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Tackling taboos on Jews and Christians, the cross and deicide

John L. Allen Jr. | Jan. 21, 2011 All Things Catholic

[Note: There were two Vatican stories this week with wide implications, and which one strikes people as the bigger deal may say something about their sense of the burning issues facing the church in the early 21st century. In Ireland, a 1997 Vatican letter came to light which is being touted in some quarters as proof of a Vatican-orchestrated cover-up of priestly sexual abuse. In Egypt, the prestigious Al-Azhar University announced it has suspended a long-standing dialogue with the Vatican in protest over recent comments from Pope Benedict XVI requesting greater protection for the country's Coptic Christian minority. My take on the Vatican letter can be found at Is Vatican letter on abuse a 'smoking gun'? [1], while my news item on the Al-Azhar story is at Major Islamic university in Egypt suspends ties with Vatican [2].]

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Fascinating characters have always populated the landscape of Jewish-Catholic relations, but even in that milieu it's tough to find a more intriguing personality these days than Joseph Weiler. A South-African born legal scholar and the son of a Latvian rabbi, Weiler is considered a leading expert on European constitutional law. From his perch at the NYU Law School, of all places, he edits the ultra-prestigious *European Journal of International Law*, and it would be easier to list the elite European universities from which he doesn't hold honorary doctorates.

Weiler is living proof that a rock-solid sense of one's own identity can fuel a remarkable capacity to defy the expectations of others.

We're talking about a deeply faithful Orthodox Jew, the father of a large Jewish family in the Bronx which keeps kosher and strictly observes the Sabbath. Yet in 2003, Weiler published the best-selling book *A Christian Europe*, pleading for the European Union to embrace its Christian heritage. Sporting a *kippah*, Weiler also recently stood before the Grand Chamber of the European Court of Human Rights to defend Italy's right to display the crucifix in public school classrooms. He took the case pro bono -- arguing that forcing Italy to take down the cross would be a blow not against Christianity, but against pluralism.

While some Jews have taken umbrage, the Vatican has smiled. In 2003, Pope John Paul II received Weiler and his family to thank him for the book, and recently *L'Osservatore Romano* carried a lengthy interview with Weiler about the crucifix case.

Before long, all that may seem just a warm-up act. Weiler is now set to tackle the ultimate taboo in Jewish-Catholic relations -- the trial of Jesus and the charge that "the Jews killed Christ." Among other bombshells in a forthcoming book on the trial, he'll try to persuade fellow Jews that their efforts over 2,000 years to reject the charge of deicide have been misplaced. In a sense that Weiler carefully unpacks, he says "the Jews" did indeed put Jesus to death, and they were doing exactly what the Lord expected. (His aim is to offer a reading of the trial that renders both Jewish and Christian responses consistent with Scripture -- a project, he readily admits, destined to stir fierce reactions on both sides.)

Still not convinced? Consider that Weiler's Catholic pals tend to come from conservative circles, such as legal scholar Robert George at Princeton. Weiler is a star attraction at the annual Comunione e Liberazione meeting in Rimini, Italy, and in mid-January he hosted a dinner party in honor of Italian Fr. Julián Carrón, an old friend and the movement's leader. One of Weiler's sons actually wrote his college admissions essay about getting to know the kids from a local Opus Dei school when Mel Gibson's movie "The Passion of the Christ" appeared.

Yet Weiler is also the man who authored an influential action plan for gay rights in the European Union, who in 2005 at Rimini testily insisted that he's not a "neo-con," who as early as 1982 called for the establishment of a Palestinian state, and who says he's turned off by the in-your-face religiosity of American politics.

Just when you think you have Joseph Weiler figured out, in other words, he'll surprise you -- a sure sign of a lively, and original, mind. I sat down with Weiler on Jan. 15, on the margins of that dinner party at his Bronx home, for an extended conversation. The following are excerpts from the interview.

* * *

In November 2009, the European Court of Human Rights ruled that the display of crucifixes in Italian classrooms violates religious freedom, in a case known as "Lautsi" for the Italian mother who brought it. How did you become the attorney for the nations, including Italy, appealing that ruling before the court's Grand Chamber?

When the original decision came out, I was shocked by the weakness and the perfunctory nature of the reasoning. I wrote an editorial in the *European Journal of International Law*, saying that no matter what position you take on the outcome, it's an embarrassing decision. I was also contemptuous of the way the Italian government argued the case. They claimed that the cross is not a religious symbol, it's a national symbol. Apart from being dishonest, that was bad strategy, because it was very easy for the chamber to say it's obviously a religious symbol.

My editorial made the rounds. When Italy decided to go to the Grand Chamber, a group of other states decided to join the case. I was invited to a meeting in Strasbourg where they discussed strategy. They asked if I would represent them, and to their surprise, I said I would as long as I did it pro-bono. I did not want anybody to say that this Jew will defend the cross, will do anything, just for money.

What was your pitch?

I said that one should go on the attack, arguing that removing the cross is actually illiberal. Allowing the cross is the liberal position, the pluralist position, because Europe has both a France and a Britain. France is an officially secular state, but in Britain the national anthem is "God Save the Queen" and the Queen is the head of the Church of England. Every picture of the Queen in a British classroom is both a national and a religious symbol.

You should say that this is a great tradition, that it's the authentic Europe. The enlightened position is to accept a Europe with both a France and a Britain, and not to insist as, the chamber did, that everyone has to be like France -- or, for that matter, America.

What you need to do is to empower a would-be majority to feel that they're doing the right thing, that they should be proud of it. It's not somehow anti-European, anti-liberal, or reactionary. Remember, they're living in the citadel of the culture of human rights. Lautsi is a formidable case, one single individual standing up to the state.

Have you had any consultations with the Holy See?

If I had, I might not be entitled to say so, but in this case I can say clearly that I didn't. I think they're very cautious, and rightly so, in not wanting to seem to interfere. On the other hand, I think they were not unhappy that I took the case.

What reaction have you received from the Jewish world?

I got an enormous amount of hate mail. I've had very harsh reactions, especially from the European Jewish community in Italy, France, Germany and elsewhere. How can the son of a "Lithuanian rabbi" do this? Very often they'll say, you don't know what the real church is like, let me tell you this story and that story. At bottom, the question was, 'How can an observant Jew defend the cross?'

This visceral and understandable reaction is mixed with a political position. You must know that laïcité is the position of many Jews, notably in Europe, because for them laïcité meant emancipation. There's a wonderful book by the former president of the French Constitutional Court, who is himself a Jew, with his wife, called *Libres et Egaux* ("Free and Equal"). It was how the Jews achieved their emancipation as full citizens in France with the laicization of the French state. It's totally in-built.

I often reply by saying, explain this to me: In every Israeli school there's a sign of the menorah, which is the official symbol of the State of Israel. Would you have it removed? On every door, there's a mezuzah. Would you have it removed? That's where some Jews told me, you're right, we have to rethink this visceral reaction against the defense of the cross.

You challenge the notion that putting up a cross or a menorah is endorsing religion, while taking it down is neutral.

In a society in which the major cleavage is not between Jews and Christians, or between Protestants and Catholics, but between religious people and irreligious people, there is no luxury of neutrality. Taking the cross down is no more neutral than putting it up. Laïcité is not a neutral position.

Of course there must be freedom of religion and freedom from religion. On the other hand, a country with full parliamentary democracy and respect for personal freedom can also have a religious identity. The Irish Constitution, for example, in its preamble speaks about the divine Lord Jesus Christ and the Holy Trinity as the source of all justice, beauty and truth, and nobody has ever claimed that Ireland is not democratic.

You don't understand yourself to be defending Christianity but defending pluralism?

That's it. In my book *A Christian Europe*, I said that if the preamble to the European constitution had only made reference to the Christian roots of Europe, and not to the traditions of Athens and the French Revolution, I would have written in defense of the latter. People have asked me a million times how a practicing Jew can defend a reference to Christian roots in the European constitution, and I've said that I'm not a practicing Jew in this context. I'm a practicing constitutionalist. I'm a practicing pluralist.

When do you expect a ruling?

I don't know. I thought that if they were going to rule in favor, it would be before Christmas. If they were going to rule against, it would be after Christmas, so as not to mar the holiday of the faithful. It should be pretty soon. Don't forget, it's probably going to be a majority decision and they're probably negotiating a text, one way or the other.

[Note: A press spokesperson for the European Court of Human Rights told *NCR* that no date has yet been set for

the ruling, which will be announced one week in advance.]

If it goes against you, Italy presumably won't implement the ruling.

No, they won't. They'll just go on paying the fine every time somebody brings a case.

[Note: In 2009, the Italian Constitutional Court issued a ruling asserting the supremacy of Italian law and custom over the orders of a European court.]

In Rimini in 2003, you warned of a cultural "Christian ghetto" preventing Christians from bringing their faith to European debates. You called it an internalized form of "spiritual Jacobinism." Do you still see that reticence among Christians in Europe?

Yes, I do. It's a little bit better, but on the whole, most Christians of my generation and social class, doctors, lawyers and academicians, tend to reflect a "ghetto" mentality. It's a "ghetto" which they have built themselves. (Of course, I know that this is not quite like the real ghetto in which Jews were forced to live.) In many instances I wouldn't even know they're Christians until there's some moment of revelation. When they go into the public space, they've internalized the laique sentiment that religion is a private affair. That's much more important than whether or not to have the cross in the classroom.

To be clear, I'm against militancy. I'm not asking Christians to march in the streets. I always cite Micah's famous reference to 'walk humbly with your God.' My message is, 'Walk humbly, but don't hide him.'

Do you find that ghetto mentality more in Europe than the United States?

Yes. In the United States, I actually think it's too much the opposite. There's too much shrillness to people's religiosity. I don't like American politics, where politicians feel they have to make a spectacle of going to church. In America, it's almost the opposite syndrome from Europe.

On your point about the real social cleavage today running between religious and irreligious people: Does that provide a new basis for Catholic/Jewish relations? In that divide, we're on the same side.

Very much so. It's difficult, however, because there's the burden of the past. Jews cultivate the past ? memory is our understanding of civilization. There's a reflex about Christianity which runs deep, even among people who otherwise would be very tolerant and decent.

Speaking of the burden of the past, your new book is on the trial of Jesus. What point do you want to make?

I want to make three points. My first thesis is that the trial of Jesus has not been appreciated sufficiently as the bedrock of Western sensibilities about justice.

In the Biblical story, Jesus is defined as the most abject enemy of society. He's the Osama bin Laden, the enemy who threatens the entire nation. Yet at the same time he's the Son of God, he's divinity. He is put on trial, and into our collective consciousness is written the imperative: 'Nobody is so abject that he doesn't deserve a trial, and nobody is so exalted that he can be excused from a trial.' That's why even for the terrorists in Guantanamo, we feel obliged to put them on trial, and why even Mr. Clinton had to stand for a trial of impeachment.

There's a second element. For generations, people have protested the injustice of the trial.
Rule number two, therefore, is that the trial has to be fair. We don't accept kangaroo trials, we don't accept perjury, and we don't accept tampering with witnesses. Of course it's a canon that often has been honored in the breach, but every time our civilization does that, there's a little voice in the ear that says, 'This is what they did

to Jesus.'

What's the second thesis?

In my research I discovered there's actually no theology of the trial, and that's the heart of the matter.

For the Christian narrative to work, Jesus has to die blameless, innocent, the Paschal lamb. If we were writing the story ourselves, as opposed to something we receive from God, it actually would be much better if Caiaphas had just sent somebody in the middle of the night to stick a spear into Jesus. He could still have been buried, resurrected, etc., but there would be no question about his innocence and blamelessness. He would be the perfect martyr. So you really have to ask: Why a trial?

That's a fascinating question.

I read endlessly. I prepared two years for a seminar I teach on the trial of Jesus at NYU, and I've been teaching the subject for four years. I'm really an expert. The question, 'Why a trial?' doesn't come up, even though life would be so much easier theologically had it just been a night of the long knives.

I believe Deuteronomy chapter 13, verses 1-5, is the key. It's an extraordinarily strange thing. The first verse says, 'This is my law. You will not add to it and you will not detract from it, forever.' Then it says that if one day a prophet or a dreamer should come to you giving 'signs and wonders' ? that's code in scripture for somebody sent by God. So, if a prophet giving signs and wonders comes along and says to stray away from God, not to follow his law, you have to know that I'm testing you. This is the theologically baffling part: I am putting you to the test, and you must resist. Even though it's a prophet, even though it's signs and wonders which means it comes from God, you must put this man to death.

From a legal point of view, it's a remarkable thing. God ties his hands to the mast. He says this is a law forever, and puts in place a device that will stop even Him from changing the law. (That does not compromise his omnipotence, because otherwise he would not be able to make an eternal promise). My thesis is that Jesus is the person referred to in Deuteronomy.

He is the one sent by God working signs and wonders, whom the Jews were supposed to kill?

That's the heart of my book, and I believe the trial makes sense on this reading.

There's a deep theological challenge which Christianity really has not faced. If Jesus has to die innocently, someone has to kill him unjustly. This is very disturbing if you take the Bible seriously. It should offend the reader, because it means that for God to realize his design it depends on somebody going against God's will.

In my view, the theology I'm proposing makes everybody obey God. If I'm right that the trial is the working out of Deuteronomy 13:1-5, Jesus dies totally innocently since he is the prophet sent by God. Yet the Jews were also doing exactly what God told them to do. He said that if one day somebody comes with signs and wonders, and invites you to change the Law of Moses (which is at the heart of the indictment according to Luke in Acts), you're supposed to resist, and it explicitly says to put him to death.

In the trial, God achieves two things in one stroke. It's a trial of the Jews, to remind the Jews that they have their covenant and their salvation lies in it. It's also a trial of Jesus, in which he dies innocently because in that way he expiates the sins of everybody else. His death is the way of redemption for the world. At the end of the day, according to this vision, everybody is following the path of God.

For Christians, the difficult theological position is this: They have to accept that the covenant with the Jews

endures to the end of days. John Paul II once said whimsically that God does not make covenants in vain. This means accepting that the Jews have their covenant, apart from the message of Christ.

What's the third thesis?

I try to answer the question, why the shift of responsibility from the cross to the trial? That's what the culture has done. It's shifted the responsibility for the death of Jesus away from an execution by the Romans to a finding of guilt by the Jews. The reason in my view is not directly deicide. It is the steadfast rejection of Christ by the Jews, before and after the Crucifixion. It's not easy to condemn a people who faithfully stick to a covenant whom God himself proclaimed as eternal, so deicide comes in handy.

I've studied *Nostra Aetate* [the Vatican II document on relations with Judaism] very, very carefully. Basically it says that not everyone at the time of Jesus, and certainly nobody ever after, was complicit in what the Jewish leadership did. Therefore, because we don't believe in collective punishment and collective guilt, "the Jews" should not be held responsible. The startling thing is that by absolving the Jews, [the bishops] were also absolving themselves. They also say, in the very same statement, that despite the fact we have held the Jews responsible for 2,000 years, and because of that so many Jews were put on the stake ? hey guys, there's no collective guilt, no collective responsibility, so don't blame us either.

That is one reason why I believe that John Paul II was one of the most impressive moral persons of our epoch. He never took that position. He said, 'I've got something to say I'm sorry for.' Not personally, of course ? the man saved Jews during the Second World War. There are moving, moving stories. But representing the church, he said I'm not going to just rely on 'no collective responsibility.' There is something here to apologize for.

In the book, I say that as a Jew I don't want to be "absolved" either. We have to differentiate between guilt and responsibility. I want to be able to say, yes, we Jews put Christ to death, because that's what the Lord required us to do. Of course personally I'm not responsible, I'm not Caiaphas. But as a Jew, I want to be able to say that when somebody came as a prophet working signs and wonders and trying to change the law, we did what God asked us to do.

I can imagine a Jew saying: We spent 2,000 years trying to escape the charge of deicide, and here you are embracing it.

A good Christian-Jewish dialogue should not involve one side having to deny its core identity, which for Jews is the eternal covenant -- *Chukat Olam*. I would say, if you just open the Talmud to the Sanhedrin tractate, it's clear. Jesus came along and we put him to death, as we were required to do. The Romans are not even mentioned. The only difference between the Talmud and me is that they said Jesus was guilty of incitement, which is a reference to Deuteronomy 13, verse six onwards. That tractate is written at a time when the Talmud is the enemy of the church, and they don't want to give Jesus the dignity of being a prophet sent by God. For my part, following the great Jewish commentator Baal Haturim, I see no reason not to do so.

Do you expect to get more criticism from Christians or from Jews?

I will get it the most from that segment of the observant Jewish community where anything positive you have to say about Christianity is somehow anathema. Make no mistake -- I am no 'Jews for Christ.' I abhor that. But even as an observant Jew, it is not for me to exclude any possible plan the Holy One, Blessed Be He, may have had for the rest of the nations.

I think Christians will be either dismissive or will take it very, very seriously. People of good will should like it, because it's a way of reconciling theologically something that has marred relations between Christians and Jews. What's good about the book, I hope, is that it's not pie-in-the-sky. It's tightly argued and is hugely respectful of

texts and other sources. I beg the reader of this interview to wait for the full text -- it is nuanced, careful, and respectful.

When will the book be published?

I'm going to finish writing it by June, and hopefully it will appear by the end of the year. I've thought about this book for three or four years, so it's not a flash in the pan.

To shift gears, how did your friendship with Comunione e Liberazione come about?

By accident. I was invited to come to their annual meeting in Rimini in 2002 or 2003. I had no idea what it was. I thought it was just some kind of academic conference, but it was a jaw-dropping experience. I was told these are awful people, these are intolerant people, and so on, but I've never seen a more open atmosphere. Every meeting I've been to, I have been impressed by the range of voices: Jews, Muslims, Communists, Atheists, kings and paupers, prime ministers, writers, scientists.

I joke that my best friends in Italy said two things to me about going to Rimini: How can you agree to be a part of 'that thing,' and how can I get an invitation? It's like the old Jewish joke ? the food's terrible, and such small portions!

What do you find attractive about Fr. Luigi Giussani, the founder of Comunione e Liberazione?

He rejected the position of many young people in high school and college in his day, which is that if I'm a believing Catholic it's a matter of faith, but reason is something else. Already in the 1950s, Giussani was saying no, folks, if you cannot justify it by your best faculties of reason, you should forget about it. That's totally admirable. That's Maimonides.

I also admire his insistence that religious life is not just about morality, but about presence, which for Catholics is particularly expressed in the Eucharist. His book, The Religious Sense, is a major theological treatise.

I'm worried about a world with a declining church, which I find alarming.

Why?

Christianity -- indeed, the Judeo-Christian tradition -- is one of the foundations of Western Civilization, and the best of that civilization is worth preserving.

Further, think about the century I grew up in, the 20th century. There were three movements which dwarf everything else in terms of a scale of evil. The Inquisition was terrible, but it's nothing compared to Hitler, Stalin and Mao. They represent a world in which man is made God, in which man thinks that his liberty is absolute to do whatever he wants. Hitchens and Dawkins may make a good point here and there, but the fact of Hitler, Mao and Stalin is overwhelming.

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