



Signature of the *Reichskonkordat* on 20 July 1933.

From left to right: German Vice-Chancellor [Franz von Papen](#), representing Germany, [Giuseppe Pizzardo](#), [Cardinal Pacelli](#), [Alfredo Cardinal Ottaviani](#), German ambassador [Rudolf Buttmann](#)

**Archival Finding Aid for selected Records from the Vatican Archives, 1865-1939  
(RG76.001M)**

On February 15, 2003, the Vatican partially opened material relating to the interwar era. Among the collections that were opened are records covering the years 1922-1939. Through a subsequent archival agreement, microfilm copies of these newly-opened archives are now available for research at the United States Holocaust Memorial Museum. As a result, the Museum currently holds the only microfilm copies worldwide of the Holy See's archival records for the nunciature in Munich and Berlin during the Weimar Republic (1918-1933) and the period of Eugenio Pacelli's tenure as Secretary of State (1930-1939).

**RG 76.001M  
Selected Records from the Vatican Archives, 1865-1939**

I heartily thank Jane Klinger, Chief Conservator, Conservation Services, Collections Division, USHMM, and Dr. Gerald Steinacher, Fellow, CAHS, USHMM, for their aid. All errors are my own responsibility.

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<sup>1</sup> Office in the Roman Curia that provides special assistance to the pope in the care of the universal Church and in his dealings with the Roman Curia (the pope's court or cabinet; the entire group of organized bodies and their personnel with assists the pope in the government of the Church---congregations, tribunals, curial offices.

Divided into 2 sections, it is considered one of the most important offices of the Holy See. Section for Ordinary Affairs (contemporary usage: Section for General Affairs) assists the pope in matters dealing with other dicasteries (departments) within the Roman Curia. Section for Extraordinary Affairs (contemporary usage: Section for Relations with States) assists the pope in matters relating to civil governments, diplomatic relations of the Holy See with other govts, and diplomatic missions of the Holy See.

<sup>2</sup> Archbishop Alberto Vassalo-Torregrossa (1865-1959; apostolic nuncio to Germany, Munich, 1925-1934). Born in San Cataldo, 28 December 1865. Ordained a priest 22 September 1888 (age 22). Appointed Titular Archbishop of Hemesa [Titular See], 3 December 1913 (age 47). Appointed Apostolic Nuncio to Argentina, 3 December 1913 (age 47). Ordained a Bishop, 18 January 1914 (age 48). Appointed Apostolic Nuncio to Germany (Munich), 1925 (age 59). Retired 31 May 1934. Died 7 September 1959. Source: [www.Catholic-Hierarchy.org](http://www.Catholic-Hierarchy.org).

<sup>3</sup> Ecclesiastical Commissions are bodies of ecclesiastics juridically established and to whom are committed certain specified functions or charges. They are: I. Pontifical; II. Roman Prelatitail; III. Diocesan. The diocesan commissions (III), provided for by general ecclesiastical law, are four: (1) the commission for seminaries (in two sections for spiritual and temporal concerns, respectively), according to the Council of Trent (Sess. XXIII, cap. xviii, De ref.); (2) the commission of examiners of the clergy, to aid in the control of all competition for vacant parochial benefices; (3) the commission on sacred music (Motu proprio of Pius X, 22 Nov., 1903) for the improvement of the character and execution of ecclesiastical music in the churches; and (4) **a vigilance committee (Latin---Consilium a vigilantia) for the repression of modernism (Pius X, "Pascendi Dominici Gregis", 8 Sept., 1907)**. The scope, authority, and attributions of these bodies are described either in the pontifical documents that create them, or in the legislation pertaining to the Roman congregations, or in the common ecclesiastical law and its authoritative interpretations. Source: <http://www.newadvent.org/cathen/04164c.htm>.

<sup>4</sup> The Reich Concordat was a treaty concluded on 20 July 1933 between the German Reich government and the Holy See. Its principal negotiators were Franz von Papen, Monsignor Ludwig Kaas, and Eugenio Pacelli. Negotiations began in April 1933, and the treaty took effect on 10 September 1933. It guaranteed the continuing existence of state concordats with Bavaria (1924), Prussia (1929), and Baden (1932). Article 1 guaranteed "protection of the freedom to confess and openly practice the Catholic religion." Articles 14, 15, 17 and 19 guaranteed the church's "free right of patronage over all ecclesiastical offices and benefices, religious orders and communities, church property, and the maintenance of Catholic theological faculties at state institutions of higher education. Articles 20 and 23 guaranteed the establishment of new philosophical and theological schools for the clergy, the recognition of Catholic religious education in public schools, and

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the maintenance and expansion of Catholic schools. Article 31 provided protection for Catholic organizations and associations “that serve exclusively religious, purely cultural and charitable purposes,” but the specific details were reserved for negotiations with the German episcopate. Article 32 prohibited membership by clergy and religious in political parties. A secret supplementary protocol “governed the appointment of chaplains in the event of the reintroduction of universal military service.” For the above, the Vatican allowed for the dissolution of Catholic trade unions and political organizations (4-5 July 1933) and the self-dissolution of the Center Party (5 July 1933). The NS regime almost immediately violated the Concordat, especially Articles 15, 17, 19, 23, and 31: persecution of Catholic youth groups and professional organizations, actions against Catholic schools, prosecution of priests and religious (“Priest Trials”) and discrimination against Caritas (Catholic social welfare organization). On 26 March 1957, the Federal Constitutional Court (Bundesverfassungsgericht) of the Federal Republic of Germany handed down a judgment confirming the validity of the Concordat. Source: B.J.W., “Concordat,” *The Encyclopedia of the Third Reich*, Christian Zentner and Friedmann Bedürftig, editors, English translation edited by Amy Hackett (NY: De Capo Press, 1997), 161-62.

For a full text of the Concordat, see Appendix A.

<sup>5</sup> Zentrum (Center), German political party founded 13 December 1870. The Center party was a denominational Roman Catholic party. During the Kaiserreich (1871-1914) and in the Weimar Republic (1919-1933), it fell in the middle of the German political party spectrum. Pro-monarchy until 1917, the Center Party became a republican party in 1917 under the leadership of Matthias Erzberger. Its 1923 party program committed the Zentrum to a democratic, constitutional state. Between 1919 and 1932, the Center Party was involved in all 19 German governments, usually a coalition partner to the Social Democratic Party (SPD) and the DDP (German Democratic Party), and provided more Reich chancellors than any other party. The Center Party had a stable constituency: 1919 elections to National Assembly (19.7%); subsequent Reichstag elections, between 13.6% (1920) and 11.9% (November 1932). In the Reichstag elections of March 1933 (after Adolf Hitler’s accession as Chancellor), it still received 11.2%. Party Chairman Ludwig Kaas (December 1928 to July 1933 (?)) negotiated as late as autumn 1932 with the NSDAP regarding a partnership with a NS government. The Center Party’s Reichstag delegation consented to the 23 March 1933 Enabling Law, its final death-blow. On 5 July 1933, the Center Party dissolved itself. Source: R.B., “Center,” *The Encyclopedia of the Third Reich*, Christian Zentner and Friedmann Bedürftig, editors, English translation edited by Amy Hackett (NY: De Capo Press, 1997), 133.

<sup>6</sup> Catholic Action (Katholische Aktion) was a Catholic lay movement that began in Italy in 1886, with a political agenda. In 1922, in response to political activity by Catholic parties following WWI, Pius XI redefined KA as a religious and social (not political) movement. After the renunciation of partisan political activity in the Lateran Treaties with Mussolini, KA became the church’s “second-line organization for influencing secular affairs.” From 1928 onward, Berlin nuncio Eugenio Pacelli called upon German laity to join together in KA. With the conclusion of the Concordat in 1933, KA came under fire. Hitler left Article 31 (protection of Catholic organizations) to be negotiated and thereafter did not tolerate KA, understood by the NS regime as an ideological mass movement which openly sought to “Christianize all of German life.” On 30 June 1934, NS acts of terrorism directed at KA peaked with the assassination of Berlin KA leader Erich Klausener, who had protested NS harassment at KA mass meetings. See “Catholic Action,” *Encyclopedia of the Third Reich*, Zentner and Friedmann Bedürftig, editors, 128-29.

<sup>7</sup> The “Danzigfrage” (Danzig Question) refers to the growing conflict between Germany and Poland after 1919. Of the city’s 380,000 inhabitants, 12,000 were Poles. On 15 November 1920, under the authority of the League of Nations, Danzig was proclaimed a Free City. Tariff authority and diplomatic representation were assumed by Poland; the harbor was under joint administration. In 1933, the NS government took power in Danzig as in Germany, but conflict over the city’s future was resolved under the German-Polish Nonaggression Pact of 26 January 1934. In April 1939, Hitler proposed a comprehensive German-Polish settlement which included the return of Danzig to Germany, construction of an extraterritorial highway through the Polish Corridor, and Poland’s entrance into the Anti-Comintern Pact. Hitler also released his Führer Directive *Fall Weiss* (Case White). The Warsaw government refused Hitler’s proposal, opting to remain a neutral territory between Germany and the USSR. On 10 August 1939, Danzig’s *Gauleiter* Albert



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Forster gave his “Back Home to the Reich” speech. On 1 September, with onset of war with Poland, Germany bombarded the Free City of Danzig from the battleship *Schleswig-Holstein*. Danzig was declared part of the Third Reich. The 1945 Potsdam Agreement would place Danzig under Polish control as the city of Gdansk. See “Danzig Question,” *Encyclopedia of the Third Reich*, Zentner and Friedmann Bedürftig, editors, 181-82.

<sup>8</sup> Forced Sterilization (*Zwangssterilisation*): the first NS program of this kind was made possible by the Law to Prevent Hereditarily Ill Offspring (date), meaning, anyone with “congenital feeble-mindedness, schizophrenia, manic depression, hereditary epilepsy, Huntington’s chorea, hereditary blindness or deafness, or severe physical malformations, and, in some cases, severe alcoholism.” Hereditary Health Courts decided on recommendations for forced sterilization, which physicians and heads of institutions were required by law to make. Sterilization was to be carried out within 14 days, and could include forcible measures (police delivery of a person to a clinic; no authorization for hospital release or nursing home release without prior sterilization). 1939: Ordinance for Hereditary Cultivation (*Erbpflegeverordnung*) limited sterilizations to “urgent cases.” Between 1933 and 1945, between 250,000 and 300,000 persons were forcibly sterilized. See R. W., “Forced Sterilization,” *Encyclopedia of the Third Reich*, Zentner and Friedmann Bedürftig, editors, 276.

<sup>9</sup> The Reich Chancellery (*Reichskanzlei*) was Hitler’s office as government chief and Hitler’s official headquarters, headed by HANS LAMMERS. Until January 1939, Hitler resided in the Old Reich Chancellery (Wilhelmstrasse, Berlin). In 1938-39, Hitler appointed Albert Speer to build the new Reich Chancellery (Vossstrasse, Berlin). In August 1934, the office of chancellor was transformed into the personal dictatorship of the Führer and Reich Chancellor. See “Reich Chancellery” and “Reich Chancellor,” *Encyclopedia of the Third Reich*, Zentner and Friedmann Bedürftig, editors, 767-68.

<sup>10</sup> The Saar Territory (*Saargebiet*) is the region comprised of 5 Prussian and 2 Bavarian districts (*Landskreise*) by the Treaty of Versailles, removed from German sovereignty and assigned to France to compensate for war damage following World War I. Frenchman Victor Rault assumed supreme state authority as head of the League of Nations governing commission for the region. In the plebiscite of 13 January 1935, the German Front received over 90% of the plebiscite votes. On 1 March 1935, the Saar Territory became part of the Reich. It and the Palatinate formed the Saar-Palatinate (*Saarpfalz*) Gau, which became called the Western March (*Westmark*) as of 7 December 1940. See “Saar Territory,” *Encyclopedia of the Third Reich*, Zentner and Friedmann Bedürftig, editors, 825-26.

<sup>11</sup> The *Sturmabteilung*, or S.A., began as an unarmed NSDAP party troop in 1921-22, was dissolved in the wake of the November 1923 Hitler Putsch, and reconstituted and centralized under Supreme SA Führer (Osaf) Franz Pfeffer von Salomon in 1926. From 1931 to 1934, the S.A. experienced explosive growth, halted by Hitler via the 30 June 1934 Röhm Purge. Between 1934 and 1943, under the directorship of Chief of Staff Viktor Lutze, it served important political functions, namely, that of premilitary training. After the outbreak of war, S.A. members not enrolled in the Wehrmacht provided auxiliary activities to the Wehrmacht, police, customs and border patrol, air defense, SS, and so on. See Wolfgang Petter, “Sturmabteilung,” *Encyclopedia of the Third Reich*, Zentner and Friedmann Bedürftig, editors, 928-32.

<sup>12</sup> Erich Klausener, murdered during the course of the 30 June 1934 Röhm Purge, was a prominent Center Party member and, prior to 30 January 1933, head of police section, Prussian Interior Ministry. A committed Catholic and chairman of Catholic Action in the diocese of Berlin, he was forced to vacate his position in the Interior Ministry for a position in the merchant marine division of the Reich Transport Ministry. A popular orator, on 24 June 1934, he “assailed NS racial policy before 60,000 people at the 32<sup>nd</sup> Berlin Katholikentag. See “Klausener, Erich,” *Encyclopedia of the Third Reich*, Zentner and Friedmann Bedürftig, editors, 501-502.

<sup>13</sup> *Reichsarbeitsdienst* (Reich Labor Service, or RAD) was the conscription of German men, aged 18-25, for labor on public-works projects for half a year, established by law on 26 June 1935. Originally conceived as a means for combating unemployment, under the NS state, it became an instrument that trained young

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people “in the spirit of the Volk Community” and prepared them for war. See “Reich Labor Service” *Encyclopedia of the Third Reich*, Zentner and Friedmann Bedürftig, editors, 774-775.

<sup>14</sup> Led by Gustav Stresemann, the *Deutsche Volkspartei*, or DVP (1918-1933) was founded by right-wing elements of the National Liberal Party.

<sup>15</sup> Only two sources discuss the currency foreign exchange trials specifically: Hoffmann, Ernst and Hubert Janssen, *Die Wahrheit über die Ordensdevisenprozesse 1935/36* (Bielefeld: Hausknecht, 1967); and Petra Madeline Rapp, “Die Devisenprozesse gegen katholische Ordensangehörige und Geistliche im Dritten Reich. Eine Untersuchung zum Konflikt deutscher Orden und Klöster in wirtschaftlicher Notlage, totalitärer Machtausübung des nationalsozialistischen Regimes und im Kirchenkampf 1935/36,” (Ph.D., Universität Bonn, 1981).

<sup>16</sup> On 16 July 1935, Hanns Kerrl was appointed Reich Minister for Church Affairs, responsible for all religious communities. After his death on 15 December 1941, no new minister was named.

<sup>17</sup> An official report written by the Vatican.

<sup>18</sup> Italian national Archbishop Saverio Ritter (1884-1951) was ordained a priest in 1906. He was ordained Titular Archbishop of Aegina in 1935 and appointed Apostolic Internuncio to Czechoslovakia in 1946. In 1950, he became an Official of the State in the Roman Curia. Source: [www.Catholic-Hierarchy.org](http://www.Catholic-Hierarchy.org).

<sup>19</sup> Italian national Archbishop Pietro Sigismondi (1908-1967) was ordained a priest in 1930. His subsequent appointments and titles included Titular Archbishop of Neapolis in Pisidia (ordained 1950); Apostolic Delegate to the Republic of Congo (1949); Apostolic Delegate to Rwanda (1949); and the significant position of Secretary, Congregation for Propagation of the Faith (since 1967: Congregation for the Evangelization of Peoples) in the Roman Curia (1954-1967). Source: [www.Catholic-Hierarchy.org](http://www.Catholic-Hierarchy.org).

<sup>20</sup> The name frequently applied to a member of an order who has devoted himself to God by the three vows of religion; a member of a religious institution.

<sup>21</sup> Kevelaer is a German town in the district of Cleves (Kleve) and the best visited Catholic pilgrimage location within north-western Europe. Hundreds of thousands of pilgrims, mostly from Germany and the Netherlands, visit Kevelaer every year to honor the Virgin Mary.

<sup>22</sup> *Der Angriff* (The Attack) appeared after 1 February 1933 as the ‘Daily Newspaper of the German Labor Front,’ published by Eher Press. Josef Goebbels was the publisher.

**APPENDIX A**  
**Concordat Between The Holy See and The German Reich**

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His Holiness Pope Pius XI and the President of the German Reich, moved by a common desire to consolidate and enhance the friendly relations existing between the Holy See and the German Reich, wish to regulate the relations between the Catholic Church and the State for the whole territory of the German Reich in a permanent manner and on a basis acceptable to both parties. They have decided to conclude a solemn agreement, which will supplement the Concordats already concluded with certain individual German states, and will ensure for the remaining States fundamentally uniform treatment of their respective problems.

For this purpose: His Holiness Pope Pius XI has appointed as his Plenipotentiary His Eminence the most Reverend Lord Cardinal Eugenio Pacelli, his Secretary of State. The President of the German Reich has appointed as Plenipotentiary the Vice-Chancellor of the German Reich, Herr Franz von Papen. Who, having exchanged their respective credentials and found them to be in due and proper form, have agreed to the following articles:

**ARTICLE 1**

The German Reich guarantees freedom of profession and public practice of the Catholic religion. It acknowledges the right of the Catholic Church, within the limit of those laws which are applicable to all, to manage and regulate her own affairs independently, and, within the framework of her own competence, to publish laws and ordinances binding to her members.

**ARTICLE 2**

The Concordats concluded with Bavaria (1924), Prussia (1929) and Baden (1932) remain in force, and the rights and privileges of the Catholic Church recognized therein are secured unchanged within the territories of the States concerned. For the remaining States the agreements entered into in the present Concordat come into force in their entirety. These last are also binding for those States named above in so far as they affect matters not regulated by the regional Concordats or are complementary to the settlement already made. In future, regional Concordats with States of the German Reich will be concluded only with the agreement of the Reich Government.

**ARTICLE 3**

In order to foster good relations between the Holy See and the German Reich, an Apostolic Nuncio will reside in the capital of the German Reich and an Ambassador of the German Reich at the Holy See, as heretofore.

**ARTICLE 4**

In its relations and correspondence with the bishops, clergy and other members of the Catholic Church in Germany, the Holy See enjoys full freedom. The same applies to the bishops and other diocesan officials in their dealings with the faithful in all matters belonging to their pastoral office. Instructions, ordinances, Pastoral Letters, official diocesan gazettes, and other enactments regarding the spiritual direction of the faithful issued by the ecclesiastical authorities within the framework of their competence (Article 1, Section 2) may be published without hindrance and brought to the notice of the faithful in the form hitherto usual.

**ARTICLE 5**

In the exercise of their spiritual activities the clergy enjoy the protection of the State in the same way as State officials. The State will take proceedings in accordance with the general provisions of State law against any outrage offered to the clergy personally or directed against their

ecclesiastical character, or any interference with the duties of their office, and in case of need will provide official protection.

#### **ARTICLE 6**

Clerics and Religious are freed from any obligation to undertake official offices and such obligations as, according to the provisions of Canon Law, are incompatible with the clerical or religious state. This applies particularly to the office of magistrate, juryman, member of Taxation Committee or member of the Fiscal Tribunal.

#### **ARTICLE 7**

The acceptance of an appointment or office in the State, or in any publicly constituted corporation dependent on the State, requires, in the case of the clergy, the *nihil obstat*<sup>1</sup> of the Diocesan Ordinary of the individual concerned, as well as that of the Ordinary of the place in which the publicly constituted corporation is situated. The *nihil obstat* may be withdrawn at any time for grave reasons affecting ecclesiastical interests.

#### **ARTICLE 8**

The official income of the clergy is immune from distraint to the same extent as is the official salary of officials of the Reich and State.

#### **ARTICLE 9**

The clergy may not be required by judicial and other officials to give information concerning matters which have been entrusted to them while exercising the care of souls, and which therefore come within the obligation of pastoral secrecy.

#### **ARTICLE 10**

The wearing of clerical dress or of a religious habit on the part of lay folk, or of clerics or religious who have been forbidden to wear them by a final and valid injunction made by the competent ecclesiastical authority and officially communicated to the State authority, is liable to the same penalty on the part of the State as the misuse of military uniform.

#### **ARTICLE 11**

The present organization and demarcation of dioceses of the Catholic Church in the German Reich remains in force. Such rearrangements of a bishopric or of an ecclesiastical province or of other diocesan demarcations as shall seem advisable in the future, so far as they involve changes within the boundaries of a German State, remain subject to the agreement of the Government of the State concerned.

Rearrangements and alterations which extend beyond the boundaries of a German State require the agreement of the Reich Government, to whom it shall be left to secure the consent of the Regional Government in question. The same applies to rearrangements or alterations of ecclesiastical Provinces involving several German States. The foregoing conditions do not apply to such ecclesiastical boundaries as are laid down merely in the interests of local pastoral care.

In the case of any territorial reorganization within the German Reich, the Reich Government will communicate with the Holy See with a view to rearrangement of the organization and demarcation of dioceses.

#### **ARTICLE 12**

Without prejudice to the provisions of Article 11, ecclesiastical offices may be freely constituted and changed, unless the expenditure of State funds is involved. The creation and alteration of parishes shall be carried out according to principles with which the diocesan bishops are agreed, and for which the Reich Government will endeavor to secure uniform treatment as far as possible from the State Governments.

#### **ARTICLE 13**

Catholic parishes, parish and diocesan societies, Episcopal sees, bishoprics and chapters, religious Orders and Congregations, as well as institutions, foundations and property which are under the administration of ecclesiastical authority, shall retain or acquire respectively legal competence in the civil domain according to the general prescriptions of civil law. They shall remain publicly recognized corporations in so far as they have been such hitherto; similar rights may be granted to the remainder in accordance with those provisions of the law which apply to all.

#### **ARTICLE 14**

As a matter of principle the Church retains the right to appoint freely to all Church offices and benefices<sup>2</sup> without the cooperation of the State or of civil communities, in so far as other provisions have not been made in previous Concordats mentioned in Article 2. The regulation made for appointment to the Metropolitan See<sup>3</sup> of Freiburg (the Ecclesiastical Province<sup>4</sup> of the Upper Rhine) is to be duly applied to the two suffragan<sup>5</sup> bishoprics of Rottenburg and Mainz, as well as to the bishopric of Meissen. With regard to Rottenburg and Mainz the same regulation holds for appointments to the Cathedral<sup>6</sup> Chapter,<sup>7</sup> and for the administration of the right of patronage.<sup>8</sup> Furthermore, there is accord on the following points:

(1) Catholic clerics who hold an ecclesiastical office in Germany or who exercise pastoral or educational functions must: a) be German citizens; b) have matriculated from a German secondary school; c) have studied philosophy and theology for at least 3 years at a German State University, a German ecclesiastical college, or a papal college in Rome.

(2) The Bull<sup>9</sup> nominating Archbishops, Coadjutors<sup>10</sup> *cum jure successionis*, or appointing a *Praelatus nullius*,<sup>11</sup> will not be issued until the name of the appointee has been submitted to the representative of the National Government in the territory concerned, and until it has been ascertained that no objections of a general political nature exist.

By agreement between Church and State, Paragraph 1, sections (a) (b) and (c) may be disregarded or set aside.

#### **ARTICLE 15**

Religious Orders and Congregations are not subject to any special restrictions on the part of the State, either as regards their foundation, the erection of their various establishments, their number, the selection of members (save for the special provisions of Paragraph 2 of this article), pastoral activity, education, care of the sick and charitable work, or as regards the management of their affairs and the administration of their property.

Religious superiors whose headquarters are within Germany must be German citizens. Provincials<sup>12</sup> and other Superiors of Orders, whose headquarters lie outside Germany, have the right of visitation of those of their establishments which lie within Germany.

The Holy See will endeavor to ensure that the provincial organization of conventual establishments within the German Reich shall be such that, as far as possible, German establishments do not fall under the jurisdiction of foreign provincials. Agreements may be made with the Reich Government in cases where the small number of houses makes a special German province impracticable, or where special grounds exist for the retention of a provincial organization which is firmly established and has acquired an historic nature.

#### **ARTICLE 16**

Before Bishops take possession of their dioceses they are to take an oath of fealty either to the Reich Representative of the State concerned, or to the President of the Reich, according to the following formula:

“Before God and on the Holy Gospels I swear and promise, as becomes a bishop, loyalty to the German Reich and to the State of... I swear and promise to honor the legally constituted

Government and to cause the clergy of my diocese to honor it. In the performance of my spiritual office and in my solicitude for the welfare and interests of the German Reich, I will endeavor to avoid all detrimental acts which might endanger it.”

#### **ARTICLE 17**

The property and other rights of public corporations, institutions, foundations and associations of the Catholic Church regarding their vested interests, are guaranteed according to the common law of the land.

No building dedicated to public worship may be destroyed for any reason whatsoever without the previous consent of the ecclesiastical authorities concerned.

#### **ARTICLE 18**

Should it become necessary to abrogate the performance of obligations undertaken by the State towards the Church, whether based on law, agreement or special charter, the Holy See and the Reich will elaborate in amicable agreement the principles according to which the abrogation is to be carried out.

Legitimate traditional rights are to be considered as titles in law.

Such abrogation of obligations must be compensated by an equivalent in favor of the claimant.

#### **ARTICLE 19**

Catholic Theological Faculties in State Universities are to be maintained. Their relation to ecclesiastical authorities will be governed by the respective Concordats and by special Protocols attached to the same, and with due regard to the laws of the Church in their regard. The Reich government will endeavor to secure for all of these Catholic facilities in Germany a uniformity of practical administration corresponding to the general spirit and tenor of the various agreements concerned.

#### **ARTICLE 20**

Where other agreements do not exist, the Church has the right to establish theological and philosophical colleges for the training of its clergy, which institutions are to be wholly dependent on the ecclesiastical authorities if not State subsidies are sought.

The establishment, management, and administration of theological seminaries and hostels for clerical students, within the limits of the law applicable to all, is exclusively the prerogative of the ecclesiastical authorities.

#### **ARTICLE 21**

Catholic religious instruction in elementary, senior, secondary, and vocational schools constitutes a regular portion of the curriculum, and is to be taught in accordance with the principles of the Catholic Church. In religious instruction, special care will be taken to inculcate patriotic, civic and social consciousness and sense of duty in the spirit of the Christian Faith and the moral code, precisely as in the case of other subjects. The syllabus and the selection of textbooks for religious instruction will be arranged by consultative agreement with ecclesiastical authorities, and these latter have the right to investigate whether pupils are receiving religious instruction in accordance with the teachings and requirements of the Church. Opportunities for such investigation will be agreed upon with the school authorities.

#### **ARTICLE 22**

With regard to the appointment of Catholic religious instructors, agreement will be arrived at as the result of mutual consultation on the part of the bishop and the Government of the State concerned. Teachers who have been declared by the bishop unfit for the further exercise of their teaching functions, either on pedagogical grounds or by reason of their moral conduct, may not be employed for religious instruction so long as the obstacle remains.

### **ARTICLE 23**

The retention of Catholic denominational schools and the establishment of new ones, is guaranteed. In all parishes in which parents or guardians request it, Catholic elementary schools will be established, provided the number of pupils available appears to be sufficient for a school managed and administered in accordance with the standards prescribed by the State, due regard being had to the local conditions of school organizations.

### **ARTICLE 24**

In all Catholic elementary schools only such teachers are to be employed as are members of the Catholic Church, and who guarantee to fulfill the special requirements of a Catholic school.

Within the framework of the general professional training of teachers, arrangements will be made which will secure the formation and training of Catholic teachers in accordance with the special requirements of Catholic denominational schools.

### **ARTICLE 25**

Religious Orders and Congregations are entitled to establish and conduct private schools, subject to the general laws and ordinances governing education. In so far as these schools follow the curriculum prescribed for State schools, those attending them acquire the same qualifications as those attending State schools.

The admission of members of religious Orders or Congregations to the teaching office, and their appointment to elementary, secondary or senior schools, are subject to the general conditions applicable to all.

### **ARTICLE 26**

With certain reservations pending a later comprehensive regulation of the marriage laws, it is understood that, apart from cases of critical illness of one member of an engaged couple which does not permit of a postponement, and in cases of great moral emergency (the presence of which must be confirmed by the proper ecclesiastical authority), the ecclesiastical marriage ceremony should precede the civil ceremony. In such cases the pastor is in duty bound to notify the matter immediately at the Registrar's office.

### **ARTICLE 27**

The Church will accord provision to the German army for the spiritual guidance of its Catholic officers, personnel and other officials, as well as for families of the same.

The administration of such pastoral care for the army is to be vested in the army bishop. The latter's ecclesiastical appointment is to be made by the Holy See after contact has been made with the Reich Government in order to select a suitable candidate who is agreeable to both parties.

The ecclesiastical appointment of military chaplains and other military clergy will be made after previous consultations with the appropriate authorities of the Reich by the army bishop. The army bishop may appoint only such chaplains as receive permission from their diocesan bishop to engage on military pastoral work, together with a certificate of suitability. Military chaplains have the rights of parish priests with regard to the troops and other army personnel assigned to them.

Detailed regulations for the organization of pastoral work by chaplains will be supplied by and Apostolic Brief. Regulations for official aspects of the same work will be drawn up by the Reich Government.

### **ARTICLE 28**

In hospitals, prisons, and similar public institutions the Church is to retain the right of visitation and of holding divine service, subject to the rules of the said institutions. If regular pastoral care is

provided for such institutions, and if pastors be appointed as State or other public officials, such appointments will be made by agreement with the ecclesiastical authorities.

#### **ARTICLE 29**

Catholic members of a non-German minority living within the Reich, in matters concerning the use of their mother tongue in church services, religious instruction and the conduct of church societies, will be accorded no less favorable treatment than that which is actually and in accordance with law permitted to individuals of German origin and speech living within the boundaries of the corresponding foreign States.

#### **ARTICLE 30**

On Sundays and Holy days, special prayers, conforming to the Liturgy, will be offered during the principal Mass for the welfare of the German Reich and its people in all Episcopal, parish and conventual churches and chapels of the German Reich.

#### **ARTICLE 31**

Those Catholic organizations and societies which pursue exclusively charitable, cultural or religious ends, and, as such, are placed under the ecclesiastical authorities, will be protected in their institutions and activities.

Those Catholic organizations which to their religious, cultural and charitable pursuits add others, such as social or professional interests, even though they may be brought into national organizations, are to enjoy the protection of Article 31, Section 1, provided the guarantee to develop their activities outside all political parties.

It is reserved to the central Government and the German episcopate, in joint agreement, to determine which organizations and associations come within the scope of this article.

In so far as the Reich and its constituent States take charge of sport and other youth organizations, care will be taken that it shall be possible for the members of the same regularly to practice their religious duties on Sundays and feast days, and that they shall not be required to do anything not in harmony with their religious and moral convictions and obligations.

#### **ARTICLE 32**

In view of the special situation existing in Germany, and in view of the guarantee provided through this Concordat of legislation directed to safeguard the rights and privileges of the Roman Catholic Church in the Reich and its component States, the Holy See will prescribe regulations for the exclusion of clergy and members of religious Orders from membership of political parties, and from engaging in work on their behalf.

#### **ARTICLE 33**

All matters relating to clerical persons or ecclesiastical affairs, which have not been treated in the foregoing articles, will be regulated for the ecclesiastical sphere according to current Canon Law.

Should differences of opinion arise regarding the interpretation or execution of any of the articles of this Concordat, the Holy See and the German Reich will reach a friendly solution by mutual agreement.

#### **ARTICLE 34**

This Concordat, whose German and Italian texts shall have equal binding force, shall be ratified, and the certificates of ratification shall be exchanged, as soon as possible. It will be in force from the day of such exchange.

In witness hereof, the plenipotentiaries have signed this Concordat.

Signed in two original exemplars, in the Vatican City, July 20<sup>th</sup>, 1933.



Signed:  
Eugenio, Cardinal Pacelli.  
Franz von Papen.

#### **THE SUPPLEMENTARY PROTOCOL**

At the signing of the Concordat concluded today between the Holy See and the German Reich, the undersigned, being regularly thereto empowered, have adjoined the following explanations which form an integral part of the Concordat itself.

#### **ARTICLE 3**

The Apostolic Nuncio to the German Reich, in accordance with the exchange of notes between the Apostolic Nunciature in Berlin and the Reich Foreign Office on the 11<sup>th</sup> and 27<sup>th</sup> of March [1933] respectively, shall be the Doyen of the Diplomatic Corps thereto accredited.

#### **ARTICLE 14, Paragraph 2**

It is understood that when objects of a general political nature exist, they shall be presented within the shortest possible time. If after twenty days such representations have not been made, the Holy See may be justified in assuming that no objections exist to the candidate in question. The names of the persons concerned will be kept confidential until the announcement of the appointment. No right of the State to assert a veto is to be derived from this article.

#### **ARTICLE 17**

In so far as public buildings or properties are devoted to ecclesiastical purposes, these are to be retained as before, subject to existing agreements.

#### **ARTICLE 19, Paragraph 2**

This clause is based, at the time of signature of this Concordat, especially on the Apostolic Constitution, *Deus Scientiarum Dominus* of May 24<sup>th</sup>, 1931, and the Instruction of July 7<sup>th</sup>, 1932.

#### **ARTICLE 20**

Hostels which are administered by the Church in connection with certain Universities and secondary schools, will be recognized, from the point of view of taxation, as essentially ecclesiastical institutions in the proper sense of the word, and as integral parts of diocesan organization.

#### **ARTICLE 24**

In so far as private institutions are able to meet the requirements of the new educational code with regard to the training of teachers, all existing establishments of religious Orders and Congregations will be given due consideration in the accordance of recognition.

#### **ARTICLE 26**

A severe moral emergency is taken to exist when there are insuperable or disproportionately difficult and costly obstacles impeding the procuring of documents necessary for the marriage at the proper time.

#### **ARTICLE 27, Paragraph 1**

Catholic officers, officials and personnel, their families included, do not belong to local parishes, and are not to contribute to their maintenance.

#### **ARTICLE 27, Paragraph 4**

The publication of the Apostolic Brief will take place after consultation with the Reich Government.

#### **ARTICLE 28**

In cases of urgency entry of the clergy is guaranteed at all times.

## **ARTICLE 29**

Since the Reich Government has seen its way to come to an agreement regarding non-German minorities, the Holy See declares—in accordance the principles it has constantly maintained regarding the right to employ the vernacular in Church services, religious instruction and the conduct of Church societies—that it will bear in mind similar clauses protective of German minorities when establishing Concordats with other countries.

## **ARTICLE 31, Paragraph 4**

The principles laid down in Article 31, Paragraph 4 hold good also for the Labour Service.

## **ARTICLE 32**

It is understood that similar provisions regarding activity in Party politics will be introduced by the Reich Government for members of non-Catholic denominations. The conduct, which has been made obligatory for the clergy and members of religious Orders in Germany in virtue of Article 32, does not involve any sort of limitation of official and prescribed preaching and interpretation of the dogmatic and moral teachings and principles of the Church.

Signed:

Eugenio, Cardinal Pacelli.

Franz von Papen.

At the Vatican City, July 20<sup>th</sup>, 1933.

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<sup>1</sup> Latin term, “nothing stands in the way;” term indicating approval for given process to proceed. It is often used for the approval given to a book by a censor prior to a bishop’s granting of an imprimatur (Latin term, “it may be printed”).

<sup>2</sup> A perpetual right granted by competent Church authority to an ecclesiastic consisting of a sacred office and the right to receive the revenue which accrues from that office’s endowment.

<sup>3</sup> Formerly, the bishop of the largest city or the place where the government was and who was considered to rank over the bishops of lesser places; at present, the term applied to archbishops in large cities who have suffragan sees.

<sup>4</sup> That territory made up of several dioceses under the jurisdiction of an archbishop or metropolitan, the archdiocese and at least one suffragan diocese.

<sup>5</sup> A bishop of a diocese which forms part of a province.

<sup>6</sup> The home church of the bishop in his diocese; the church in which the chair of the bishop is located and from which it derives its name.

<sup>7</sup> A Cathedral Chapter refers to a group living a semi-community life, made up of dignitaries and canons attached to the cathedral of a diocese to carry on the sacred liturgy in a more solemn manner, to aid the bishop as his council and, when the see is vacant, to take his place in the administration of the diocese. It is chiefly a European term and institution.

<sup>8</sup> In canon law, the right or power of naming or presenting a cleric to a vacant benefice.

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<sup>9</sup> A Bull is an official papal document or writing receiving its name from the lead or gold seal, called the *bull*, bearing a representation of Saints Peter and Paul and the name of the reigning pontiff. Bulls are of strong parchment and are signed by the pope and the chief members of the papal chancery. The bull is more formal than the brief and is used for weighty pronouncements of the papal chancery.

<sup>10</sup> One who helps a bishop in performing the duties of the diocese; and administrator bishop.

<sup>11</sup> One having independent jurisdiction over a district not subject to a diocesan bishop.

<sup>12</sup> The member of a religious order appointed by the general who is in authority; the director of a certain territory and all of the religious houses of that order within this territory; the religious superior of a province.

**APPENDIX B**  
**The German Catholic Episcopate, September 1933-May 1945<sup>1</sup>**

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**(1) CHURCH PROVINCE<sup>2</sup> (Archdiocese of) Breslau**

Adolf Cardinal Bertram, Archbishop of Breslau, 1914-1945

Bishop Joseph Ferche, Auxiliary Bishop of Breslau, 1940-March 1947

Suffragan Bishoprics:<sup>3</sup>

**Diocese<sup>4</sup> of Ermland<sup>5</sup>**

Cathedral: Frauenburg

Bishop Maximilian Josef Johannes Kaller, 1930-July 1947

**Diocese of Berlin**

Cathedral: Berlin

Bishop Christian Schreiber, 1930-September 1933

Bishop Nicolaus Bares, October 1933-March 1935

Bishop Konrad Graf Cardinal von Preysing Lichtenegg-Moos, July 1935-December 1950

**Territorial Prelature of Schneidemühl**

Cathedral: Schneidemühl

Prelate Nullius<sup>6</sup>: Father Franz Hartz, 1931-1953

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**(2) CHURCH PROVINCE (Archdiocese of) Munich and Freising**

Michael Cardinal von Faulhaber, Archbishop of Munich and Freising, 1917-1952

Suffragan Bishoprics:

**Diocese of Augsburg**

Cathedral: Augsburg

Bishop Joseph Kumpfmüller, 1930-1949

**Diocese of Passau**

Cathedral: Passau

Bishop Sigismund Felix von Ow-Felldorf, 1906-May 1936

Bishop Simon Konrad (Josef) Landersdorfer, O.S.B., September 1936-1968

**Diocese of Regensburg**

Cathedral: Regensburg

Bishop Michael Buchberger, 1928-1961

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**(3) CHURCH PROVINCE (Archdiocese of) Bamberg**

Johann Jakob von Hauck, Archbishop of Bamberg, 1912-January 1943

Archbishop Joseph Otto Kolb, January 1943-1955

Suffragan Bishoprics:

**Diocese of Eichstätt**

Cathedral: Eichstätt

Konrad Graf Cardinal von Preysing Lichtenegg-Moos, September 1932-July 1935

Bishop Michael Rackl, November 1935-1948

**Diocese of Speyer**

Cathedral: Speyer

Bishop Ludwig Sebastian, 1917-May 1943

Joseph Cardinal Wendel, May 1943-1952

**Diocese of Würzburg**

Cathedral: Würzburg

Bishop Matthias Ehrenfried, 1924-1948

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**(4) CHURCH PROVINCE (Archdiocese of) COLOGNE**

Karl Joseph Cardinal Schulte, Archbishop of Cologne, 1920-March 1941

Joseph Cardinal Frings, Archbishop of Cologne, May 1942-1978

Suffragan Bishoprics:

**Diocese of Aachen**

Cathedral: Aachen

Bishop Joseph Vogt, 1931-October 1937

Bishop Johannes Joseph van der Velden, September 1943-1954

**Diocese of Limburg**

Cathedral: Limburg

Bishop Antonius Hilfrich, 1930-1947

**Diocese of Münster**

Cathedral: Münster

Blessed<sup>7</sup> Clemens August Graf Cardinal von Galen, September 1933-1946

**Diocese of Osnabrück**

Cathedral: Osnabrück

Archbishop Hermann Wilhelm Berning, 1914-1955

**Diocese of Trier**

Cathedral: Trier

Archbishop Franz Rudolf Bornewasser, 1922-1951

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**(5) CHURCH PROVINCE (Archdiocese of) PADERBORN**

Kaspar (Gaspare) Klein, Archbishop of Paderborn, 1920-January 1941

Lorenz Cardinal Jäger, August 1941-1973

Suffragan Bishoprics:

**Diocese of Fulda**

Cathedral: Fulda

Bishop Joseph Damian Schmitt, 1906-April 1939

Archbishop Johann Baptist Dietz, April 1939-1958

**Diocese of Hildesheim**

Cathedral: Hildesheim

Bishop Nikolaus Bares, 1929-October 1933

Archbishop Joseph Godehard Machens, June 1934-1956

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**(6) CHURCH PROVINCE (Diocese of) FREIBURG-IM-BRIESGAU**

Konrad Grüber, Archbishop of Freiburg-im- Breisgau

Suffragan Bishoprics:

**Diocese of Mainz**

Cathedral: Mainz

Bishop: Ludwig Maria Hugo

**Diocese of Rottenburg**

Cathedral: Rottenburg

Bishop: Johannes Baptista Sproll

**Diocese of Meissen<sup>8</sup>**

Cathedral: Meissen

Bishop: Petrus Legge

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<sup>1</sup> The best source is: Erwin Gatz, *Die Bischöfe der deutschsprachigen Länder, 1785/1803 bis 1945: ein biographisches Lexikon*. Berlin: Duncker & Humblot, 1983.

<sup>2</sup> In the Catholic Church, a Province is that territory made up of several dioceses under the jurisdiction of an archbishop or metropolitan, the archdiocese and at least one Suffragan diocese.

<sup>3</sup> In the Catholic Church, a Suffragan Bishopric is a Diocese that forms part of a Province.

<sup>4</sup> In the Catholic Church, a Diocese is that portion of a country together with its population which are under the pastoral jurisdiction of a Christian bishop; the territory ruled over by a bishop.

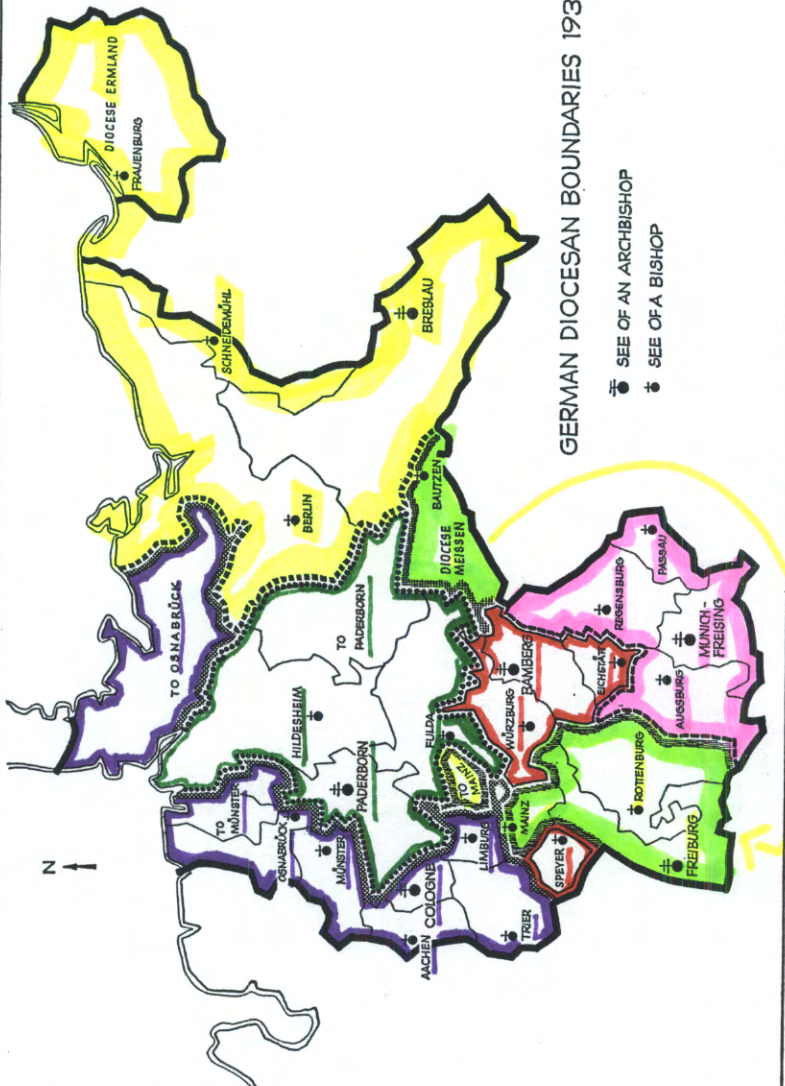
<sup>5</sup> Ermland, or Ermeland (Varmiensis, Warmia), a district of East Prussia.



<sup>6</sup> A Prelate Nullius has independent jurisdiction over a district not subject to a diocesan bishop.

<sup>7</sup> The title "Blessed" is given to those consecrated as Saints in the Roman Catholic Church. Von Galen was beatified on 9 October 2005.

<sup>8</sup> The diocese of Meissen was an "exempt diocese," meaning, it was not under the authority of a metropolitan archbishop, but immediately subject to the Holy See.

# GERMAN DIOCESAN BOUNDARIES 1933



 SEE OF AN ARCHBISHOP  
 SEE OF A BISHOP

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