

The Vatican's Role in the Finaly Children's Kidnapping Case¹

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Perhaps no case more fully reflects the tensions between the Roman Catholic Church and Europe's traumatized Jews in the wake of the Shoah than that of the young Finaly brothers and the obstacles faced by their surviving kin in recovering them. The years of struggle by the surviving Finaly family members to reclaim the children, hidden in an underground network of convents and monasteries in France and the Spanish Basque country, was a result of centuries-long attitudes in the Church toward Jews and a doctrine of the power of baptism and Jewish damnation that ill-accorded with the modern secular state.

While many books, documentary films, and a multitude of studies have been published on the Finaly case, the role of the pope, the Vatican secretariat of state, and the Holy Office was little known and little understood before the opening in 2020 of the Vatican archives covering this period. So sensitive has the subject remained, and so defensive the reaction in certain quarters of the Vatican, that barely a week after Kertzer's publication in late August 2020 of the first results to come out of the Vatican archives on the Finaly case, *l'Osservatore romano*, the semi-official daily newspaper of the Vatican, a paper of great visibility in Italy, published a full-page rebuttal. It argued that if the Finaly boys were not returned to their surviving family members following the Holocaust, it had nothing to do with the official Church, much less with the pope or the Holy Office. The resistance, it was claimed, was rather due to renegade clergy who disobeyed the clear directives of the Vatican authorities to have the children returned.²

As we will document in these pages, thanks to the recent opening of the Vatican archives for the papacy of Pius XII, the active role of the pope and the Vatican

¹ This is a significantly revised version of an article by David Kertzer, which lacked source citations, that was published as "The pope, the Jews, and the secrets in the Vatican archives," *The Atlantic*, August 27, 2020, <https://www.theatlantic.com/ideas/archive/2020/08/the-popes-jews/615736/>. Kertzer would like to thank Cullen Murphy of *The Atlantic* for the editorial attention he gave to that earlier publication, and to the two anonymous readers of this article for *Studies in Christian-Jewish Relations* for their helpful suggestions.

² Matteo L. Napolitano, "Per una nuova democrazia storiografica," *l'Osservatore romano*, September 4, 2020, 4. For background on the Vatican paper and the Holocaust, see Susan Zuccotti's "*L'Osservatore Romano and the Holocaust*," *Holocaust and Genocide Studies* 17:2 (2003): 249-277.

in the Finaly affair can now be demonstrated, the doctrinal logic behind their intervention made clear, and the evolution of these efforts over the course of the events clarified. All this sheds light not simply on one particularly prominent case, but on the larger phenomenon of the fate of thousands of Jewish children who were protected in Catholic institutions or by Catholic families while their parents were taken to the German death camps. How many of these were baptized and never made aware of their Jewish identity or of the existence of surviving kin will never be known.

The Jewish Orphans

Fritz Finaly, a medical doctor, was thirty-seven and his wife, Anni, was twenty-eight when the Germans came for them. Having escaped from Austria following its annexation by Nazi Germany in 1938, they had hoped to flee to South America, but like so many desperate Jews at the time, they found it impossible to get passage there. Settling in 1939 in a small town just outside Grenoble, in southeastern France, they did their best to make a life for themselves, although Fritz Finaly's ability to practice medicine was hampered by the antisemitic laws installed by Marshal Pétain's collaborationist Vichy government following the German conquest of France in 1940. In 1941, Robert, the Finaly's first child, was born, followed by Gérald fifteen months later. Despite a mounting official campaign against the Jews in France, the Finalys had both boys circumcised, in accordance with Jewish law.³

In February 1944, aware of the intensifying Gestapo roundups of Jews in their area, the Finalys placed their two boys in a nursery in a nearby town. They confided the boys' whereabouts to their friend Marie Paupaert, asking her to look out for the children should anything happen to them. Four days later, the Germans arrested Anni and Fritz. The couple was transported to Auschwitz, never to be seen again.

Terrified by what had happened to her friends and fearing that the Germans would come looking for the children next, Marie took the two boys to the convent of Notre-Dame de Sion, in Grenoble, hoping that the nuns would hide them. Deeming the children too young for them to care for, the sisters took them instead to the local municipal nursery school, whose director, Antoinette Brun, middle-aged and unmarried, agreed to look after the boys.

³ Among the significant earlier works on the Finaly affair are: Jacob Kaplan, *L'Affaire Finaly* (Paris: Cerf, 1993); Moïse Keller, *L'Affaire Finaly: telle que je l'ai vécue* (Paris: Librairie Fischbacher, 1960); Jean-Claude Laronde, *L'affaire Finaly au Pays basque* (Bayonne: Elkar, 2015); Germain Latour, *Les deux orphelins: l'affaire Finaly, 1945-1953* (Paris: Fayard, 2006); Joyce B. Lazarus, *In the Shadow of Vichy: the Finaly affair* (New York: Peter Lang, 2008); Catherine Poujol and Chantal Thoinet, *Les enfants cachés: l'affaire Finaly (1945-1953)* (Paris: Editeurs Berg International, 2006); Catherine Poujol, *L'Église de France et les enfants juifs: Des missions vaticanes à l'affaire Finaly (1944-1953)* (Paris: Presses universitaires de France, 2013); Wladimir Rabi, *L'affaire Finaly: Des faits, des textes, des dates* (Marseille: Editions du Cercle intellectuel pour le rayonnement de la pensée et de la culture juive, 1953).

A little less than a year later, in early February 1945, with France now under Allied control, Fritz Finaly's sister Margarete, who had found refuge in New Zealand, wrote to the mayor of the town outside Grenoble where Fritz had lived to learn the fate of her brother and his family. When she heard what had happened, she immediately secured immigration permits for the two boys to join her in New Zealand. Margarete wrote to Mademoiselle Brun to thank her for taking care of her nephews and to ask for her assistance in arranging for their travel. To Margarete's dismay, Brun's reply was evasive and made no indication that she would help return the children to their family. At the same time, concealing her knowledge of the existence of any Finaly relatives, Brun convinced a local judge to name her provisional guardian of the boys, now aged three and four.⁴

The following year, the family made another attempt to have the boys returned, this time by confronting Brun in person. Besides Margarete, Fritz had two other sisters—one, Hedwig Rosner, was living in Israel and the other, Louise, like Margarete, was in New Zealand. Fritz also had an older brother, Richard, who had remained in Vienna and perished in the Holocaust. But Richard's wife, Auguste, had escaped to safety in Britain. Auguste now traveled to Grenoble and on the morning of October 25, 1946, appeared on Brun's doorstep. It had been Fritz's wish, his sister-in-law told Brun, that if anything happened to him and Anni, his sisters would look after their nephews. She pleaded with Brun to show pity on the family that had been so recently torn apart. To Auguste's shock, Brun grew hostile. "To all my prayers and pleas," the boys' aunt recalled later, "she had only a pitiless response, and she kept constantly repeating: 'The Jews are not grateful.' She would never give the boys back, she said."⁵

For many more months, Margarete tried every possible avenue to retrieve her nephews. She sent pleas to the local mayor in France, to the French foreign minister, and to the Red Cross. At Margarete's urging, the bishop of Auckland sent a request through the archbishop of Westminster to the bishop of Grenoble, asking him to look into the matter. In his reply, in July 1948, the bishop of Grenoble explained that he had had a long talk with Mademoiselle Brun, but she had remained firm in her refusal to give up the children to their Jewish family.⁶ He made no offer of help himself, perhaps influenced by the fact that he had learned what no one in the family yet knew: that Brun, four months earlier, had had the two boys baptized. This meant that under canon law, the boys would now be considered by the Church to be Catholics, and under longtime Church doctrine, they could not be returned to

⁴ A good chronology of the basic events of the Finaly case, as previously known, is found in Catherine Poujol's "Petite chronique de l'affaire des enfants Finaly," *Archives Juives* 37:2 (2004): 32-51.

⁵ Traduction déclaration de Mme Auguste Finaly, February 24, 1953, AAV [Archivio Apostolico Vaticano], Arch. Nunz. Parigi, b. 861, fasc. 815, ff. 27r-28r. All of the Vatican archival documents cited in this article—from the AAV as well as the Secretariat of State archives and the archives of the Congregation for the Doctrine of the Faith—from the years of Pius XII's papacy (1939-1958) come from files first opened to scholars in March, 2020.

⁶ Samester Liston, bishop of Auckland to Mme. Fischel, Auckland, French translation of original, August 12, 1948, with copy of letter from Aleandre Caillot, bishop of Grenoble, to Cardinal Griffin, archbishop of Westminster, London, July 25, 1948, AAV, Arch. Nunz. Parigi, b. 861, fasc. 815, f. 22r.

their Jewish family.⁷ When the family learned of the baptism, it turned for help to a Jewish family friend who lived in Grenoble, Moïse Keller. Frustrated by the difficulty of effectively fighting their cause from the other side of the world, the sisters in New Zealand then decided it would be best if Fritz's sister in Israel, Hedwig, took the lead.

With Keller's help, the Finaly family took the case to court, but over the next years Brun resisted a series of court orders giving Hedwig Rosner custody of her nephews. Although the Catholic press would later present Brun as having become a surrogate mother to the Finaly boys, the children throughout these years were living not with her but in a variety of Catholic institutions. The boys later recounted that they saw Brun for brief visits only a couple of times a year. Shielding the boys from the authorities, the nuns assisting Brun had arranged by 1952 to place them under fictitious names in a Catholic school in Marseilles. The boys by now were ten and eleven.

A newly discovered, unsigned Vatican document in the Secretariat of State files for the Finaly case, coming from unspecified Church sources in Grenoble, offers insight into these months, noting that in July 1952 a local court had confirmed Hedwig Rosner's guardianship of her nephews and ordered Brun to give the boys up to Rosner's representative, Moïse Keller. Again, Brun refused. The document notes, "Her attitude, motivated by her conscience because of the fact that the boys are Christian, is approved by His Excellency Cardinal [Pierre-Marie] Gerlier [archbishop of Lyon, the archdiocese of which Grenoble is a part]." At this time, too, Mother Antonine, the superior of the boarding school associated with the Notre-Dame de Sion convent, took on the leading role in keeping the children hidden. She was supported, according to the account provided to the pope from Grenoble, "by the directives of His Excellency Cardinal Gerlier."⁸

In November 1952, the local French court decided to stay its order for Made-moiselle Brun to produce the Finaly boys, pending a decision by the Grenoble Court of Appeals scheduled for January 1953. By this time, Cardinal Gerlier was growing uneasy about the position he found himself in. The press had gotten hold of the story. Now, as he wrote to the pope in mid-January 1953, he feared what the press reaction would be should the appeals court rule against Mademoiselle Brun and the Church:

⁷ On the Catholic doctrine of baptism at the time, see "Battesimo," in *Enciclopedia Cattolica*, vol. II (Rome: Sansoni, 1949), 1004-1045. The discussion of baptism of Jewish children is found on 1030-1031

⁸ "Affaire Finaly," handwritten document, February 23, 1953, AAV, Segr.Stato, anno 1950/54, Privati, posiz. 2079, ff. 345r-346v. The religious order of Notre Dame de Sion was founded in France by a baptized Jew in the nineteenth century with the special mission of praying for and assisting in the conversion of Jews ("Notre Dame de Sion," *Dizionario degli Istituti di Perfezione*, vol. VI, *Monachesimo urbano* [Rome: Edizioni Paolini, 1980], 430-432); Marina Caffiero, "Miracles de conversion au XIXe siècle. Le cas d'Alphonse-Marie de Ratisbonne, entre dimension subjective et contexte de la politique de Rome à l'égard des Juifs," in P. Ferruta, M. Dumond, P. Tollet, eds., *Entre judaïsme et christianisme. Les conversions en Europe, de l'époque moderne à l'apparition de l'antisémitisme politique* (Paris: Peeters, 2017), 61-76.

The seriousness of the problem results notably from the fact that a profound agitation of public opinion is being created and growing around this affair. The Jewish press, the anti-Christian press, and many of the major neutral papers are seizing on this question. The communists of Grenoble are getting involved as well.

The archbishop then came to the key question for which he was seeking guidance from the pope and the Holy Office: “In these conditions, should one be advised to refuse, come what may, to return the children, who belong to the Church by their baptism and whose faith, in all likelihood, would scarcely be able to resist the influence of the Jewish milieu were they to come back?” The matter, concluded the archbishop, is “extremely urgent.”⁹

The Holy Office and the Mortara Case

The Holy Office, one of the major congregations that make up the Roman Curia, was founded as the Congregation of the Roman and Universal Inquisition in the sixteenth century as part of the Church’s battle against heresy. By the early twentieth century, now referred to simply as the Holy Office, it continued to operate as the Vatican body responsible for ensuring adherence to official Church doctrine. For centuries, one of its functions had been to ensure that Jewish children who were baptized did not fall into the mortal sin of apostasy by returning to their Jewish faith. Although it was considered illicit to baptize a child against parental wishes, once a child was baptized, whether licitly or illicitly, the baptism, if performed according to the proper ritual formula, was considered valid.

A century earlier, another such case had caught the world’s attention. In 1858, the Holy Office and the pope at the time, Pius IX, learned that a six-year-old Jewish boy in Bologna, Italy, had apparently been secretly baptized by the family’s illiterate teenage Christian maid, who said she feared the boy was dying. They instructed the police of the Papal States, of which Bologna was then part, to seize the child, whose name was Edgardo Mortara. The boy was sent to the House of the Catechumens in Rome, the Church institution established in the sixteenth century for the conversion of Jews and Muslims. While Jews throughout the lands in which the pope ruled as king had long lived in fear of just such a fate for their children, times were changing, and the abduction of Edgardo set off a worldwide protest. Despite the pressure, the pope refused to release the child. Edgardo Mortara would become a monk and travel through Europe and America, preaching in several languages and seeking to convert Jews.¹⁰ The Church’s position on baptism remains

⁹ “Note Demandée par Sa Sainteté au Cardinal Archevêque de Lyon,” n.d. [but close after January 8, 1953 and before January 29, 1953], AAV, Segr. Stato, anno 1950/54, Privati, posiz. 2079, ff. 343r-344r.

¹⁰ See David I. Kertzer, *The Kidnapping of Edgardo Mortara* (New York: Knopf, 1997).

unchanged today: "An infant of Catholic parents or even of non-Catholic parents is baptized licitly in danger of death even against the will of the parents."¹¹

Reclaiming Jewish Orphans in the Immediate Postwar Period

The Finaly case was not unlike that of Edgardo Mortara. Both involved the baptism of young Jewish children without family knowledge. Both involved the long-held Church doctrine that such children, now considered Catholic, must not be raised by Jewish families. Yet in mid-twentieth century Europe, in the wake of the Holocaust, much had changed. Nearly two thirds of Europe's Jews had been murdered. Thousands of Jewish orphans were scattered around the continent. Many of them had been hidden in convents, monasteries, and churches, as well as by Catholic families. In June 1945, the major French children's relief organization estimated that in France alone some 1,200 Jewish children remained in non-Jewish families or institutions. It was thought that a much larger number were scattered across Poland, the Netherlands, and other countries.¹²

To the Jews of Europe who had survived and to the Jews in America who looked on, the idea that thousands of those orphaned children might be lost to their families and to the Jewish people provoked fear and resentment. The recollection of cases like that of Edgardo Mortara had instilled a special sense of suspicion toward a Church whose very doctrines stood in the way of the return to their Jewish families of any children who had been baptized.¹³

For Pope Pius XII, who read Cardinal Gerlier's plea for guidance in January 1953, the issue was not a new one. On September 21, 1945, the secretary-general of the World Jewish Council, Leon Kubowitzki, had come to see him to make two requests. First, he asked the pope to issue a public declaration denouncing antisemitism. "We will consider it," replied the pope, although he would not in the end make any such declaration. The Jewish leader then came to his second request, asking the pope's help in ensuring that the Jewish orphans of the Holocaust living in Catholic countries be returned to the Jewish community. "We will give it all our

¹¹ https://www.vatican.va/archive/cod-iuris-canonici/eng/documents/cic_lib4-cann834-878_en.html. On the history of the forced baptism of Jewish children, see Marina Caffiero, *Battesimi forzati* (Rome: Viella, 2004) [published in English as *Forced Baptism*, trans. Lydia Cochrane (Berkeley: University of California Press, 2012)].

¹² A good overview of the situation is provided by Michael Marrus, "The Missing: The Holocaust, the Church & Jewish Orphans" *Commonweal* (January 13, 2006), 11-16.

¹³ Aside from the Finaly case, several similar cases from the immediate postwar years have been examined. See, for example, Nahum Bogner, "The convent children: The rescue of Jewish children in Polish convents during the Holocaust." *Yad Vashem Studies* 27 (1999): 235-85; Joel S. Fishman, "The Anneke Beekman affair and the Dutch news media," *Jewish Social Studies* 40 (1978): 3-24; Katy Hazan, "Récupérer les enfants cachés: un impérative des œuvres juives dans l'après guerre." *Archives juives* 37:2 (2004), 16-31; Michael Marrus, "The Vatican and the custody of Jewish child survivors after the Holocaust," *Holocaust and Genocide Studies* 21:3 (2007), 378-403.

attention,” replied the pope, asking that his visitor send him “some statistics” on the matter.¹⁴

Several months later, on Sunday, March 10, 1946, the pope received another distinguished Jewish visitor, the Polish-born chief rabbi of Israel, Isaac Herzog. Herzog’s visit came as part of his mission to help locate the missing Jewish orphans of the Holocaust. The two religious leaders conducted their hour-long conversation in English and French, apparently with some Latin thrown in. The rabbi tried to describe for the pope the enormity of the catastrophe which had befallen Europe’s Jews and called on him as pontiff to stand up and atone for the sins of Christianity toward the Jews which had made the catastrophe possible. He then turned to the main reason for his visit, which was to tell the pope what a great assistance it would be if he would issue a public plea to the Catholic clergy of Europe, calling on them to reveal the location of orphaned Jewish children who remained in the hands of Catholic institutions and Catholic families. “At present,” said the rabbi, “every child means for us a thousand children, after the great catastrophe that has befallen our people, whereas for the Christian Church with its millions of believers any addition such as this is of little value.” Expressing sympathy for the disaster that had befallen the Jews of Europe, the pope said only that he would have the matter looked into and asked the rabbi to provide him with a detailed memorandum on the subject.¹⁵

What the pope did next has not, until the recent opening of the Vatican archives, been fully known.¹⁶ Herzog returned to the Vatican on March 12 with the memorandum the pope had requested and was directed to the Secretariat of State. Following the death of his initial secretary of state, Cardinal Luigi Maglione, in 1944, Pius XII had taken the unusual step of not appointing a successor, instead dividing the work between Maglione’s two chief deputies, Domenico Tardini and Giovanni Battista Montini. It was Montini, the future Pope Paul VI, to whom the pope would later entrust the management of the Finaly case. In the eyes of both Montini and the pope, one man was viewed as the Secretariat of State’s expert on

¹⁴ Marrus, “The missing,” 14. A Vatican file detailing Kubowitzki’s visit to the pope and its aftermath is found at AAV, Segr. Stato, anno 1945, Istituti, posiz. 181.

¹⁵ This description is based on the account of Herzog’s son, who accompanied him on the trip: Ja’akov Herzog (ed.) *Mas’ a ha-Hazalah [Journey of Rescue]* (Jerusalem, 1947), 14. We thank Joel Fishman for bringing this publication to our attention, and providing this English translation of the Hebrew. The account given of this meeting in Rabbi Shmuel HaCohen’s later study (*Yechid be-doro: Megilat chayav shel ha-ga’ on Rabi Itschak Aizeek Ha-Levi Herzog rosh rabanei Israel [The Only One in His Generation: A Life Chronicle of the Learned Rabbi Isaac Halevi Herzog, Chief Rabbi of Israel]*) (Jerusalem: Keter, 1980), offers a rather different view of how the chief rabbi experienced his encounter with the pope: “With a handshake, the chief rabbi departed from the pope. During his departure from the office those who had escorted him, who were waiting outside, observed that the rabbi was very pale. And when they approached him, they could easily see that he was seized with severe shivering. When the rabbi and his escorts left the Vatican district, the Chief Rabbi asked a man from the Jewish community to bring him immediately to a mikveh [a ritual bath] because he felt a need to immerse himself in purifying water.” Again we are indebted to Joel Fishman for this reference and this translation.

¹⁶ An earlier look at these events, with only limited access to the relevant Vatican archives, can be found in Andrea Tornielli and Matteo L. Napolitano, *Pacelli, Roncalli e i battesimi della Shoah* (Milan: Piemme, 2005), 51-71.

Jewish questions. This was Monsignor Angelo Dell'Acqua, and it was Dell'Acqua with whom the rabbi was directed to meet that day.¹⁷

In a long memo, Dell'Acqua tells of the meeting and reviews the rabbi's reasons for requesting papal help in facilitating the Jewish children's return. "The children in question," said the rabbi, "are in large part orphans (their parents were killed by the Nazis), found especially in Poland; others, however, are also in Belgium, Holland, and France." The rabbi, reported Dell'Acqua, asked the Holy Father or, if not the pontiff personally, the Vatican to issue a public call for the release of the children. "That," the rabbi told him, "would immensely facilitate our task."

After reporting the rabbi's request, Dell'Acqua offered his advice on how the pope should respond to what he called this "rather delicate problem."

He began by ruling out any public statement by the pope or the Vatican. "Nor would I suggest responding with a document of the Secretariat of State directed to the Chief Rabbi because it would certainly be exploited by Jewish propaganda." Rather, the best course, advised Dell'Acqua, was to instruct the papal delegate in Jerusalem to offer a generic verbal reply, saying that it would be necessary to look into each case individually. The delegate should put nothing in writing. This the pope ordered done.¹⁸

Following this initial response, the pope directed Domenico Tardini, secretary of the Congregation of Extraordinary Ecclesiastical Affairs, to forward Rabbi Herzog's request of the pope to the Holy Office for its opinion.

Rabbi Herzog's plea to the pope read in part:

¹⁷ Dell'Acqua's negative views of Jews are examined in David I. Kertzer, "The Pope, the Jews, and the secrets in the Vatican archives," *The Atlantic*, August 27, 2020, <https://www.theatlantic.com/ideas/archive/2020/08/the-popes-jews/615736/>. For more on Dell'Acqua, see Enrico Galavotti, "Dell'Acqua, Angelo," *Dizionario biografico degli italiani* (2015), [https://www.treccani.it/enciclopedia/angelo-dell-acqua_\(Dizionario-Biografico\)](https://www.treccani.it/enciclopedia/angelo-dell-acqua_(Dizionario-Biografico)); Mauro Lanfranchi, *Il diplomatico che sorrideva: profilo biografico del cardinale Angelo Dell'Acqua* (Casciago: Arti grafiche varesine, 1997); and Alberto Melloni, ed., *Angelo Dell'Acqua* (Bologna: Il Mulino, 2004), especially the following chapters: Mauro Velati, "Dell'Acqua minutante nella Segreteria di Stato in tempo di guerra," 89-118; and Enrico Galavotti, "Dell'Acqua sostituto e la politica italiana (1953-1967)," 119-160.

¹⁸ Angelo Dell'Acqua, memorandum, March 18, 1946, ASRS [Archivio Storico della Segreteria di Stato-Sezione per i Rapporti con gli Stati], AA.EE.SS. [Congregazione per gli Affari Ecclesiastici Straordinari], Pio XII, Parte Asterisco, Stati Ecclesiastici, pos. 575*, ff. 2542-2543. Dell'Acqua's proposed text of the instructions to Monsignor Hughes in Jerusalem is found at ff. 2544-48, dated March 16, 1953. In discussing what should be done about the Jewish orphans taken in by Catholic institutions and Catholic families, it adds the caution: "in the meantime, some of said children might have been regularly baptized, which would, as a consequence, impose ...the serious obligation of providing for their Catholic education."

In Rabbi Herzog's account of this meeting he says he was told that if he knew of any cases of Jewish children in Catholic institutions which refused to give them up, he could turn to the Vatican for help, but only on condition that Herzog personally would go and investigate such cases. As for the request that the pope address a letter to Church officials calling on them to give up the Holocaust orphans taken in by Church institutions, "It must be noted with sorrow that the request of the publication of an epistle to the heads of churches was not honored" (Herzog, *Journey of Rescue*, 16).

The requested order by Your Holiness to those who have these children under their care would, without doubt, have as a result their immediate restitution.... We know that hundreds have already been returned to the homes from which they were removed. There are, however, a large number who have not been returned. For example, in Poland alone it is estimated that there are at least 3,000 Jewish children in monasteries and in private Catholic homes. It is not necessary for me to insist on the importance that these children have for Judaism and for the Jewish people. We have lost one million two hundred thousand children in the recent Holocaust.... For the reduced people of Israel, each one of them is equal to a thousand. A favorable response by Your Holiness would represent a great act of good will, a magnanimous gesture toward the most martyred of all peoples....¹⁹

The Holy Office discussed Herzog's plea at a session held on March 27 and 28, 1946, and issued the following decision:

Regarding the Jewish children

I: If possible, do not respond, because every response would be distorted and abused. In order not to respond, one could say orally—if they should insist—that the matter is under study, that inquiries are being made, statistics: and more time is needed.

II: Those baptized cannot be given up.

III: For those not baptized who have no relatives, it is not the Jewish community that has the right to request them and to educate them. The Church has them in its care: it has saved them corporally, and it has the right to educate them and save them spiritually.

IV: If they have relatives, *standum sacris canonibus*.

V: If they are already of the age of reason and have refused Baptism, it is certainly not on these grounds that they should be abandoned.²⁰

Apparently unaware of the Holy Office decision, the nuncio in Paris, Angelo Roncalli (the future Pope John XXIII), wrote on August 28, 1946, to Domenico Tardini.²¹ Roncalli's letter was prompted by a visit the previous month by France's

¹⁹ Herzog's plea is found in Tardini's report to Cardinal Marchetti Selvaggiani, segretario, Sant'Offizio, March 22, 1946, ACDF [Archivio della Congregazione per la Dottrina della Fede], R.V. 1946 n. 13, Protocollo 118 / 1946, fasc. 1, ff. 1r-2v. It appears that Tardini's letter to the Holy Office was drafted by Dell'Acqua (ASRS, AA.EE.SS., PXII Parte Asterisco, Stati Ecclesiastici, pos. 575*, f. 2540).

²⁰ ACDF, R.V. 1946 n. 13, Protocollo 118 / 1946, fasc. 1, ff. 15r-19r.

²¹ For recent scholarship on Domenico Tardini, see Raffaella Perin, "Tardini, Domenico," *Dizionario biografico degli italiani*, vol. 95 (2019), <https://www.treccani.it/enciclopedia/domenico->

chief rabbi, Isaac Schwartz, asking for help in securing the release of Jewish Holocaust orphans to Jewish institutions dedicated to this purpose. Although the Finaly case is not cited specifically, it certainly fell in the category the rabbi was concerned about. Despite the explicit instructions of the French episcopate against the practice, Roncalli wrote, the heads of some Catholic institutions had baptized the Jewish children they had sheltered.

Following the rabbi's request that he investigate the matter, Roncalli directed the Secretary General of the French episcopate to consult other members of the French Church hierarchy and report back. "According to his personal opinion," reported Roncalli, "which coincides with that of the Most Eminent Cardinal Archbishop of Paris [Emmanuel Suhard], it is more opportune for the children in question to be consigned to Israelite institutions that are reclaiming them, in order to avoid a violent reaction on the part of the Jews, a reaction that would extend beyond the borders of France and which would be echoed in all of the anti-Catholic press, and especially the communist press." Roncalli added that he was attaching the responses to their query sent in by Cardinal Gerlier, archbishop of Lyon, and by Monsignor Guerry, archbishop of Cambrai, "both of which agree, in substance, with the opinion of Cardinal Suhard, though raising the possibility of some exceptions." To this Roncalli added:

As Cardinal Suhard speaks, in his letter, of having raised the matter with His Holiness last March, and that the Holy Father put off the decision pending having some theologians study the question, permit me to refer the above to Your Most Reverend Excellency, with the request to courteously advise me if the Holy See intends eventually to impart some norm in this regard, or if it is desirable to leave the decision to the prudent judgment of these Most Excellent Bishops.²²

Roncalli's letter was sent on to the Holy Office, and on September 17, 1946, Cardinal Marchetti-Selvaggiani, secretary of the Holy Office, communicated the results of its discussion to Tardini. The reply, which the pope would soon review, is worth quoting at length:

With its note dated the 5th of this month, Your Most Reverend Excellency transmitted to this Supreme Sacred Congregation the Report...dated August 28 of this year, together with the relative attachments, in which the Most Excellent Apostolic Nuncio in France expounded on the request of the Heads of the French Jewish Community, aimed at obtaining the cooperation of the Church so that the Jewish children, who during the German occupation were

[tardini \(Dizionario-Biografico\)](#); and Sergio Pagano, ed., *Domenico Tardini. Diario di un cardinale (1936-1944). La Chiesa negli anni delle ideologie nazista e comunista* (Cinisello Balsamo: Edizioni San Paolo, 2020).

²² Angelo Roncalli, Paris, to Domenico Tardini, August 28, 1946, ASRS, AA.EE.SS., PXII Parte Asterisco, Stati Ecclesiastici, pos. 575*, ff. 2552-2553.

entrusted to Catholic institutions and families in France, are now given up to Jewish institutions.

In this regard, I bring Your Excellency's attention to the fact that the general question concerning requests of this kind was subjected to examination by the Most Eminent Fathers of this Supreme [Congregation] in the Plenary Session of ...March 27 of this year in conformity with the August orders of the Holy Father communicated to me...on March 22 of this year. In that Session the Most Eminent Fathers decided that, if possible, no response should be given to the request of the Chief Rabbi of Jerusalem; in any case, if it proved necessary to say something on the subject, that had to be done orally, given the danger of abuse or distortion that could result from anything written on the subject coming from the Holy See. Eventually one should say that the Church has to undertake inquiries and ascertainments to judge case by case, it being evident that children who had been baptized could not be entrusted to institutions that were not able to guarantee them a Christian education....

The decision of the Most Eminent Father and the criteria, set out here, were referred to the Holy Father in the Audience of this past March 28 and His Holiness deigned to give it his august approval.

It seems to me, therefore, that one could give a reply in conformity with the above-mentioned criteria to the Apostolic Nuncio in France.

Indeed, the Holy Office reply bears the handwritten note on top, dated September 23, 1946, "Eas. [Ex audientia Sanctissimi, instructions from an audience with the pope] Communicate the Holy Office response to the Nuncio." Five days later, Tardini did just that, sending the Holy Office instructions to Roncalli in Paris, including the prohibition on allowing baptized Jewish children to be released into an environment which would not guarantee their Christian education. "The decision of the Most Eminent Fathers, and the criteria articulated by them," Tardini concluded in his letter to Roncalli, "were referred to the Holy Father in the Audience of March 28 and His Holiness deigned to accord it His august approval."²³

The following year, Pius XII was consulted regarding a new case of baptized Jewish children, this time children being held in a convent in Rome itself. It involved a Jewish woman who, in 1944, presumably during the German occupation of the city in the first months that year, had taken refuge with her two small sons in the Franciscan Missionaries of Mary convent on via della Balduina in Rome, a bit north of Vatican City. At some point in the months she was there, she agreed to baptism for herself and her two children. The following year, after liberation, the woman left the convent, initially by herself. Quickly returning to her Jewish faith,

²³ Cardinal Marchetti-Selvaggiani, Holy Office, to Tardini, September 17, 1946, ASRS. AA.EE.SS., PXII, Parte Asterisco, Stati Ecclesiastici, pos. 575*, ff. 2556-2557; Tardini to Roncalli, September 28, 1946, ASRS, AA.EE.SS., PXII, Parte Asterisco, Stati Ecclesiastici, pos. 575*, ff. 2557-2558.

she called on the nuns to let her take back her two children, now ages five and nine. The nuns refused.

The case was brought to the pope's attention by Rome's Vicegerent, the chief assistant to the cardinal vicar of Rome who had traditionally been charged with oversight of Rome's Jews, with a note dated November 5, 1947. The note offered the details above and then added, "A few days ago the Signora returned in via Balduina with the representatives of the Jewish orphanage, insisting on having her children. The nuns gave an evasive response; now they ask for instructions." The matter was brought to Pius XII for a decision the next day. The document recording the pope's decision reads:

Audience of 6 November 1947

The Holy Father, all things considered, said to respond as follows:

"Considering that the rights of the Church to protect the faith of the children in question could not be exercised due only to the greater force of those who could impede it, one can give the two children back, reprimanding the mother for her disloyalty and declaring to her that she does not have the right to disturb the conscience of the two children from the possession of the true faith to which she herself freely gave them."

In short, from Pius XII's perspective, the Church was reluctantly returning the children to their mother only due to the threat of force (presumably by Italian authorities). A final note added that the pope's instructions were communicated to the vicegerent of Rome on November 10, 1947. Together with this material was a copy of the Holy Office March 27, 1946 decision, cited above.²⁴

The Pope, the Holy Office, and the Finaly Case

On January 17, 1953, the pope sent Cardinal Gerlier's urgent request for guidance on the Finaly affair to the Holy Office for its opinion. Although the pope was the titular head of the Congregation of the Holy Office, the cardinals who composed it, along with the cadre of theological consultants who advised them, met separately and then sent their recommendations to the pope for his approval.²⁵ A Holy Office note discovered in the newly opened archives, presumably written by one of the consultants, offered some historical background: "According to the practice of the Holy Office up until the suppression of the Papal States in 1870, Jewish children baptized without their parents' permission were not returned." Given the sense of urgency conveyed by Cardinal Gerlier, the Holy Office took up the Finaly matter

²⁴ ACDF, R.V. 1946, n. 13, Protocollo 118/1946, fasc. 1, ff. 25r, 26r-27r.

²⁵ For details on the structure and functioning of the Holy Office, see Niccolò Del Re, *La Curia romana. Lineamenti storico-giuridici. Terza edizione nuovamente rifatta ed aggiornata* (Roma: Edizioni di Storia e Letteratura, 1970), 89-101.

immediately. As was customary, the cardinals turned first to their group of consultants for advice. The Church, the consultants advised, should make all possible efforts to prevent the Finaly children from being returned to their Jewish family. Should the French court case decide against Mademoiselle Brun and grant guardianship to the boys' aunt, the newly accessible document reads, "one must delay its execution as long as possible, appealing to the Court of Cassation and using all other legal means." Should the final court ruling then go against the Church, the consultants wrote, "advise the woman to resist ... unless the woman were to sustain serious personal damage and one were to fear greater damages for the Church."²⁶

The cardinal secretary of the Holy Office then wrote directly, in French, to Cardinal Gerlier, giving the Holy Office ruling. The document reads as follows:

The dangers for their faith, should they be returned to this Jewish aunt, requires careful consideration of the following consequences:

- 1: By divine right, these children were able to choose, and they have chosen the religion that assures the health of their soul;
- 2: Canon law recognizes for children who have attained the age of reason [age seven] the right to decide their religious future;
- 3: The Church has the inalienable duty to defend the free choice of these children who, by their baptism, belong to it.²⁷

What this meant, the Holy Office advised Gerlier, was spelled out in the opinion the consultants had offered, which it appended.

Meanwhile, in France, Mother Antonine, afraid that the upcoming court ruling would go against them, had her sister take the Finaly boys to a Catholic boarding school in Bayonne, more than 500 kilometers from Grenoble, near the Spanish border. There she had the boys registered under false names. Her fears proved prescient. On January 29, 1953, the Court of Appeals ordered the arrest of Mademoiselle Brun for failing to produce the boys. Brun would remain in prison in Grenoble for the next six weeks. Informed that the police were now looking for the boys and afraid that they would not be safe as long as they remained in France, Mother Antonine made her way to Bayonne to discuss the matter with the local bishop. Two days after this visit, the boys disappeared. Shortly after that, Mother Antonine, charged with kidnapping, was herself imprisoned. The photograph of her arrest and the mystery of what had happened to the Finaly boys triggered many months of intense public interest in the case, in France and beyond. Over the next

²⁶ Tardini to Cardinal Alfredo Ottaviani, Pro-Segretario, S. Offizio, January 17, 1953, with attachments including Cardinal Gerlier to Pius XII, January 14, 1953, and deliberations of S. Offizio, January 19 and 21, 1953, ACDF, R.V. 1946, n. 13, Protocollo 118/1946, fasc. 1, ff. 30r-34r.

²⁷ Cardinal Pizzardo, secretary, Sant'Uffizio, to Cardinal Gerlier, Lyon, January 23, 1953, AAV, Segr. Stato, anno 1950/54, Privati, posiz. 2079, ff. 39r-41r.

weeks, more monks and nuns were arrested and imprisoned, charged with participating in a clerical underground that had spirited the boys across the Spanish border into the heart of Spain's Basque country.²⁸

On February 24, in the wake of the French court decision and the arrest of Mademoiselle Brun and Mother Antonine, the Holy Office informed the pope that it had sent Cardinal Gerlier a new letter with the directive "to hold off as long as possible, that is up to when other more serious reason might advise a different line of conduct." The Holy Office, using one of the anti-Jewish themes common within the Church for many decades, went on to inform the pope that "the Jews, tied to the Masons and the socialists, have organized an international press campaign" around the case. In the face of this campaign, it complained, the reaction among France's Catholics had been woefully weak, with only two of the Catholic periodicals having "energetically raised their voice in defense of the rights of the Church."

In the wake of the arrests, Cardinal Gerlier had agreed to negotiations with Jacob Kaplan, interim chief rabbi of France, to find a way out of the crisis. In its February 24 report, the Holy Office added its own cautious support for the negotiation. Given the situation they now found themselves in, with the Church much criticized in the press and an increasing number of Catholic clergy imprisoned, something must be done, the cardinals advised, to bring the case to an end. At the same time, the Holy Office insisted, any agreement requiring the boys' return to France would have to meet two conditions. First, the children had to be placed in a "neutral" educational institution "in such a manner as not to get in the way of the boys' practice of the Catholic religion." Second, guarantees had to be given that Mademoiselle Brun, Mother Antonine, and all the others charged with kidnapping either be absolved of the charges or amnestied. The Holy Office also suggested that Monsignor Montini speak directly with the French foreign minister, who happened to be visiting Rome, about the case. It also called on Montini to send instructions to Cardinal Gerlier through the nuncio in Paris. Finally, it advised that in whatever action Gerlier took, no mention be made of the role being played behind the scenes by the Vatican "so as not to compromise the Holy See in such a delicate and sensational dispute."²⁹

The following day, Monsignor Montini wrote back to the cardinal secretary of the Holy Office, informing him that the pope had accepted their advice. Montini reported that he had already spoken with the French foreign minister and sent the nuncio the instructions to agree to a settlement as long as it accorded with the Holy Office requirements. Following his conversation with the pope, Montini had added a clause to the language proposed by the Holy Office to make it even clearer that the children could only be returned if the continuing practice of their Catholic religion were guaranteed. The agreement, he told the nuncio, could only be reached "after having taken the opportune precautions to ensure that they [the boys] are not prompted to become Jews again." Montini added a final instruction in his coded

²⁸ "Affaire Finaly," handwritten document, February 23, 1953, AAV, Segr. Stato, anno 1950/54, Privati, posiz. 2079, ff. 345r- 346v.

²⁹ Sant'Uffizio, February 24, 1953, AAV, Segr. Stato, anno 1950/54, Privati, posiz. 2079, ff. 362r-364r.

telegram to the nuncio: “*E’ bene che S.O. non apparisca*” [“It is well that the Holy Office not be visible”].³⁰

As the pope had recently notified Angelo Roncalli that he was being appointed a cardinal and would become Patriarch of Venice, there was at the time only an acting nuncio in Paris, Giacomo Testa. Around the time that Testa received Montini’s instructions, he was visited by Israel’s ambassador to France. The ambassador came on behalf of his government to ask the pope to issue a public plea to all Catholics to assist in finding the Finaly boys and to disassociate himself from the monks and nuns who had hidden them. “I observed,” wrote the papal emissary in reporting the conversation to Montini, “that he dared to ask too much. The Holy See might be able to support an agreement, but only if certain guarantees were given with respect to the little ones’ Faith. It would never disassociate itself from and publicly condemn those who, it must be supposed, acted out of the righteousness of conscience.”³¹

The following days saw intense negotiations between the priest deputized to represent Cardinal Gerlier and the Church, on the one hand, and Rabbi Kaplan, on the other. Receiving a draft of the proposed agreement in early March, the pope called on his expert on Jewish affairs, Monsignor Dell’Acqua, to prepare an analysis. The Finaly affair, Dell’Acqua advised, had stirred up a fierce press campaign against Church authorities in France, and so finding a way to bring it to an end was crucial. And yet, he concluded, the proposed agreement did not provide the guarantees the Church was looking for. “In all likelihood,” Dell’Acqua wrote, “the court proceedings in course will finish in favor of the Judaic thesis and the two young boys will end up in the hands of the Jews who, with ever greater ruthless obstinacy, will force a ‘Jewish’ education on them, with the resulting humiliation (at least in the eyes of a part of the wider public) of the Catholic Church.”

Any agreement, thought the monsignor, had to ensure the boys’ ability to continue their Catholic education. “If, then, the Jews do not observe the commitment they assumed”—here Dell’Acqua added in parentheses, “which is likely”—“the fault will then be theirs and the Church will always be able, with reason, to charge them with hypocrisy.”³²

The pope too was unhappy with the agreement that the negotiators had reached in France. Cardinal Alfredo Ottaviani, *assessore* of the Holy Office, had brought

³⁰ Montini, to Nunziatura Apostolica, Parigi, February 25, 1953, AAV, Segr. Stato, anno 1950/54, Privati, posiz. 2079, ff. 367r-368r.

³¹ Giac. Testa, Paris, to Montini, February 27, 1953, AAV, Segr. Stato, anno 1950/54, Privati, posiz. 2079, ff. 7r-v.

³² Dell’Acqua, March 2, 1953, AAV, Segr. Stato, anno 1950/54, Privati, pos. 2079, ff. 60r-62r. Tellingly, Andrea Riccardi, one of the historians most energetic in casting Pius XII and those around him as great friends of Jews, in quoting another example of Dell’Acqua’s negative characterization of Italy’s Jews (“Notes de la Secrétairerie d’Etat,” December 29, 1943, *Actes et Documents du Saint Siège*, vol. 9, n. 487), while acknowledging that his note was “infelice” [unfortunate], adds immediately in parentheses that Dell’Acqua “in the following years is known as a positive and human man, a friend of John XXIII” (Andrea Riccardi, *L’inverno più lungo. 1943-44: Pio XII, gli ebrei e i nazisti a Roma* (Rome: Laterza, 2008), 95.

the text in mid-March to show the pontiff.³³ “A positive approval cannot be given” reads the cardinal’s handwritten note of what the pope told him, bearing the purple stamp marking an official papal decision. The agreement, thought the pope, did not offer sufficient assurances that the boys would not come under Jewish influence and revert to their parents’ religion. That said, and recognizing the public-relations disaster that the Church faced if no agreement were to be reached, the pope sought to place responsibility for the deal on Cardinal Gerlier.³⁴

As a result of these discussions with the pope, Montini wrote again to the acting nuncio in Paris on March 16. After pointing out the Holy See’s unhappiness over the lack of sufficient guarantees provided in the draft agreement, Montini added: “If however the cardinal, considering the circumstances, believes he is able to assume responsibility for the execution of the agreement, the Holy Office does not oppose it and will give promised support for finding the boys.”³⁵

At the same time, the head of the liberal branch of Judaism in France, Rabbi André Zaoui, came to Rome to plead on behalf of the Finaly family. Although he was presumably eager to see the pope, it was Monsignor Dell’Acqua he got to see, a meeting the monsignor then reported on in a memo for Pius XII. The Vatican, the rabbi had told Dell’Acqua, would be performing an act of “charity” in helping return the Finaly boys. “I responded,” the monsignor informed the pope, “that it was not a matter of charity but a question of principle and therefore of justice. The two boys, being Catholic, have some rights. The Catholic Church not only has rights with respect to them, but duties that it must fulfill.” As he got up to leave, the rabbi countered that the Jewish community also had rights and responsibilities. “Not, however,” Dell’Acqua told him, “of the same kind as those of the Catholic Church.”³⁶

After hearing from Cardinal Gerlier that he could get no further concessions from the Jewish side and that prolonging the concealment of the Finaly boys would prove disastrous for the Church in France, the pope reluctantly—the Latin expression “*aegre*” is used in the official record of the pope’s decision—gave his approval to the agreement.³⁷ On March 23, Montini sent a telegram to the nuncio in Madrid informing him of the decision and advising the clergy to help find and return the Finaly children.³⁸

³³ On the purview of the Holy Office, the roles of its various positions, and its personnel at the time, see *Annuario pontificio, 1952* (Vatican City: Tipografia Poliglotta Vaticana, 1952), 804-806.

³⁴ ACDF, R.V. 1946, n. 13, Protocollo 118/1946, fasc. 2, ff. 8r-24r, March 10 and 14, 1953.

³⁵ Montini to nuncio, Paris, March 16, 1953, AAV, Segr. Stato, anno 1950/54, Privati, posiz. 2079, f. 16r.

³⁶ Dell’Acqua, March 12, 1953, AAV, Segr. Stato, anno 1950/54, Privati, posiz. 2079, f. 383r.

³⁷ Montini to Ottaviani, March 23, 1953, ACDF, R.V. 1946, n. 13, Protocollo 118/1946, fasc. 2, f. 32r.

³⁸ AAV, Segr. Stato, anno 1950/54, Privati, pos. 2079, f. 409r.

Return to Judaism

Hopes that the agreement would lead to the speedy return of the boys were soon to be disappointed. Although the nuncio in Madrid met with Spain's cardinal primate to let him know of the Vatican's desire for the boys to be returned, it seemed that neither the Spanish clergy nor, for its own reasons, the Spanish government was in any rush to have them found. The Spanish monks hiding the boys, Cardinal Gerlier wrote Rome, were still claiming that the pope was not eager to see them returned. In April, this prompted another telegram to the nuncio in Madrid: "Cardinal Gerlier reports that the local Spanish religious authorities where the Finaly brothers are found are said to declare that the guarantees contained in Gerlier's agreement are insufficient and would not agree to the return of the children without an order from the Holy See."³⁹ In an accompanying note for the pope, Dell'Acqua stressed the "importance that the Holy See not appear directly. It is necessary to be attentive not only to the effects in France but also in the other Catholic and non-Catholic countries. If in some way it appeared that the boys were being returned due to the direct intervention of the Holy See, that might, at least in some countries, be judged unfavorably."⁴⁰ In other words, Church traditionalists familiar with Catholic doctrine might have a hostile reaction to the pope himself calling for the return of the boys to their Jewish family.

In an effort to deflect attention from any Church responsibility for the continuing concealment of the Finaly children in Spain, Dell'Acqua, with the pope's approval, drafted an article to be placed in a Swiss newspaper. It was not the "religious" aspects of the case that were preventing the boys' return, it asserted, but political issues, "insofar as the two boys can consider themselves to be refugees who have invoked the right of exile." On April 28, Montini sent the text of the article to the nuncio in Bern, with the instruction that he "examine how to have the press of that Nation publish the news contained in the Note, obviously without them knowing its origin."⁴¹

Still the boys could not be found. As part of the agreement he had reached with Cardinal Gerlier in March, Rabbi Kaplan had remained silent, but on June 5, under growing pressure from France's Jewish community, he called a news conference. High Church officials, he charged, had never publicly condemned the baptism of the Finaly children and the Church had taken no action to discover their whereabouts from the priests and nuns who knew where they were. He had been promised their return, said the rabbi, but now, many weeks later, Catholic clergy were still hiding them.⁴²

³⁹ No date [but in response to April 13, 1953 letter from Cardinal Gerlier], AAV, Segr. Stato, anno 1950/54, Privati, posiz. 2079, f. 86r. For the views of the Spanish Basque monks hiding the Finaly brothers, see Larronde, *L'affaire Finaly*.

⁴⁰ Dell'Acqua, April 16, 1953, AAV, Segr. Stato, anno 1950/54, Privati, posiz. 2079, f. 88r.

⁴¹ Montini to Mons. Mario Brini, Incaricato d'Affari, Nunziatura Apostolica, Berna, April 28, 1953, AAV, Arch Nunz. Svizzera, b. 213, ff. 364r-366r.

⁴² Poujol, "Petite chronique," 14.

“The attitude of the Spanish authorities,” complained the French ambassador to the Vatican, as a Vatican Secretariat of State record of the conversation reveals, “remains less than clear. While the Minister of Foreign Affairs seems to be favorable to the desired solution, those under him come up with various pretexts to avoid the conclusion.”⁴³ Indeed, the excuse that the Spanish officials repeatedly gave for their inaction was that it was Spanish Basque monks who were hiding the Finaly boys and they did not want to further inflame the government’s already tense relations with that region. On June 22, the French ambassador followed up with a memo to Montini, which Montini in turn quickly forwarded to the nuncio in Madrid: “The Governor of Saint-Sébastien [in the center of Spain’s Basque region] continues to think...that the Spanish Basque clergy have the last word and that ‘without a formal order from Rome, the boys will remain in the shadows.’” The French government, reported the ambassador, found the Church’s failure to abide by the terms of Cardinal Gerlier’s agreement for the return of the Finaly boys a matter of growing concern.⁴⁴

Four days later, a greatly relieved French ambassador telephoned the Secretariat of State and got through to Dell’Acqua: The Finaly boys had just been handed over at Saint-Sébastien to Germaine Ribière, the woman who had been shuttling back and forth across the border on Cardinal Gerlier’s behalf, trying to find them. The boys had already crossed the border into France.⁴⁵

As the saga approached its final chapter, the battle over the Finaly boys took on a new complexion. From the Vatican perspective, while it had agreed to the children’s return, it had not agreed to have them abandon their Catholic identity. Pius XII, reacting to press reports that the boys’ aunt, who had left her husband and her own children behind in Israel to retrieve her nephews, was planning to bring them back with her to Israel, authorized a news story to be planted by the Holy Office in a Roman Catholic newspaper. A journalist at the Vatican’s own *L’Osservatore romano* was charged with drafting it; the final text was edited by members of the Holy Office.⁴⁶

The article was published in *Il Quotidiano* on July 9. Any claim that the accord reached between Cardinal Gerlier and the Finaly family would permit taking the Finaly boys to Israel and becoming Jewish, it explained, was erroneous. “The free will of the two boys, who have declared their wish to remain Catholic, is protected by the agreement. Thus they have the full right to profess and practice Catholicism, without being exposed to any pressure direct or indirect....It is clear that the prospect of the two boys’ ‘reeducation’ to Judaism would be in contrast with these premises.” The article continued by taking a swipe at France’s Jewish community. Although French Church authorities had maintained their word, the article stated,

⁴³ June 4, 1953, AAV, Segr. Stato, anno 1950/54, Privati, posiz. 2079, f. 416r.

⁴⁴ Montini to Gaetano Cicognani, Madrid, June 22, 1953, AAV, Arch. Nunz. Madrid, b. 1037, fasc. 5, ff. 529r-v.

⁴⁵ Dell’Acqua, typed sheet, June 26, 1953, stamped *Ex Audientia SS.MI* 29 Giu. 1953, AAV, Segr.St. Titoli, anno 1950/54, Privati, pos. 2079, f. 217r.

⁴⁶ Dell’Acqua, July 8, 1953, stamped *Ex Audientia SS.MI* 8 Lug. 1953, AAV, Segr. Stato, anno 1950/54, Privati, posiz. 2079, f. 426r; typed draft of article, with many handwritten edits at ff. 429r-430r.

the press in recent weeks had been filled with sarcastic remarks about how long it was taking the Church to locate the two boys. “Even the chief rabbis lent themselves to these harmful suspicions with words that, apart from every other consideration, betrayed the most absolute lack of recognition for all that Catholics had done in these years for the Jews, running the risk of the most serious personal dangers and without asking for anything, simply out of Christian charity.”⁴⁷

On July 19, Monsignor Montini followed up by writing to the new nuncio in Paris, Monsignor Paolo Marella. “Some newspapers,” he informed the nuncio, “are reporting that the Finaly brothers will soon be taken to Israel to be reeducated in Judaism. That is in contrast with the agreements that Cardinal Gerlier concluded some time ago.” He instructed the nuncio to call the cardinal’s attention to this fact and to report back on his response.⁴⁸

Six days later, Hedwig Rosner, having been awarded legal guardianship of her two nephews, boarded a plane with the boys and flew to Tel Aviv.

What should the pope do now? Dell’Acqua offered a suggestion. The Jewish press, he wrote on July 29, was casting the outcome of the Finaly affair as a victory. “I wonder if it isn’t the case,” Dell’Acqua proposed, “of having an article prepared for *Civiltà Cattolica* [the Vatican-overseen Jesuit journal] to unmask the Jews and accuse them of disloyalty.”⁴⁹ The pope apparently thought this worth considering, at least in some form. Two days later, therefore, Montini prepared a message to the nuncio in Paris, complaining about Cardinal Gerlier and asking for his opinion on whether going ahead with the proposed article would be a good idea. The conclusion of the Finaly affair, wrote Montini, “had inflicted a serious blow to the Church’s rights and also to its prestige in the world.” Meeting a few days later, the Holy Office supported the idea that some public action was called for, advising the pope to instruct Cardinal Gerlier to lodge an official protest.⁵⁰

Yet in the end, following the advice of the nuncio in Paris that an article such as the one being proposed would be widely read as a condemnation of the action of the French episcopate, and especially of Cardinal Gerlier, the plan was dropped. Monsignor Montini did, however, send a written protest in late September to the French government through its ambassador to the Vatican. The Holy See, wrote Montini, could only “express its great regret for the solution that was given to this affair without considering the religious interest of the two baptized youths. It likewise expresses the fear that these boys’ Catholic education will come to be compromised, contrary to the spirit of an agreement signed by the representatives of the family and those of the ecclesiastical authorities, and to which the latter have remained faithful.”⁵¹

⁴⁷ “Il caso dei due giovani Finaly è ormai definitivamente chiuso,” *Il Quotidiano*, July 9, 1953, clipping at AAV, Segr. Stato, anno 1950/54, Privati, posiz. 2079, f. 428r.

⁴⁸ Montini to Mons. Marella, Paris, July 17, 1953, AAV, Arch. Nunz. Parigi, b. 861, fasc. 815, f. 290r.

⁴⁹ Dell’Acqua, July 29, 1953, AAV, Segr. Stato, anno 1950/54, Privati, posiz. 2079, f. 198r.

⁵⁰ Montini to Mons. Marella, Paris, August 31, 1953, AAV, Segr. Stato, anno 1950/54, Privati, posiz. 2079, ff. 302r-v, 303r-v. A final version of Montini’s letter was dated September 1, 1953, found at ff. 304r-v.

⁵¹ Montini to Ambassade de France près le Saint Siège, September 26, 1953, AAV, Segr. Stato, anno 1950/54, Privati, posiz. 2079, original draft at ff. 306r-v, subsequent draft at ff. 308r-v.

The Pope, the Vatican, and the Jews in the Aftermath of the Shoah

Anni and Fritz Finaly had made it to within months of the Allied liberation of France when the Gestapo seized them and sent them to their death. While the danger to France's Jews would soon pass, the horrors of the Holocaust were slow to move the Roman Catholic Church to consider its own history of antisemitism or the role it played in making the mass murder of Europe's Jews possible. Pope Pius XII was undoubtedly horrified by the Nazis' slaughter of Europe's Jews, but he had never as pope or, earlier, as the Vatican's secretary of state, complained about the sharp measures taken against the Jews as one Catholic nation after another introduced repressive laws against them (among them, Italy in 1938, France in 1940). The only complaint Pius XII ever made about Italy's antisemitic laws was the unfairness of applying them to Jews who had converted to Catholicism. He never acknowledged any link between the centuries of Church demonization of the Jews and the ability of people who thought of themselves as Catholics to murder Jews. The fact that Mussolini's regime relied heavily on Church publications and Church history—its newspapers and magazines filled with references to the measures popes had taken over the centuries to protect “healthy” Christian society from the threat posed by the Jews—to justify its antisemitic laws led to little rethinking of Church doctrine or practice during his papacy.⁵²

The newly available documents on the Finaly affair have revealed how little impact the Holocaust had on the Vatican's view of its proper course of action. While they show occasional allusions by the pope and those around him to the suffering recently experienced by the Jewish people, these expressions of sympathy did not translate into any special concern for the wishes of the Finaly boys' murdered parents or for the Finaly family survivors who sought to take the children in. What comes through clearly in reading the newly accessible Vatican records is the conviction that what mattered above all else were the prerogatives of the Church: the belief that, given Church doctrine about baptism, and the importance of saving souls, the performance of that simple ceremony, even against a family's wishes, gave the Church the right to claim the children. It was the same belief that motivated the monks and nuns who kept moving the boys around, under fictitious names, from one Church hiding place to another.

The determination of the pope and the men of the Curia to prevent the Finaly family from gaining custody of the children was tempered not by concern for the boys' surviving family members or for the Jewish community in the wake of the Shoah. Rather, it was affected by the French state's ability to imprison members of the Catholic clergy involved and, especially, by bad press, a worry constantly highlighted by Cardinal Gerlier in his increasingly urgent pleas to Rome. Gerlier

⁵² On the Fascist regime's regular citation of Church authorities to justify its antisemitic campaign, see David I. Kertzer and Roberto Benedetti, “The Italian Catholic Press and the Racial Laws,” *Holocaust and Genocide Studies* 35:2 (2021), in press. For a comparative study of the use by both the Italian Fascist regime and German Third Reich of Church precedents for this purpose, see David I. Kertzer and Gunnar Mokosch, “In the Name of the Cross: Christianity and Anti-Semitic Propaganda in Nazi Germany and Fascist Italy,” *Comparative Studies in Society and History* 62:3 (2020), 456-486.

especially feared unfavorable press coverage because it was, as he repeatedly reminded the pope and the Holy Office during these months, weakening the Church's political position in France and its efforts to convince the postwar French government to give state recognition to Catholic parochial schools.

It would only be after Pius XII's death that Church attitudes toward the Jews would change in a meaningful way. This was thanks to his successor, John XXIII, who convened a Vatican Council devoted in part to rooting out vestiges of medieval Church doctrine on the Jews.⁵³ The culmination of those efforts came only after Pope John XXIII's death, when, in 1965, the Second Vatican Council issued the remarkable declaration, *Nostra Aetate*. Reversing long-held Church doctrine, the declaration called on the faithful to treat Jews and their religion as worthy of respect. Both of the popes responsible for overseeing this historic change—Pope Roncalli and Pope Montini—had been intimately involved in the Vatican efforts in the Finaly affair, in which, following centuries-long practice, efforts were made to prevent the Jewish children who were baptized against their family's wishes to be returned to their family. How this may have affected the thinking of John XXIII and Paul VI as the matter of dramatically altering Church attitudes to Jews was considered at the Second Vatican Council remains yet to be examined.

⁵³ On the pervasiveness in the Italian Church and the Vatican of antisemitism from the time of the origins of modern antisemitism in the last two decades of the nineteenth century through the middle of the twentieth century, see, inter alia, David Kertzer, *The Popes Against the Jews* (New York: Knopf, 2001); and, most recently, Nina Valbousquet, *Catholique et antisémite: Le réseau de Mgr Begnini, 1918-1934* (Paris: CNRS Editions, 2020), and Ulrich Wyrwa, *Come si crea l'antisemitismo. La stampa cattolica italiana fra Otto e Novecento: Mantova, Milano, Venezia* (Florence: Giuntina, 2020).