

of analogy vary from society to society, and they are accessible to anthropological study. It is only when we take them to be other than they are—to assert the identity of rain and God, for example, and not an analogical relationship between them—that we begin to wonder how reasonable beings could come to ‘believe’ them.

THE FINALY CASE AND THE CHURCH

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NO event has so stirred up the dormant forces of anti-clericalism, anti-semitism and nationalism in post-war France as has the recent *Affaire Finaly*. The fate of two Jewish children, Robert and Gerard Finaly, who were baptised and taken to Spain by their Catholic protectors when the court had ordered that they should be given up to their Jewish relatives, have become a national scandal comparable to the Dreyfus affair. The Church and individual Catholics have been the targets of bitter attacks in the French press and radio, and the old cleavage between Catholic and anti-Catholic Frenchmen, barely healed in the last war and in the changed political atmosphere since 1945, seems to have opened up again.

The facts of the case are briefly these: The Jewish doctor, Fritz Finaly, and his wife, who had found refuge in France after the Nazi occupation of Austria, were arrested in Grenoble by the Gestapo on February 14, 1944. They were sent to Buchenwald concentration camp where they were killed in the gas chamber. Shortly before their deportation they had entrusted their two children, then aged two and three years, to the Sisters of St Vincent de Paul. The mother superior of that convent was unable to keep them and approached the Sisters of Notre Dame de Sion who handed the children to Mlle Brun, the head of the municipal orphanage, who was already hiding ten other Jewish children. When threatened by her own employers that she must hand these children to the Gestapo or leave her post, Mlle Brun installed them in an old château at Vif, in the country, where she looked after them like a mother, and

paid for their keep out of her own money. These children were restored to their families at the end of the war; three remained at Vif: one who later, with the mother's consent, remained in Mlle Brun's care, and the two Finaly boys, whose parents were missing.

Their custody, however, was claimed immediately after the war by an aunt in New Zealand, who obtained an entry permit for them and asked that they should be sent to her. Mlle Brun refused on the ground that the children were too small to make the long journey—the war in the Far East was not yet over—and that there was still hope for the return of the parents. By virtue of a law of April, 1945, which was to meet the circumstances of the post-war days and of the deported families, Mlle Brun obtained a provisional guardianship over the children. It was known that the father had wanted them to be brought up in France. The children were circumcised, and the parents evidently intended that they should be brought up in the Jewish faith.

It is difficult to determine whether the New Zealand aunt repeated her request for the children or was satisfied that they were best cared for by Mlle Brun; at any rate no more was heard from her. But in 1948 another aunt of the children, resident in Israel, inquired after them through a lawyer in Grenoble. Meanwhile, Mlle Brun had been made the legal guardian of the children, and had them baptised. She refused to surrender the boys to their relatives in Israel, who then took legal proceedings against her. A series of contradictory judgments appointed successively the aunt, Mlle Brun, and both women together as guardians of the boys. The last judgment, of June 11, 1952, deprived Mlle Brun of her guardianship. She appealed to the Supreme Court, but at the same time kept the children hidden from the police under false names in certain convents of the Sion Sisters. They were seen last in Bayonne, whence four Basque priests and a number of laymen took them across to Spain where they are still kept at an unknown place. Mlle Brun herself and the priests and nuns who had helped her in the escape were arrested, but released again after a few days. There is some doubt whether, legally, this was an 'abduction', since, according to *La Croix*, the

children went voluntarily, declaring their wish to remain in France and with their foster-mother, whom they were used to call 'maman'. Nothing has been discovered about their whereabouts since February despite the appeals by the Bishop of Grenoble and Cardinal Gerlier of Lyons, broadcast also to Spain, that anyone knowing where they are should inform the authorities. Both Mgr Terrier, Bishop of Bayonne, and Mgr Caillot, Bishop of Grenoble, declared that they neither knew nor approved of the abduction of the children, or of the action of the priests and nuns involved.

Mlle Brun, that 'monster of charity' as the *Figaro* called her, undoubtedly broke the law by not complying with the court order to produce the children, but it could be, and was, said in her favour that had she surrendered them she might not have seen them again even if her final appeal had been successful. French laws cannot be enforced in Israel, and the relatives there might not have been obliged to restore the children.

There is the additional factor of the children's baptism which has involved the Church in this case. It is admitted that Mlle Brun had saved their lives and taken their mother's place. Had she gone beyond her rights as guardian *in loco parentis* when she baptised them? The right of baptism belongs of course to every Christian. What is in dispute in this case is Mlle Brun's exercise of this right at a time when the death of the parents had not been officially confirmed and when she knew that blood-relations of the parents were alive claiming the children.

The case has a number of precedents. In 1851, Edgar Mortara, a Jewish baby, eleven months old and gravely ill, was secretly baptised by a Christian servant. The child survived, and many years later the secret of his baptism came to the knowledge of the Holy Office, which, after verifying the facts, had the child taken away from its parents by the pontifical police (this happened in the Papal States) and entrusted him to a Catholic institute where he was brought up and eventually became a priest. This happened at the very height of the struggle for the temporal power of the Pope, and caused much excitement all over the world. In a previous case, in 1639, when a three-year old Jewish girl

was baptised by her nurse, the Holy Office stated 'that although Jewish children must only be baptised with the parents' consent, and it was wrong to baptise the child in this case, the girl has now been baptised—that is, consecrated to Christ and the Christian faith. She must, therefore, be brought up as a Christian. But all should be warned that it is wrong to baptise under these conditions, for though the end be good, the means are unlawful.'

It would appear from these examples that the Church recommends that children of non-Catholics who have been baptised must be taken away from their parents. It is on this belief, supported by numerous precedents, that the attacks of the anti-clerical forces in France have concentrated. What is the Catholic answer? One Catholic theologian, Père Rouquette, s.J., dealing with this problem in an important article in *Etudes* (April, 1953), distinguishes between the permanent principles of faith and morals of which the Church is absolute guardian, and the particular social and historical situations to which these principles must be applied, and which are evidently subject to constant change. By the sacrament of baptism, man is enabled *ex opere operato*, as theological language puts it, to participate in the divine life. The sacrament is neither a mere affiliation to a religious body nor a symbolical human gesture, but God's renewal and invisible transformation of the human soul, tainted with original sin, into a member of Christ's Church. Baptism is not a magical act either; that is why free and conscious assent is required in the adult person who receives it, and the Church considers an adult one who has attained the age of reason, generally placed at seven years of age. A baptism imposed by force on an adult person against his will is invalid, that is to say, non-existent. Pope Benedict XIV, whose teaching on this question is held as authoritative, goes so far as to say that if a child having the use of reason is baptised, not against his will but without knowing what the act involves, the sacrament is at least doubtful. As for the baptism of children of non-Christians, the Church quite clearly prohibits the act without the consent of the parents except in cases of mortal danger or when the child happens to be totally abandoned. But where such

baptism has been conferred, the sacrament is nevertheless valid and brings the child into the complex relationship of rights and duties which devolve from all valid baptisms.

The right of the parents, then, is respected by the Church, but it is not an absolute right. Like the civil legislator, the Church too recognises that there is a higher law than that of the family to possess and guide the child, though of a different order. If the child is baptised, it is the duty of the Church to assure in every possible way the growth and development of the child's faith. Père Rouquette now considers that in present circumstances the taking away of the child from the dangers awaiting its faith as a member of an unbelieving family is no longer to be regarded as ideal.

And these are his reasons: There is, first of all, the conflict between charity and Christian duty, and in a secular world the one must sometimes be sacrificed to the other, provided of course that no sinful act is implied. The scandal caused by the *Affaire Finaly* speaks against an intervention which does more harm than good, and clearly serves neither the glory of God nor the spiritual good of men. Such an attitude will at once provoke the non-Catholic to say: 'You Catholics clearly behave decently only for the sake of expediency. Would you not, if a miracle happened, and the world became Christian again, do exactly the same as you did in the past and as Mlle Brun has done now?' A clear answer to this question is required.

The legislation of the Church in these matters goes back to medieval times when there were, in fact, no other 'non-Catholics' than Jews and Moslems. The Moslems were the enemies of the Christian people, and the question of the baptism of their children did not arise except in the case of prisoners of war who, according to the custom of the time, had no personal rights. Our different view on this problem alone shows that there is a progress in man's moral conscience however many indications to the contrary there may be today.

As far as the Jews were concerned, their position was hardly different. Even those Jewish historians most hostile to the Church have recognised that the Papacy was practically alone in defending the Jews until the beginning of

the modern era. The Popes did not, on the whole, like the European princes, use physical violence against the Jews. Nevertheless, severe measures such as the institution of the ghetto and the distinctive mark of the yellow star were authorised by the Popes, and though successive Popes might act in contradictory ways, a number of humiliating measures against the Jews were tolerated in Rome, among which the abduction of a baptised child from its Jewish parents would not have been found abnormal.

We have different standards today; Catholics have a greater respect for the human person. Père Rouquette refers to the attitude of the Church towards Protestants since the days of Benedict XIV as characteristic of the change. Admittedly the case of the Protestants is different, for they are Christians: yet, logically the principle enjoining the removal of a Jewish child should apply in a similar way also to Protestants. But the Church has never ruled that Protestant children should be taken from their homes and brought up in Catholic homes. Similarly, Catholics today do not dream of claiming the baptised children of Communist parents.

Moreover, in the Middle Ages and, as far as the Papal States were concerned, until far into the last century, civil and religious powers were one. The taking away of baptised children depended on the possession by the Church of coercive powers or of being able to exercise those powers through the secular arm. Neither of these situation is relevant today. The Church still has the duty to assure as best she can the permanence of the faith and Christian life of baptised children. But she renounces explicitly not only the aid of the secular arm but also to supplement by the action of her own members what the secular arm has refused to do for her. So much seems to be implied in the Code of Canon Law of 1917 which is silent on any obligation of Catholics to take baptised children of non-Christian parents away from their families. The temporal power is, of course, no more an absolute than the rights of the parents. Where the civil law imperils the general good of Christians, their faith or their Christian lives, resistance, if necessary at the price of our lives, becomes a duty.

The conclusion, then, to be drawn is a recognition of the position of the Christian as a minority in the modern world. We have learned both that the human race had a long history before Revelation, and that there are numerous heresies whose members are in undoubted good faith and lead devout religious lives. We recognise that grace acts beyond the visible body of the Church, indeed of Christians, though we believe the Church to be the only channel of grace and salvation. We do not therefore despair of the salvation or of the life of grace of a pagan, a heretic or a man who, through no fault of his own, is alienated from the Church under the pressure of his un-Christian surroundings.

Père Rouquette's opinion is not an isolated voice. He and other Catholic French writers who have commented on the Finaly case, agree that what is at stake is not the solution of a legal entanglement in which Christians and Jews can advocate equally valid claims, but the future of two children and their conscience. Père Congar, O.P., wrote in *Témoignage Chrétien* that only too often the moral forces active in a child are underestimated. We tend to believe, mistakenly, that they are subject to growth just as much as the child's physical, intellectual and technical abilities. But there is a morality and religious life in the child that is relatively independent of the experiences of adult life, and which the Church has recognised in child saints and martyrs. The point is that the two Finaly boys, now eleven and twelve years old, can be expected to make a decision on their religion for themselves, and that it is wrong to ignore or underestimate their wishes. A man's faith, Père Congar writes, is not saved when its rights are secured. It is not certain whether these children, if brought up as Christians, will remain Catholics later on, nor that they must necessarily lose their faith when exposed to indifferent or unfavourable surroundings. Père Congar and François Mauriac agree in a solution which remains only academic so long as the children are not found, according to which they should be placed, safe from all partisan annexation, in a neutral institute, in which their foster mother and their relatives are able to visit them, and where the rights of their family, their liberty and conscience are equally respected. 'We must

trust', comments François Mauriac, 'in the presence of grace and the Holy Spirit in these children themselves.'

There is, then, one significant difference between the Finaly case and the Dreyfus affair, which the enemies of the Church in France have ignored. They sought to show that the Church was still intolerant, hostile to democracy and human rights, unwilling to acknowledge equality before the law; an enemy of the French State. But times have changed since the majority of French Catholics were ranged against the Dreyfusards. The liberty which these Dreyfusards defended means very little to their modern successors, and the majority of French Catholics today are not concerned to defend 'clericalism' or some political or religious 'interest', but those very human rights the survival of which will mean everything to the future of France.

NUCLEAR PHYSICS AND PHILOSOPHY

JOHN BAPTIST REEVES, O.P.

'MANY mathematicians know their details but are ignorant of the philosophical characterisation of their science.' It was A. N. Whitehead who wrote this. He himself made an admirable effort to supply the defect. Assuming that no recognised philosopher knew enough of the details of mathematical science to give a reliable account of it, he read, besides Plato and Aristotle, a selection of seventeenth-century writers—particularly Descartes, Newton, Locke, Hume, Kant—who either knew enough about mathematics to be helpful, or little enough to show in what new way philosophy must be handled to meet the mathematicians' need. He then wrote *Process and Reality: An Essay in Cosmology*, which he delivered as the Gifford Lectures for 1927-28 and published in book form in 1929. It is less exclusively addressed to mathematicians than the earlier work he had begun with Bertrand Russell and then abandoned; but its whole drive aims at setting the sciences that use mathematics in their full philosophical and spiritual context. By the time it was finished the revolution