

THE CALL OF VATICAN II: JUDAISM AND MODERNITY, LAW AND LAW

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## ABSTRACT

The position and relevance of organized religion is questioned in modern times, and the Catholic Church is no exception. The statements made during the historic Vatican II conference between 1962-1965 are intended to be the Church's voice through the darkness of modern skepticism, and can be used as a guide for political action and understanding in multicultural, relativist societies. In particular, the documents *Gaudium et Spes* and *Nostra Aetate* form a basis for the treatment of outsiders and minorities, particularly in interpreting the history of the Church's relationship with the Jewish people. Using Arendt's concept of "rootedness" in tradition and authority, and Voegelin's of *metaxy*, this paper argues that there cannot exist a virtuous, relativist civilization. The space between civic law and moral Law, the treatment of individual conscience, and of community rights within society must incorporate the analyses of Rémi Brague, the multicultural group freedoms of Charles Taylor, and the individual liberty of Alain Finkielkraut. What Vatican II calls for is most likely a democratic constitutional order, based on Western principles of the individual and society.

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—St. Teresia Benedicta (Edith Stein)

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## INTRODUCTION

*“Divine providence is leading us to a new order of human relations.”*

—Pope John XXIII, at the opening Sermon of Vatican II<sup>1</sup>

Western Culture increasingly distances itself from its root in the virtues of Judeo-Christian heritage. Within popular culture, there is a widely-held belief that institutional religious traditions are stifling and divisive, if not insular and hurtful. Others take the hypothesis that as the state provides a certain level of guaranteed comfort and materialism reigns, religious attendance shrinks as people turn their attention to the pleasures of the here and now, not the life to come. Popular culture, too, increasingly belittles strong religious belief as the territory of a conservative, backwards fringe, portraying belief and its display as irrational or cultish. Movie theaters across the United Kingdom recently banned an advert of the Lord’s Prayer by the Church of England on the grounds that it “could cause offense.”<sup>2</sup> There is open discussion about whether religion has any place at all in the private lives and public civics of moderns.

Societal questions about the relevance of religion is clearly having an impact on the practices of modern people: religious attendance is declining across the developed world. In some Nordic countries, weekly attendance at religious services as a percentage of the population is in the single digits. In France and the United Kingdom, once the heart of Christendom, non-Christian religions now have higher numbers of attendees than do Christian ones. In the United

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<sup>1</sup> Xavier Rynne, *Vatican Council II* (New York: Farrar, Straus, and Giroux, 1968), 47.

<sup>2</sup> Caroline Wyatt, “Lord's Prayer cinema ad snub 'bewilders' Church of England,” *The British Broadcasting Corporation*, November 22, 2015. <http://www.bbc.com/news/uk-34891928> (accessed March 20, 2016).

States, there is a great decline in Mainline Protestantism, with denominations such as the Episcopal Church, the Presbyterian Church, and the Lutheran Church all losing large numbers of congregants and shuttering places of worship. Catholics have also declined in percentage terms. All seem to point to a changing frame of how religion is characterized and to the modes of living moderns have adopted.

What does the Catholic Church bring to modern private and civic life, and what can moderns learn from its continued presence?

This paper seeks to explore this question through one fundamental relationship, the oldest saga of the outsider in the history of the Church: that between the Gentiles and the Jews. It concentrates on one intellectual and spiritual focal point: two documents, *Nostra Aetate* and *Gaudium et Spes*, from the Second Vatican Council, which from 1962 to 1965 articulated a new message from the Catholic Church regarding its relationship with the Jewish people and an inextricably related subject, modernity.

Understanding these precisely-worded statements is predicated on knowledge of their origins. Vatican II was a product of documents, part of two millennia's worth of statements on Catholic doctrine regarding the Jews. It is also a Council held in the recent shadow of World War II and the Holocaust, where actions of Pope Pius XII have been put to extensive scrutiny. This paper will analyze these historical Papal statements on the Jews, and the Catholic actions of the Holocaust, in order to better contextualize the statements of Vatican II.

Viewed through the relationship with the Jews, did the Church change during Vatican II, did it respond to changes in the world around it, or both? How did the Church view its political role, particularly its role towards outsiders, before and after the Council? The answers to these

questions are not simple. Yes, the Church and the world around it changed before, during, and after Vatican II. No, the Church did not reverse its position on the outsider or the Jewish people during the Council. And the Church's response to modernity is one of both acceptance and calculated distance.

This paper finds that while Vatican II's documents on the Jewish people and modern civic life must not be understated, there is a long record of Papal statements regarding the acceptance, or at least tolerance, of Jews, and the need to embrace the world that led to the vision of Vatican II's documents. Using Arendt's conception of "rootedness" and Voegelin's explanation of *metaxy*, this paper reviews the implications of the Vatican II statements on the Jews as a groundwork for how Revelation should inspire Christian civic and political life in modern times. It finds that modern predicaments regarding the loss of ritual and tradition, or the tension between the eternal and the saeculum time horizons, are fundamentally questions of the Law and law; between political treatment of liberty amidst incompatible identities and the vast broadening of a congenial multiculturalism. Theorists Rémi Brague, Alain Finkielkraut, and Charles Taylor are paths of entry, carrying the answer of Vatican II with regard to Catholic's "spiritual brethren," the Jews, into the thickening forest of modern questions of identity and nationhood.

At its core, Vatican II is a statement of the Church's continued relevance in the middle of modernity, and an offering of love to humanity, most poignant in its statement (and others leading to it) on the Jews. The answers and guidance the Church provides satiate a thirst other cosmic-reaching ideologies cannot reach. More than the words themselves, what the action of the Vatican II's declaration restates is a visceral embrace of one's neighbor, modelling a belief that genuine embraces of love form the source of a moral order that must orient all political, social,

and personal action. It reaches back to the very heart of Revelation and out to the most hurt, offering hope that shared human roots may be made ever-stronger. That political order can continue in acknowledgement of the limits of human capacity to live the Law, but the limitlessness of human endeavor to perfect the law. And that liberty is the response to the other, just as love is the response to suffering. Liberty, love, among people is the greatest authority, the deepest root, and the Church's timeless gift.

In that respect, the Jews were the first modern question of the Church, and the answer is just as relevant now as ever. Molding civic life to answering what appears to be the beginning of many more questions, however, is a task barely begun.



*SICUT IUDAEIS NON: RECIPROCAL LIBERTY, COMMUNITY PRECEDENCE, AND CHRISTIAN KINDNESS*

The writings of Vatican II, in particular *Nostra Aetate*, represent a profound statement of unity with the Jewish tradition as one of shared spiritual patrimony, and deserving of civic inclusion. Jews, as with the other religions discussed in *Nostra Aetate*, are deserving of the kindness and interest of the Church. The historic belief in Christian kindness and hospitality as a precedent of tolerance in law and interactions with the Jews has deep roots stretching to the beginning of Church doctrine. This is represented in *Sicut Iudaeis Non*, a core statement of legal reciprocity first articulated by Pope Gregory the Great in 598. *Sicut Iudaeis Non* is reinforced by many of his other statements on legal respect for historical precedence of community rights, and the reciprocity of the law as both reinforcing its writ and its support of Christians through the respect of the other. Less immediately apparent, though, are the connection between these articulations of the space for religious liberty and community recognition and the document *Gaudium et Spes*. “The Church in the Modern World” suggests that modern questions of community respect and liberty of practice under the law as a means of Christian flourishing extend to its very beginnings of relations with the only recognized minority at the time, the Jews.

The Christian Church began as a fringe group within Judaism, practiced underground in the world’s most powerful empire. It was not born with the means of enforcing societal norms regarding Christian, Jewish, pagan, or Roman religious relations. Nor does scripture or early practice suggest animosity towards the Jewish people. It would have been impossible: the earliest Christians were Jews, and only one of the writers of the New Testament, Luke, was not a Jew.<sup>3</sup> Indeed, in the first century a question emerged between those who saw followers of Christ

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<sup>3</sup> Pelikan, Jaroslav, *The Christian Tradition, Vol. I: The Emergence of the Catholic Tradition (100-600)*, 12-13.

(Christianity as a term would come later) as a religious practice separate from Judaism, and those who saw The Way as an extension of Jewish doctrine and scripture. The Church in Jerusalem followed James as a kind of “caliph” as the brother of Christ, and even after the fall of Jerusalem in 70 A.D., followed Palestinian Jewish practices.<sup>4</sup> Followers of Paul in the Hellenistic diaspora, by contrast, debated the continuity of the tradition. Within their missionary inheritance from the diaspora, these groups soon diminished the import of Jewish continuity as Christians increasingly converted from pagan backgrounds.<sup>5</sup> As Pelikan writes: “For Jewish Christians, the question of continuity was the quest of their relation to their mother; for Gentile Christians, it was the question of their relation to their mother-in-law.”<sup>6</sup> Thus it was often out of the appeal of Christianity in attracting pagans to the faith that left it staking out territory outside of Jewish inheritance alone (and later, questioning whether it supplanted Judaism entirely). Among early followers of Christ and other Jews, there was open debate if the Church was even separate from Jewish tradition, or a segment within it.<sup>7</sup> The former interpretation, of separation through the Word of Christ, would eventually win out for the majority of followers.

How would the Jewish tradition be received? Increasingly, Gentile converts to Christianity sought ways to reconcile Jewish tradition with the broader appeal of Christian teachings and its missionary ethos. Christian doctrine, as Jaroslav Pelikan explains, adopted a “correction-and-fulfillment” doctrine, claiming Jewish tradition while acknowledging the New

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<sup>4</sup> Ibid, 13-14.

<sup>5</sup> Ibid, 13-14.

<sup>6</sup> Ibid, 14.

<sup>7</sup> Some even saw the acceptance of Christ by the Gentiles as a Jewish destiny, citing Genesis 49:10: “A leader shall not fail from Judah, nor a rule from his thighs, until that which has been laid up for him shall come, and he shall be the expectation of the nations.” It was interpreted as predicting the role of the Jews as endowed with the mission of the coming of Jesus, and Judaism had, in bearing Christ, brought forth “the expectation of the nations” and brought the Gentiles to God. Ibid, 14.

Covenant brought by the coming of Jesus.<sup>8</sup> Thus was the outcome of a quest to entrench followers of The Way within the tradition of the people to whom Christ appeared, but also to acknowledge His Word as something that repudiated the literal interpretation of Jewish scripture. Dealing with the incongruences increasing came in “the form of allegorical and typological exegesis” of the Old Testament, the use of metaphors on an extended level compared to those seen in the New Testament.<sup>9</sup> New methods of inquiry and interpretation of Jewish law through the lens of Christ emerged, often seeking to emphasize the corrections and fulfillment of Christ’s coming for Jewish scripture, carrying its history beyond the Jewish people.

As Christianity grew, a new effort appeared, viewing Christianity not only as distinct from the old Jewish tradition, but as superseding it. So great was the urge to separate The Way from the Judaic tradition that in the early Church, there appeared a “new genre of Christian literature devoted to a comparison of Christianity with Judaism.” It became a staple of the early Church scholars, seeking to define the independent identity of the Church, to delineate the division of Christ-followers and other Jews. Jaroslav Pelikan writes: “Virtually every major Christian writer of the first five centuries either composed a treatise in opposition to Judaism or made this issue a dominant theme in a treatise devoted to some other subject.”<sup>10</sup> Within the first few centuries, as the Church developed, it did so first as a part of Judaism, and then as a Jewish-founded faith seeking to define a new identity separate from its roots alone. Along one line of thought, it became not just *a* Jewish faith, but *the* faith, as “the inheritor of the promises and prerogative of the Jews.”<sup>11</sup> Justin writes: “Just as Christ is Israel and Jacob, so we who have been

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<sup>8</sup> Ibid, 15. He also notes, interestingly, of how this doctrine set up many latter schisms in the Church, allowing Protestants to affirm ‘catholic tradition’ while separating from Rome, and Augustine to “exonerate” the Greek philosophers.

<sup>9</sup> Ibid, 17.

<sup>10</sup> Ibid, 15.

<sup>11</sup> Ibid, 26.

quarried out from the bowels of Christ are the true Israelitic race,” and saying that Christ became “one soul, and one synagogue, and one church.”<sup>12</sup> The followers of Christ were the inheritors of the promise of Israel. The development of a strain of Christian doctrine viewing it as supplanting the Jewish law emerged, often left in tension with those who saw it as two traditions sharing a common heritage, as Justin says to Typho, that the narrative of Jesus “are contained in your Scriptures, or rather not yours, but ours.”<sup>13</sup> The insolubility of these two views, often within the same vein of scholarship, if not the same scholar, like Justin, would leave both open as viable interpretations of the relation of Christo-Jewish patrimony within the Church for two thousand years, until Vatican II.

Some writers, such as Kenneth Stow, suggest that there is a fundamental tension in scripture, summarized between two statements of St. Paul: one in Romans: “I say then, God has not rejected His people, has He? May it never be! For I too am an Israelite, a descendant of Abraham, of the tribe of Benjamin. God has not rejected His people he foreknew.”<sup>14</sup> This is in contrast to the other in Galatians and Corinthians, the arguably vaguer insinuations that Jewish contact “endangered Christian society”, where St. Paul “warns of the leaven [instead of the ‘sacrificial dough’] that spoils the [whole] lump.”<sup>15</sup> The yeast, in Stow’s interpretation, is Judaizing and effects.<sup>16</sup> St. Paul seems to reject Jewish law as a path to salvation; faith in Christ alone presents salvation. He notes in Galatians and Corinthians of the spoiling characteristics of Judaism. However, it is unclear whether he actually rejects the Jews, or condemns them wholly

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<sup>12</sup> Justin, quoted in *Ibid*, 26.

<sup>13</sup> Justin, quoted in *Ibid*, 19.

<sup>14</sup> Kenneth Stow, *Popes, Church, and Jews in the Middle Ages* (Aldershot, Hampshire: Ashgate Publishing Company, 2007), 5-7. Romans 11:1.

<sup>15</sup> *Ibid*, 5-7. Galatians 5:9.

<sup>16</sup> *Ibid*, 5-7.

as responsible for the death of God, an accusation made later. It is difficult to reconcile an exegesis claiming fundamental tension with Jewish heritage in scripture with the time period they are written, when the disciples themselves, mostly Jews, operated from within a Jewish tradition. A debate regarding the relative extent of the break and continuity with the Jewish tradition followed for centuries afterward, with many claiming for centuries that what would become Christianity was simply a strain of Judaism. There was no clear claim from the Church regarding the relation of an independent Christianity with Judaism until Vatican II.

Similarly, few scriptural references by Popes to Jews in the first 1500 years of the Church's history (and very often no scripture is directly quoted, only scripture-inspired writings on how a Christian ought to act) show signs of such a tension in these two works, often seeing the question of the Jews' status as a political one to be enforced by the same civic protections afforded to Christians, grounded in a belief in mutually-beneficial liberty and respect for tradition. When seen in the light of *Sicut Iudaeis Non*, the foundational statement on the Jews, the official correspondence of the Bishop of Rome suggests that these men thought Christian lives adherent to scripture were enforced in a climate of liberty where their kindness could be carried out, and where traditions of the other, the Jew, could be permitted to continue out of a respect for preserving the traditions of the Roman civil law. The core of Christian life, showing one's faith through kindness and charity, was best fostered within a larger civic respect for the other. There was religious tolerance and civic recognition for the Jews. This was not without scriptural disagreement: Pope Gregory viewed the Jews as misguided and too literal in their

interpretation of scripture, while still ardently preserving their precedent of set rights under Roman law, which also allowed Christianity to flourish.<sup>17</sup>

As the Church moved from an underground fringe of believers to the official religion of the Roman Empire, its political power changed. In this position, the Pope, the head of the Church, became a figure with civic importance. As Roman political power declined, Christendom spread, and the Pope retained an unrivaled eminence as a voice representing the faith. With the pulpit of a continent, and faced with a minority so intertwined and yet distinct from the Christian history that confronted it, what, in this position, did Popes say about the Jews?

The most lasting and revealing piece of Church history on the Jews remained the short statement, *Sicut Judaeis Non* (And Thus to the Jews). It is this piece that forms the core Church understanding of relations toward the outsider for a thousand years. It comes first in the form of a letter sent from Pope Gregory I in 598 to the Bishop of Palermo.<sup>18</sup> His opening to that letter became the standard pretext of dozens of papal statements regarding the Jews through the 15<sup>th</sup> century. It reads:

“ Sicut Iudaeis non debet esse licentia quicquam in synagogis suis ultra quam permissum est lege praesumere, ita in his quae eis concessa sunt nullum debent praeiudicium sustinere...”<sup>19</sup>

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<sup>17</sup> Solomon Katz, “Pope Gregory the Great and the Jews,” *The Jewish Quarterly Review* 24, no.2 (October 1933): 119.

<sup>18</sup> Encyclopedia Judaica, “Papal Bulls,” Encyclopedia Judaica.  
[http://www.jewishvirtuallibrary.org/jsource/judaica/ejud\\_0002\\_0004\\_0\\_03728.html](http://www.jewishvirtuallibrary.org/jsource/judaica/ejud_0002_0004_0_03728.html).

<sup>19</sup> Katz, “Pope Gregory the Great and the Jews,” 120-121.

“Just as no freedom may be granted to the Jews in their communities to exceed the limits legally set for them, so they should in no way suffer through a violation of their rights...”<sup>20</sup>

This statement carries the most poignant thought of Pope Gregory, in that just as Jews are bound to the law found in the synagogue, they are in the same way protected from prejudice in their own right to endure within Christendom. Although Gregory, as many did at that time, carried an “aversion” to Judaism, he believed that persecution was both un-Christian and did not further Christianity’s proselytizing aims.<sup>21</sup>

Through the use of Roman law and Christian justification, Pope Gregory enforced the rights of Jews to worship at synagogues, the security of their property and trade, the legal rights of their communities, and the prevention of occupation and desecration of Jewish places of worship with pagan and Christian objects.<sup>22</sup> His faith in the appeal and truth of the Christian word as scripture, and its parallel form in action, underlay his correspondence. To the Bishop of Naples, he says:

“To who really desire to win to the true faith such as are strangers to the Christian religion should endeavor to effect their purpose by kindly words, not by harsh actions, lest ill-treatment should repel those whom just reasoning might have attracted. Those who act otherwise, and under this pretext, wish to restrain the Jews from observing the customary rights of their religion, are clearly acting for themselves. Do not, in future, therefore, allow the Jews to be molested in the performance of their services. Let them

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<sup>20</sup> Ibid, 120-121.

<sup>21</sup> Ibid, 119.

<sup>22</sup> Ibid, 122-125.

have full liberty to observe and keep all their festivals and holy days, as both they and their fathers have done for so long.”<sup>23</sup>

There are two primary political themes: first is a respect for a law centered on precedent and tradition in community customs. Second is a belief in the reciprocity of liberty: that liberty is not only the method by which the law’s precedents are maintained, but benefits the Christian too. Only in the space of liberty can Christians act in accordance with Christianity in winning others to the faith. He issued similar statements to the Bishop of Terracina, writing that: “Those who differ from the Christian religion must be won to the unity of the faith by gentleness, by kindness, by admonition, by exhortation, lest we repel by threats and ill-treatment those who might have been allured to the faith [...].”<sup>24</sup> The Christian faith was a gravitational pull, not a violent push. This form of voluntary communion with the faith, and space for those who chose not to associate, is formulated from the earliest statements on the Jews as mutually beneficial to both, and to the law, which protects all, including the Christian faithful.

Gregory’s letters became increasingly cited as evidence of Christian doctrine regarding the Jews among bishops from the 600s through the 900s, and then by his successors. *Sicut Iudaeis Non* was cited in a letter by Pope Alexander II in 1065, then in the opening statement of Papal Bulls for centuries: in 1120 by Pope Calistus II, by Pope Eugenius III, Pope Alexander III (who also forbade compulsory baptism), Clement III, Celestinus III, Innocent III (the earliest full copy of the statement now available), in 1217 by Pope Honorius III, 1235 by Pope Gregory IX, 1246 by Innocent IV, by Pope Urban IV, 1247 by Gregory X, 1278 by Nicolaus III, 1348 by Clement VI, 1365 by Urban V, 1379 by antipope Clement VII, 1389 by Boniface IX, 1393 by

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<sup>23</sup> Ibid, 124.

<sup>24</sup> Ibid, 124-125.



anti-pope Clement VII, 1419 by Martin V, and 1433 by Eugenius IV. Thus for almost a thousand years, Pope Gregory the Great's statement of reciprocal liberty under the law, and a belief in Christian goodwill, formed a connecting strand of official Church doctrine towards the Jews. A form of the golden rule developed, with Pope Gregory IX stating in *Etsi Judaeorum* that Jews ought to be treated with the same humanity that Christians desired from heathen lands.<sup>25</sup>

The survival of a Roman concept of reciprocal liberty and the legal respect for community precedent in *Sicut Iudaeis Non* is not the complete story of Church behavior, from the Papacy, clergy, monarchs, or laity, regarding the Jews. Many of the same Popes that issued similar statements also issued statements requiring Jews not to trade Christian slaves, or requiring them to wear distinctive clothing, providing for investigations into heresy, and encouraging the burning of Jewish books.<sup>26</sup> The three-century period from the 1500s through the 1800s represented in many respects a complete departure from this tradition, as the Church responded to economic pressure, the Reformation, and the Enlightenment with internal drives for purity and outward expressions of intolerance, represented in the bureaucratic persecution of the Inquisition and the ghettoization of Jews across Europe.<sup>27</sup> Often economic fears about the Jew's preeminence in capital markets was tied to their persecution.<sup>28</sup> But the earlier and longer story does represent an enduring belief, as least conceptually, of the liberty tied to the true pursuit of

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<sup>25</sup> Reverend D. Wasserzug, "Etsi Judaeorum," *The Tablet*, September 16, 1911: 14-15.

<http://archive.thetablet.co.uk/article/16th-september-1911/14/popes-as-protectors-of-the-jews>.

<sup>26</sup> Katz, "Pope Gregory the Great and the Jews," 134-136; and Encyclopedia Judaica "Papal Bulls," Encyclopedia Judaica. [http://www.jewishvirtuallibrary.org/jsource/judaica/ejud\\_0002\\_0004\\_0\\_03728.html](http://www.jewishvirtuallibrary.org/jsource/judaica/ejud_0002_0004_0_03728.html).

<sup>27</sup> Ora Limor, "Christians and Jews," in *The Cambridge History of Christianity: Volume 4, Christianity in Western Europe, c.1100-c.1500*, ed. Miri Rubin and Walter Simons (Cambridge, UK: Cambridge University Press, 2009), 135-136, 148; Jeremy Muller, *Capitalism and the Jews*, (Princeton, NJ: Princeton University Press, 2010), 23-33; and Solomon Grayzel, *A History of the Jews: From the Babylonian Exile to the end of World War II* (Philadelphia: The Jewish Publication Society of America, 1948), 309-315.

<sup>28</sup> Muller, *Capitalism and the Jews*, 33-45.

the Christian faith, and the protection of the law as a pillar of the law itself. Reciprocity, and the adherence of the civic law to the moral Law of God, is paramount.

Except for an (important) three-century period from the 1500s to the 1800s, the Catholic Church's statements on the Jews have carried a remarkably consistent strain of respect for the rule of law as a guarantor of religious liberty for both the Christian life and the Jewish community. The Roman civic protections are incorporated by the Popes as a necessary foundation of Jewish-Christian relations, and the basis for civil interaction. The historical accumulation of precedent informs rights, tradition, and responsibilities for each community, to which individuals are bound. This respect for the space for religious liberty is a strong precursor to *Gaudium et Spes*, and its implicit acknowledgement of Jews as the only viable minority under the same God suggests some understanding of shared spiritual patrimony. Although the civic basis of religious tolerance is clear, it is not explicitly clear from early Church doctrine, besides the obvious scriptural history itself, of the centrality of shared spiritual origins the Popes used in articulating relations. Part of this may be the proximate obviousness of such a relation, and the other may be the lesser importance placed on interfaith dialogue and understanding, as the primary objective of the Church was expansion and bringing outsiders (Jews) into the fold. Only in modern times has a new concept of the preeminence of spiritual shared-ness, over civics alone, taken a more prominent position.

## WORLD WAR II AND THE CHURCH

Few events are as cataclysmic for Western Civilization as World War II, and few are more written about. Here the actions of the Church are important in this insofar as they help to develop the context of the Church in the years leading up and during Vatican II, and frame discussions of the Jews and modernity. The War exposed many of the themes of modern life, including the dangers and benefits of technology,<sup>29</sup> the treatment of outsiders (particularly the Jews), and the political threats to traditional sources of authority and tradition within the West.

The Church by the turn of the 20<sup>th</sup> century faced a vastly different society than the one it had in 1433, when the last iteration of *Sicut Iudaeis Non* was published by Eugenius IV. Faced with the Reformation and economic pressures, its growing bureaucracy persecuted Jews, philosophers, and others in a period that came to be known as the Inquisition, which led to the expulsion of Jews throughout Western Europe and the ghettoization of many Jews in urban centers. The Church often became implicitly or explicitly aligned with persecutors of Jews, rather than magisterial protectors. It then faced the Enlightenment, which further eroded its political authority, and which would eventually lead to the questioning of God Himself and the Marxist critique of human teleological vision.

All of these social, political, and economic forces erupted in the 20<sup>th</sup> century, most destructively in World War II. It is veritably impossible to analyze the Church's relationship to modern private and civic life without touching on its existence throughout and around those troubled years. First, the years leading up to the War built some of the groundwork of Vatican II

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<sup>29</sup> Martin Heidegger, *The Question Concerning Technology and Other Essays*, trans. by William Lovitt (New York: Garland Publishing, 1977), 3-35; and Jean-Louis Chrétien, *The Call and the Response*, trans. by Anne A. Davenport (New York: Fordham University Press, 2004).

in reaching back to the early years of the Church in its relationship with the Jews, and also exposed the bureaucratic institutionalization of the Church in state politics that existed at the time of the War. These two forces, to return to the Church's roots while also maintaining large political entanglements, came into tension during the War. Second, there is a brief overview of some of the most notable actions of Catholic laity, clergy, and the Vatican during the War. The participation of Catholic laity in the Church's efforts led to a great refocusing on the laity during Vatican II. Finally, there is a discussion of the creation and meaning of two fundamental documents in Vatican II: *Gaudium et Spes* and *Nostra Aetate*, "The Church in the Modern World" and "In Our Time." What this uprooting of this period, and the response of Vatican II, reveals is a statement on the treatment of the outsider in the Jew, and the response to the material fallen-ness of the world by entering into it, by calling forth people to foster an independent conscience and participate in civic life. The Church was guided by two principles in speaking anew its call during the Council: *ressourcement* and *aggiornamento*, a "return to the sources" and "a bringing up to date", by both revisiting the primitive, pastoral, and person-focused roots of the Church, and by speaking the Church's core mission in a language approachable by all moderns.

#### BEFORE THE WAR

In 1922, Pius XI was elected by the College of Cardinals as Pope. Under him, Michael Phayer notes, the Holy See's attitude "appeared to be changing," only to have it "reverse" under Pope Pius XII (1939-1958).<sup>30</sup> However, such a "reversal" seems an exaggerated portrayal of two Popes who seemed to both hold a preservation of Concordats, treaties governing religious Church-state relations, as a pragmatic concern while noting violations of moral law. While this

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<sup>30</sup> Michael Phayer, *The Catholic Church and the Holocaust* (Bloomington, IN: Indiana University Press, 2000), 1.

effort to preserve diplomatic relations, often under the justification that such treaties protected the Catholics of Germany and other occupied nations, may have offered some benefit for the Church to keep operating in Europe, it seems to have stymied any overt action to oppose the Germans, could such a political effort have been made. The analysis here will not be dispositive nor attempt to extrapolate a judgement from the Church's actions.

In 1928, the Vatican issued a statement calling Jews blind for rejecting Christ, but also condemning antisemitism and stating that the Vatican wished to protect Jews from harm.<sup>31</sup> In 1939, on the crest of outright war, Pope Pius XI, in line with the 1928 statement, issued an encyclical, *Mit brennender Sorge*, "With Burning Anxiety".<sup>32</sup> It is laced with statements directed against Nazism and Communism, and singles out racism and totalizing political ideologies. It states: "Whoever exalts race, or the people, or the State, or a particular form of State, or the depositories of power, or any other fundamental value of the human community [...] distorts and perverts an order of the world planned and created by God" and also warns: "Beware [...] of that growing abuse [...] of the name of God as through it were a meaningless label, to be affixed to any creation, more or less arbitrary, of human speculation."<sup>33</sup> The entire document carries with it general condemnations of Nazi ideology and racism, but also contains a few important theoretical claims. First, it singles out for condemnation the exaltation of totalizing statecraft as an object of worship, along with the idolizing of a people (such as the Nazi 'Volk'). It condemns the attempted merger of state, civil law, with the transcendent, moral law. Second, continuing off of the first statement, it disparages the neo-Nietzschean displacement of God as a useful tool of

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<sup>31</sup> Ibid, 1.

<sup>32</sup> Ibid, 1.

<sup>33</sup> Pius XI, *Mit Brennender Sorge* [Encyclical Letter on the Church and the German Reich], accessed January 30, 2016, [http://w2.vatican.va/content/pius-xi/en/encyclicals/documents/hf\\_p-xi\\_enc\\_14031937\\_mit-brennender-sorge.html](http://w2.vatican.va/content/pius-xi/en/encyclicals/documents/hf_p-xi_enc_14031937_mit-brennender-sorge.html).

human control, the forced descent of God into the everyday world of humanity as an object to be fondled by human powers.

While the document has little internal conflict in passing judgment of political ideologies in relation to moral law, it does portray some tension in explaining the Vatican's own involvement in politics and treaty-making, the Vatican's continued participation in civic life. It noted that it had signed a "solemn treaty [...] prompted by the desire, as it behooved Us, to secure for Germany the freedom of the Church's beneficent mission and the salvation of the soul in her care, as well as by the sincere wish to render the German people a service essential for its peaceful development and prosperity."<sup>34</sup> It acknowledged the political reality – as a political organization with the best intention, the Church entered into a political relation. It then states:

“In the furrows, where We tried to sow the seed of a sincere peace, other men – the ‘enemy’ of Holy Scripture – oversowed the cockle of distrust, unrest, hatred, defamation, of a determined hostility overt or veiled, fed from many sources and wielding many tools, against Christ and His Church. They, and they alone with their accomplices, silent or vicious, are today responsible, should the storm of religious war, instead of the rainbow of peace, blacken the German skies.”

In this the Church admits the failure of such a political relationship, as the political entity into which it entered relations has failed the moral law, contradicting Christ and Church. Thus, there is a penumbra of reserve, if not sorrow, at the Church's political actions, which led to a deal with another political body that is contradicting the Christian moral law. The Church, the

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<sup>34</sup> Ibid.

Body of Christ, is maintaining a political relationship with people who seek to “exterminate.”<sup>35</sup> It does not explicitly call out Hitler or Germany, but clearly addresses Nazi ideology.

By 1938, there were signs that Pope Pius XI was preparing an even more explicit statement. At a meeting with Belgian pilgrims, he extemporaneously noted in an address that “Spiritually we are Semites” and “It is not possible for Christians to participate in antisemitism.”<sup>36</sup> As Michael Phayer notes, his statement “provided inspiration for Catholic rescuers during the Holocaust.”<sup>37</sup> At the time of his death, he was preparing to release another encyclical, again condemning racism, *Humani Generis Unitas* – “On the Unity of Humankind”, which appears to have been deliberately delayed until his death in 1939.<sup>38</sup> After his death, American Jesuit John LaFarge, a supporter of the encyclical, noted that the election of Pacelli as Pope Pius XII meant that “diplomacy would now take precedence over justice.”<sup>39</sup> And certainly, from a variety of different analyses, diplomatic and political concerns seemed to have occupied a more prominent role under Pope Pius XII than Pope Pius XI. None of the wartime encyclicals of Pope Pius XII — *Summi Pontificatus*, *Sertum laetitiae*, *Saecluo exeunte*, *Mystici corporis Christi*, *Divino afflante Spiritu*, *Orientalis Ecclesiae*, or *Communium interpretes* — ever served the same condemnatory purpose as *Mit brennender Sorge* or *Humani Generis Unitas*, although *Mystici corporis Christi* did condemn race and nationalistic discrimination, the killing of those with disabilities, and forced conversion to Christianity.<sup>40</sup> Published in 1943, *Divino afflante Spiritu* seems somewhat out of touch with current events – instead extolling the wonders of items

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<sup>35</sup> Ibid.

<sup>36</sup> Pope Pius XI, quoted in Phayer, *The Catholic Church and the Holocaust*, 3.

<sup>37</sup> Ibid, 3.

<sup>38</sup> Ibid, 4.

<sup>39</sup> LaFarge, qtd in Ibid, 4.

<sup>40</sup> Pius XII, *Mystici Corporis Christi*, [Encyclical Letter on the Mystical Body of Christ], accessed January 30, 2016, [http://w2.vatican.va/content/pius-xii/en/encyclicals/documents/hf\\_p-xii\\_enc\\_29061943\\_mystici-corporis-christi.html](http://w2.vatican.va/content/pius-xii/en/encyclicals/documents/hf_p-xii_enc_29061943_mystici-corporis-christi.html).

of Christian antiquity and encouraging more Biblical scholarship and new translations (although this start would later come to fruition in the furtherance of this scholastic goal in Vatican II).<sup>41</sup>

#### DURING THE WAR

The reactions of the Church — from the Vatican, hierarchy, and laity — ranged from collaboration to subversion and opposition during World War II. Some noteworthy figures:

- Bishop Hudal of Austria admitted to harboring Nazi war criminals, including Adolf Eichmann, “accused the Jews of undermining European society in general and German society in particular,” and was an apologist for the Nazi movement and the Nuremberg racial laws. He asserted that Christianity must use Nazism to fight the corrupting byproducts of the Jews.<sup>42</sup>
- Jacques Maritain, a French Catholic philosopher, made extraordinary efforts to defend the dignity of the Jews and the Christian’s responsibility to protect them, based on the everlasting nature of God’s covenant with Israel. He penned *The Impossibility of Anti-Semitism: A Christian Looks at the Jewish Question*, and noted that US rabbinical associations had spoken out against Russian prosecution of Christians, while the Church had not done the same for Jews in Europe.<sup>43</sup>
- Cardinal Innitzer of Austria welcomed the Anschluss, the merger of Austria and the arrival of Nazism, by ringing church bells and displaying Nazi flags. He was severely reprimanded in Rome by the Pope Pius XI, who was “furious” at his actions.<sup>44</sup>

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<sup>41</sup> Pius XII, *Divino Afflante Spiritu*, [Encyclical Letter on Promoting Biblical Studies, Commemorating the Fiftieth Anniversary of Providentissimus Deus], accessed January 30, 2016, [http://w2.vatican.va/content/pius-xii/en/encyclicals/documents/hf\\_p-xii\\_enc\\_30091943\\_divino-afflante-spiritu.html](http://w2.vatican.va/content/pius-xii/en/encyclicals/documents/hf_p-xii_enc_30091943_divino-afflante-spiritu.html).

<sup>42</sup> Phayer, *The Catholic Church and the Holocaust*, 11.

<sup>43</sup> *Ibid*, 13.

<sup>44</sup> *Ibid*, 2.



- After the pleas of Archbishop De John of Utrecht were not addressed by German occupiers, in 1942 a protest statement asking God to “strengthen the people of Israel so sorely tested in these days” was read in every church in Netherlands.<sup>45</sup> German authorities responded by rounding up and arresting Jewish converts to Catholicism, including a Carmelite Nun, Edith Stein. This case was used as an example of the retribution Catholics faced for the hierarchy speaking out. Similarly, many German Bishops cited the Concordat as evidence they could not interfere in German politics or speak out against the Nazi regime.<sup>46</sup>
- German Catholic Margarete Sommer rescued Berlin Jews, wrote a draft statement for German Bishops condemning the actions of Hitler, and collected sensitive information through the worst years of the Holocaust about the “Final Solution” through Hans Globke, a high-level bureaucrat in the Ministry of the Interior. She fed this information and provided support to the Kreisau Circle, a group of Munich Jesuits.<sup>47</sup>
- Bishop Preysing worked extensively with Margarete Sommer to rescue Berlin Jews, and kept in close contact with the Kreisau Circle. He begged, through dozens of pieces of correspondence, for Pope Pius XII to speak out against Nazi atrocities. Some other German bishops supported nationalistic fervor, refused to meet with those bringing reports of the Holocaust, and voted against a united statement condemning the actions of the Nazis.<sup>48</sup> Some bishops, such as Cardinal Adolf Bertram and Conrad Gober, said they did not want to know about the Holocaust.<sup>49</sup>

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<sup>45</sup> Ibid, 94.

<sup>46</sup> Ibid, 18.

<sup>47</sup> Ibid, 70-74.

<sup>48</sup> Ibid, 71-75.

<sup>49</sup> Ibid, 70.

- An extraordinary statement of the German Bishops against Nazi atrocities was never issued because of fear of further retribution and out of respect of the political deal of the Concordat.<sup>50</sup>
- There is unequivocal evidence that the Vatican, and Pope Pius XII, knew of Nazi atrocities and the Holocaust. There is also evidence that they did not share the information they had from 1943-1944.<sup>51</sup> The Pope, perhaps politically pragmatic, was worried about harm against Catholics and further violence against Jews, and Communists winning the war.<sup>52</sup> He did not speak out against the slaughter of millions of Polish Catholics, or after knowledge of the Final Solution.<sup>53</sup> Some analysts contend that the Pope had a special fondness for Germany.<sup>54</sup>
- Pope Pius XII threatened to protest publically if Vatican property was bombed by the Allies in Rome, but did not make a similar statement regarding the murder of the Jews.<sup>55</sup>
- Church leaders in Southern France protested “vigorously and publically against the deportation of Jews” and the hierarchy of the United States, “affirming their agreement with their French colleagues,” said: “Since the murderous assault on Poland, utterly devoid of every semblance of humanity, there has been a premeditated and systematic extermination of the people of this nation [France]. The same satanic technique is being applied to indignities heaped upon the Jews in conquered countries and upon defenseless peoples not of our faith.”<sup>56</sup>

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<sup>50</sup> *ibid*, 74.

<sup>51</sup> *Ibid*, 51.

<sup>52</sup> *Ibid*, 58.

<sup>53</sup> *Ibid*, 55.

<sup>54</sup> *Ibid*, 55.

<sup>55</sup> *Ibid*, 65.

<sup>56</sup> *Ibid*, 93. Brackets are Walden’s.

- In France, the underground Catholic paper, *Cahiers du Temoignage Chretien* “unquestionably succeeded in spreading the word about the perilous situation of the Jews.”<sup>57</sup> In January 1943, it reported that 700,000 Jews had been murdered in specially constructed gas chambers in Poland. Its circulation grew to 25,000, and it was widely read.<sup>58</sup>
- Priests were killed by the Nazis in large numbers in resistance to German actions. In Northern Italy during German occupation, over 170 rescuer Priests were executed in less than two years.<sup>59</sup> In France, at least 231 were also executed. In Poland, thousands more, and many rescuer nuns.<sup>60</sup> Overall, only in Italy were Bishops active in opposing the Holocaust, and only one Bishop in Europe lost his life in opposition to the Germans. As with many political organizations, such as the American and British governments, the Church hierarchy did little overt action to stop the Holocaust in comparison to the tens of thousands of lay people and religious men and women who resisted and rescued.<sup>61</sup>
- 92 percent of the clergy in the Dachau Concentration Camp were Roman Catholic, and during the Allies’ occupation of Germany less than 1 percent of the 5,500 Catholic Bavarian priests needed to be de-Nazified. In some other districts of Germany, none did.<sup>62</sup>
- Pius XII spent large sums of money to secretly fund Catholic rescue efforts and smuggle Jews out of Europe, especially in France, where resistance was strongest.<sup>63</sup> In *The*

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<sup>57</sup> Ibid, 128.

<sup>58</sup> Ibid, 128.

<sup>59</sup> Ibid, 125.

<sup>60</sup> Ibid 131.

<sup>61</sup> Ibid, 132.

<sup>62</sup> Ibid, 134.

<sup>63</sup> Sylvie Bernay, *L'Eglise de France face à la persécution des Juifs: 1940-1944* (Paris: Le Centre national de la recherche scientifique, 2012).

*Defamation of Pius XII*, Ralph McInerny quotes a figure of up to 860,000 Jews saved through Christian relief efforts and papal funding.<sup>64</sup> Among these rescuers was the successor to Pius XII, Pope John XXIII, who saved thousands of Jews from his post in Istanbul.<sup>65</sup>

- Between four and five thousand Jews were harbored on Vatican property in Rome during German occupation.<sup>66</sup>
- Sister Matylda Getter, a Polish nun in Warsaw, rescued hundreds of Jews, many of them children.<sup>67</sup> Her efforts, along with Sister Margit Slachta, saved about 3,000 Jews.

Although they taught Jewish children prayers and songs to conceal their identity, there is no evidence of forced proselytization or baptism of children, nor is there evidence of such a practice in any major Catholic rescue effort in Europe.<sup>68</sup>

- Gertrud Luckner, a German Catholic, collaborated with Margarete Sommer to rescue Jews, and was arrested and sent to Ravensbruck Concentration Camp. She became ill and was condemned to death at Bergen Concentration camp, but was saved by cellmates. After the war, she devoted herself to Christian-Jewish relations through the development of the ecumenical *Freiburger Rundbrief*, referencing the “two peoples of God.”<sup>69</sup> Her work led to German Bishops acknowledging crimes against the Jewish people in 1948, and a statement of contrition in 1961: “we confess before You that millions of persons in our midst were murdered because they belonged to the race from which the Messiah took

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<sup>64</sup> Ralph McInerny, *The Defamation of Pius XII* (South Bend, IN: St. Augustine's Press, 2001), 154.

<sup>65</sup> Phayer, *The Catholic Church and the Holocaust*, 203.

<sup>66</sup> *Ibid*, 102.

<sup>67</sup> *Ibid*, 118.

<sup>68</sup> *Ibid*, 120.

<sup>69</sup> *Ibid*, 186, 198.

on flesh... We beseech You: teach all those among us, who are guilty through deed, omission, or silence, understanding and conversion.”<sup>70</sup>

- The Vatican “sought clemency for convicted war criminals, was uncooperative in extraditing potential German war criminals, may have accepted funds from the Ustasha Facist regime, [...] abetted the escape of fugitives by appointing Nazi sympathizers to key positions [...], and allowed fugitives from justice to hide on Vatican properties.”<sup>71</sup>
- Germaine Bocquet, a Catholic Frenchwoman in the resistance movement, hid Jules Isaac in her home and brought him the materials to write the formative document for Vatican II’s later statements, *Jesus and Israel*.<sup>72</sup>

There is no clear conclusion to be made about the actions of the Church as a whole during the Holocaust, for its many actions, the vectors of so many who responded to the event with such different labors, cannot be neatly tallied. What can be noted, though, is that during the Holocaust, a strain emerged between the Church as a political body, with Concordats and material concerns about Vatican City, and the Church as a spiritual body, a call to action and love enacted by all believers. The inherent tension between the Church’s historical role as a political body and its primacy as a spiritual fount was fully exposed, most importantly by its varied actions towards its spiritual kin, the Jews. The Jews, and their relationship with the Church, exposed the need for a revisiting of their position within the Church worldview through the unspeakable horror committed upon them.

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<sup>70</sup> Ibid, 202.

<sup>71</sup> Ibid, 175.

<sup>72</sup> Ibid, 205.

## AFTER THE WAR

In the first few years after the War, the Church made few initial movements at change under Pius XII. In Germany, reticence to collaborate with the Allies was widespread. In one example Bishop, later Cardinal, Aloisius Muench, Pius XII's Apostolic Visitor to postwar Germany, opposed General Lusicus Clay's reforms of German society, particularly in de-Nazification of the German government and in Holocaust education.<sup>73</sup>

In other areas, signs of change were appearing. Gertrud Luckner began her pioneering work with Christian-Jewish reconciliation. Jules Isaac's book, the product of his many months under the protection of Germaine Bocquet, *Jesus and Israel*, was published, perhaps the most transformational call to what would transpire in Vatican II. He collaborated with the French Catholic philosopher Jacques Maritain, France's ambassador to the Vatican after the war and President of the International Council of Christians and Jews, and Gertrud Luckner, to form the Seelisberg theses, consisting of ten propositions for the Church on the relationship between Christians and Jews. He spoke with Pope Pius XII in 1949, to little effect.<sup>74</sup> In fact, the work of Luckner's Freiburg Circle and the International Council of Christians and Jews was issued a warning by the Vatican in 1950, and the Vatican investigated the Freiburg Circle (they found nothing).<sup>75</sup>

When Isaac visited Pope John XXIII in 1959, he got a dramatically different response. At the time, the Council was set to discuss the relationship of the Church to non-Christian religions, but not Judaism.<sup>76</sup> Pope John XXIII told Isaac that from the moment he arrived, he had thought

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<sup>73</sup> Ibid, 152-158.

<sup>74</sup> Ibid, 206-208.

<sup>75</sup> Ibid, 208.

<sup>76</sup> Ibid, 208.

of including Judaism. He then sent Isaac, symbolically, to the appropriate Cardinal to inform him of the Pope's decision to include Jews.<sup>77</sup> Pope John XXIII signaled a different era for the church in many respects, particularly regarding Jewish relations. During a Good Friday liturgy, he interrupted the Mass and had a prayer repeated in front of the public without offensive commentary after it referred to the Jews as "perfidious", and soon after had all derogatory comments against Jews removed from the liturgy.<sup>78</sup> In this step, John XXIII left a clear sign of his intentions and optimism for the work of the newly-declared Vatican II council.

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<sup>77</sup> Ibid, 208.

<sup>78</sup> Ibid, 209.

## VATICAN II AND THE MODERN LIFE

Vatican II is an epochal moment in the Church's history. It reflects an institution acknowledging the dramatic changes of modern life, and responding to them in new language. In this sense, it incorporates a dialectic with history, a non-classicist viewpoint that moved beyond mere explanation of the tenets of belief in the Catechism to an interaction, with a dynamic notion of faith and the Bible. And yet it was also carefully presented as profoundly conservative, drawing from the most ancient roots of revelation and responding to the world at it is now, a notion that God's message deserves primacy, and that he is still speaking.<sup>79</sup> It did not erupt spontaneously in a vacuum. Pope Leo XIII articulated much of the intellectual groundwork for understanding modernity, from the rising "democratic spirit" and warnings about totalizing ideology, in the century before.<sup>80</sup> By reaching back even further to the core of faith in scripture, it also allowed for a deep examination of many of the political and social accoutrement that accompanied its path through the past two millennia. It rooted itself in the Gospel and the Bible, returning to the moral Law of scriptural sources, over the natural law that had guided the Church over the previous centuries. This dialogue with history, in noting the oscillations of human history on its body, was a new acknowledgment of the Church, and led to the profound conclusion that "the history of the world is the history of grace."<sup>81</sup> History itself, as a testament to humans in the world, is a testament to God's presence in humanity.

These early foundational concepts of the Church came most profoundly from two counterpoised strains of metaphysical interpretation. The first was a move towards the material

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<sup>79</sup> Maureen Sullivan, *The Road to Vatican II: Key Changes in Theology* (New York: Paulist Press, 2007), 56 (quoting John Henry Cardinal Newman's *Essay of the Development of Doctrine*), 87-91.

<sup>80</sup> Timothy Fuller, "Leo XIII and Catholic Social Teaching" (lecture, Legatus National Annual Summit, January 8, 2015).

<sup>81</sup> Karl Rahner, quoted in Sullivan, *The Road to Vatican II*, 120.



reality of the world in the acknowledgement of modernity. As Yves Congar is quoted by Maureen Sullivan, the Church “is Christ dwelling in the world and saving it by our faith.” The Church saw itself as the body of Christ in the world, composed of many individual actors for Christ, cells and tissues in this body. This reflects a conception of the Church that exists from the very earliest conception of “Christ as synagogue” that Justin visualized.<sup>82</sup> There is a profound theological return to the material immersion of such an existence in sin and suffering, which ail such a body.

The second, seemingly opposite movement, is away from the material reality of the Church. It is a belief that the Church itself must look outward, not upon itself, in its work. John Henry Cardinal Newman, among others, were early predecessors of this belief, one that saw the political dealing of the Church as taking precedent over more important duties, “running the risk of the earthly reality of church becoming an object of our devotion instead of God.”<sup>83</sup> The Church is not the end goal, but is a courier of tradition and authority alongside human participation in Creation.

These two elements, both an embrace of the world and a dispelling of the idolatry of the Church itself, are reconciled in the turn towards the world at large the Church makes in the Vatican II documents. It is turning away from its existence as a system alone, and towards the world as a whole, in which it lives and serves. Nothing can be more telling than the preface of *Gaudium et Spes*: “The joys and hopes, the grief and anguish of the people of our time, especially of those who are poor or afflicted, are the joys and hopes, the grief and anguish of the

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<sup>82</sup> Justin, quoted in Pelikan, *The Christian Tradition, Vol. I: The Emergence of the Catholic Tradition (100-600)*, 26.

<sup>83</sup> Sullivan, *The Road to Vatican II*, 112

followers of Christ as well.”<sup>84</sup> There is an intimate connection between the Church and all the world, for the Church, as the Body of Christ in the world, feels the pain and suffering of all Creation, and is obliged to listen, respond, and heal with it.

One of the most dramatic changes of the Church over its history was the slow identification with political power, starting from its association with Justinian and the Roman Empire. Yves Congar, one of the great reformers at Vatican II, claimed that the most important inflection came with Gregory VII in the eleventh century.<sup>85</sup> His connection of civil and spiritual authority, of the Church as a legal institution, would dramatically alter its political involvement from the Middle Ages onward. The Church at the time of Vatican II reflected this — it was a hierarchical structure presided over by a monarch-Pope. Vatican I’s declaration of Papal infallibility seemingly increased this level of monarchism.<sup>86</sup> Vatican II, however, in *Lumen Gentium*, moderated this stance, emphasizing the *communio* of faith, of diverse Christian practices, bishops, and local parishes united in the Holy Spirit.<sup>87</sup> Its reaffirmation of this diversity in the Church is an echo of the richer tradition of the early faith, and the small, marginal space of many early Christian sects within, and eventually separate from, Judaism. *Lumen Gentium*, in calling on all of the believers of the world to take their rightful place as “People of God,” and a “Universal Call to Holiness,” is a statement of where the Church is headed, in a belief that all are called by God, and all are part of the Church in their dialogue with God. *Gaudium et Spes* took this call into the city, to the public square.

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<sup>84</sup> Austin Flannery, O.P., ed. *Vatican Council II: The Basic Sixteen Documents, Constitutions, Decrees, Declarations* (Northport, NY: Costello Publishing Company, 1996), 163.

<sup>85</sup> Sullivan, *The Road to Vatican II*, 87.

<sup>86</sup> *Ibid*, 105-106.

<sup>87</sup> *Ibid*, 106-107.

## GAUDIUM ET SPES: THE CHURCH IN THE MODERN WORLD

The relationship of the Church to the political order expresses itself most acutely in *Gaudium et Spes*, one of the Sixteen Documents of Vatican II, addressing modernity. In its grasp of the exigency of modern life, it borrows from the Protestant view of *Kairos*, the moment of action, in the belief that the crises of the Christian faith are here, now. It reflects above all a concern for the dignity of humanity and the preservation of the Church as an unadulterated voice for advancing the spiritual cause of humanity. In speaking on modernity, it often seems to stem from the tragic consequences of World War II, and outlines a church separate from politics, a guide for those participating in political life. It recognizes a space for individual conscience and liberty to make decisions through free will.

The document is filled with strong affirmations of the integrity of the human being: “Women and men are not mistaken when they regard themselves as superior to merely bodily creatures and as more than mere particles of nature or nameless units in human society.”<sup>88</sup> The empiricism of modern life, of tagged bodies in concentration camps, is antithetical to the Catholic perception of humanity. Humanity and society are interdependent, and the object of society is the improvement of the human condition: “the betterment of the person and the improvement of society depend on each other. Insofar as humanity by its very nature stands completely in need of life in society, it is and it ought to be the beginning, the subject and the object of every social organization.”<sup>89</sup> Humanity is society, and society grounds the human experience. Thus, a proper human and society should seek to improve relations between and within people. Note, however, that the church is speaking to individuals, and the human

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<sup>88</sup> Flannery, *Vatican II: The Basic Sixteen Documents*, 177.

<sup>89</sup> *Ibid*, 190.

community at large, not prescribing itself arbiter of societal function. Yet individuals are not merely tied to the Church, but are guided within community, tradition, and history towards God, through the Body of Christ on Earth. There is a dynamic interplay between the individual and the environment which sustains her.

This notion of observation and wise guidance is seen in the discussion of the Common Good that the document addresses. It notes the increasing “interdependence” of the world, saying “we are today witnessing an extension of the role of the common good.”<sup>90</sup> The church is moving away from an active political role, serving as a great conscious upon which to draw moral insight. Through a strong commitment to social justice and a restrained “individualistic morality,” the common good can be nourished for all.<sup>91</sup> Modernity, filled with material riches and self-glorification, is an inversion of the common good.

Perhaps the clearest statement of this new separation of religious and political institutions is the statement on “Rightful Autonomy of Early Affairs,” which disperses the juxtaposition of modern empirical methodology (and modernity itself) with faith. It is a reinforcement of a return to scriptural Law, and a separation from natural law, now absorbed into modern empiricism. It states: “methodological research in all branches of knowledge, provided it is carried out in a truly scientific manner and does not override moral laws, can never conflict with the faith, because the things of the world and the things of faith derive from the same God [...] We cannot but deplore certain attitudes, not unknown among Christians [...] they have occasioned conflict and controversy and have misled many into opposing faith and science.”<sup>92</sup> The Church here is simultaneously recognizing the enormous power of technological change and its utility when

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<sup>90</sup> Ibid, 191.

<sup>91</sup> Ibid, 194-195.

<sup>92</sup> Ibid, 201.

applied to the right purpose. The important frame here is that technology is a means, never an end, and ought to serve the common good. When technology leaves the bounds of moral Law, the destruction and dehumanization of society is left: “Besides, once God is forgotten, the creature itself is left in darkness.”<sup>93</sup> There is a space for human understanding and conscience, for Creation is of God, and to explore it is to explore God’s work. There is a Jesuit ideal of finding God in all things, as long as the light of God is the lens by which the highest questions of existence are evaluated.

Thus, the Church has set out a few guidelines on modern life — it is, like all societies, a codependent relationship, and as such exists for the betterment of the individual and the collective. It is not opposed to technological insight, and the progress of science serves to unveil, not disprove, God and faith. The Church makes these statements to all peoples of the world, but does not prescribe itself a legal role within it. What, then, is the Church’s role, and what does this political community look like?

Important to the Church’s definition is that the community is not just individuals, groups, and society, but the family. This concept of family is referred to in the documents not just as the nuclear one, but larger, as a communal family, and a human one. The political community is an organization of the human family that “exists for the common good: this is its full justification and meaning and the source of its specific and basic right to exist.”<sup>94</sup> As society is pulled in different directions by independent members, it is the job of the political community to structure energies towards the common good, as directed by the moral order imposed by God. So, while the Church is no longer the political order, it retains the moral fount from which political

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<sup>93</sup> Ibid, 202.

<sup>94</sup> Ibid, 256.

organization can strive towards the common good. There is a codependent relationship, of both the individual liberty to exercise basic rights and speak his conscience, but also the community rights of tradition, authority, and culture. Communities are also families, brought into fellowship through shared history and belief. This forms a great question of how to orchestrate a society whereby both the communal family and individual liberties are preserved.

The citizen in this order is no blind follower of a spontaneous governing apparatus. She is “bound in conscience to obey” an order, but: “When citizens are being oppressed by a public authority which oversteps its competence [...] it is legitimate for them to defend their own right and those of their fellow citizens against abuses of this authority within the limits of the natural law and the law of the Gospel.”<sup>95</sup> An element of anti-institutional endorsement, even activism, permeates this message. It speaks to Hannah Arendt’s concept of thinking: “to think is also a form of acting; that thinking, as is sometimes said, is a kind of ‘inner action.’”<sup>96</sup> Thinking is a conscious act of deliberate tenacity, a corollary to accessing the natural light and our inner source of moral authority.

Added to this vision of a just political community oriented towards the common good is a belief in equal participation, based on a notion that all people are of equal dignity in the eyes of God (a visceral notion in Christianity, as noted in Rémi Brague’s work on the Judeo-Christian inheritance.<sup>97</sup>) The Church sees this as part of the trajectory of human striving for the good. It writes: “It is fully in accord with human nature that politico-juridical structures be devised which will increasingly and without discrimination provide all citizens with effective opportunities to play a free, active part in the establishment of the juridical foundation of the political

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<sup>95</sup> Ibid, 257.

<sup>96</sup> Hannah Arendt, *Responsibility and Judgement*, ed. by Jerome Kohn (New York: Schocken Books, 2003), 105.

<sup>97</sup> Rémi Brague, *The Law of God*, trans. by Lydia G. Cochrane (Chicago: The University of Chicago Press, 2007).

community, in the administration of public affairs, in determining the aims and the terms of reference of public bodies, and in the election of political leaders. All citizens ought to be aware of their right and duty to promote the common good by casting their votes. The church praises and esteems those who devote themselves to the public good and who take upon themselves the burdens of public office in order to be of service.”<sup>98</sup> Participation in public life, the use of one’s independent conscience in dialogue with God, is not only allowable, but encouraged as necessary to promoting the public good. There is a need to develop the law within the space of liberty in this world, reaching towards and guided by moral Law.

This detailed statement can be broken down into three major tenets: 1. A democratic means of channeling public energies towards the good (perhaps in some form of constitutional system) through increasingly more inclusive ends, resonates with the human condition. 2. Citizens have a duty to participate in public life, including by casting their votes. 3. Participation in politics, often marked as low, degrading, and immoral, is good in channeling moral ends through service within a political community. This remarkable statement, of increasing democratic order, of the civic duty, and of the good in public service, is nothing short of an endorsement of many modern facets of the Western political order, and perhaps reflects some of the more radical elements of the Gospels as applied during the Enlightenment period. Its work can be seen as a product of both a revulsion against the atrocities of WWII, and also the Communist anti-religion, which as shown previously was a great fear of Pope Pius XII (in retrospect, rightly so) and an ongoing ideological struggle at the time of Vatican II.

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<sup>98</sup> Flannery, *Vatican Council II: The Basic Sixteen Documents*, 258.

This discussion of political community is certainly relevant to post-war discussion of human dignity, clearly applicable to the Jews. But the Jews were more than a passing subject for the Church, they were not just one people among many, but a group whose history cradled the Church's inception, and intertwined with its own development ever since. Furthermore, the Jews were uniquely associated during the previous centuries with negative aspects of modernity. Thus, a statement on the liberty of humanity to practice faith and individual conscience also required a turn to the longstanding minority in the Church's political history. It served a dual purpose: first, to look back at Church structures when faith was in the minority, in the Church's early days. Second, to release a statement of spiritual guidance on political minorities, such as the Jews, to form a moral guide for lawmakers dealing with a smaller Church in a secular age. It would follow Pope John XXIII's two guiding principles: *ressourcement* and *aggiornamento*. In doing this, it returned to the New Testament (of which Jules Isaac's work, *Jesus and Israel*, was a contemporary analysis), and statements such as *Sicut Iudaeis Non*, bringing back the earliest tradition in modern language.

#### NOSTRA AETATE: VATICAN II AND THE JEWS

The Council's sixteen major documents include three declarations, on religious liberty, non-Christian religions, and Christian education. It is in *Nostra Aetate*, "Declaration on the Relation of the Church to Non-Christian Religions," where the most explicit treatment of the Jews is made in the Vatican II documents, a result of rancorous debate that fell mostly by the wayside with the death of Pope John XXIII. It was not brought conclusively to the floor until September 28<sup>th</sup> of 1964, in the Third Session, the first one after the death of Pope John XXIII. At the time, the entire fate of the Council, according to Xavier Rynne, "hinged on one thing – the



character of Pope Paul.”<sup>99</sup> Indeed, compared to the radiant enthusiasm noted of Pope John, Pope Paul was particularly noted for his mixed statements, often ending long messages of support with distant qualifiers. On the issue of Papal authority, he ended a supporting statement regarding the *communatario* principle with: “We [the Papacy] reserve to ourselves the choice of the proper amount and manner of expressing our judgement, most happy if we can present it in perfect accord with that of the Council Fathers.”<sup>100</sup> Rynne writes that: “Observers at the time were struck by the mysterious Olympian tone and icy aloofness that seemed to be evident in this remark, coming at the end of a long passage expressing confidence in the work of the Council.”<sup>101</sup> This type of turbidity of statement and purpose was a great shift, and muted some of the potential dynamism in Pope John XXIII’s Councils. His ‘yes, but’ statements became of such repute that *The Economist* nicknamed him “The Pope of Buts.”<sup>102</sup>

It is into this environment that the three declarations were debated and wording finalized. Some of Pope John’s original conversations about Vatican II had been with Jules Isaac, author of *Jesus and Israel*. Pope John had already made some clear actions that suggested that the contemporary treatment of Jews in Catholic practice and outlook would change. In *Jesus and Israel*, Isaac presented 21 propositions to form a new era of Christian-Jewish relations. This can be summarized in five constituent parts: 1. The Christian religion is the daughter, borne out of the Jewish religion. 2. Jesus, his family, friends and relatives, were Jews, “according to the flesh.”<sup>103</sup> 3. The Gospel originated in the center of Jewish life, it was preached in the

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<sup>99</sup> Rynne, *Vatican Council II*, 287.

<sup>100</sup> Pope Paul VI, quoted in *Ibid*, 287. Brackets Walden’s.

<sup>101</sup> *Ibid*, 288.

<sup>102</sup> *Ibid*, 288.

<sup>103</sup> Jules Isaac, *Jesus and Israel*, ed. by Claire Huchet Bishop, trans. by Sally Gran (New York: Holt, Rinehart, and Winston, 1971), v. Originally published in France: Isaac, *Jesus et Israel* (Paris: Fasquelle Éditeurs, 1959).

synagogues, and is rooted in Jewish tradition.<sup>104</sup> 4. The people of Jesus, the Jews, were dispersed by the time of his coming, and they often opened their hearts to him. There can be no collective responsibility or condemnation of a whole people, Jesus' own people. 5. The crime of Deicide – the greatest wrong. “Jesus was careful to name in advance the parties responsible for the Passion: elders, chief priests, scribes – a common species no more limited to the Jews than to any other people.”<sup>105</sup> This crime is historically made, not accurately rooted. 6. Here is Isaac's final call:

“Whatever the sins of the people of Israel may be, they are innocent, totally innocent of the crimes of which Christian tradition accuses them: they did not reject Jesus, they did not crucify him. And Jesus did not reject Israel, did not curse it: just as ‘the gifts... of God are irrevocable’ (Rom 11:29), the evangelical Law of love allows no exception. May Christians come to realize this at last – may they realize and redress their crying injustices. At this moment, when a curse seems to weigh upon the whole human race, it is the urgent duty to which they are called by the memory of Auschwitz.”<sup>106</sup>

Together, these statements form the most prominent Jewish response to Catholic dogma and practice, in calling for a discernment of Catholic actions after the Holocaust. The response from the Council is *Nostra Aetate*, which goes far, if not fully, to recognize many of Isaac's propositions.

*Nostra Aetate* speaks to a number of different faiths, including Hinduism, Buddhism, and Muslims, but places the most words with Catholic relations with the “People of Moses.” One can notice the various ways in which the propositions of Jules Isaac were and were not accepted by

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<sup>104</sup> Ibid, vi.

<sup>105</sup> Ibid, vii.

<sup>106</sup> Ibid, vii.

the Council. It reflects a mature understanding of the Church's beginnings as a Jewish sect, and finally stakes out a position in the muddled waters of spiritual Law regarding the way the faith looked at the Jews, beyond political protection.

First, the Christian religion is borne of the Jewish religion. The declaration states: "Nor can it [the Church] forget that it draws nourishment from that good olive tree onto which the wild olive branches of the Gentiles have been granted. The church believes that Christ who is our peace has through his cross reconciled Jews and Gentiles and them one in himself."<sup>107</sup> It acknowledges that the roots of Christianity are Jewish, and that Gentiles have become one in the view of God with the coming of Jesus. Gentiles have been grafted onto a tree whose original growth is Jewish heritage.

Second, that Jesus, his family, friends and relatives, were Jews. The declaration states: "Likewise, the church keeps ever before its mind the words of the apostle Paul about his kin: 'they are Israelites, and it is for them to be sons and daughters, to them belong the glory, the covenants, the giving of the law, the worship, and the promises; to them belong the patriarchs, and of their race according to the flesh, is the Christ' (Rom 9:4-5), the Son of the Virgin Mary."<sup>108</sup> It acknowledges that Christ, his mother, and his entire society was Jewish, and borne of the tribes of Israel, in harmony with Isaac's proposal. It also goes further to note: "It is mindful, moreover, that the apostles, the pillars on which the church stands, are of Jewish descent, as are many of those early disciples who proclaimed the Gospel of Christ to the

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<sup>107</sup> Flannery, *Vatican Council II: The Basic Sixteen Documents*, 572. Brackets Walden's.

<sup>108</sup> *Ibid*, 572.

world.”<sup>109</sup> It acknowledges the many Jews that first spread the message of Christ, and built the Church — that the Church of a Jew was built and founded by Jews.

Third, the Gospel is rooted in Jewish life and Jewish tradition. The declaration acknowledges the “common spiritual heritage”<sup>110</sup> of Jews and Catholics, in line with Pope Pius XI’s spontaneous declaration, “spiritually we are Semites.”<sup>111</sup> It also states that the Church must “encourage and further mutual understanding and appreciation” between Christians and Jews.<sup>112</sup>

Fourth, that the Jews were dispersed at the time of Jesus’ coming, and they opened their hearts to them. This is where the declaration begins to diverge from Isaac’s propositions. It states: “Jews for the most part did not accept the Gospel, on the contrary, many opposed its spread. Even so, the apostle Paul maintains that the Jews remain very dear to God, for the sake of the patriarchs, since God does not take back the gifts he bestowed or the choice he made.”<sup>113</sup> Here, while not ceding the idea that many Jews did not accept Jesus, whose Christianity became a splinter sect, the Council does acknowledge that Jews are still dear to God, and their not accepting Jesus does not fundamentally change their relationship with God or the Church on Earth. Christians are spiritually Jews, people of God. They believe that God opened the doors for all to become part of His chosen people.

Fifth, Isaac presents the charge of deicide, and sixth, that the people of Israel are completely innocent, that there is no grounding for the Church to accuse them, and that they did not crucify him. The contentious debate surrounding this declaration mostly centered on the text of these statements. Rynne writes: “No other conciliar document probably had been subject to so

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<sup>109</sup> Ibid, 572.

<sup>110</sup> Ibid, 573.

<sup>111</sup> Pope Pius XI, quoted in Phayer, *The Catholic Church and the Holocaust*, 3.

<sup>112</sup> Flannery, *Vatican Council II: The Basic Sixteen Documents*, 573.

<sup>113</sup> Ibid, 572-573.

many influences and counterinfluences.”<sup>114</sup> The original statement presented to the Council, in December 1963, concerned only Catholic-Jewish relations, and was the strongest worded text, almost in line with all of Isaac’s statements. It was dropped in the Second Session of 1963 because of “lack of time,” which most interpreted as a “pretext”.<sup>115</sup> Significant opposition from the Arab members of the Council led to the statement being dropped entirely, although Cardinal Bea made a dramatic stand in favor of an adoption of some statement in September of 1964.<sup>116</sup> The language was watered down, removing the exoneration of the charge of deicide, and emphasizing conversion.<sup>117</sup> In the end, after significant negative reaction to this, the text was again modified to some common ground, where deicide was not mentioned at all, and neither was conversion.<sup>118</sup> The document would emphasize the bonds and heritage of Jews and Christians. Thus, the document contains no mention of deicide, and does not exonerate all Jews of the charge of deicide. Instead, it states: “neither all Jews indiscriminately at that time, nor Jews today, can be charged with the crimes committed during His passion. It is true that the church is the new people of God, yet the Jews should not be spoken of as rejected or accursed as if this followed from Holy Scripture.”<sup>119</sup> It states that the Jewish people as a whole are not guilty of the death of Christ, but neither is every Jew at that time in Israel exonerated. The statement ends with a strong statement against discrimination towards the Jews: “Indeed, the church reproves every form of persecution against whomsoever it may be directed. Remembering, then, its common heritage with the Jews and moved not by any political consideration, but solely by the religious motivation of Christian charity, it deplores all hatreds, persecutions, displays of

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<sup>114</sup> Rynne, *Vatican II*, 303.

<sup>115</sup> *Ibid*, 303.

<sup>116</sup> *Ibid*, 303.

<sup>117</sup> *Ibid*, 304.

<sup>118</sup> *Ibid*, 305.

<sup>119</sup> Flannery, *Vatican Council II: The Basic Sixteen Documents*, 573.

antisemitism levelled at any time or from any source against the Jews.”<sup>120</sup> It concludes with a clear statement, reminiscent of the political protection *Sicut Iudaeis Non* and Pope Gregory, condemning antisemitism, but reinforces it with spiritual teaching alone, and buttresses its protections with moral Law, emphasizing the universality of Christ’s love. Vatican II served to reevaluate the political development of the Church, washing and refreshing it with the fount of spiritual teaching from the early years.

Noteworthy was a developing theological belief, present from the earliest days of the Church but particularly revived in modern times, that the death of Christ was a necessary step in his time on Earth.<sup>121</sup> Through substitutiary atonement, dying for the sins of the world, Christ redeemed the world. Thus, the condemnation of Jesus, while tragic and sinful, played some part in this providential history, and formed part of the larger narrative of Christ. In line with this conception of Christ’s tragic life was a belief that for Jews and Gentiles, what mattered more was the universal nature of redemption than the redemption of one particular innocent group or another. This universality of love is noted by both Isaac in his sixth set of propositions, and by *Nostra Aetate*.

The two documents, *Gaudium et Spes*, and *Nostra Aetate*, form a strong base from which to understand the Church’s position on civic governance and the treatment of minorities. They are also buttressed by *Dignitatis Humane*, the “Declaration on Religious Liberty”. This statement reflects much of the spirit of the other two works, focusing in particular on the dignity of individual religious practice and conscience. It speaks to the space for liberty in the realm of religion, as *Gaudium et Spes* did for human life generally, and it reinforces *Sicut Iudaeis Non*’s

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<sup>120</sup> Ibid, 573.

<sup>121</sup> Isaac, *Jesus and Israel*, 177; and Sullivan, *The Road to Vatican II*, 53-55.

religious respect within a larger sphere of civic tolerance. The document can be summarized in this statement:

“Truth can impose itself on the human mind with both gentleness and power. So, while the religious freedom which human being demand in fulfilling their obligation to worship God has to do with freedom from coercion in civil society, it leaves intact the traditional catholic teaching on the moral obligation of individuals and societies towards the true religion and the one church of Christ.”<sup>122</sup>

As noted in *Gaudium et Spes*, there is no contradiction between faith and civic liberty — in fact, civic freedom to practice religion is a prerequisite for faith, and supported by the Catholic tradition.

These statements leave open questions about the practical organization of the modern state. How are both communal and individual rights to be valued? What type of government will protect liberty and communal rights in a multicultural world? What form of relationship between civic law and moral Law can develop in a space for political liberty within the state? One can begin this civic journey of the law as the Church fathers did with moral Law during the Council. Their rootedness in the past as a guide for the future is apparent in their most aspirational and forward-looking document in the Vatican II corpus, *Lumen Gentium*:

“Christ is the light of the nations and consequently this Holy Synod, gathered together in the Holy Spirit, ardently desires to bring to all humanity that light of Christ which is resplendent on the face of the church, by proclaiming his Gospel to every creature. Since the church, in Christ, is a sacrament – a sign and instrument, that is, of

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<sup>122</sup> Flannery, *Vatican II: The Basic Sixteen Documents*, 552.

communion with God and of the unity of the entire human race – it here proposes, for the benefit of the faithful and of the entire world, to describe more clearly, and in the tradition laid down by earlier councils, its own nature and universal mission.”<sup>123</sup>

Guided by this statement, an analysis of political theory of Vatican II must treat the moral Law as a fount from which the Church, as a sign and instrument, may be allowed to carry on freely, alongside all religious believers. It states that the Church carries a universal mission in what it brings in a tradition and authority stemming from Christ Himself, and through more clear descriptions and a return to the sources, may be able to serve as an inspiration to all people as they navigate civic and spiritual realms. Thus, an exegesis of civic law must treat moral Law as a sign, and leave space for individual conscience to interpret it.

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<sup>123</sup> Ibid, 1.



## VATICAN II: THE POLITICAL CALL

Vatican II was a conference in which the Church both reconciled with its past, and looked to the future role of the Church in the modern era. Many of those who deliberated saw the reach back towards the early days of the Church and out to the present times as inextricably tied. Pope John XXIII did with the two guiding phrases of *ressourcement* (a return to the sources) and *aggiornamento* (a bringing up to date). Certainly there are parallels between the increasing marginalization of the Church among modern people and the minority position after its founding. It is this outsider status which can be said to be the core of modern identity – the uprooting of the Church, the death of God, the decline of Christian influence in public life – that makes the study of the Church's first and longest-lasting outsider relationship of such theoretical importance.

There are three major parts to this analysis. First, there is the statement, in *Gaudium et Spes* and by the Jewish scholar Emil Fackenheim, that find God's presence still in the world, and that God is both God, above, and the word which acts through us in the world (and for Christians, lived among us in Jesus and His Church). Voegelin and Arendt offer two lenses to make sense of this relationship for daily civic organization. Voegelin's analysis of *metaxy* illuminates the constant strain between the eternal and the temporal through which human affairs is wrought. Arendt speaks of the need for a timeless story, from which tradition and authority allow firm roots to be struck. Both allude to the need for the guidance of religion as a mediator within *metaxy* and as the source of truth and tradition in the world.

Second, there is the question of modernity, summarized most poignantly in Alasdair MacIntyre's *After Virtue*. In a relativist world, where virtue and authority lose their force, what political response does the Church's articulation of *Nostra Aetate* and *Gaudium et Spes* call for? Two competing interpretations can be found in Charles Taylor, an advocate of broadly-guided

multiculturalism, and Alain Finkielkraut, who finds that multiculturalism is too relativist to protect individual liberty. Finkielkraut also argues that free society, where morality can develop, is predicated on recognizing individual cultural compositions, which often conflict with one another, and choosing a defining moral order to adjudicate between them. There will not always be equality between them. It leaves open the question of what sort of institutions ought to preserve such a role.

Within the space of liberty requisite for religious morality and community interest, where is the law? The Catholic philosophy of *Sicut Iudaeis Non*, *Nostra Aetate*, and *Gaudium et Spes* provide a framework. They recognize the importance of precedent, tradition, irreplaceable moral authority, the importance of ecumenism with the outsider, and freedom of expression. A form of representative governance, with clearly delineated protections for individuals and groups, and with a strong *ad hoc* legal tradition based on precedent, is needed. Really, what is called for is a strong, multilayered constitutionalism with something along the lines of the Common Law.

#### GOD IN THE WORLD: BETWEEN LAW AND LAW

World War II rocked the historical consciousness, and the human psyche. It was a climax of modern thought, the elevation of a people in a national myth, to transcendent heights, to a saturated preeminence, in a modern technologized rush to grasp the power of history. The Nazi ideology attempted to align the transcendent power of timelessness and instantiate the eons into the making of the present, supposedly a human act of suprahistorical meaning. The thousand year Reich failed, an act of hubris to build from millions of human vectors a universalizing force of a single, pure *Volk*. It did, however, commit a suprahistorical event, a stab into the very heart of a people so intertwined with the history of the West and with their own history as to shatter the last

classical structures before the terrifying power of modern human-centric industrialism. Where was God?

*Gaudium et Spes, Nostra Aetate* and Emil Fackenheim all respond to God's presence in history. In the statement "Solidarity of the Church with the Whole Human Family," *Gaudium et Spes* states:

"The joys and hopes, the grief and anguish of the people of our time, especially of those who are poor or afflicted, are the joys and hopes, the grief and anguish of the followers of Christ as well. Nothing that is genuinely human fails to find an echo in their hearths. For theirs is a community of people united in Christ and guided by the Holy Spirit in their pilgrimage towards the Father's kingdom, bearers of a message of salvation for all of humanity. That is why they cherish a feeling of deep solidarity with the human race and its history."<sup>124</sup>

Thus, the Church takes upon the weight of history as the continuing body of Christ, including the weighty history of the Holocaust. The sufferings of all people are the sufferings of the Church, just as the sufferings of all people were carried by Jesus to the cross. History is not without a God, rather, history carries the people of God to find solidarity within all suffering. God's presence as the Spirit in the world guides the Church in bearing and caring for such wounds.

Emil Fackenheim states something similar about God's presence, and the inescapability of the mystery of God. Speaking of the suprahistorical events of the Old Testament, he writes:

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<sup>124</sup> Ibid, 163.

“We conclude, then, that the rabbis remained true to the catastrophic historical present, even as they remained faithful to the saving and commanding past. They remained stubborn witnesses to the nations that all history both stand in need of redemption and is destined to receive it.”<sup>125</sup>

This paradox of liberty is seeking redemption and consolation and its destiny does not escape him:

“Midrashic thought, therefore, cannot resolve the contradictions in the root experience of Judaism but only express them [...] Midrashic thought, therefore, is both fragmentary and whole.”<sup>126</sup>

God is not dead in the secular age, where good and bad, secular and believer, are mixed, but He, in the words of Buber, is rather “eclipsed.” He writes: “to be sure, there is hope with this image, for an eclipse may come to an end.”<sup>127</sup>

If God is with us through the Spirit, however eclipsed and mysterious his works, then it is time to move beyond the Truth within His Law, and into the human condition that must live out life on earth. Here the lenses of Voegelin and Arendt are brought out.

Voegelin makes central to the human existence the concept of *metaxy*, by which humans navigate the space between the finite realm of human existence, and the infinite beyond of moral order. It also comes through the tension between reaching towards a made beginning, and the eternal being.<sup>128</sup> He writes: “The life of reason is not a treasure of information to be stored away,

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<sup>125</sup> Emil Fackenheim, *God's Presence in History* (New York: Harper Torchbooks, 1970), 29-30.

<sup>126</sup> *Ibid*, 20.

<sup>127</sup> Buber, in *Ibid*, 61.

<sup>128</sup> Eric Voegelin, *Anamnesis* (Notre Dame, IN: University of Notre Dame Press, 1978), 112-113.

it is the struggle in the *metaxy* for the immortalizing order of the psyche in resistance to the mortalizing force of the apeironic lust of being in time.”<sup>129</sup> Voegelin articulates the prime struggle of the human being in the world: the tension between the eternal, the timeless and the process through time in reaching for it, and then on the other hand the temporal lust of time itself, the mortalization of decision-making and worldview. *Metaxy* is the constant tension between higher moral Law of God and the law of the people, which reaches towards a more perfect order.

Arendt speaks from the point of tradition, and sees the beginning point as temporal and the source of order. This belief in the stability of the law of the world, the justness of existence, is a fundamental attribute of what Rémi Brague calls “the Judeo-Christian inheritance.”<sup>130</sup> Its formulation of human existence permeates our lives to this day – it forms our beginning, along with the Greeks. Hannah Arendt, noting Jacob Burckhardt, writes: “the beginning [...] is like a ‘fundamental chord,’ which sounds in its endless modulations through the whole history of Western thought. Only beginning and end are, so to speak, unmodulated.”<sup>131</sup> Arendt notes how the story of our existence is one that originated millennia ago in the Levant and Greece, one whose reverberations continue on in modern society. Perhaps even more prescient is a quote by Plato, who writes: “The beginning is like a god which as long as it dwells among men saves all things.”<sup>132</sup> It dwells among us as the Word, forming our conceptualization of the Law through our stories and practices. The beginning is God, which becomes our story of ourselves, through the Jewish people’s history until Christ lived among them.

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<sup>129</sup> Ibid, 112.

<sup>130</sup> Rémi Brague, “Liberty and the Judaeo-Christian Inheritance,” in *Liberty and Civilization: The Western Heritage*, ed. by Roger Scruton (New York: Encounter Books, 2010), 62.

<sup>131</sup> Hannah Arendt, *Between Past and Future* (Cleveland: Meridian, 1963), 18.

<sup>132</sup> Plato, quoted in Ibid, 18.

There is a highly individualized notion of what this guiding Word becomes for each of us. Arendt resorts to quoting Socrates, who by his “own admission, all he could show for himself when it came to actual conduct was a ‘voice’ speaking from within himself that would turn him back from something he intended to do [...]”<sup>133</sup> Arendt conceptualizes a negative notion of the Law, which resides within us.

According to Arendt and Voegelin, *metaxy* is a vulnerable condition. Without strong personal rootedness in the Law, temporal human law can be construed to destroy and inflict violence. It is only individuals, rooted in the authority and tradition of Law, who can resist such manipulations of an imperfect law. She writes: “The trouble with the Nazi criminals was precisely that they renounced voluntarily all personal qualities, as if nobody were left to be either punished or forgiven.”<sup>134</sup> There was no grounding in the fabric of the Law, and the law was temporal and elevated to the level of the *Volk*, beyond personal contemplation. Arendt notes that “extreme evil is possible only where these self-grown roots, which automatically limit the possibilities, are entirely absent. They are absent where men skid only over the surface of events, where they permit themselves to be carried away without ever penetrating into whatever depth they may be capable of.”<sup>135</sup> It is this lack of thinking, the lack of striking roots into one’s tradition and authority, which allows the law to slip away from Law, through the lack of individuals in contact with their “inner action.”<sup>136</sup> Thus the preservation of the traditions that echo from the beginning, and the liberty needed for individuals to strike roots, is paramount to

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<sup>133</sup> Arendt, *Responsibility and Judgement*, 103.

<sup>134</sup> *Ibid*, 111.

<sup>135</sup> *Ibid*, 101.

<sup>136</sup> *Ibid*, 105.

the preservation of a society where law reaches towards Law, and human dignity and the good are promoted. This is not always the path of the city.

THE PROBLEM OF DOUBLE-DISSONANCE: THE STRATIFICATION OF IDENTITY POLITICS IN AN

ATRADITIONAL CULTURE

The modern period is characterized by an increasing lack of rootedness in tradition. Arendt claims that this order ended with Marx, who concluded that truth and philosophy are not located outside humanity but within them, and are real only through social recognition.<sup>137</sup> As time goes on, we lose the profundity of the first chord of our tradition, and we kill our inheritance with a modern conceptualization of relativism, remaining in the cave. We are left with a world dismissive of tradition and centeredness, as Alasdair MacIntyre lays out in *After Virtue*. His concept of small communities whereby traditions could be perpetuated is reflected in two strains of political thought: one, of Charles Taylor, who advocates communitarian multiculturalism, and Alain Finkielkraut, who believes that the preservation of individual liberty outweighs any group concerns and protections, and that the attempt to accommodate many different groups ends up valuing some moral framework, which goes unacknowledged.

Alasdair MacIntyre grapples with these modern (and post-modern) questions in *After Virtue*. He identifies a culture of individual “emotivism”, whereby a new secular concept of personal revelation is built out of personal validation and the near-solipsistic inability to render judgements on others because of the absolute relativism of a post-modern, nihilist world.<sup>138</sup> This can be seen in some of the most poignant critiques of ‘politically-correct culture’ whereby statements can be dismissed by a lone individual through a soul-like faculty of revelation

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<sup>137</sup> Arendt, *Between Past and Future*, 17.

<sup>138</sup> Alasdair MacIntyre, *After Virtue* (Notre Dame, IN: University of Notre Dame Press, 2007), 23, 84

expressed through “personal offense.”<sup>139</sup> In our modern world, this conceptualization of a fully individualized secular relativistic order is often realized. It often promotes a perpetuation of suffering and a culture of victimhood, whereby people gain ascendancy through the inversion and manipulation of some of the most powerful elements of the Judeo-Christian inheritance, the sanctity of the meek and oppressed. Certainly, much progress towards the inclusion of other modes of experience is made through the ongoing outspokenness of those concerned and the identification of different forms of suffering. But a crucial trait of post-modernism is its cynicism, its nihilistic belief that suffering is perpetual, and the lack of the possibility for redemption as a free being. One becomes socially uprooted in modernity, as Arendt recognizes in her notion of “striking roots” and truly “thinking.”<sup>140</sup> But in post-modern thought, such an uprooting becomes individualized. It is a critical analysis of all modes of existence, an interrogation of the most personal and intimate thinking and reasoning of a person. And when it ends at fully uprooting the individual, it becomes its most hurtful and potentially dangerous. Fully uprooted people not only have no communal concept of the good, but no individual concept of good, of life at all. It is not just being a bystander to nearby atrocity, but a bystander to one’s own suffering. At its worst, it fully collapses upon itself, a complete destruction of *metaxy*, both societal and personal, leaving no room for conversation, or even intimate contemplation.

Charles Taylor advocates a response of communal living through the elevation of communitarian rights and liberty in a soft-relativist moral framework. He finds that the modern

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<sup>139</sup> Ibid, 23, 84.

<sup>140</sup> Arendt, *Responsibility and Judgement*, 105.



democratic state offers such expansive space for individual alignment and decision-making that it asks questions foreign to other polities across time:

“The modern democratic state has generally accepted common purposes, or reference points, the features whereby it can lay claim to being the bulwark of freedom and locus of expression of its citizens. Whether or not these claims are actually founded, the state must be so imagined by its citizens if it is to be legitimate. So a question can arise for the modern state for which there is no analogue in most premodern forms: What/whom is the state for? Whose freedom? Whose expression?”<sup>141</sup>

The answer to these questions, is, in the modern age, distinct based on the identity politics of individual groups in diverse societies. As societies grow in difference, a broadening of the political/national identity manifests, if not separating completely (such as the multi-nation theories in Canada and the UK). Identity politics becomes a national and an individual question:

“This is the sense in which a modern state has what I want to call a political identity, defined as the generally accepted answer to the ‘what/whom for?’ question. This is distinct from the identities of its members, that is, the reference points, many and varied, which for each of these defined what is important in their lives. There better be some overlap, of course, if these members are to feel strongly identified with the state; but the identities of individuals and constituent groups will generally be richer and more complex, as well as often being quite different from each other.”<sup>142</sup>

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<sup>141</sup> Charles Taylor, “Democratic Exclusion (and Its Remedies?),” in *Dilemmas and Connections* (Cambridge, MA: Harvard University Press, 2011), 128.

<sup>142</sup> *Ibid.*, 128.

This is the first dilemma of modernity – the contested democratic space allows for multiple versions of the good to take hold, with overlapping affiliations and roughly-aligned individual vectors within groups. But there is a second question, which is building a society from divergent individuals within and between groups, and the new valuation of the identities of the groups themselves, which are also divergent. There is a double-dissonance in the identity politic. As Taylor acknowledges, in modern times: “The idea that one ought to suppress one’s difference for the sake of fitting in to a dominant mold, defined as the established way in one’s society, has been considerably eroded.”<sup>143</sup> Combine this analysis with MacIntyre’s exegesis of modern amorality and the end of virtue, and the problem of reconciling groups and individuals, whether they be religious, ethnic, or otherwise, is increasingly great. Taylor’s response is optimistic and vague, revolving around a hope in human ingenuity and ability to compromise in democratic government:

“[...] the key to facing the dilemma of exclusion creatively, the idea of sharing identity space. Political identities have to be worked out, negotiated, creatively compromised between peoples who have to or want to live together under the same political roof [...] these solutions are never meant to last forever, but have to be discovered/invented anew by succeeding generations.”<sup>144</sup>

Perhaps such a solution can be determined regarding French-language signs in Quebec, or accommodations of immigrants in schools in Toronto. But in a truly multi-linear society composed of different community vectors, as Taylor allows, there is the possibility of basic truths coming into question, or being discarded altogether. Even the goodwill needed between

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<sup>143</sup> Ibid, 137.

<sup>144</sup> Ibid, 140.

groups and individuals required to arbitrate differences requires faith in democracy, the free participation of all parties, the Western judicial tradition, and basic human rights. As Taylor acknowledges, at the core “there is a need for a common identity.”<sup>145</sup> When multiculturalism becomes so broad as to contest the Western tradition in which it forms, as MacIntyre notes, then postmodern nihilism or whatever other new secular fad becomes a likely candidate for the mixture to replace it, often not consciously acknowledged or debated. Thus, it pushes the greatest questions of the Good and the society itself to the background, beyond contest.

It is the abandonment of this basic moral order that becomes the subject of Alain Finkielkraut’s work. In *The Defeat of the Mind*, he argues that the reaction of Europeans to the Enlightenment led to two strains of thought: “the one proposed by the French revolutionaries and the other by the German Romantics.”<sup>146</sup> The Germans sought to understand the makings of culture through an exegesis of an individual’s environment: music, language, history, demography, geography – in short, the social sciences.<sup>147</sup> The French revolutionaries argued for an equality of humanity and its fundamental compatibility. It believes in the idea that difference must not only be explained, but normed or tolerated. There is a great leveling.

After the repudiation of the *Volksgeist* spirit of the Germans and the tragedy of WWII, the French mode of thought, the basis of modern multiculturalism, gained ascendance. This optimistic hope in fundamental compatibility is the great ruse of modern French revolutionary thought, now called postmodernism. It is inherently paradoxical.

Discussing educational guidelines from the Collège de France, Finkielkraut writes:

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<sup>145</sup> Ibid, 131.

<sup>146</sup> Alain Finkielkraut, *The Defeat of the Mind*, trans. by Judith Friedlander (New York: Columbia University Press, 1995), 26-7.

<sup>147</sup> Ibid, 28.

“[...] appearances are sometimes deceiving. By proclaiming the uniqueness of every culture, by excluding science and science alone from the law of relativity, the report prepared by the Collège de France repudiates the spirit of modernity and, in the name of toleration, questions the very values associated with the period [of modernity].”<sup>148</sup>

In order to level all cultures and individuals to an equal moral playing field, there must be a great repudiation of the culture that sustained critical thought in the first place: “This desire, it would appear, belongs to the great critical tradition introduced to Europe at the beginning of the modern period.”<sup>149</sup> Thus, the tolerance and criticism available through the Western moral framework allowed for a self-destroying cancer to take root, a criticism turning on its own maker. It is in this we find the most elemental Western fear.

There is a great threat in this sort of thinking, which often ends with a warped nostalgia for the past, when ‘everyone thought alike’, guided by a modern precept of leveling and relativism. Both the scientific social analysis of the Germans and their belief in cultural incompatibility, and the French revolutionary eschaton of equality, are not desirable. What is needed is a “rehabilitation of Western individualism,”<sup>150</sup> nearly impossible with severed communitarian structures and the end of a moral order that guides societal decision-making. There is no table upon which to rest the judge’s gavel, let alone the civil code. All Finkelkraut can offer is a rejection of relativist multiculturalism, a belief in strong individual liberty to make

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<sup>148</sup> Ibid, 100. Brackets Walden’s.

<sup>149</sup> Ibid, 100.

<sup>150</sup> Ibid, 122.

moral decisions, and a swing back towards the idea of cultural incompatibility, that some basic cultural differences cannot simply be “creatively”<sup>151</sup> resolved.

From Taylor and Finkelkraut, we find a tension in resolving Alasdair MacIntyre’s conception of the amoral modern reality of the state, as the bedrock of moral order collapses beneath us. Both agree on the space made for civil law, and the rights of individuals and communities to associate, but both come into tension regarding how the ‘background’ political order supporting these liberties should be crafted. How should the space made for civil law be filled?

#### THE CHURCH’S RESPONSE TO CIVIC SPACE: FROM *SICUT IUDAEIS NON* TO VATICAN II

The Church’s response to modernity in Vatican II treats a threat to authority and tradition by reaching back to the very beginning, what Arendt would call “the first chord.”<sup>152</sup> It also returns to its principles of treating the outsider, the Jews, by referencing precedent in law, the moral duty of Law, and the belief in liberty of conscience. In this, it exemplified the Western tradition. Thus both *Sicut Iudaeis Non* and the two documents analyzed from Vatican II, *Gaudium et Spes* and *Nostra Aetate*, form the basis for a new treatment of modern politics. It rests on a guarantee of basic liberties in constitutionalism, and *ad hoc* political arrangements through a precedent-based legal system. To abandon faith, authority, tradition, and the system itself would be to rip apart the foundation upon which the critical theory doing the damage justifies itself.

Rémi Brague notes the tradition of liberty and the law that forms the basis of the Western tradition, which the Church is naturally compatible with, since it partially built it. God, for the

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<sup>151</sup> Taylor, “Democratic Exclusion (and Its Remedies?),” 140.

<sup>152</sup> Arendt, *Between Past and Future*, 18.

Jews and Christians, lives in accordance with natural law, and “Abiding by the law is nothing more than remaining faithful to the logic of liberation, taking one’s freedom seriously and drawing whatever consequences it might have.”<sup>153</sup> This form of freedom is a natural existence with nature, it is at peace with the world. It is not totalizing, but individualized, for us as humans have free will, able to fall in and out of grace. Further, for Jews and Christians “how one should behave is a matter of common knowledge, which can be brought back to memory, but not taught. God expects moral behavior to spring forth from human nature, and to spring forth freely.”<sup>154</sup>

Rémi Brague argues:

“[...] in Christianity, in fact, the presence of the divine does not comport an immediate demand for obedience. A space opens up in which God manifests himself, thus offering Himself to a gaze that might risk something like a description. The divine shows itself, or rather, gives itself, before asking anything of us and *instead* of asking.”<sup>155</sup>

In this notion of Christian theology, the Christian faith is best when it is accepted willingly and free from political compulsion. It is a presentation to receive, rather than a code of conduct. Its openness should be paralleled by the space for political *metaxy* in modern life.

*Sicut Iudaeis Non*, the document that guided Church policy towards the Jews, their spiritual parents and now minority, marks the beginning of this tradition. In it, Pope Gregory outlines two primary political themes: first is a respect for a law centered on precedent and tradition of community customs. Second is a belief in the reciprocity of liberty: that liberty is not only the method by which the law’s precedents are maintained, but benefits the Christian too.

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<sup>153</sup> Brague, “Liberty and the Judaeo-Christian Inheritance,” 55.

<sup>154</sup> *Ibid*, 55.

<sup>155</sup> Brague, *The Law of God*, 262.

Only in the space of liberty can Christians act in accordance with Christianity in winning others to the faith. Thus, from the earliest days of Church action in politics, there is a respect for a law that protects communal and individual liberty, and legal precedent. It is not opposed to Christianity to have this space, rather, the space itself is what permits the grace of God to work in the activity of the Christian. Religious liberty in the civic space is, radically, attributed to be a Christian necessity. And Jews, the minority group not sharing the faith, are to be respected, but within a larger moral Law, which undergirds the belief in civic space and liberty in the first place.

Vatican II is a product of two millennia of the development of liberty, through trial and tribulation. It is a collective return to the offerings of goodness in a world of suffering, made by acknowledging and embracing the Jews, the foil for millennia. Perhaps most beautifully, Vatican II's embrace of the Jews, the 'other' for centuries during the persecution of the Inquisition and before, political enemies but spiritual brethren, is a guide for a new political existence. It does not insert itself into the progressive notion of an absolute moral trajectory through time, it exists outside of the modern systemization by reaching towards the roots of the Church. It embraces the world while arguing for the most basic elements of human nature, of love and embrace of one's enemy, transcendent hymns that reverberate with the human spirit.

It is a form of existence that is humble, patient, and kind. It does not compel, but "offers" itself. In *Gaudium et Spes*, the Council writes: "The church knows well that God alone, whom it serves, can satisfy the deepest cravings of the human heart, for it can never be fully content with the world and what it has to offer. The church also realizes that men and women are continually

being aroused by the Spirit of God and that they will never be utterly indifferent to religion [...].<sup>156</sup> There is a great faith in the human condition, a calmness in its approach to the world.

Vatican II, acknowledging the Jews as spiritual brethren and united in the Spirit of the Lord, is peaceful in its convictions: the solidarity of faith traditions, and the belief that it, and others that reach towards the Good and the Truth, offer a gift no human ideology, no secular humanism or Marxist philosopher, can provide. It provides a means of understanding, and the deepest roots in a tradition that passes beyond recorded history. It explains and supports the values and structures, the beliefs and ideologies, that have promulgated today, and is in resonance with the Western political tradition of civic space and liberty we take for granted. It is the mediary of the *metaxy* of modern life, which Voegelin notes as a fundamental part of the human condition, and is the rootedness, authority, and binding story of society, as Arendt so ardently argues is necessary to protect human dignity. This inheritance formed the moral order, and buttressed the civil law, for the West's history. The Church, part of the political order, entangled itself in a civil order, but it also promoted a moral conception of human nature that led to the Enlightenment, to the eventual conceptualization of a society based on a principle of goodness in human nature in democracy, and a society based on certain inalienable rights, whereby the liberty of our own individual lives might be extended. Seen outside the political realm, much of the modern development of freedom and prosperity is a testament to the earliest chords of law and Law.

During Vatican II, the extent to which the Church would endorse any particular political system to support this tradition was in contest. Not surprising given the political culture of the

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<sup>156</sup> Flannery, *Vatican II: The Basic Sixteen Documents*, 208.



United States, the final push towards the new relationship of the Church and the civic order came from the American bishops, who had been living in what might be characterized a spacious expanse of civil law for over two centuries.

In discussions of the Church-state relationship, Xavier Rynne notes:

“Opinions different among the Fathers as to whether there should or should not be included in the present chapter some treatment of the ideal relationship between Church and State. The use of the word ‘unfortunate’ to describe the separation of Church and State rankled with the American and quite a few other bishops, who saw nothing ‘unfortunate’ about a pluralistic solution which has increasingly come to be recognized as decidedly preferable and more logical under present-day circumstances, quite apart from the fact that many held it to be better grounded theologically than the old “Constantinian” view of Church-State relations which has dominated thought especially in the Latin-tradition countries of southern Europe.”<sup>157</sup><sup>158</sup>

What emerged was a consensus around the importance of civic space, a belief in the space for free will, for freedom of faith, and for a Church able to live within a larger civil order. The Council left a stunning statement endorsing civil disobedience, democratic order, an urge for free and equal participation in civic life, the right to use one’s natural moral conscience to vote, and an endorsement of the civil servant. It seeks a political order devoted to the public good, its only concern and only *raison d’etre*. The Church commits to guiding people of faith towards the good in this order, recognizing the need for space for dissent and free will.

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<sup>157</sup> Rynne, *Vatican II*, 199.

<sup>158</sup> It is also interesting to note that the first Pope to be raised through a Vatican II church, Pope Francis, is from the Americas.

The institutional history of the Church, the Body of Christ, offers an example of a new mode of existence, one that both brings things “up to date” and reaches “back to the roots.” It needs to be a conception of life that both contends with life today, but reaches back to the very first striking of the chords of our inheritance. It is this inheritance, expanded by Brague, Taylor, and Finkelkraut, that demands the following:

1. Guaranteed individual liberty in culture and politics, the civic space,
2. A respect for the authority and tradition of moral Law, and
3. An understanding that human law within the civic space is imperfect, and should not encroach on individual liberty. It must be precedent-based and *ad hoc*, open to change.

What these criteria seem to call out for is a democratic constitutional order whereby basic rights are enshrined, and wherein a legal tradition similar to the Common Law flourishes. Furthermore, the tradition itself ought to be underpinned by a general respect for the Truth and moral Law, upon which the entire Western tradition is founded and with whose chords the political order (and law) seeks resonance. At the risk of an American sounding pompous in making such a claim, this is seen in the American Constitutional tradition. In its deist acknowledgement of Truth and the aspiration to just-enough law, while guaranteeing broad liberties, the American experience seems to approximate these distilled truths (at least on paper). And for over two centuries, it has borne one of the most stable, prosperous, free nations in the world.

The Common Law, and in particular the development of its legal practices in the United States’ system, was and is remarkable because in its conception it is a political reflection of the reality of *metaxy* in human existence. Totalizing forces ultimately lead to the subjugation of

individual free will, and run the risk of complete collapse of transcendental belief when the concurrent worldview is destroyed. The American Constitution recognizes a softer national morality, a general set of convictions, what Amy Guttmann might call “moral faith,” that allows for basic rights accorded to human beings, rights grounded in a sense of transcendent truths, while providing for ample freedom to approach moral order.<sup>159</sup> One might say that this approach, which offers space between the moral lives of individuals and the more expansive guidelines of the state, was more in line with the conception of Law in Christianity – not as a compulsion, but as a guide presented for free reception in the community of Christians.<sup>160</sup> Political orders must provide for a space for human will within the bounds of civil space, grounded in individual reasoning of the moral Law.

This order is imperfect, as Charles Taylor might acknowledge: “I would argue that the current American Kulturkampf has been exacerbated rather than reconciled by the heavy recourse in that polity to judicial resolution on the basis of the Constitution.”<sup>161</sup> It certainly is under threat by the *After Virtue* trend. To this, we can look again to the Church, which after the great threat of modernity, did not fret about its demise, but readjusted and strengthened itself through a return to its roots and sources in the modern period. And it did so, perhaps most poignantly, by addressing its longest and closest outsider. It urges us to remind ourselves not of the fearful *memento mori*, but more appropriately, the long arc of *Sicut Iudaeis Non*, for we must never forget our relations with those that whisper in our ears, simply by their presence. Whether it be liberty for the Jews, or for the Church, or for all people, it is our tradition, and our heritage,

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<sup>159</sup> Amy Guttmann, *Identity in Democracy* (Princeton, NJ: Princeton University Press, 2003), 158-159.

<sup>160</sup> Brague, *The Law of God*, 262.

<sup>161</sup> Taylor, “Democratic Exclusion (and Its Remedies?),” 144.

to continue the preservation of liberty in civic space, our sources of Truth, and our legal tradition that supports their domain, that make the gifts of our world, including modernity, possible.

## CONCLUSION

This work started with one guiding question: What does the Catholic Church bring to modern private and civic life, and what can moderns learn from its continued presence? In a world where the role of traditional institutions like the Church are sidelined or threatened, what does its presence mean in modern secular society?

The Catholic Church not only has insights to offer the modern world, but in addressing modern issues is immersed in the fount of Western tradition, providing a source of Arendtian rootedness that grounds societal responses to modern life.

In particular, the Church's development, first away from Judaism spiritually, then away from Judaism civically, then reconciled with the Jews, demonstrates a long arc of the outsider throughout history. Its modern response to the Jews in *Nostra Aetate*, one of spiritual recognition and embrace, and also one where civic protections given to the Jews inform universal protections of the dignity of conscience and faith, stretch back to the very earliest legal and theological debates of the Church. For nearly 1500 years, civic tolerance of the Jews was the guiding doctrine of the Church, and recognized as a core liberty in order to create a space where Christian kindness could flourish. Christianity, Pope Gregory argued, did not just flippantly decide to keep Roman law, but in fact the civic space of Roman law was necessary, for both Christian values and Judaism. This practice was forgotten and rebuked in the following centuries, until in the 1900s a new wave of thinking, inspired by Scripture, and driven to the table by the exigency of the horrors of the Holocaust, finally reconciled with the nebulous history of the outsider. What emerged, in a statement fully draped in the issues of modernity, was in part a statement of how a modern polity ought to address its neighbor, however estranged.

Vatican II's documents have become the touchstone for the Catholic Church's response to modernity, and in particular their labor to address the questions of a modern Christian polity (or at least one acceptable to Christians), and their view on treatment of the outsider, form a body of work that serves as a political call to action. In fact, in *Gaudium et Spes*, the Church does just that, stating that all people should voice their opinions in the public realm, and have a say in their government. It does not demean the public or political life, but rather sees it as integral to building a just society on earth. What is most important for the Church is a world where those who do enact laws are guided by a yearning for the public good, and for whom there is a recognition of the bounds of human law and the constant striving towards moral Law. Much of this striving is personal, and cannot be legislated. Rather, the state must recognize, as Voegelin did, the concept of *metaxy*, a space where individual liberty and communal rights are protected.

Within this space, and in order to form a political space, Vatican II, like Hannah Arendt, recognized the need for a tradition and authority, upon which norms may stand. The Church sees itself as inextricably tied to the Western tradition, and its roots go back into the earliest parts of recorded history. Its permanence and timelessness are part of the framework of the West, and its values undergird modern life, toleration, and acceptance to such a degree that modern and post-modern attempts to banish fundamental values threaten the fabric of liberty and rights that allowed for such a critique of the Western Civilization in the first place, as Alasdair MacIntyre notes in *After Virtue*. The response to this phenomena is the most pressing question of modern politics.

The rise of identity politics in the modern age through some sort of normative framework can be seen through two thinkers: Charles Taylor and Alain Finkielkraut. Taylor seeks a soft-normativity, whereby a relativist, weak central political authority manages relations between

identity groups, who gain extensive rights to the promotion and protection of identity and culture. His concept acknowledges the need for some normativity, such as around basic human rights, but argues that fundamental conflicts between groups can often be resolved through creative problem solving. Finkelkraut sees no such hope for an increasingly amoral world. Finkelkraut argues that as societies become more diverse and identities multiply and gain social capital, the protection of individual liberty is paramount, and the only way to protect individuals, all of whom have various overlapping identities. It is not so easy to apply the Canadian experience of Taylor to other groups the world over. Between Taylor and Finkelkraut, then, some balance of community rights, while guaranteeing individual liberties as unfringeable, is absolutely needed. But some normative framework to build and nurture those rights, and maintain historical continuity in a tradition, seems increasingly lost to moderns.

With these two thinkers in mind, we return to the political call of Vatican II, and the history of the Catholic Church. It is the Church, and only the Church, that has the history and moral underpinnings of modern life to inspire a new normativity for the modern identity polity, as Rémi Brague notes. Instead of postmodern destruction or deconstruction of Western Civilization from the inside, moderns might come to recognize the greatest normative guarantors of freedom and prosperity, fertilized by the Church's moral seepage through the annals of history.

How can the Church provide such a moral force? It begins with looking to Vatican II, and the call for a democratic politics, one that must be viewed through a constitutionalism balancing individual liberty and communal identity, in acknowledgement of Taylor and Finkelkraut.

It is the Church's relationship with the Jews, within the West's relationship with the Jews, that forms the core mnemonic device in understanding multiculturalism and how a modern

polity can respond in resonance with the virtues that guide our civilization. Jews are “brethren,” a commonly chosen people upon which every empathy must be extended. They bore the Church, were the first Church members, and remain Chosen and dear to God. So to, all people coming in goodwill to an ethical Western polity ought to receive the same embrace, and be given the same civic freedoms and personal liberty to practice, own, and believe as they chose.

Building a just society, where virtues of love and empathy guide treatment of the outsider, and where adequate space is provided between civic law and moral Law, is difficult, often oscillating between the threats of too weak a government and too meddling of one. There is also a continual tension between directing one’s gaze purely to the selfishness of the material world, away from a higher order, and the gaze directed only upward, whereby this world becomes clay for eschatological pottery. Neither nihilism nor ubermensch-ian world-crafting can last, and only end in destruction. Some wish the work of managing such an ever-adapting institution to be done faster, others, living in a space of liberty, want to destroy the very space itself. But if there is one thing Vatican II teaches us, it is hope: that the Western political project has not failed, rather it triumphs in its progression of freedom and prosperity, and only through those angry, dissenting voices does history continue to carry the earliest chords of Western values forward. We ought not, we cannot, afford to dismiss the gifts we have, but we always can improve for the better, reaching ever-higher, while keeping both feet planted firmly in this world.



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*On my honor, I have not received any unauthorized aid in the production of this work.*

Jacob A. Walden (signed)