

## Reichskonkordat (with Hitler, 1933): Full text

Here is the complete text: Concordat, Supplementary Protocol and Secret Supplement. Article 27 of the Concordat provides for military chaplains in case the Germany re-armed in contravention of the Versailles Treaty, and the Secret Supplement exempted Catholic clergy from military service. Even today the Secret Supplement does not appear in most translations: the Church won't admit to knowing that Hitler was about to start a war.



Cardinal Faulhaber, who helped negotiate the concordat with Hitler (and who ordained the present pope), assessed its international impact in a 1937 sermon:

*"At a time when the heads of the major nations in the world faced the new Germany with cool reserve and considerable suspicion, the Catholic Church, the greatest moral power on earth, through the Concordat expressed its confidence in the new German government."*

After the war the concordat was embedded in Article 123.2 of the [1949 Constitution](#). [1] This was done through a sentence about honouring "State treaties concluded by the German Reich", so long as these concern areas which fall under the competence of the individual German states. Later the [papal nuncio](#) complained to the Federal Government that Lower Saxony was not complying with some provisions of the Concordat. Although the states of Hesse and Bremen also wanted to scrap the Concordat, the Federal Government supported the nuncio by bringing the matter before the Constitutional Court.

In 1957 it ruled that though the regime had changed, the state remained the same and therefore the concordat would continue in force in Germany. [2]

After WWII the Allied Powers took the precaution of decentralising Germany by making the powers of the federated states very wide, even letting them share jurisdiction with the national government in key areas like finance.[3] And so it was to remain: Art. 79.3 of the Constitution explicitly forbade Germany to become more centralised.

The broad legal competencies given to the individual German states by the 1949 Constitution encompass key areas of interest to the Church such as culture, education, social services and (some aspects of) finance. This allows the states to take over these parts of the Hitler concordat, thus preserving most of the last surviving concordat with a Fascist government. This has also made the concordat unassailable without a constitutional upheaval and has served to build it into the fabric of German law.

At the very end, just before the notes, this translation of the concordat includes the Secret Supplement. Naturally, this is omitted on Catholic sites because it shows that by 1933 the Vatican knew that Hitler was going to re-arm in defiance of the Treaty of Versailles, and wanted to help him keep it secret. (In fact, the [Secret Supplement of the Austrian concordat](#) indicates that already by 1931 the Vatican was planning for this eventuality. Perhaps even hoping for this



eventuality, since Pius IX “supported any policy or any man who would oppose and fight Soviet Russia”.  
[4]

*This translation has been chosen for [The Third Reich Sourcebook](#), edited by Sander Gilman and Anson Rabinbach, (University of California Press, anticipated date of publication: Fall 2010).*

## Concordat between the Holy See and the German Reich [with Supplementary Protocol and Secret Supplement] July 20, 1933

[Ratified 10 September 1933]

### [Concordat]

His Holiness Pope Pius XI and the President of the German Reich, moved by a common desire to consolidate and promote the friendly relations existing between the Holy See and the German Reich, wish to permanently regulate the relations between the Catholic Church and the state for the whole territory of the German Reich in a way acceptable to both parties. They have decided to conclude a solemn agreement, which will supplement the Concordats already concluded with individual German states (*Länder*) [5], and will ensure for the remaining states (*Länder*) 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 Cardinal Eugenio Pacelli, his Secretary of State and 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 mandates and found them to be in good 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 framework of the laws valid for all, to manage and regulate its own affairs independently, and, within the framework of its own competence, to issue binding laws and ordinances for its 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 in these are preserved unchanged within the territories of the states concerned. For the remaining states (*Länder*), the agreements reached in the present concordat come into force in their entirety. These last are also binding for the three states (*Länder*) named above, in so far as they affect matters not regulated by the states' (*Länder*) concordats or in so far as they supplement the earlier settlements.

In the future concordats with the states (*Länder*) will be concluded only with the agreement of 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 reside in the capital of the German Reich and an ambassador of the German Reich at the Holy See.

#### Article 4

The Holy See enjoys full freedom in its relations and correspondence with the bishops, clergy and other members of the Catholic Church in Germany. 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 decrees concerning the spiritual direction of the faithful issued by the Church authorities within the framework of their competence (Art. 1, Sect. 2) may be published without hindrance and brought to the notice of the faithful in the customary form.

#### **Article 5**

In the exercise of their clerical activities the clergy enjoy the protection of the state in the same way as state officials. The state will proceed, in accordance with the general provisions of civil law, against any insult to their person or to their clerical capacity, as well as against any interference with the duties of their office and, if necessary, will provide official protection.

#### **Article 6**

The clergy and members of religious orders are freed from any obligation to take public office and such obligations as, according to the dictates of Canon Law, are incompatible with the status of a member of the clergy or religious order respectively. This applies particularly to the office of a lay judge, juror, member of a tax committee or of a fiscal tribunal.

#### **Article 7**

For the acceptance of employment or appointment as state official, or to any public corporation dependent on the state, clergymen require, the *nihil obstat* [6] of their diocesan ordinary, as well as of the ordinary of the place where the public corporation is situated. The *nihil obstat* may be withdrawn at any time for important reasons of ecclesiastical interests.

#### **Article 8**

The official income of the clergy is immune from distraint [7] to the same extent as is the official salary of the Reich and state officials.

#### **Article 9**

The clergy cannot be required by judicial and other authorities to give information about matters which have been entrusted to them in the course of administering pastoral care, and which therefore fall under the obligation of pastoral secrecy.

#### **Article 10**

The wearing of clerical dress or of a religious habit by lay people, or by members of the clergy or religious orders by whom this use is forbidden by a definitive and legally valid directive of the competent ecclesiastical authority and officially communicated to the state authority, is liable to the same penalty by the state as the misuse of the military uniform.

#### **Article 11**

The present organisation and boundaries of dioceses of the Catholic Church in the German Reich remain in force. Any creation or rearrangement of a bishopric or ecclesiastical province, or other changes in the boundaries of dioceses that seem advisable in the future, so far as they involve changes within the boundaries of a German state (*Land*), remain subject to the agreement of the state (*Land*) governments concerned. Rearrangements and alterations which extend beyond the boundaries of a German state require the agreement of the Reich Government, which shall be left to secure the consent of the appropriate state (*Land*) government. The same applies to creations or rearrangements of Church provinces involving several German states (*Länder*). The foregoing conditions do not apply to changes in ecclesiastical boundaries made merely in the interests of local pastoral care.

In the case of any (territorial) re-organisation within the German Reich, the Reich Government will communicate with the Holy See with a view to rearrangement of the organisation and boundaries of dioceses.

#### **Article 12**

Without prejudice to the provisions of Article 11, ecclesiastical offices may be freely created and changed, unless state funds are drawn upon. The involvement of the state in the creation and alteration of parishes shall be carried out according to standard procedures that are agreed to by the diocesan bishops, and for which the Reich Government will endeavour to secure the most uniform treatment possible from the state (*Länder*) 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 Church agencies, shall retain or acquire respectively, legal competence in the civil domain according to the general provisions of civil law. They shall remain corporations under public law to the extent that they have been so far; the others may be granted similar rights within the framework of the laws valid for all.

### **Article 14**

As a matter of principle the Church retains the right to appoint freely to all Church offices and benefices without the involvement of the state or of civil groups, in so far as other provisions have not been made in previous concordats mentioned in Article 2.

Concerning the appointment of bishops' sees, the regulation made for appointment of the two suffragan [8] bishoprics of Rottenburg and Mainz, as well as for the bishopric of Meissen, is to be duly applied to the metropolitan see of the Upper Rhine Ecclesiastical Province of Freiburg. The same holds for the two first named suffragan bishops with regard to appointments to the cathedral chapter, and for the administration of the right of patronage [9].

Furthermore, there is agreement 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 earned a secondary-school graduation certificate which permits study at an institution of higher learning,
- (c) have studied philosophy and theology for at least three years at a German state university, a German ecclesiastical college, or a papal college in Rome.

2. The bull nominating archbishops, bishops, coadjutors *cum jure successionis* [10] or a *praelatus nullius* [11] will not be issued until the name of the appointee has been submitted to the Reich governor in the relevant state (*Land*), and until it has been ascertained that there are no objections of a general political nature. In the case of an agreement between Church and state, Paragraph 1, sections (a) (b) and (c) may be disregarded or set aside.

No right of the State to assert a veto is to be based on this Article.

### **Article 15**

Religious orders and congregations are not subject to any special restrictions on the part of the state in relation to their foundation, establishment, number and – subject to Paragraph 2 of this Article – the selection of their members, their pastoral activities in care, education, care of the sick and charitable work, the management of their own affairs and the administration of their property. Superiors of religious orders whose headquarters are within Germany must be German citizens. Superiors of provincials and orders whose headquarters lie outside the territory of the German Reich, have the right to visit those of their establishments that lie within Germany.

The Holy See will take pains to ensure that for conventual establishments within the German Reich the provincial organization is set up so that, as far as possible, German establishments do not fall under the jurisdiction of foreign provincial superiors. Exceptions can be permitted with the agreement of the Reich Government, especially in cases where the small number of houses makes a German province impracticable, or where special grounds exist for the retention of an historic and firmly established provincial organisation.

## **Article 16**

Before bishops take possession of their dioceses they are to take an oath of loyalty either to the Reich governor of the state (Land) concerned or to the President of the Reich respectively, 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 (Land) of . . . I swear and promise to honour the legally constituted government and to cause the clergy of my diocese to honour it. With dutiful concern for the welfare and the interests of the German state, in the performance of the ecclesiastical office entrusted to me, I will endeavour to prevent everything injurious which might threaten it."

## **Article 17**

The property rights and other rights to assets of corporations under public law, of the institutions, foundations and associations of the Catholic Church are guaranteed according to requirements of the general law of the land.

No building dedicated to religious services may be destroyed for any reason whatsoever without the previous consent of the proper Church authorities.

## **Article 18**

In the case of the abrogation of state obligations to the Church, whether based on law, agreement or special charter, before working out the principles according to which the abrogation is to be carried out, in a timely manner an amicable agreement is to be effected between the Holy See and the Reich.

Legitimate traditional rights are to be considered as titles in law. An abrogation must bestow upon those entitled to abrogation proper compensation for the loss of the customary state benefits.

## **Article 19**

Catholic theological faculties in state universities are to be maintained. Their relation to Church authorities will be governed by the relevant concordats and by their supplementary protocols with stated regulations, having due regard for the relevant Church decrees. [12] The Reich Government will endeavour to secure for all of these Catholic faculties in Germany uniformity of treatment.

## **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 are to be wholly dependent on the Church authorities if no state subsidies are sought.

The establishment, management and administration of theological seminaries and hostels for seminarians is, within the framework of the laws valid for all, the exclusive prerogative of the Church authorities.

## **Article 21**

Catholic religious education in elementary, vocational, secondary schools and institutions of higher learning is a regular school subject, and is to be taught in accordance with the principles of the Catholic Church. In religious education, special emphasis will be given to inculcating a patriotic, civic and social sense of duty in the spirit of the Christian faith and the moral code, just as happens in all other subjects. The curriculum and the selection of textbooks for religious education will be arranged in agreement with the Church authorities. The opportunity will be given to the Church authorities to check, with the agreement of the school authorities, whether the pupils receive religious education in accordance with the teachings and specifications of the Church.

## **Article 22**

In the appointment of Catholic religious instructors, agreement is to be reached between the bishop and the state (Land) government. Teachers who, because of their doctrine or moral behaviour, are declared unfit to further impart religious education, are not permitted to be employed as religion teachers so long as this obstacle remains.

### **Article 23**

The retention of Catholic denomination schools and the establishment of new ones is guaranteed. In all parishes where parents or guardians request it, Catholic elementary schools will be established, wherever the number of pupils, with due regard for the local conditions of school organization, appears to be sufficient for a school administered in accordance with the standards prescribed by the state.

### **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 fulfil the special requirements of a Catholic school.

Within the framework of the general professional training of teachers, facilities will be created which will provide for the 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, within the framework of the general laws and ordinances. These private schools award the same qualifications as state schools, insofar as they adhere to the regulations governing curriculum prescribed for the latter.

Members of religious orders or congregations seeking admission to teacher training and employment in elementary, secondary or post-secondary schools are to meet the general requirements applicable to all

### **Article 26**

Until a later comprehensive regulation of the marriage laws, it is understood that, apart from cases of critical illness of an engaged person which would not permit delay, and in cases of great moral emergency, whose presence must be confirmed by the proper episcopal authority, the Church marriage blessing should precede the civil ceremony. In such cases the priest is obliged to immediately notify the Registrar's office.

### **Article 27**

For the German army pastoral care outside the realm of ordinary jurisdiction is conceded for its Catholic officers, officials and men, as well as for their families.

The administration of such pastoral care for the army is the duty of the army bishop. His Church appointment is to be made by the Holy See after contact has been made with the Reich Government in order, with its agreement, to select a suitable person.

The Church appointment of military chaplains and other military clergy will be made by the army bishop after prior consultation with the appropriate authorities of the Reich. He may appoint only such chaplains as receive permission from their diocesan bishop to undertake 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 organisation of pastoral work by chaplains will be supplied by an Apostolic Brief. Regulations for the legal aspects of [their being state] officials will be drawn up by the Reich Government.

#### **Article 28**

In hospitals, prisons, and other public institutions the Church is permitted to make pastoral visits and conduct services of worship, subject to the general rules of the institutions concerned. If regular pastoral care is provided for such institutions, and if pastors must be appointed as state or other public officials, such appointments will be made with the agreement of Church authorities.

#### **Article 29**

Catholic members of a non-German ethnic minority living within the German Reich, as regards their mother tongue in Church services [sermons], religious education and Church societies, will be accorded no less favourable treatment than that accorded by law and in practice to members of German origin and speech living within the boundaries of the corresponding foreign states.

#### **Article 30**

On Sundays and official holy days, a prayer conforming to the liturgy will be offered at the end of the principal Mass in parish, auxiliary and conventual churches of the German Reich, for the welfare of the German Reich and (German) people.

#### **Article 31**

Those Catholic organisations and societies which have exclusively charitable, cultural or religious purposes, and, as such, are placed under the Church authorities, will be protected in terms of their institutions and activities.

Those Catholic organisations which, in addition to their religious, cultural and charitable purposes, have others, such as social or professional tasks – even though they may be brought into national organizations – are to enjoy the protection of Article 31, Paragraph 1, provided they guarantee to conduct their activities outside all political parties.

It is reserved to the Reich Government and the German episcopate, in a joint agreement, to determine which organisations and associations come within the scope of this Article. In so far as the Reich and the states (*Länder*) take charge of sport and other youth organisations, care will be taken that it shall be possible for the members regularly to attend church on Sundays and feast days, and that they shall not be induced to do anything inconsistent with their religious and moral convictions and obligations.

#### **Article 32**

Due to the special situation existing in Germany, and in view of the safeguards created by the clauses of this concordat of legislation preserving the rights and privileges of the Catholic Church in the Reich and its states (*Länder*), the Holy See will enact regulations to exclude the clergy and members of religious orders from membership in political parties and from working on their behalf.

#### **Article 33**

All matters relating to clerical personnel or Church affairs, which have not been treated of 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 instruments 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 copies, in the Vatican City, July 20th, 1933.

(Signed) Eugenio, Cardinal Pacelli

## Supplementary Protocol

At the signing of the concordat concluded today between the Holy See and the German Reich, the properly authorised undersigned have submitted the following agreed-upon explanations which form an integral part of the concordat itself.

### **Re 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 11th and the 27th of March 1930, shall be the doyen of the diplomatic corps accredited there.

### **Re Article 13**

It is understood that the Church retains the right to levy Church taxes.

### **Re Article 14, Par. 2, No. 2**

It is understood that when objections of a general political nature exist, they shall be presented within the shortest possible time. If after twenty days such a declaration has not been made, the Holy See will be justified in assuming that no objections exist to the candidate. The names of those being considered will be kept confidential until the announcement of the appointment.

### **Re 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.

### **Re Article 19, Sentence 2**

This clause is based, at the time of signing this concordat, especially on the Apostolic Constitution, *Deus Scientiarum Dominus* of May 24th, 1931, [12] and the Instruction of July 7th, 1932.

### **Re Article 20**

Hostels for seminarians which are administered by the Church at institutes of higher learning and academic secondary schools/junior colleges (*Gymnasien*) will be recognized for tax purposes as essentially Church institutions in the proper sense of the word, and as part of the diocesan organisation.

### **Re Article 24**

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

### **Re Article 26**

A severe moral emergency is taken to exist when there are insuperable difficulties, or ones disproportionately costly to overcome, in obtaining the necessary marriage documents in time.

### **Re Article 27, Par. 1**

Catholic officers, officials and personnel, as well as their families, do not belong to local parishes, and do not support them.

### **Re Article 27, Par. 4**

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

### **Re Article 28**



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

#### **Re Article 29**

Since the Reich Government has agreed to make an accommodation regarding non-German minorities, the Holy See declares – in accordance with the principles it has constantly maintained regarding the right to employ the vernacular in Church services [sermons], religious education and the conduct of Church societies – that it will consider admitting a similar clause to protect the rights of German minorities when establishing concordats with other countries.

#### **Re Article 31, Par. 4**

The principles laid down in Article 31, Sect. 4 [sic] hold good also for the Labour Service.

#### **Re Article 32**

It is understood that similar regulations regarding activity in party politics will be introduced by the Reich for members of non-Catholic denominations. The conduct, which has been made obligatory for the clergy and members of religious orders in Germany through the implementation of Article 32, does not involve any kind of limitation of the prescribed preaching and explanation of the dogmatic and moral teachings and principles of the Church.

*(Signed)* Eugenio, Cardinal Pacelli

*(Signed)* Franz von Papen

At the Vatican City, July 20th, 1933.

## **Secret Supplement**

In case of a change in the present German armed forces in the sense of the introduction of universal conscription, the induction of priests and other members of the regular clergy and the orders into military service will, with the understanding of the Holy See, be arranged within the framework of approximately the following guiding ideas:

- a) Students of philosophy and theology at Church institutions who are preparing themselves for the priesthood are to be freed from military service and the preparatory drills for it, except in the case of a general mobilisation.
- b) In the case of a general mobilization clerics who are employed in the diocese administration or the military chaplaincy are freed from reporting for duty. This applies to ordinaries, members of the ordinariate, provosts of seminaries and Church residences for seminarians, professors at the seminaries, parish priests, curates, rectors, coadjutors and the clerics who provide a church with worship services on a continuing basis.
- c) The remaining clerics, insofar as they are considered suitable, are to join the armed forces of the state in order to devote themselves to pastoral care for the troops under the Church jurisdiction of the military bishops, if they are not inducted into the medical unit.
- d) The remaining clergy *in sacris* or members of orders, who are not yet priests are to be assigned to the medical unit. The same shall apply when possible to the candidates for the priesthood mentioned in a) who have not yet taken their final vows.