

## Chapter 17. The Kafkaesque Trial, 1977-78

In section 24 of *Récoltes et Semailles*, - under the characteristic title “Mes adieus, ou : les étrangers”<sup>1</sup> - Grothendieck writes:

It happened around the end of 1977. A few weeks earlier I had been summoned to the *Tribunal Correctionnel de Montpellier* for the crime of having “harbored an illegal alien without pay” [...] It was on the occasion of this summons that I learned of the existence of this incredible paragraph of the ordinance of 1945 regulating the status of foreigners in France, a paragraph which forbids French citizens from providing any sort of aid to an “illegal” alien. This law, which did not have any counterpart anywhere, not even with regard to Jews in Hitler's Germany, had apparently never been applied in a literal sense. Through a very strange “coincidence”, I had the honor of being selected as the first guinea pig for the implementation of this singular paragraph. [p. 53]

When reporting on this trial, it is difficult not to describe the whole incident as a Kafkaesque example from the Theater of the Grotesque, and the fact that Grothendieck himself regarded the matter in a deadly serious way, apparently failing to perceive the absurdity of the situation, only adds to this impression. In any case there is no lack of props for a grotesque Kafkaesque play: an absurd law which, if one is to believe Grothendieck's account, had never been implemented, and in a manner of speaking had been adopted (just as in Kafka) specifically for him; then, an accused moving heaven and hell to draw attention to the trial, who not only pleads guilty but even points out aggravating circumstances, then a judge who is deluged with hundreds of letters and is obliged to listen to the brilliant speech of a world famous scientist, and all this for a reason which could hardly be more trivial, something which has happened many thousands of times: an individual stayed in France for a couple of weeks after his visa expired. One can easily picture a provincial trial, initiated by the act of an overly zealous policeman, who had probably always been irritated by the bizarre activities going on at the commune of Olmet - those Hippies and the outlandish, orange-robed, drumming Japanese monks - finally wanting to make an example of someone.

Insofar as it did not concern him personally, Grothendieck was actually very able to appreciate the Kafkaesque aspect of the whole affair. In fact he uses the term himself, describing quite forcefully the fate of *étrangers* applying for residence permits in France as a Kafkaesque nightmare (*un cauchemar kafkaïen*).

The crime of which Grothendieck was accused had actually taken place two years before the summons. In November of 1975, he had hosted his friend Kunyomi Masunaga in Villecun for a few weeks after his residence permit had expired, and in doing so fell afoul of an ordinance from 1945 whose exact wording will be quoted below. At the time it was issued, there was an apparently quite reasonable reason behind this ordinance: it was intended to prevent Nazis and former war criminals from going into hiding in France. In this case however, the original sense of the ordinance,

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<sup>1</sup> My adieus, or: the foreigners

though not transformed quite into its opposite, was being implemented in an absurd way and certainly not in the manner in which it was originally intended.

In *Récoltes et Semailles*, Grothendieck describes in detail how he reacted to the indictment. He had spent many years of his life as a refugee and an illegal resident, and he spared no effort to draw public attention to this antiquated law.

For a few days I was in shock, as if struck with paralysis and a profound discouragement. Suddenly I saw myself returning thirty-five years back in time, a time when lives were not worth much, especially those of foreigners... Then I reacted and pulled myself together. For a few months I invested all my energy in mobilizing public opinion, first at my university and in Montpellier, then at a national level. It was during this time of intense activity for a cause which, as subsequently became clear, was actually a lost cause from the start, that something happened which today I could call my adieu. [p. 53 ff].

Grothendieck writes that he turned to five well-known scientists, including one mathematician, and suggested a joint action. He did not receive a single answer, and to him this was entirely unexpected, leading him to comment bitterly: “Decidedly I still had a lot to learn [...]”

After this initial disappointment, he directed his hopes specifically towards mathematicians:

It was then that I decided to go up to Paris on the occasion of the Bourbaki Seminar, where I would no doubt meet many old friends, in order to mobilize opinion in the mathematical milieu, which was the most familiar to me. It seemed to me that this milieu would be particularly sensitive to the cause of foreigners, considering that, like myself, all of my mathematician colleagues dealt on a daily basis with foreign colleagues and students, the majority of which had at one time or another experienced difficulties with their residence permits and had been obliged to confront arbitrary treatment and frequent disdain in the corridors and offices of police headquarters. Laurent Schwartz, to whom I explained my project, told me that I could have some time after the lectures at the end of the first day, in order to make my case to the colleagues who were present.<sup>2</sup>

Grothendieck goes on to describe the end of that first day of the conference as follows:

When the session was adjourned there was a general rush toward the exits - apparently everyone had to catch a train or metro, which was just on the point of leaving, and which could not be missed on any account! In the space of one or two minutes the *Amphithéâtre Hermite* was empty, what an exploit! Just three of us were left in the great deserted amphitheater under the harsh lights. Three, including Alain and myself.<sup>3</sup>

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<sup>2</sup> The Bourbaki seminar took place on November 19, 20 and 21, 1977. Bourguignon, Duflo, Fournier, Gérardin, Serre and Verdier gave talks.

<sup>3</sup> Alain Lascoux had earlier on helped him distribute the printouts that had been prepared, and even wrote a small tract himself. The author is grateful to him for many pieces of information about the trial, and in particular newspaper clippings and a few letters by Grothendieck.

Filled with consternation, disappointment and bitterness, Grothendieck realized that this undertaking was yet another fiasco destined from the beginning to failure. He describes how much his former friends and acquaintances had changed, so much so that he felt that he barely recognized them, portrays them as having lost all mobility, and adds that he and they now seemed to live in separate worlds.

Grothendieck's description of the reaction of the mathematicians to his case may have been somewhat one-sided and not completely accurate, because support for him certainly did exist. For example, Nico Kuyper, the director of the IHES, together with Deligne and other former colleagues from the IHES and the Collège de France, wrote a letter to the court dated July 2, 1978, in which one reads:

Director of the Institut des Hautes Études Scientifiques

My colleagues, the members of the institute, the professors and myself are concerned to learn that our colleague, Professor Alexandre Grothendieck, has been summoned to your court on February 13.

We request that you consider our testimony in favor of our colleague and friend; he is an eminent mathematician, winner of the Fields Medal and also a person of deep humanity, who has never refused help or hospitality to anyone that needed it.

This letter was signed by Kuyper, Deligne, Cartier, Fröhlich, Michel, Ruelle, Sullivan and Tits. Cartier recounts that by the beginning of the trial, the judge had already received two hundred letters from concerned citizens.<sup>4</sup> The French press reported on the case with a fair amount of detail. One of the high points of the public campaign was an open letter to the president of the republic, Valéry Giscard d'Estaing. In principle it was a letter by various residents of Villecun and Olmet, but no doubt Grothendieck wrote the letter himself. Under the heading *Lettre Ouverte* one may read:

Monsieur le Président de la République,

We are French citizens, who live in the communities of Olmet and Villecun (Hérault). One of us, Monsieur A. Grothendieck, has been indicted by the Tribunal Correctionnel de Montpellier.

*Pour avoir le 16 Novembre 1975, par aide directe en lui offrant gratuitement nourriture et logement, facilité le séjour irrégulier d'un étranger, en l'espèce Kunyomi Masunaga, ressortissant japonais, délit poursuivi et puni par l'art. 21 de l'ordonnance du 2.11.1945<sup>5</sup>.*

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<sup>4</sup> P. Cartier, Un pays dont on ne connaît que le nom (Grothendieck et les "motifs"). (Grothendieck referred to this article in a letter to this author from March 2001 with the observation "Everything 'personal' is pure random invention.")

<sup>5</sup> For having on the 16 November 1975 provided direct aid by offering free food and board, and thus facilitated the illegal residence of an illegal alien in the case of Kunyomi Masunaga, a Japanese national, an offense prosecuted and sentenced under article 21 of the ordinance of 2 November 1945.

We are shocked and dismayed that thirty-three years after the end of the war and the anti-Jewish laws, an honorable citizen is accused (possibly risking a prison sentence of between two months and two years and a fine of between 2000 and 200,000 francs), of having hosted a foreigner, who is in no wise a criminal sought after by the police, but a person who is respected by everyone in the region who knows him. The ordinance which is being implemented was enacted one day after the provisional government came to power, in order to prevent the clandestine residence of Nazis and war criminals, and is today being used against peaceful inhabitants of the country. We consider this ordinance to be unbearable, and with all due respect we request that you use all your authority to intervene in order to ensure that legal texts of a racist or xenophobic character such as the ordinance mentioned above will be identified by competent jurists and abolished by the representatives of the people.

On January 30, 1978 Grothendieck wrote a similar letter to the minister of justice, Alain Peyrefitte. On the day of the hearing this letter was printed in the newspaper *Libération* under the heading “*Je demande la peine maximale*”.

The trial was public, and took place at 4pm on February 13, 1978, presided over by Judge Daixonne. The communist party called for a demonstration outside the courthouse, and numerous sympathizers traveled to the event. Grothendieck chose to speak in his own defense, trying as hard as possible, in the style of Michael Kohlhaas, to create a sensation and get himself sent to prison. He gave an impressive speech that he wrote down and distributed to his friends and acquaintances under the title “*Les Étrangers en France. Déclaration d'A. Grothendieck au Tribunal de Montpellier.*” The speech begins as follows:

*Monsieur le président, Messieurs les juges.* You are called together today to judge a man - a French citizen, who stands accused of having offered hospitality to another. The person who was hosted is not a criminal who endangers our life or our possessions, he has not been sought after by the police - indeed he has not been pursued because of any infraction or offense whatsoever. But this person was not a French citizen, he was an “foreigner”, as one says, and his visa had expired. In the the language of the administration he was even said to be an “illegal alien”, and an article of the French penal code forbids any “direct or indirect aid” to such persons. The act of hospitality of which I am accused is an offense according to paragraph 21 of the ordinance of 2 November 1945 of the French penal code and can be punished with between two months and two years of prison and a fine of between two thousand and twenty thousand francs [...]

Grothendieck openly admitted his “offense” and tried to make it worse:

Respect for the truth compels me to inform you of aggravating circumstances. Since the day that I received the report from the chief of the police brigade in Lodève more than two years have passed, and since then I have repeatedly had the opportunity of hosting my friend for several days or weeks, [...] until September of last year when he left France. It was perfectly clear to me that my friend did not have a valid permit of residence [...]

After lengthy further explanations, his plea ends with the following words:

*Monsieur le Président, Messieurs les Juges,* I plead guilty to the offense of which I stand accused, the offense of hospitality. The deeds for which I am being prosecuted are correctly described in all the facts. Nevertheless I exhort you, for the sake of the honor of the French justice system, not to observe the text of a law which flagrantly contradicts the most elementary feelings of justice that each one of us possesses, and to make use of the judicial authority which has been conferred upon you to acquit me. If you believe in your

soul and in your conscience that you must impose a sentence - as a child, I lived through the hardships of a concentration camp for almost two years. Strengthened by this experience, I can today, as a mature person, face a prison sentence calmly, in the certainty that I am ready and willing to learn new lessons. If you feel it necessary to impose a sentence, then I request a clear and unequivocal sentence - a prison sentence without probation, indeed, the maximum sentence.

What exactly was discussed in the trial remains unknown. Letters by Michel Trocmé<sup>6</sup> and Jacques Proust were read aloud, as well as the open letter to the president of the republic quoted above. Grothendieck mentioned in his speech that he had received many letters sympathetic to his cause, from friends as well as from people he did not know, and had received unanimous support at two meetings of colleagues from the mathematical institute of Montpellier. His former teacher, colleague and collaborator J. Dieudonné came up from Nice especially, in order - as Grothendieck puts it - "to add his warm-hearted testimony to all the others on behalf of this lost cause". Dieudonné did this in his usual style, masterfully and generously, in spite of the fact that at the International Congress of Mathematicians in Nice he had had some unpleasant conflicts with Grothendieck, who had offended him in various ways.

Grothendieck also had a defense lawyer at the trial, Anne-Marie Parodi, who dealt with the situation from the judicial point of view. She was a well-known radical leftist and human rights activist, who later (perhaps also earlier?) participated in many international actions. Pierre Cartier also reported on the course of events and the conclusion of the trial; his remarks, however, do not match exactly with those of Grothendieck, even though in part he quotes him literally:

I have been prosecuted in the name of this law against foreigners ever since 1942. In the name of this law I was interned during the war and my father died in Auschwitz. That is why I do not fear prison. If you implement the law I will have earned two years of prison; I am legally guilty and I demand my punishment. But let it be understood that on a higher level I plead not guilty. It is a matter for the judge to decide: either the letter of the law and thus prison, or universal values and acquittal.

As far as the author could ascertain, Grothendieck did not comment on the conclusion of the trial anywhere. In the March 2, 1978 edition of the newspaper *Le Monde*, it was reported that at a separate hearing on February 28, 1978, Grothendieck was fined 1000 francs and received a six-month suspended prison sentence. Cartier, however, states that:

The final result was a laboriously negotiated compromise with Grothendieck; he preferred to lose his case, rather than reach a settlement to save face. As Grothendieck had already predicted, the judge was a coward and decided on a six-month prison sentence with probation. This sentence was confirmed on appeal.

As already has been said, Grothendieck's speech in his own defense is an impressive document revealing his commitment to human rights and against discrimination of all

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<sup>6</sup> The name Trocmé rings a bell. Did a member of the Trocmé family join Grothendieck's campaign? (see Volume 1, *Anarchy*). In 2007, Google was not able to find any matching person with the name of Michel Trocmé.

kinds. It is highly desirable that it should not be lost, but that in due course it should be made available to the public along with all other such writings by Grothendieck, in spite of the fact that he sometimes seems to overshoot the mark, for instance when he writes regarding the Vichy regime: “The legal arsenal against the Jews was infinitely more moderate than the legal arsenal in France against foreigners.” (Presumably in writing this he was not thinking of his father, deported to Auschwitz because he was Jewish.)

What happened to the person who was actually the cause of all the fuss, Kumyoni Masunaga? Of all Grothendieck’s Japanese visitors, he was the one who spent the most time in Villecun (or Olmet), and had the closest contact with Grothendieck. According to the official indictment, he was at Grothendieck's house in November 1975. As mentioned earlier, Grothendieck “admitted” that he had hosted him several more times between then and September 1977. At the beginning of November 1977, Masunaga left France in order to spend a few months in Sri Lanka. It seems that he stayed on there for a lengthier period and probably kept up a correspondence with Grothendieck. As of 2008, Masunaga was living in Vienna as a priest of the Buddhist community.

A few days after his “sentencing”, on March 3, 1978, Grothendieck began teaching his two classes for the spring semester. According to one of the students, he did not mention one single word about his trial. (Information from R. B.) Yet the affair was not yet over for him. On May 10, 1978, he wrote a letter to Alice Saunier-Seïté, the minister for universities and his highest hierarchical “superior”, which begins as follows:

Madame, I have the honor to inform you that from the beginning of the academic year in October 1978, I will be ending all my official duties regarding teaching, research and supervision of students and researchers, in particular preparations for doctoral or master’s degrees. Indeed, it would seem that the normal exercise of academic duties of this kind in agreement with the principles of free intellectual exchange between civilized countries is no longer possible in France, as made clear by article 21 of the ordinance of 2 November 1945: [...]As I explained in my letter of 30 January 1978 to M. Rouzaud, at that time the temporary administrator of the Scientific and Technical University of Languedoc, this article interferes in an obvious manner with the functioning of academic institutions. [...]

Grothendieck then repeats the arguments elaborated on elsewhere, speaking of “the resurgence of spiritual barbarism”, but concludes with an assurance that, as in the past, he will continue to work with others and to collaborate on research, independently of anybody’s official status. How the ministry and the university administration reacted to this letter is unknown.

In conclusion, one must necessarily mention that article 21 of the ordinance of 1945 has never been repealed. Instead, in November 2003 it was adapted as law 2003-119, to respond to current problems such as the growth of organized, human trafficking gangs or the agreements of the Schengen treaty.

● Pour avoir hébergé un moine bouddhiste japonais qui ne disposait pas de titre de séjour régulier (*Le Monde* du 15 février), M. Alexandre Grothendieck, professeur à l'université des sciences et techniques du Languedoc, spécialiste en recherches mathématiques, a été condamné, le 28 février, à 1000 francs d'amende avec sursis par le tribunal correctionnel de Montpellier. M. Grothendieck était poursuivi sur la base d'une ordonnance de 1945 qui, a fait observer son avocat, M<sup>e</sup> Anne-Marie Parodi, avait été prise à la libération pour faciliter la recherche des nazis cachés en France. — (*Corresp.*)

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## LE MATHÉMATICIEN ALEXANDRE GROTHENDIECK POURSUIVI POUR INFRACTION AUX LOIS SUR LES ÉTRANGERS

(De notre correspondant.)

Montpellier. — Professeur à l'université des sciences et techniques du Languedoc, spécialiste de la recherche en mathématiques, M. Grothendieck, cinquante ans, Allemand nationalisé français, a reçu chez lui, à Lodève, pendant plusieurs semaines un moine bouddhiste japonais qui ne disposait pas d'un titre de séjour régulier. Il a été verbalisé et poursuivi en vertu de l'article 21 de l'ordonnance du 2 novembre 1945.

C'est un texte ancien quoique de pratique courante, a fait remarquer le président, M. Joseph Deixonne, au cours de l'audience du 13 février. Il est contraignant mais protège souvent les étrangers.

Pour M<sup>e</sup> Anne-Marie Parodi, de Paris, cette ordonnance, intervenue dans des conditions très particulières, limite les droits des étrangers en France. Elle est en contradiction avec la libre circulation des individus et implicitement abolie par la Constitution de 1946, qui faisait référence à la déclaration des droits de l'homme.

Le représentant du ministère public, M. Hughes Wolrhaye, reproche au prévenu d'avoir, involontairement sans doute et avec des motifs parfaitement louables d'hospitalité, maintenu l'homme qu'il hébergeait dans une « situation d'infériorité » de « marginalisme ».

Jugement le 27 février. — (*Corresp.*)

Le Monde  
date du 15-2-78