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I know the difference between before and after.1

“October 1944” is one of the chapters in *Survival in Auschwitz*, Primo Levi’s classic Holocaust memoir.2 As autumn’s light and warmth retreated, Levi knew that the devastation of another Auschwitz winter had arrived. “It means,” he said, “that in the course of these months, from October till April, seven out of ten of us will die. Whoever does not die will suffer minute by minute, all day, every day.”3 *Winter*, Levi went on to suggest, was not the right word for the dreadful season.4 Nor could words such as hunger and pain do justice to the realities of Auschwitz. Those words, it seemed to him, were “free words, created and used by free men who lived in comfort and suffering in their homes.”5 After making that point, Levi then added one of his most telling sentences: “If the Lagers had lasted longer,” he contended.6

[A] new, harsh language would have been born; and only this language could express what it means to toil the whole day in the wind, with the temperature below freezing, wearing only a shirt, underpants, cloth jacket and trousers, and in one’s body nothing but weakness, hunger and knowledge of the end drawing nearer.7

Although it may not have lasted long enough to produce in full the new, harsh language of which Levi spoke, the Holocaust continues to leave survivors, historians, philosophers, theologians, novelists, and poets groping for words to describe and reflect upon, let alone explain, the immensity of that watershed event in which Jewish life was targeted—root and branch—for utter annihilation. The inadequacy of words, however, is only part of the struggle to express the Holocaust’s realities and implications. Those efforts stretch language to the point where it is unavoidably silenced, and yet the silence too evokes response.

The writings of Elie Wiesel, another Auschwitz survivor, sometimes include Holocaust-related dialogues.8 Spare and lean, they often consist of just a few hundred words or less. These dialogues are distinctive not only for their minimalist qualities, but also because their apparent simplicity, their unidentified settings, unnamed characters, and abrupt and open endings, raise fundamental questions in moving ways.9 In Wiesel’s *One Generation After*, one partner in a dialogue tries to break out the other from a downward-spiraling sadness.10 “Look around you,” says the upbeat voice, “The trees in bloom. The shop windows. The pretty girls. What the hell,

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3. *Id.*
4. *Id.* at 123-25.
5. *Id.* at 123.
6. *Id.*
7. *Id.*
9. *Id.*
10. *Id.*
let yourself go. I promise you that after . . . "

After—but not allusions to spring’s new life—that’s the word, the problem, that gets the other’s attention. “After?” asks the downcast voice, “Did you say: [A]fter? Meaning what?” With that question, the dialogue ends, but far from being over, it has only begun.

After—that word is ordinary because human life is thick with time. Encountering what is present, anticipating what lays ahead, our living is always after, and whose meanings denote a subsequent or later time and a seeking or questioning for something one does not have. In either case, the question: “After? Meaning what?” has its place. What was it that came before so that we could, and must, say “after?” What is it that our seeking after is trying to find?

Charlotte Delbo wrote, “I know the difference between before and after.” Levi had been deported from Italy and arrived at Auschwitz in late January 1944. A year earlier in January 1943, Delbo was deported to that same place from her native France. Of the 230 women in her convoy, most of them—like Delbo herself—non-Jews who had worked in the French Resistance, she was one of only forty-nine who survived. For Delbo, after irrevocably referred to Auschwitz. Its reality, she emphasized, was “so deeply etched in my memory that I cannot forget one moment of it.” Like Levi’s, her Auschwitz experiences left her acutely aware of how the Holocaust and its aftermath had fragmented the meaning of words. “There are people,” she observed, “who say, ‘I’m thirsty.’ They step into a café and order a beer.” Those words are her ironic conclusion to a chapter titled “Thirst.” It attempts to describe what the “free word” thirst can never capture—an experience ungrasped, even when Delbo writes that it took her “to the point of losing my mind.”

The parching that she found no words to describe was so all-consuming that it could only be relieved by drinking and drinking from a pail, as she was finally able to do, “like a horse, no, like a dog.”

After the Holocaust, even simple words such as after cannot mean what they did before. What happens, then, to words whose meanings were already fragile, problematic, and contested before terror struck and the Holocaust raged? What about a word such as restitution and a concept such as genocide prevention? Those ideas remain after Auschwitz. The fact that they have not been silenced, that they are still spoken and heard, indicates that these words are needed. Yet, these after-words are also wounded words. The horror unleashed by human hands makes it unclear that justice can be achieved, and to the extent that justice cannot be achieved, the credibility of restitution is jeopardized as well. The repetition of genocide since the Holocaust makes it hard to glimpse how prevention can happen.

In a recent book I co-edited, Will Genocide Ever End?, Michael Bazyler argues persuasively that the model of monetary restitution in Holocaust-related cases helps to put on notice

11. Id. at 54.
12. Id.
16. Charlotte Delbo, Convoy to Auschwitz: Women of the French Resistance xiii (Carol Cosman trans., N.E.U. Press 1997). After the Holocaust, Delbo gathered as much information as she could about every woman who was on her Auschwitz transport. Their stories are told in her “collective biography,” which was first published as one of the “Great Documents” issued by the French Occupation-engendered Les Editions du Minuit. Id.
18. Delbo, supra n. 1, at 145.
19. Id. at 142.
20. Id.
21. Id. at 144.
individuals and institutions that pursue human rights abuses, including genocide.\textsuperscript{22} That notice, he contends, indicates that those who commit genocide or violate human rights in other ways will be held responsible for their misdeeds.\textsuperscript{23} As a way of honoring Bazyler on the occasion of this recognition for his new book, \textit{Holocaust Justice: The Battle for Restitution in America’s Courts},\textsuperscript{24} I want to offer a kind of stock-taking about the prospects for genocide prevention—\textit{after}. Restitution comes \textit{after}. It can help to forestall genocide by putting people on notice, as Bazyler has argued, but restitution is only one arrow in the quiver of genocide prevention.\textsuperscript{25} What about others that are needed as well?

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\item \textsuperscript{22} Michael J. Bazyler, \textit{Using Civil Litigation to Achieve Some Justice}, in \textit{Will Genocide Ever End?}, \textit{supra} n. 15, at 156.
\item \textsuperscript{23} \textit{Id}.
\item \textsuperscript{25} Bazyler, \textit{supra} n. 22, at 151-52.
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