paulhan, *Avant-propos*, in *id.*, at 8.

the rebroadcasts most people listened to of de Gaulle's call for the continuation of the war against Germany.⁷

Guéhenno's writing is full of the shame of a Frenchman faced with what he considers to be France's dishonorable capitulation to Germany, and of how it might be possible still to lead an honorable existence individually: One of his earliest observations is that « [i]t is a difficult undertaking when keeping one's honor means breaking the law. » (14)⁸ He decides that the nation, in French the *patrie*, the fatherland, for which he has discovered in himself a new love and loyalty, is a sacred idea carried in the soul of its compatriots, and that, as such, France cannot be sullied by its invaders or its traitors (18, 20-22, 29).

This is a variant of the idea of the one true France found in every French community of the time, according to its particular views of what it was that France stood for, what its true values were.⁹ For some, that was a France purified of foreigners, socialism and Jews, for others it was the spirit of 1789 and of the Civil Code of 1804, under which each individual was equal before the law and France was a nation of eternal values.¹⁰

⁷ For more on what is known in France to this day as « the call of 18 June » (« *l'appel du 18 juin* »), see JEAN-LOUIS CRÉMIEUX-BRILHAC, *L'APPEL DU 18 JUIN: ET LES APPELS DU GENERAL DE GAULLE DES MOIS DE JUIN ET JUILLET 1940* (2010).

⁸ « C'est une difficile entreprise de ne pouvoir garder l'honneur que contre la loi. »

⁹ Vivian Grosswald Curran, *The Legalization of Racism in a Constitutional State: Democracy's Suicide in Vichy France*, 50 HASTINGS L.J. 1, 2 (1998). For a reference to "*la vraie France*" in Guéhenno's diary, see *supra* note 2, at 109.

¹⁰ *The Legalization of Racism*, *supra*, last note.

Since Guéhenno no longer can speak his mind freely, he confides his thoughts to paper, but even there he muzzles himself, for fear of betraying his colleagues in the Resistance if his diary should fall into the hands of the Gestapo. He explains in the preface that the diary therefore gives an even gloomier impression than the gloomy enough reality warranted, inasmuch as he derived great sustenance from the courage and determination of his colleagues in the Resistance all along, and from the superb clandestine publishing house he was part of establishing, *les Éditions de Minuit*,¹¹ none of which he felt at the time he could discuss (12).

The quotidian reality he expresses is indeed a gloomy one. For years he feels in bondage, a slave to German masters; he oscillates between a state of continual outrage and despair, as he contemplates the odds of his condition of servitude lasting for the rest of his life (125). He describes among others the growing misery and loneliness of Jewish friends, in hiding, progressively bereft of everything, famished, and in constant danger of deportation¹² (144, 170, 279), and the story of his students who are being sent to Germany on STO¹³,

¹¹ *Les Éditions de Minuit* published some of the most renowned works of the times, including Vercors' *Le silence de la mer*. The publishing house is still in existence, and in 2016 was the publisher of Elie Wiesel's *Night* in French, its original language. It also was the original publisher of the third diary discussed in this essay.

¹² One of the earliest of his descriptions is of a visit to an old Jew, the uncle of a friend, to give him news of his relatives in the unoccupied, southern zone. The man's son has committed suicide, and he is afraid to leave his apartment. The vast apartment was once a rich apartment, whose present condition Guéhenno describes as that of a "carcass", emptied of much that had once been in it, a scene, as he put it, from Dostoyevski, of death and displacement. (41).

¹³ "STO" stands for "service de Travail obligatoire", literally, "Forced Work Service."

the forced labor for the French that caused many thousands of young Frenchmen to join the underground rather than leave to toil for Germany (268, 271, 294, 310, 320, 337).¹⁴ Other students, however, have taken to denouncing their teachers for anti-nationalism (103, 112, 271, 327, 329). He himself is not arrested, but towards the end of the war he is *dégradé*, demoted to a position teaching small children at the rank of a beginning teacher (356, 361).

Guéhenno's diary is an outlet for the political and personal expression he must deny himself elsewhere for fear of imprisonment and deportation. But since it too cannot be free, it is not sufficient. Consequently, he starts to write what he calls « my Jean-Jacques» (243). This manuscript was to become a seminal biography of Rousseau.¹⁵ Guéhenno was interested in Rousseau as symbolic of the refusal to conform to political, social and religious pressures of the society in which he had lived. To Guéhenno, Rousseau was the man who never « gave in » (« *l'homme qui ne se rend pas* ») (25), reminiscent of *l'homme debout*, a theme created in the same time period, the man who stands erect, and the recurrent image of René Char's Resistance poetry.¹⁶ As he reflects on Rousseau, Guéhenno also reads other authors of the 18th

¹⁴ See Olivier Wievorka, *Histoire de la Résistance 1940-1945*, 208-225 (2013).

¹⁵ JEAN GUEHENNO, *JEAN-JACQUES: 1712-1750. EN MARGES DES CONFESSIONS* (1948).

¹⁶ See, e.g., *LECTURES DE RENE CHAR* 131, (Tineke Kingma-Ejgendaal & Paul J. Smith, ed.s, 1990).

century who lived in turbulent times, such as Benjmin Constant, who wrote of the spirit of conquest that « the vocabulary of hypocrisy and injustice is inexhaustible » (144). How can this be explained to the youth being bamboozled by the authorities, he wonders (380). They must not be misled by terms such as « outlaw, » he reflects, but, rather, led to think of a law that is unwritten, one that exists above transitory statutes, and that imposes itself y that very virtue, one that a people is not transgressing when those who do betray it pretend that it is they who speak in the name of law, and do so merely because they can invoke a contradictory law that has been sanctioned by the legal powers that be (380).

As the war turned, Guéhenno began to see light at the end of the tunnel, but even as the diary's tone lightens, more of his cherished friends, former colleagues and students are arrested (359). Of his Resistance comrades, he makes the most fleeting references (e.g., 139).

His diary ends with the long-awaited liberation of Paris (437-438). For him, to the joy of the liberation of his country is added another – that so many foreigners, Americans, British and Russian, were ready to risk their lives and die for the liberty of France confirms his ultimate and enduring faith in humanity, a faith that had been greatly shaken during the dark years that finally, for him, came to an end (435).

The light at the end of the tunnel which Guéhenno slowly started to perceive as the winds of the war began to shift against Germany was a sentiment cast in a different shade by the other two diarists, both of them Jewish, where underlying the sure and steady advance of the Allied victory lurked the knowledge that their personal chance of survival remained dim. In Paris, arrests and deportations of the Jewish population were unrelenting to its Liberation.

The second diary is by Hélène Berr,¹⁷ a young woman born into a wealthy family of Jews that had been French for many generations.¹⁸ Her father was so famous a scientist for his inventions between the two world wars that Mr. Berr's business colleagues were able to ransom his release from Drancy (130), the camp where he had been interned for not having properly affixed his yellow star (76, 285), and from where his deportation to a Nazi extermination camp was a daily threat (114, 142). After his release, the Nazis even permitted him to continue to work from his home (285).

This diary is the only one to contain no references to material discomforts, to food rationing or to the expropriation of possessions.¹⁹

¹⁷ HELENE BERR, *JOURNAL 1942-1944* (2008).

¹⁸ The French term used is "*de vieille souche française*," "of old French [-Jewish] stock." Mariette Job, *Une vie confisquée*, in *id.*, at 283.

¹⁹ There is one exception, a reference to an *avis de spoliation*, a notice of expropriation, which Mme Berr is holding in a rare moment of discouragement (24), but no subsequent evidence in the diary of anything changing in the family's lavish lifestyle.

Luxurious meals are described, including *foie gras* (139) and sumptuous desserts (34), and Berr mentions baking cakes in 1942 (101), as though this were the most natural of occupations at a time when just about no one in France had access to butter, sugar or flour, and when much of the population was going hungry (e.g., Guéhenno 242). The Berrs continued to have loyal servants, the same as had served them for decades as far as one can tell, and a very large circle of friends.

Why did such people remain in Paris, especially after Mr. Berr's near fatal stay at Drancy? It was not because they thought themselves safe, but out of a sense of honor, a refusal to run from their home. It was also a refusal to admit that they were not the same as other Frenchmen. To leave would be to forgo their sense of resisting the Nazis on an equal footing as the rest of the French population: It would be, in Hélène's words, a signal of « accepting to be separated from the rest of the French who were fighting » the Nazis, and whose combat they wanted to join on an equal footing, as French people (91, 93), at a time when Germans, the real foreigners, as Hélène put it, were telling them that they were not truly French (204).

Although throughout the diary, she removes the yellow star to attend forbidden functions such as the theater, or to continue her volunteer work at the Sorbonne library, at the suggestion that she go underground with false

papers, she feels it would be a "defection" (247), even though she also realizes that such inaction may well lead to deportation (247). This was a tragic choice. Those who were able to assume their separateness and fight the Nazis in that capacity tended to fare better. Hélène Berr survived as long as she did only due to luck and to the great eminence and perhaps also the wealth of her father. Only in February of 1944 did Mr. Berr decide that the family no longer could continue to sleep at home (270). Disastrously, one night in March of 1944, less than one month later and less than six months before the liberation of Paris, they returned to sleep in their own beds for a night, and were arrested in the morning.²⁰ The parents died soon after arrival at Auschwitz, but Hélène lived in concentration camps another year, only to die in Bergen-Belsen in April of 1945, a few days before its liberation.²¹

All reflective diaries of such a period inevitably are interwoven with law, society and the justice system whether expressly or implicitly. Hélène Berr was a student of English literature. She does not explain initially in her diary that she is not allowed to sit for her *Agrégation*, the qualifying exam for university professors, because she is Jewish. One merely understands that she continues

²⁰ Job, *supra* note [13], at 285-286.

²¹ Job, *supra* note [13], at 287.

to study at the Sorbonne as long as possible, and that at some point it no longer is possible (176).

She does discuss the day the law mandates that she must wear a yellow star, however. The evening before, she vacillates between whether she will obey or not obey (54). She decides to wear it out of a sense of solidarity with the others who will be wearing it (54). A shy young woman, she dreads being on public display. Of the first day, she comments, « My God, I didn't think it would be this hard» (57). Her descriptions of reactions by others to her (57-62, 107) generally tally with Guéhenno's pride in the people who one and all, as he perceived it, reacted with indignation and shame at a law hypocritically enacted in their name without their agreement, causing them to reach out as never before to their Jewish compatriots (Guéhenno, 266). In Guéhenno's eyes, nothing showed how ridiculous the Nazi claims of Jewish wealth and capitalism were as the sight of the many poverty-stricken Jews now identifiable by their stars (266). Hélène observed that while some people look away in embarrassment, and a child pointed her out to another (57), most made a greater show of friendliness than ever (58-62,107).

One man approached her, hand outstretched, and said loudly, so that everyone else could hear, « *Un catholique français vous serre la main...et puis la revanche!*» (86) ("A French Catholic is shaking your hand ... and afterwards

the payoff!»). A post office employee told her as she reached the counter, «You are even prettier like that than you were before» (62). In the faces of her classmates at the university, she sees astonishment in the eyes of those who hadn't known of her Jewish origins, but generally meets with great kindness. In the remaining years, the Sorbonne administration would send people to warn all of the Jewish students when it got word of Nazi round-ups in the offing (260), yet in the Sorbonne courtyard that first day she also feels as though she were branded with a red iron mark on her forehead (60).

Increasingly, friends and relatives are arrested, interned in Drancy and deported. Many of their names are famous, including the lawyers Pierre Masse²² and Gaston Crémieux (143)²³. When she starts writing, she is uncertain about whether to marry the young Gérard Lyon-Caen (22, 26), who has left France to fight with de Gaulle. She often visits his parents' home where she plays music with his father (38).²⁴ As time goes by, she volunteers to work for the UGIF, the official Jewish organization allowed to exist under the Nazis

²² Pierre Masse had been a Senator. See, e.g., Masse, Pierre, at French Senate site (*Sénat, un site au service des citoyens*), at https://www.senat.fr/senateur-3eme-republique/masse_pierre0241r3.html.

²³ Crémieux was a prominent lawyer. See RICHARD H. WEISBERG, VICHY LAW AND THE HOLOCAUST IN FRANCE 87 (1996). The family, French since the early 18th century, was extremely illustrious, with a hero of the 1870 Paris Commune being another Gaston Crémieux, see ROGER VIGNAUD, GASTON CRÉMIEUX: LA COMMUNE DE MARSEILLE: UN REVE INACHEVE (2003), and an 1870 law liberalizing naturalization, abrogated by the Vichy government in 1940, also bearing the family name. See ANDRE COMBES, ADOLPHE CRÉMIEUX 1796-1880 (2002).

²⁴ She does not mention it, but the father, Léon Lyon-Caen, had been a French Supreme Court justice who had been dismissed in 1940 under the *Statut des juifs*, the statute of Jews. Gérard, the young Lyon-Caen, was to become an eminent authority on labor and corporate law in his future, and a number of the family's progeny are law professors in France today.

(100).²⁵ At one point, all of her UGIF co-workers are arrested and deported (167). She has escaped by a miracle, simply by not having been at the office that day (167). Her work there is to take care of the Jewish children who have been orphaned when their parents were deported.²⁶ Some are very small (134, 228). On the day she first approaches the UGIF, its head, Mr. Katz, asks her what someone like her still is doing in Paris, and tells her in no uncertain terms not to volunteer, but to leave Paris and save herself (100). Some of her siblings who are married have done this, but she remains with her parents (284-285).

At the start of the diary, in 1942, the entries seem to be the record of a sensitive, introspective young woman on the cusp of adulthood. At the same time that the world darkens around her, and laws oppress her increasingly, she is a person who experiences joy as she falls in love with a young Christian man she has met at the university (122-123). Eventually, she accepts his offer of marriage.²⁷ His presence and the experience of falling in love seem to take much of the sting out of the thickening web of restrictions hemming in her freedom of movement. It seems quite astonishing to read her comments that

²⁵ UGIF stands for *l'Union générale des israélites de France*. See *supra* note, 12, at 100, n.1.

²⁶ See *La petite fille du Vel-d'Hiv* for the story of how one such child, herself arrested, ends up with l'UGIF and, exceptionally is not deported.

²⁷ The diary does not make an explicit reference to her engagement, but rather to other events that make clear it has occurred, most notably perhaps the efforts of Jean's mother to persuade her to raise their children in the Catholic religion (187).

she has just had the most wonderful day of her entire life at such a time (123), surely a testament to the combined powers of youth and love.

When her fiancé, Jean, leaves France by way of Spain to join de Gaulle (160), the diary slowly becomes addressed to him. As Hélène's mood grows somber in a Paris with few Jews left in it (246), and with the few she still knows in despair over deported family members, she decides that she should keep her diary for him in case she is no longer there when he returns (190-191). He thus becomes her addressee, but it is an interlocutor with whom she has a more intimate relationship than the one she had with the human being: she addresses him in her diary with the familiar version of « you » (*tu*) even though they always have addressed each other by the formal « you » (*vous*) as was done before marriage by those in their circle at that time (191-192). She speaks as much to herself as to him.

It is clear by 1943 and then still more by 1944 that Germany was losing the war, but she knows that deportation remains an ever-present danger for her, and that she can not assume she will see the end which most of the rest of France will celebrate (202). By October of 1943, she knows she is not among those she calls the « normal people » (189), those who can expect to be liberated. But sometimes she finds she thinks like them, and she wonders as

she knows there to be light at the end of the tunnel if she might dare to believe in the possibility of experiencing such joy herself. (189).

By 1944, after the deportation of her best friend, Françoise Bernheim, she is reflecting on her own likely death (187-188). She tries to steel herself for it, not an easy task for a young woman at the age of twenty-two, with everything to live for and so little lived (188). Her fiancé, Jean, returned with the forces of the Liberation (160, n.1). Andrée Bardiau, the loyal family cook who lodged Hélène from February to March of 1944, when the Berrs were no longer sleeping in their own home (273), and to whom Hélène had confided her diary for safekeeping, remitted it to Jean as instructed.²⁸ Jean became a diplomat in the reinstated Republic, and kept the diary for decades before its publication in 1988 at her niece's instigation.²⁹ Hélène Berr succeeded in her wish not to, in her own words, « disappear without his learning [what] my thoughts [had been] in his absence (190).»

While Hélène Berr's diary opens in 1942 and continues until her arrest in 1944, and Jean Guéhenno's diary spans the entire period of the Occupation, the last diary is the shortest, covering just one month, from July 18 to August 25, 1944.³⁰ It opens on the night the diarist's husband does not return home,

²⁸ Job, *supra* note [13], at 287.

²⁹ Job, *supra* note [13], at 288.

³⁰ JACQUELINE MESNIL-AMAR, CEUX QUI NE DOMAIENT PAS: JOURNAL 1944-1946 (2d ed. 2009) (Éditions de Minuit, 1957).

with the words, « *André n'est pas rentré cette nuit* » (19) (« André did not come home tonight »). This diarist is Jacqueline Mesnil-Amar, a married woman in her thirties with a little girl.³¹ She is from the same sort of old French Jewish background as Hélène Berr, and of comparable wealth, her father a financier and founder of a newspaper (32, n.1). Moreover, their circles overlap: they frequently mention common friends, and the diarist's younger sister, Josette, was a good friend of Hélène Berr, who mentions her recurrently in her diary (20, n.1).

By 1944, Jacqueline Mesnil-Amar's family has had to alter its standard of living drastically (*e.g.*, 80, 98). On the night her husband would not be returning, she had celebrated the engagement of her younger sister with a meal she remembers because of how difficult it had been to unite a « few little splendors » for it. (20).

Her husband is the leader of a Jewish Resistance group (19, n. 1),³² but her own identity as a Jew has been forged in the anvil of Nazi oppression (55-57). The couple lives under assumed identities, with false papers (58). Like the Berrs, they are blessed with many loyal friends and servants,³³ but Jacqueline

³¹ Mesnil-Amar lived from 1909 to 1987. See Frida Wattenberg, *André Amar*, on AJPN (Anonymes, Justes et Persécutés Durant la période Nazie dans les communes de France), at <http://www.ajpn.org/personne-Andre-Amar-2099.html>.

³² *Id.*

³³ The author's father is hidden by his loyal cook, until presumably he needs to move again out of precaution (58), and later by a former maid (95) in what by then is his fifth or sixth place (95).

Mesnil-Amar has had less pleasant experiences as well. Her family-in-law, although also wealthy,³⁴ are immigrants, and as such were subject to deportation before French Jews became targeted.³⁵ She recalls with bitterness the fruitless steps taken to ask for help from former friends who had become important people in the new régime, her approaches to cynical lawyers who were enriching themselves with such cases, as well as with the countless other dead ends of her and her husband's frantic attempts to rescue his family members (97-98). By the time her diary opens, almost his entire family has been deported, including small nephews and nieces, his elderly grandmother, and his parents and siblings (66-68).

Now she knows what to expect for her husband. She embarks on every possible step, even as she ignores if he is still alive. She considers that judges still can be bought; the problem, as she sees it, is rather that trials have become rare gifts from a bygone era of justice, summary executions having become far more common (23). Men caught while armed are shot on the spot (23). She doesn't know if her husband or any of the others was armed and is tortured by this possibility. « I will sell my rings, I will sell my soul, I will sell my life, » she tells her diary, « but I doubt it will be enough. I wait, I wait in the

³⁴ Mr. Amar's father was a banker and her husband a principal in it. See *André Amar, supra*, note 29.

³⁵ The Germans agreed to deport foreign Jews first, as a way to create less opposition among the French population. It was only a first step, however, as the diary and fate of Hélène Berr make clear. By the time Mr. Berr was in Drancy, French Jews were being deported (142).

waiting rooms of those who see 'the others' ... I live in a nightmare at the bottom of the sea ... »(23).

As the Americans reach Nantes on August 6, and as news comes on the 23rd that the Americans may be in a suburb of Paris and she is stupefied with happiness at the glorious news (42-43,124), her husband still has not returned. At first she is reduced to hoping that he would « merely » be deported, because the alternative is being executed in the notorious prison of Fresnes, where she learns that he has been kept and tortured (38, 74-76). By the time she hears he has been transferred for deportation to the French internment camp of Drancy, the hope is that the city will be liberated before further deportations can take place. On August 19, she learns that Drancy has been freed of its prisoners, only to find out soon thereafter that her husband is not among them (106). He has been put on the very last train car of deportees bound for a concentration camp, in this case Auschwitz. (106).³⁶

During the war years, her family spread out in hiding places throughout Paris. In a striking passage, she describes her father, typically French-looking, she had always thought, with his pale complexion and sky blue eyes, in his latest hide-out, an unheated apartment, where he now wears a cap on his head and an old shawl around his shoulders for warmth (96-97). As she comes

³⁶ Sylvie Jessua-Amar, *André Amar*, AJPN, *supra* note [29].

upon him there one day, however, she suddenly sees in him his Jewish forebears; he appears to her like an eternal Jew, as though he were bent over in a skullcap and prayer shawl rather than a woolen cap and coverlet (96-97). A past they had forgotten was theirs seems to have caught up them.

She tries to remember if in her pre-war years she felt any different from friends in her school and social circles (89). Today she assumes her Jewish identity in the Sartrean sense of embracing it. This assumption of an identity thrust upon one was also described by Reich-Ranicki, a Polish-Jewish writer, of his observation of young German Jews from completely assimilated families in Germany.³⁷ Especially after the 1935 Nuremberg laws, they often became enthusiastic Zionists, while their parents still clung to German nationalism. One may think also of Hannah Arendt's description of how Disraeli, who was baptized at birth but teased and bullied as a child by schoolchildren who singled him out for his Jewish ancestry, went on to romanticize Judaism in his novels, although he knew nothing about it.³⁸

In the Second World War, among the assimilated and especially the converted, it was the generation of children, persecuted and identified from childhood or youth on, who identified as Jews, whether embracing it as a good

³⁷ MARCEL REICH RANICKI, *MEIN LEBEN* 53 (1999).

³⁸ HANNAH ARENDT, *THE ORIGINS OF TOTALITARIANISM* (1973).

or a bad, and sometimes, like Disraeli, identifying without knowing anything about it. In Mesnil-Amar's case, we do not know if her older father underwent the same inner transition she experienced. He seems to have had a hard time pretending to be anything he wasn't: She describes him as having barely changed his outward appearance, only wearing an unusual hat and only somewhat fewer of his medals in the shabby districts that became his hideouts, although he is a well-known figure in Paris (96).

Unlike others who might have remained indoors out of precaution, he frequently goes outside (58, 59), no doubt not only endangering himself thereby, but also those who protect him. He lives most reluctantly with false papers identifying him as a Christian, while from the first refusing to wear the yellow star (97), and in hiding, one suspects, only because the Gestapo has been trying to track him down (59, 96-97). But he scarcely seems to try to hide. Each morning he would shuffle to the nearest newspaper kiosk in whatever neighborhood his current living place was located, adorned with some of his medals and decorations (58,59). In front of the newspaper kiosk, as he searched for one to buy, he would openly curse the Nazis and the rubbish they printed in the guise of news (97). As he was well known in Paris, Jacqueline suspected that many people recognized him.

Although she trembled for his life, his indomitable spirit offers a rare respite of humor. Mostly, however, her diary is an outlet for the unbearable tension she was experiencing in not knowing what had happened to her husband and if she ever would see him again. It looks back on the recent years of her life as a vagabond on the run, a life turned upside down from her days of ballroom dances when she first met her husband (93), a brilliant intellectual with whom she has remained deeply in love: "I had not understood that Fate might be him, and that in him alone would lie almost all of my earthly happiness ... now I do" (114).

As soon as she learns that her husband has been caught in an action and, still worse, that he now has been identified under his real name, she destroys all incriminating papers in her apartment which was a meeting-place for their Resistance network, and she takes her little daughter into the night to the next hiding place, counting this one as their ninth since the war began (22). She recalls one other such time when, in a train station surrounded by Nazi soldiers, her little girl had piped up and asked her very loudly, « What name are we going to be using this time, Mama? » (82).

Mesnil-Amar has maintained close friendships from childhood with Christian friends. »Will my friends protect me from my ancestors ? », she has often had to wonder in the past years. (53). It is with their children that her

daughter Sylvie now plays, since almost no Jews are left in Paris by July of 1944. She recalls the progressive measures of indignity which they have suffered, and what it means that her daughter remembers nothing else. First came the discriminatory « *statut des juifs*, » the « statute of Jews » where the Minister of Justice commented in what is probably untranslatable, « the statute I'm preparing for [the Jews] is going cook them through and through. (« *aux petits oignons* ») (54). And how, insidiously, slowly, they were turned into foreigners, strangers, in their own country (55), what insults and propaganda they had to endure, and the pathetic sight of Jews trying to defend themselves by displaying their medals as signs of good citizenry (55). She recalls how, being deprived of the right to exercise a profession, life became strangely idle (55). For a long time, many refused to understand, to take in what was befalling them, and many French Jews at first refused to allow that they were to be in the same boat as immigrant Jews for whom they often had little sympathy (56). In summary, she ruminates on how, in her words, « they turned us into Jews, slowly, from the outside, we who had so thoroughly forgotten it, and how they reached our bourgeois consciousness, which had become ever so tranquil since the end of the Dreyfus Affair » (57).

Slowly, through contacts of her father and others, she is able to piece together what has happened to her husband. After a stint in the notorious

Fresnes prison, where the Gestapo tortured him and the rest of his group, he was sent to Drancy. As the Americans and Leclerc's army approached Paris, he was put on the very last transport out of Paris, headed for Auschwitz (19, n.1).³⁹

She has taken to riding her bicycle through all of Paris, hours of solitary riding in her despair. One day, as she returns home, her sister is on the balcony of her apartment, madly gesticulating to hurry, and her daughter's face appears transformed by radiant happiness (133). Her husband and some others broke through the bars of the car transporting them and jumped to safety (133-134). They are walking home, and will be in Paris the next day (134).

Mesnil-Amar's diary is also a love poem. A lyrical refrain repeated throughout it, addressed to her husband, is « *te souviens-toi, André?* » (« Do you remember, André? »), from which cascade forth reminiscences of their past in the midst of a search for meaning.

Contemplation in the face of bewildering and daunting circumstances is a thread common to all three of the diaries. As Adorno once intimated, "He who wishes to know the truth about life must scrutinize its estranged form."⁴⁰

³⁹ For a book about this transport, see JEAN-FRANÇOIS CHAIGNEAU, *LE DERNIER WAGON* (1982).

⁴⁰ THEODOR ADORNO, *MINIMA MORALIA: REFLECTIONS FROM DAMAGED LIFE* 15 (E.F.N. Jephcott trans., 1974).

Others also have observed that the extremes of the Nazi period laid bare the true face of humankind, in its good and bad.⁴¹ The lives of three contemplative human beings as they struggled through extraordinary times to put their thoughts to paper in the throes of life-shattering events can help us to clarify our own thinking about the eternal questions and eternal challenges of humanity, justice, injustice and hope.

⁴¹ Guéhenno is among them. *See supra* note 2, at 28.