

Reich Concordat between the Holy See and the German Reich (July 20, 1933)

Abstract

Although the Catholic Church represented only a third of the German population, the Nazi regime saw it as a particular challenge. On a political level, Catholic interests were traditionally represented by the Center Party. Moreover, as an international institution, the church rested upon a considerable power base. The following Reich Concordat, which was supposed to regulate the relationship between the German Reich and the Catholic Church, was signed by representatives of both entities on July 20, 1933, and ratified on September 10 of the same year. The Vatican, which sympathized with the Nazi regime's anti-liberal, anti-Communist stance, hoped that by withdrawing from all political areas it could buy a legal guarantee of its special institutional rights—i.e., self-administration and confessional freedom. Although the Nazi regime had no intention of keeping its contractual obligations, it did appreciate the international prestige this agreement brought and hoped that it would placate the Catholic Church for the time being.

Source

Concordat between the Holy See and the German Reich

His Holiness Pope Pius XI and the President of the German Reich, moved by the common desire to consolidate and promote the friendly relations existing between the Holy See and the German Reich, and wishing to regulate lastingly, in a manner satisfying to both parties, the relations between the Catholic Church and the State for the entire territory of the German Reich, have decided to conclude a solemn agreement supplementing the concordats concluded with individual German States and also ensuring for the remaining states a fundamentally uniform treatment of the questions to which it pertains.

For this purpose:

His Holiness Pope Pius XI has appointed as his Plenipotentiary His Eminence the Most Reverend 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 good and proper form, have agreed on the following articles:

Article 1.

The German Reich guarantees the freedom of the profession and public practice of the Catholic religion.

It recognizes the right of the Catholic Church, within the limits of the law that applies to all, to regulate and administer her own affairs independently, and, within the framework of her competence, to publish laws and ordinances binding on her members.

Article 2.

The concordats concluded with Bavaria (1924), Prussia (1929), and Baden (1932) remain in force, and the

rights and liberties of the Catholic Church recognized in them remain unchanged within the territories of the respective states. For the other states the agreements reached in the present Concordat apply in their entirety. The latter are also binding for the three States named above in so far as they deal with matters not regulated by the State Concordats or supplement the regulations previously adopted.

In the future, the conclusion of concordats with individual States shall be effected only in accord with the Government of the Reich.

Article 3.

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

Article 4.

In its relations and correspondence with the bishops, the 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 relations with the faithful in all matters pertaining to their pastoral office.

Instructions, ordinances, pastoral letters, official diocesan gazettes, and other enactments regarding the spiritual guidance of the faithful issued by the ecclesiastical authorities within the framework of their competence (article 1, paragraph 2) may be published without hindrance and brought to the notice of the faithful in the forms hitherto usual.

Article 5.

In the exercise of their spiritual activity, the clergy, in the same manner as the officials of the State, enjoy the protection of the State. The latter will proceed in accordance with the general laws of the State against offences to their persons or their character as clergy, as well as against interference with the carrying out of their official duties; and in case of need will provide official protection.

Article 6.

The clergy and members of Orders are exempt from the obligation of taking public offices and such duties as are incompatible, under the prescriptions of Canon Law, with the clerical status or membership in an Order. This applies particularly to the office of juror [*Schöffen und Geschworenen*], member of tax boards, or of the finance courts.

Article 7.

In order to accept employment, or an office of the State, or with a corporation under public law dependent on the State, clergy must have the nihil obstat of their diocesan Ordinarius, as well as that of the Ordinarius of the seat of the corporation under public law. The nihil obstat may be revoked at any time for important reasons of ecclesiastical interest.

Article 8.

The official income of the clergy is exempt from attachment, as are the official salaries of officials of the Reich and State.

Article 9.

The clergy may not be required by judicial and other authorities to give information concerning facts that

have been confided to them while exercising their pastoral duties and that therefore come under the pastoral obligation to preserve secrecy.

Article 10.

The wearing of the dress of the clergy or of the Orders by laymen, or by clergy or members of the Orders who have been legally forbidden by the competent ecclesiastical authorities to wear them, by order officially communicated to the authorities of the State, is subject to the same penalties by the State as the misuse of the military uniform.

Article 11.

The present organization and demarcation of dioceses of the Catholic Church in the German Reich is to remain in force. Establishment of a new bishopric or province of the Church or other changes in the demarcation of the dioceses which may seem advisable in the future, in so far as new arrangements within the boundaries of a German Land are involved, remain subject to agreement with the competent Land Government. New arrangements or changes extending beyond the boundaries of a German Land require agreement with the Reich Government, to whom it is to be left to obtain the consent of the *Länder* Governments in question. The same applies to the establishment of new provinces of the Church or changes in existing provinces, in the event that several German *Länder* are concerned. The foregoing conditions do not apply to changes in ecclesiastical boundaries which are made solely in the interest of local pastoral work.

In the event of reorganization within the German Reich, the Reich Government will communicate with the Holy See for the purpose of changing the organization and demarcation of dioceses.

Article 12.

Without prejudice to the provisions of article 11, ecclesiastical offices may be freely established and changed, provided expenditures of state funds are not required. Governmental cooperation in the establishment and alteration of parishes is to take place in accordance with principles agreed upon with which the diocesan bishops, and the Reich Government will try to influence the *Länder* Governments to make them as uniform as possible.

Article 13.

Catholic parishes, parish and diocesan associations, 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 legal competence in the civil domain according to the general prescriptions of the law of the State. They shall remain corporations under public law in so far as they have been such hitherto; the others may be granted the same rights under the law that applies to all.

Article 14.

In principle the Church has the right to make appointments freely to all Church offices and benefices without the participation of the State or the civil communities, in so far as other arrangements have not been made through the Concordats mentioned in article 2. With respect to the filling of Episcopal Sees, the regulation applying to the Metropolitan See of Freiburg (ecclesiastical province of Upper Rhine) shall be similarly applicable to the two suffragan bishoprics of Rottenburg and Mainz, as well as to the bishopric of Meissen. The same applies, in the two suffragan bishoprics named, to appointments to the Cathedral Chapter and the regulation of the right of patronage.

Furthermore, there is agreement on the following points:

1. Catholic clergy who hold an ecclesiastical office in Germany or who exercise pastoral or educational functions must:

(a) be German citizens,

(b) have obtained a diploma entitling them to study at a German higher institution of learning,

(c) have finished at least 3 years of philosophical and theological study at a German state university, a German ecclesiastical academic institution or a pontifical institution of higher learning in Rome.

2. The bull for the nomination of archbishops, bishops, of a coadjutor cum jure successionis, or of a praelatus nullius, will only then be drawn up after the name of the person selected has been communicated to the *Reichsstatthalter* in the appropriate *Land*, and after it has been confirmed that there are no objections of a general political nature against the person.

In case of the consent of Church and State, the requirements listed in paragraph 2, figure 7, (a), (b), and (c) may be waived.

Article 15.

Orders and religious associations are subject to no special restrictions on the part of the State, with regard to their foundation, establishment, the number and—subject to article 15, paragraph 2—the characteristics of their members, their activity in pastoral work, in education, in nursing and charitable work, in the ordering of their affairs and the administration of their property.

Superiors of Orders who have their official residence in the German Reich must have German citizenship. Superiors of provinces and of Orders whose residence is outside the territory of the German Reich have the right of visitation with respect to their establishments in Germany.

The Holy See will endeavor to ensure that the provincial organization is so arranged for the establishments of the Orders within the German Reich that the subordination of German establishments to foreign provincial Superiors is eliminated as much as is feasible. Exceptions to this may be permitted in agreement with the Reich Government particularly in cases where the small number of establishments makes the creation of a German province impracticable, or where there are special reasons why a provincial organization that has become historic and proved efficient should be retained.

Article 16.

Before the bishops take possession of their dioceses they shall take an oath of allegiance either before the *Reichsstatthalter* of the appropriate province, or the Reich President, as follows:

“I swear and promise before God and on the Holy Gospel, as befits a bishop, loyalty to the German Reich and to the *Land* of . . . I swear and promise to respect, and to have my clergy to respect, the constitutionally constituted government. In dutiful solicitude for the welfare and interest of the German State, I shall try, in the exercise of the spiritual office entrusted to me, to prevent any injury that might threaten it.”

Article 17.

The rights of ownership and other rights of the corporations under public law, institutions, foundations, and associations of the Catholic Church to their property are guaranteed according to the general laws of the State.

Buildings used for religious services may not be destroyed for any reason whatsoever without the previous agreement with the ecclesiastical authorities concerned.

Article 18.

In case payments to the Catholic Church by the State which are based on law, treaty, or special legal titles should be commuted, a friendly agreement will be reached in good time between the Holy See and the Reich before the working out of the principles to be laid down for the commutation.

Legally-based customary usage is considered a special legal title.

The commutation must accord to the party entitled by commutation appropriate compensation for the loss of previous government payments.

Article 19.

Departments of Catholic theology in State institutions of higher learning are to be retained. Their relation to the ecclesiastical authorities is to be based on the stipulations set forth in the pertinent Concordats and the Supplementary Protocols appended to them, with due regard to the relevant ecclesiastical regulations. The Reich Government will interest itself in assuring a uniform practice, in accordance with all the pertinent regulations, for all departments of Catholic theology in Germany.

Article 20.

For the purpose of the training of the clergy, the Church has the right, in so far as other agreements do not exist, to establish philosophical and theological institutions entirely dependent on the ecclesiastical authorities, provided no State subsidies are requested.

The establishment, direction, and administration of seminaries for priests as well as residential facilities shall, within the limits of the law that applies to all, be left exclusively to the ecclesiastical authorities.

Article 21.

Catholic religious instruction in the primary schools, vocational schools, secondary schools, and higher educational institutions is a regular academic department and is to be taught in accordance with the principles of the Catholic Church. In religious instruction, special emphasis is to be placed on the inculcation of a patriotic, civic, and social sense of duty in the spirit of Christian religious and moral law, just as is done in all other instruction. The subject matter of instruction and the selection of textbooks for religious instruction are to be determined in agreement with the ecclesiastical authorities. The ecclesiastical authorities are to have an opportunity, together with the school authorities, to examine whether the students are receiving religious instruction in accordance with the tenets and requirements of the Church.

Article 22.

In the appointment of Catholic teachers of religion, agreement is to be reached between the bishop and the *Land* Government. Teachers who have been declared by the bishop unsuited for further teaching of religion, because of their teachings or moral conduct, may not be employed as teachers of religion as long as this obstacle exists.

Article 23.

The retention of Catholic denominational schools and the establishment of new ones is guaranteed as heretofore. In all parishes in which parents or guardians request it, Catholic elementary schools shall be

established, if, with due regard for local conditions of school organization, the number of pupils makes regular school operation seem feasible, in accordance with the standards prescribed by the State.

Article 24.

In all Catholic primary schools, only such teachers are to be employed as belong to the Catholic Church and guarantee fulfillment of the special requirements of the Catholic denominational school.

Within the framework of the general professional training of teachers, arrangements will be made which will ensure the training of Catholic teachers in accordance with the special requirements of the Catholic denominational school.

Article 25.

Orders and religious congregations are entitled to establish and conduct private schools, within the framework of the general laws and conditions fixed by law. These private schools confer the same credentials as State schools in so far as they meet the curricular requirements in effect for the latter.

With respect to the admission of members of Orders or religious associations to the teaching profession, and their appointment to elementary, secondary, or senior schools, the general requirements are applicable.

Article 26.

Subject to more comprehensive regulation of questions of marriage law at a later time, it is agreed that in addition to the case of a critical illness of a betrothed person admitting of no delay, also in case of serious moral emergency, the existence of which must be confirmed by the appropriate episcopal authority, the consecration of the marriage by the Church may precede the civil wedding. The pastor is obliged in such cases to notify the Registry Office without delay.

Article 27.

The German Reichswehr is granted exempted pastoral care for the Catholic officers, officials, and enlisted men belonging to it, as well as for their families.

The Army Bishop is responsible for the direction of military pastoral care. His ecclesiastical appointment is made by the Holy See after the latter has put itself in touch with the Reich Government in order to designate a suitable candidate in agreement with it.

The ecclesiastical appointment of the chaplains and other military clergy is made by the Army Bishop after prior agreement with the competent authorities of the Reich. The Army Bishop may appoint only such clergy as have received permission to engage in military pastoral work, and an appropriate certificate of qualification, from their competent diocesan bishop. The military clergy are to have pastoral rights with respect to the troops and members of the Army assigned to them.

More detailed regulations concerning the organization of Catholic pastoral work in the Army are to be set forth in an Apostolic Brief. Regulation of the relationship as it applies to the Civil Service is to be carried out by the Government of the Reich.

Article 28.

The Church is permitted to make pastoral visits and hold divine services in hospitals, penal institutions, and other public establishments, subject to the general rules of these institutions. If regular pastoral care is established in such institutions, and if clergy must be engaged as State or other public officials for this

purpose, this is to be done in agreement with the ecclesiastical authorities.

Article 29.

In matters concerning the use of their mother tongue in divine services, religious instruction, and church organizations, the Catholic members of a non-German national minority residing within the German Reich will be placed in no less favorable a position than that which corresponds to the legal and actual position of individuals of German descent and language within the territory of the foreign state in question.

Article 30.

On Sundays and religious holidays, in the Episcopal churches, chapels, and abbey churches of the German Reich, following the main service a prayer is to be offered up for the welfare of the German Reich and nation in accordance with the precepts of the Church liturgy.

Article 31.

Those Catholic organizations and societies which serve exclusively religious, purely cultural and charitable purposes, and, as such, are subordinate to the ecclesiastical authorities, will be protected in their establishments and their activity.

Those Catholic organizations which, in addition to their religious, cultural and charitable purposes, also serve other purposes, such as social or professional interests, will, regardless of possible future inclusion in State associations, enjoy the protection of article 31, paragraph 1, provided they guarantee to carry on their activity outside any political party.

It is reserved to the Government of the Reich and the German Episcopate, to determine by joint agreement which organizations and associations come within the scope of this article.

In so far as the Reich and *Länder* have in their charge sports and other youth organizations, care will be taken that the members of the same are enabled regularly to perform their church duties on Sundays and holidays, and that they will not be required to do anything irreconcilable with their religious and moral convictions and obligations.

Article 32.

On the basis of the special conditions existing in Germany, and in view of the guarantees created by the stipulations of this Concordat of legislation protecting the rights and freedoms of the Catholic Church in the Reich and its *Länder*, the Holy See will publish stipulations which exclude the clergy and members of Orders from membership in political parties, and activity for such parties.

Article 33.

The matters pertaining to ecclesiastical persons or ecclesiastical affairs, which have not been dealt with in the foregoing articles, will be regulated for the ecclesiastical sphere in accordance with applicable Canon Law.

Should any difference of opinion occur in future regarding the interpretation or application of a stipulation of this Concordat, the Holy See and the German Reich will effect a friendly solution by mutual agreement.

Article 34.

This Concordat, whose German and Italian texts have equal force, is to be ratified, and the instruments of ratification are to be exchanged, as soon as possible. It enters into force on the day of their exchange.

In witness hereof, the Plenipotentiaries have signed this Concordat.

Signed in two original texts.

In the Vatican City, July 20, 1933.

Eugenio Cardinal Pacelli

Franz von Papen

Final Protocol

At the signing of the Concordat concluded today between the Holy See and the German Reich, the duly empowered Signatories made the following identical statements, which form an integral part of the Concordat itself.

To Article 3. The Apostolic Nuncio to the German Reich, in accordance with the exchange of notes between the Apostolic Nunciature in Berlin and the Foreign Ministry on March 11 and March 27, 1930, is Doyen of the Diplomatic Corps accredited there.

To Article 13. It is agreed that the right of the Church to levy taxes remains guaranteed.

To Article 14, paragraph 2, section 2. It is agreed that if objections of a general political nature exist, they will be put forward in the shortest possible time. If after 20 days no such statement has been made, the Holy See will be justified in assuming that there are no objections to the candidates. The name of the person in question will be kept in strict confidence until the announcement of the nomination.

This is not to establish the basis for the right of veto by the State.

To Article 17. Buildings or properties of the State devoted to purposes of the Church are to remain in use as before, subject to existing contracts.

To Article 19, paragraph 2. At the time of signature of this Concordat, the basis is provided especially by the Apostolic Constitution, *Deus Scientiarum Dominus* of May 24, 1931, and the Instruction of July 7, 1932.

To Article 20. The residential facilities under the direction of the Church in institutions of higher learning and gymnasia are to be regarded, with respect to tax laws, as essential ecclesiastical institutions in the true sense of the word and as integral parts of diocesan organization.

To Article 24. Existing institutions of the Orders and Congregations will also be given due consideration in the accordance of recognition [*bei ihrer Zulassung*], in so far as private institutions are in the position to meet the State requirements generally in effect after the reorganization of the system for the training of teachers.

To Article 26. A serious moral emergency exists when there are insuperable or disproportionately difficult obstacles impeding the procuring of documents necessary for the marriage at the time.

To Article 27, paragraph 1. Catholic officers, officials and enlisted men, as well as their families, do not belong to local parishes, and are not to contribute to their maintenance.

Paragraph 4. Issuance of the Apostolic Brief takes place after agreement has been reached with the

Government of the Reich.

To Article 28. In urgent cases entry of the clergy is guaranteed at any time.

To Article 29. Since the Government of the Reich has indicated its readiness to be accommodating in the matter of non-German minorities, the Holy See declares that, in confirmation of the principles it has always upheld regarding the right to the use of the mother tongue in pastoral work, religious instruction, and the conduct of Catholic societies, it will take into consideration the inclusion of an equivalent provision protecting the rights of the German minorities when making arrangements for concordats with other countries in the future.

To Article 31, paragraph 4. The principles established in article 31, paragraph 4, apply also to the Labor Service.

To Article 32. It is understood that similar regulations regarding activity in party politics will be introduced by the Reich with regard to the non-Catholic denominations.

The conduct which has been made obligatory for the clergy and members of Orders in Germany in virtue of article 32 does not involve any sort of limitation of the preaching and interpretation of the dogmatic and moral teachings and principles of the Church in accordance with their duty.

At the Vatican City, July 20, 1933.

Eugenio Cardinal Pacelli
Franz von Papen

Annex

(The High Contracting Parties Agree to Maintain Secrecy Concerning the Annex)

In the event of a reorganization of the present German military system by the introduction of general military service, the induction of priests and other members of the secular and regular clergy for the performance of military service will be regulated in agreement with the Holy See, in accordance with the following basic principles:

(a) Students of philosophy and theology who are in Church institutions preparing for the priesthood are exempt from military service and the related preparatory training, except in the event of general mobilization.

(b) In the event of general mobilization, clergy who are engaged in diocesan administration or in pastoral work are exempt from reporting for service. This applies to bishops, members of diocesan courts, principals of seminaries and seminary residential facilities, professors in seminaries, parish priests, curates, rectors, coadjutors, and clergy who permanently preside over a church of public worship.

(c) Other clergy, if they are declared fit, enter the armed forces of the State in order to devote themselves to pastoral work with the troops, under the ecclesiastical jurisdiction of the Army Bishop, unless they are inducted into the medical service.

(d) The remaining clerics in sacris or in the Orders, who are not yet priests, are to be assigned to the medical service. The same is to be done, so far as possible, with candidates for the office of priest mentioned under (a) who have not yet taken higher Orders.

At the Vatican City, July 20, 1933.

Eugenio Cardinal Pacelli
Franz von Papen

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