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The response of the German bishops to the Reichskonkordat

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AN ABSTRACT OF THE THESIS OF John Roy Slosar for the Master of Arts
in History presented July 23, 1985.

Title: The Response of the German Bishops to the Reichskonkordat.

APPROVED BY MEMBERS OF THE THESIS COMMITTEE:

Franklin C. West, Chairman

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George A. Carbone

This thesis focuses on the reaction of the German bishops to the Reichskonkordat, which was negotiated between the Vatican and the German government from April 10, 1933 to September 10, 1933. The paper attempts to show that the views of the episcopate were their own and did not always correspond to those of the Vatican. While secondary sources offer an important supplement, the account relies mostly on published documents. In particular, the Catholic Church documents compiled from the Reichskonkordat negotiations and the correspondence of the German bishops during the year 1933 were used most extensively.

THE RESPONSE OF THE GERMAN BISHOPS TO THE REICHSKONKORDAT

by

JOHN ROY SLOSAR

A thesis submitted in partial fulfillment of the
requirements for the degree of

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INTRODUCTION

The flags of the Pope and of the German Reich flew side by side in front of Saint Hedwig's Cathedral in Berlin on September 23, 1933. Catholic youth groups, their pennants and banners held aloft, paraded down Unter den Linden on their way to Kaiser Franz Joseph Platz and the cathedral. Large delegations of Catholic men's and women's associations proudly displayed their own banners as they converged on the square via Niederwallstrasse. Adding to the pageantry were uniformed formations of Catholic Sturmabteilung (SA), who marched to the festive music of their bands while flourishing still more flags and banners. The Catholics of Berlin were celebrating the ratification of the Concordat concluded between their Church and the German Reich two weeks earlier.

Representing Pope Pius XI at the High Mass inside the cathedral was Nuncio Cesare Orsenigo. Vice Chancellor Franz von Papen was seated in the first row as an honored guest, flanked by officials from the Interior Ministry and Foreign Office. The service was also graced by the presence of officials from the Schutzstaffel (SS), the SA, and the Nationalsozialistische Deutsche Arbeiterpartei (NSDAP). Loudspeakers carried the mass to the many thousands on the adjoining square who could not be accommodated inside the cathedral itself.

After the gospel reading Cathedral Minister Marianus Vetter ascended the pulpit to herald the significance of the moment and the meaning of the Concordat. The treaty, according to the minister, marked

an epochal reconciliation of Church and State, of "our Mother Church and our Fatherland." It was a covenant between the Holy Father of all Catholics and the leader of the great German people's movement. The latter was "a man of marked devotion to God who is sincerely concerned for the well-being of the German people, and who will govern them in accordance with the will of the Divine Creator." The Concordat, continued Vetter, had no winners or losers and included no compromises. Rather, it had been negotiated in a spirit of friendly cooperation and was comprised of a number of exchanges which worked to the benefit of the Church, the State, and, above all, the German people. In essence, the State recognized and guaranteed the Christian mission of the Church, and the Church acknowledged its promise to promote the interest of the German community. In closing, the minister added that all twenty million German Catholics had assumed the oath of allegiance to Fatherland and State that their bishops had sworn, "for it is for us a responsibility to God and a heartfelt wish not only to be Catholic Christians, but Catholic Germans as well." At the conclusion of the service Vicar General Paul Steinmann of Berlin read for the first time the prayer for the German Reich and the Führer as prescribed by the Concordat. Nuncio Orsenigo then blessed the dignitaries inside the cathedral and the huge crowd gathered in the square. The gala affair was capped by singing each of the opening verses of the German national anthem and the Horst Wessel song.

Not all Church leaders in Germany were as enthralled by the ratification of the Concordat as the celebration in Berlin would suggest. The period between the signing of the treaty on July 20 and its official

sanction on September 10 had convinced most of the bishops that Hitler would either ignore the document or interpret it to his own advantage. While the episcopate as a whole had voted to support the ratification of the Concordat, many individual bishops had refused to authorize a Te Deum. Cardinal Michael von Faulhaber, presiding head of the Munich-Freising Bishop's Conference, which included all of the Bavarian bishops, felt that the Berlin service sufficed for the whole Reich and refused to order thanksgiving services in Bavaria. Cardinal Adolf Bertram headed the much larger Fulda Bishop's Conference, which included the remainder of the German bishops, and in mid-August had already rejected the idea of a general Te Deum. "It is neither ingratitude nor sulkiness on my part," he explained, "but grave concern." Berlin party leaders had, in fact, gone to the nuncio to arrange their celebration because they were convinced that no support would be forthcoming from the German bishops.

This thesis will examine the response of the German bishops to the Reichskonkordat in the period between April 10 and September 10. It will also explore the relationship of the bishops to National Socialism and the Vatican before and during concordat negotiations. The literature on the Reichskonkordat has necessarily focused on the roles played by the Vatican and the Nazi government. They were, after all, the principal negotiators of the treaty and remain the center of intrigues during its developing stage. But the German bishops are an important part of the Reichskonkordat story. They had close but not always comfortable relations with both the Vatican and the Nazis during this period. They were obviously close to the issue being discussed

and had a major interest in the outcome. In short, the bishops were in a key position to give us an on-the-scene idea of what was taking place, or, what is perhaps just as important, what they thought was taking place.

The German bishops found themselves in an uncomfortable position when Hitler came to power in early 1933. Two years earlier, after the massive gains posted by the Nazi party in the Reichstag elections of September 1930, the episcopate had placed a collective ban on membership in the party. The ban resulted from the inconsistencies of the party's espousal of "positive Christianity" with Catholic doctrine and remained in effect through the elections of March 5. As late as March 19 Cardinal Bertram had written his fellow bishops that a change in political conditions did not constitute a reason to revise the Church's position. But the passage of the Enabling Act on March 23 made the Catholic political parties, long the protectors of Church interests, anachronisms. The bishops withdrew their ban five days later, apparently succumbing to a combination of pressures and promises. Their declaration of March 28 marked a dramatic shift in attitude toward National Socialism. Coming as it did on the eve of Concordat negotiations, it will be given careful attention.

One reason that the German bishops have not attracted more attention in the Reichskonkordat literature is that information tying them to the negotiations is simply hard to come by. To a large extent this is due to the very limited role that the bishops played in the negotiations, a decision that rested with the Vatican. To be sure, Church law left the settlement of concordats completely in the hands of the

Pope, who generally worked closely with the Cardinal Secretary of State in diplomatic affairs. Major decisions were made after consultation with members of the Sacred College. But in practice, bishops and Catholic political officials were also consulted during concordat negotiations. Such was the case with the Austrian Concordat in 1933 and with each of the three Länder concordats negotiated in Germany during the Weimar period--Bavaria (1924), Prussia (1929), and Baden (1932). The German bishops were also involved when the Reichskonkordat issue was first conceived in 1920. Thus the nonpresence of the episcopate throughout most of the negotiations in 1933 was, in the words of historian Klaus Scholder, "highly unusual."

The relationship of the bishops to the Vatican was a particularly interesting one. It is often assumed that they were faithful supporters of Vatican policy, but the bishops had views of their own which, especially in the developing stages of the Reichskonkordat, did not always coincide with the Vatican's. Loyalty to Rome and care for the souls of its flock were foremost concerns of the episcopate, but these came into conflict at times and were difficult to reconcile. The primary reason was that Vatican policy was designed for the whole of Europe and with a period of centuries in mind. The bishops had only their dioceses before them and were concerned with the here and now. Over the course of this thesis, I hope to demonstrate that the German bishops were responding as much to the wishes of the Vatican in 1933 as to the pressures of National Socialism.

Historian John Conway has written that the episcopate's "own internal feuding was as much to blame for its weaknesses as were the

pressures from the Nazi state." He may have been overstating his point, but Conway does bring out the fact that the response of the bishops to the Reichskonkordat or National Socialism was never a single or united one. Reactions varied from north to south and from diocese to diocese, often depending on the intensity of persecutions leveled at the Church and its organizations. I have tried to show that the division within the episcopate reflected the historical development of the Church in Germany, and that the National Socialist revolution had forced the Church to come to terms with itself as much as with the new state. At the same time, it must not be forgotten that the German bishops were living in a period of extreme turmoil and, like other Germans in 1933, were struggling to survive.

CHAPTER I

THE STRUGGLES AND DEVELOPMENT OF GERMAN CATHOLICISM: 19th CENTURY THROUGH WEIMAR

The French Revolution and the Napoleonic era had a profound influence on the Catholic Church in Germany and established the framework within which modern church-state relations would develop. The dissolution of the Holy Roman Empire, the confiscation of church lands, the secularization of ecclesiastical states, the shifting of territorial boundaries so that Protestants and Catholics were united in one state, and the concept of the religiously neutral state were a few of the changes that demanded a new understanding between church and state.¹ That representatives at the Congress of Vienna refused to consider a comprehensive settlement of church affairs in Germany, fearing the unification of a nation that would upset the balance of power on the continent, insured that the particularism and territorial fragmentation that had run like red threads through German history would continue to affect the Catholic Church.²

With the inclusion of Austria, Catholics and Protestants were about evenly divided in the German Confederation at the beginning of the nineteenth century.³ However, the reorganization of Germany had left only two predominantly Catholic states, Austria and Bavaria, with large groups of Catholics becoming citizens of Prussia, Hanover, Württemberg, Baden, Hesse, and smaller Protestant states.⁴ The Vatican was left to negotiate agreements with a number of these states in order to

guarantee the rights, privileges, and financial claims of the Church. A concordat was concluded with Bavaria in 1817 and final agreements were reached with Prussia in 1821 and governments of the Upper Rhine church province in 1827. A reorganization of dioceses in accordance with the new territorial boundaries was also established in these areas. No hierarchies were erected in the other German states, which were overwhelmingly Protestant. Instead, they were later joined to the Prussian or Upper Rhine bishoprics or remained mission territories.⁵

The German bishops were also placed in a new relationship to both church and state at the beginning of the nineteenth century. Deprived of their secular territorial jurisdictions, they were no longer directly involved in small-state rivalry. Threatened with control by state governments and no longer able to look to their princes for support and leadership, the bishops began to turn more and more to the Pope and a policy of ultramontaniam.⁶ The loss of political power within the German Catholic Church also led to a change in the church hierarchy. Where formerly bishop's sees had been the domain of the high nobility, leaders of the Church in this modern era were beginning to come up from the ranks of the low clergy. Theological training and "field experience" would be the hallmarks in the modern era.⁷

The nineteenth century created the same challenges for Catholicism in Germany that it did in most other European countries. The tremendous increase in secularization, claims of the modern state to absolute sovereignty over the individual, and the development of modern nationalism were especially serious.⁸ For a religion attempting to be

ecumenical and international in scope and seeking to embrace and regulate the totality of an individual person's life, these were serious challenges indeed. German Catholics dealt with secularization on an equal basis with other European Catholics, but statism and nationalism presented special problems. Because of their minority status in most of the German states, German Catholics for the most part have been opposed to statism. Like any minority group, they were forced to seek political guarantees against absolute state power. The notable exception was Bavaria, where Catholics were massed and made up the vast majority of the population. In the Bavarian situation state authority was often closely allied with the Church.⁹

German Catholics have also been vulnerable to the charge of constituting a "state within a state," in part because of their opposition to statism and extreme nationalism. To escape any suspicion of their loyalty, however, Catholic leaders have often responded with a super-heated patriotism. The attitude of Bishop Wilhelm Emanuel von Kettler following the war of 1866 provides a prime example. Kettler responded to the suspicion of deficient Catholic patriotism during the Austro-Prussian War by violently attacking the French and all German imitation of French ideas. Examples abound during the period of the Kulturkampf and on the eve of the First World War. The efforts of German Catholics to appear more nationalistic than the National Socialists would work to their disadvantage later on.¹⁰

Between 1815 and 1918 German Catholics were able to develop a strong political party (the Center Party) to protect their interests, a wide variety of lay organizations, and a vigorous press. The Church,

meanwhile, was able to expand its monastic and educational network throughout Germany.¹¹ In order to secure their position, the German Catholics and their Church had to survive some major confrontations with the state, in particular the Cologne Dispute of 1837 and the Kulturkampf of the 1870's. Much of the intellectual and emotional character of German Catholicism sprang from these confrontations.

A German historian, Koppel Pinson, has written that all major conflicts between church and state in Germany in the nineteenth century basically involve three issues: anti-centralization, autonomy of the Church, and freedom for religious education.¹² The Cologne Dispute of 1837, first of the great church-state controversies, certainly fits Pinson's description. The dispute originated in the Rhineland and focused on the question of mixed marriages and educational preference for offspring. Canon law required priests, before giving their blessing to a mixed marriage, to make sure that all children would be brought up as Catholics. The Prussian law of Frederick the Great which dealt with mixed marriages held that male children should follow the religion of their father and female children that of their mother. Thus, the canon law of the Church and the law of Prussia came into direct conflict. No major problems developed in Prussia's eastern provinces because the population was predominantly Protestant and because the Catholic clergy did not enforce canon law provisions when mixed marriages did occur. The situation was different in the western Prussian provinces, however, where the mix of Catholics and Protestants was greater and where the clergy was more insistent on following Church law.¹³

A state of crisis was reached when the Prussian government arrested Archbishop of Cologne Clemens August von Droste-Vischering on November 20, 1837 and interned him in the fortress of Minden.¹⁴ Though protests and popular demonstrations ensued, they did not prevent the arrest and removal from office of several other Catholic bishops.¹⁵ In fact, the conflict spread to eastern Prussia when the Archbishop of Posen-Gnesen decided to enforce the marriage provisions laid down by canon law and was also imprisoned in 1839. The Bishop of Breslau chose to resign his office in 1840 when the Pope insisted he enforce the same provisions.¹⁶ Since the Prussian state was without a parliamentary constitution, Catholics were unable to exert any organized political opposition.¹⁷

The Cologne incident provoked a sharp response from Catholics across Germany. Joseph Görres, recognized today as the founder of "political Catholicism," wrote numerous essays from Munich on behalf of the Catholic cause. (Görres had been expelled from Prussia for his pro-French secessionist activities in the Rhineland.)¹⁸ In particular, his booklet, Athanasius, became a major force in mobilizing Catholic public opinion to form an active front against the Prussian state. It became, in the words of Pinson, "the great trumpet call for the political equality of Catholics and for the freedom of the Catholic Church."¹⁹ Görres' "Munich Circle" was the first group to feel itself responsible for the Catholic cause in all of Germany. Because of Görres' efforts in the Cologne Dispute there emerged for the first time a nationwide Catholic grouping in which all of the old classes, from nobility to peasantry, took part.²⁰

Prussian Catholicism emerged from the Cologne Dispute stronger and more united than before. Frederick William IV became King of Prussia in 1840 and quickly established religious peace. In addition to abolishing the Placet (the obligation of the Church to receive state approval before publishing decrees) he provided for separate Catholic and Protestant bureaus in the Ministry of Education and Church Affairs. In effect, these measures left both churches more autonomous. The Prussian Constitution of 1850 would later give both churches the right to regulate their own affairs, with the state retaining certain supervisory rights.²¹

The German Catholics also survived the revolution of 1848 quite nicely. Capitalizing on the surge toward liberty that brought together diverse elements in the German National Assembly in Frankfurt, German Catholics also created a "center of unity" for themselves. The First Catholic Assembly met in Mainz in 1848, beginning a tradition of yearly conventions. The Assembly focused on cultural and religious questions facing German Catholics and took a leading stand on some of the most pressing social issues of the day. Emmanuel von Kettler, also known as "the social bishop," played a prominent role. He declared:

In striving for an understanding of our time we must strain every effort to fathom the Social Question. Whoever achieves this has taken firm hold of this present era; those who fail in this will find the present and the future an enigma!²²

Under his leadership the groundwork of social reform was accomplished upon which the mature movement of "Social Catholicism" would develop.²³

A conference of all the German bishops (including the Austrian episcopate) also met in 1848 to set up a common center for the defense of their interests in Church affairs.²⁴ Unfortunately, this Fulda

Bishop's Conference was not nearly as successful as the Catholic Assembly in Mainz. A proposal made by the conference to unify the hierarchically divided leadership of German Catholicism by creating a Reich Church Constitution under a German Primate was rejected out of hand by Rome. Rome was too well aware of the precedent of Febronianism under Joseph II with its radical episcopal tendencies and its attempt to create a separatist national Church.²⁵ Understandable as its reasons were, Rome's veto of the Fulda plan made it impossible for the German episcopate to achieve the organizational unity necessary for common action toward common aims, a unity which would have proved very helpful in the struggles to come.²⁶

The greatest controversy between church and state in Germany in the nineteenth century was the Kulturkampf.²⁷ The effects of this "struggle for civilization" had a major impact on the psyche of German Catholics well into the twentieth century. Historians cite several causes for the onset of the conflict. Among the important underlying causes was the Prussian victory in the war of 1866 which removed Austria, the largest Catholic state, from German affairs. The results of the Austro-Prussian War supplied the main impetus for the creation of a national political party to represent Catholic interests.²⁸ A Center Party was founded in 1870, and about fifty Centrists were elected to the Prussian diet. Fifty-seven deputies of the Center were also elected to the first Reichstag on March 3, 1871, which made the Center the second largest party in the Reich.²⁹ Bismarck was not only troubled by the Center's presumed links with Rome, but also by the Party's close relations with the "party of Bavarian patriots," a radical particularist

group which was decidedly anti-Prussian, a small Polish faction, and a small group of conservative Protestant Hanoverians, the Guelph Party, who rejected the Prussian annexation of Hanover and demanded the restoration of the Kingdom of Hanover under its old dynasty.³⁰ Ludwig Windthorst, a member of the Guelph faction, would rise to the leadership of the Center Party during the Kulturkampf.

The tensions which separated liberalism from Catholicism in the second half of the nineteenth century were also factors leading to the Kulturkampf. Pope Pius IX exasperated these tensions with his Syllabus of Errors in 1864, which condemned the "errors of Liberalism," and his dogma of Papal Infallibility on July 18, 1870.³¹ The latter was occasion for an onslaught against the German Catholic Church by the combined forces of German liberalism and the government of Bismarck. The anti-clericalism of the National Liberal Party was promoted most aggressively in the field of education.³²

While the motivations which led Bismarck into the struggle are not entirely clear, he began his attack by dissolving the Catholic section of the Prussian Ministry of Education and Church Affairs in July of 1871. An order of March 1872 called for the abolition of the supervision of schools by the churches. On November 28, 1871 Bismarck added the "Pulpit paragraph" to the criminal code, which forbade the clergy in their official capacity to deal with political matters. A law on June 11, 1872 excluded the Jesuits and certain related orders from Germany.³³ While similar legislation was passed in other European countries and other states within the Reich, the persecution of the Catholic Church reached its most acute stage in Prussia with the adoption of

the so-called Falk laws of 1873 and 1874. Named after Minister of Culture, Adalbert Falk, the first of the infamous laws provided that the clergy must receive their education at a German Gymnasium and university, and that candidates for ecclesiastical positions had to pass an examination in philosophy, history, and German literature before a state board. Other laws were passed giving the state control of church disciplinary measures and requiring bishops to submit the names of parish appointments to local district government officials. A law in March 1874 made civil marriage compulsory.³⁴

Catholic bishops met at Fulda during this period and declared that "no Catholic Christian could acknowledge these laws or voluntarily obey them without the gravest violation of his faith."³⁵ When Church officials refused to inform local government officials of new parish appointments, several bishops were arrested and parishes became vacant. The Archbishops of Posen, Cologne, and Trier all spent terms in jail.³⁶ A papal encyclical on February 5, 1875 declared all Prussian laws which "contradict the divine institution of the Church" null and void, and threatened all those who complied with them with excommunication.³⁷ But the government countered by stopping all state support of the Church until bishops accepted state laws. Later, all monastic orders were banned from Prussia except those devoted exclusively to hospital work, and all articles of the Prussian constitution guaranteeing autonomous government to the churches were cancelled. By 1876 all of the Prussian bishops were imprisoned or had been driven to take refuge abroad.³⁸ The number of bishops in the Reich was reduced from 12 to 4 due to the removal of six and the failure to fill two vacancies resulting from

death. Of the 4,604 Catholic parishes in Prussia, 1,103 were no longer in operation. More than 2,000,000 of the 8,000,000 parishioners were without regular pastoral care.³⁹

Even during the most oppressive stages of the Kulturkampf there were signs that Bismarck and the Prussian state were fighting a losing battle. The Centrists increased their representation from 63 to 91 deputies in the 1873 elections for the Prussian diet. Then, in the Reichstag elections of 1874, the Center increased its representation to 91 seats and polled 27.7 per cent of the vote.⁴⁰ An opportunity to settle differences came with the death of Pius IX in 1878 and the peaceful gestures of the new Pope, Leo XIII.⁴¹ Bismarck was quick to grab the olive branch. Falk was relieved from his post in 1879 and the ousted bishops were reinstated. Churches were reopened and parishes were allowed to have their own priests back. By 1881 all was peaceful again in relations between church and state. Legislation in 1887 brought the Kulturkampf officially to a close.⁴²

The Kulturkampf left a deep psychological scar on German Catholics and their Church. They would not easily forget being branded "enemies of the Empire." Nor could they forget the persecutions aimed at their subjugation.⁴³ A major result of the Kulturkampf was that Catholics turned inward and felt the need to organize as a separate camp in every field of life. They accomplished this to an amazing degree. Monastic orders, which were the backbone of the Catholic educational system, were again permitted throughout Germany in the mid-1880's and the number of institutions returned in record numbers. There were 922 in 1883, 2,873 in 1898, and over 7,000 in 1912.⁴⁴ The Catholic press also flourished

after the Kulturkampf. In 1871 there were 126 Centrist newspapers with a total circulation of 322,000. By 1912 this had mushroomed to 446 papers and a circulation of 2,624,900.⁴⁵ Numerous Catholic lay organizations emerged as well, cutting across state and diocesan boundaries and uniting Catholics to the Church as never before.⁴⁶ But the key development for the Church was found in the political sphere, where the Center Party emerged as a real force in German politics. "Katholisch ist Trumpf" became the expression in political circles, for the Center, with its fairly stable representation of 100 delegates and its disciplined party organization, became "the political arbiter of Germany."⁴⁷

Ironically, the Center Party also reflected another trend of German Catholicism after the Kulturkampf. The party's actions were concerned as much with fitting into German society as they were in turning away from it. (This was, no doubt, a reflection of the behavior of many German Catholics who, it might be added, drifted away from the Center as time went by.) While the membership of the Center Party was certainly united and ready to face any assault upon the freedom of the Church, there were nevertheless some sharp differences within the party on political questions and philosophy. During the reign of Wilhelm II the leadership of the Center was essentially conservative. The party served the Church and the Church supported the party. During this same period, however, there was a strong push by the left wing of the party (centered in the Rhineland) to broaden the base of the Center and turn it more in the direction of liberal and democratic policy. The basis was thus laid for the Center's coalition with the Social

Democrats and other republican groups during the last years of the First World War and throughout the Weimar era.⁴⁸ That relationship would not always be looked on favorably by Church leaders.

Relations between church and state underwent a dramatic change during the Weimar years and presented a mixed blessing for German Catholicism. Out of the chaos of the war and peace settlement (and an internal revolution which threatened to ravish the country), a democratic government had replaced the German monarchy. Together with the SPD and German Democrats, the Center Party played a key role in anchoring the new government and drawing up a constitution which provided much more favorable conditions for the Church than did the laws and institutions of the Imperial period. The right of association and organization was guaranteed to all religions, the rights of the State to interfere in Church affairs were curtailed, and the automatic right of the government to approve Church appointments was abolished.⁴⁹ Before Weimar the Church had benefited largely only in those areas where Catholics were in the majority. The Weimar Constitution now made it possible to protect the interests of all German Catholics, not just those of the large German states.⁵⁰

There were some very important matters that the Constitution had left unresolved, however. While some ambiguous language characterized the articles dealing with relations between church and state and the competencies of state and national governments, the Church was most concerned with educational matters. The Center had withstood pressures from their coalition partners to establish a national school system inimical to the interests of the Church.⁵¹ Since no agreement could

be reached on the issue, a compromise was worked out whereby the future federal legislature was authorized to formulate a national school law (Reichsschulgesetz). In the meantime, the Constitution provided for the inclusion of religion in the curriculum in all but secular schools and the right of the State to supervise religious instruction.⁵² The failure to pass a national school law that would satisfy all parties was a major reason behind the failure to conclude a Reichskonkordat during the Weimar period.

After the Versailles settlement German Catholics were numerically more of a minority than before, composing less than one-third of the population. The loss of Alsace-Lorraine and the ceded parts of Prussia involved more Catholics than Protestants. Still, the loss of the Polish and French-speaking peoples had left German Catholics far more united. With the shedding of these non-German groups and the addition of constitutional guarantees for religion, Catholics began to overcome the "minority complex" that had haunted them in the past. Educationally, economically, and politically they began to enter the mainstream of German life.⁵³ This situation manifested itself most clearly in the political sphere, where the Center Party consistently polled 12 to 13 per cent of the national vote and members of the Center held the chancellorship in 8 of 14 cabinets between 1918 and 1933.⁵⁴

The Catholic Church took advantage of the right of association and organization guaranteed all religions to expand its networks. In 1920 there were 366 monastic establishments for men with 7,030 members and 616 novices. In 1932 there were 640 with 13,206 members and 1,910 novices. The number of Catholic theological students at universities

or equivilent institutions rose from 2,648 in 1923 to 4,864 in the summer of 1932.⁵⁵ As for Catholic lay organizations, Karl Bachem, historian of the Center Party, remarked in 1931, "Never yet has a Catholic country possessed such a developed system of all conceivable Catholic associations as today's Catholic Germany."⁵⁶

This new strength and security was not a total blessing for German Catholics, however. As Catholics began to feel more and more like Germans, the external threats holding Catholicism together began to disappear. During the Kulturkampf the number of Catholics supporting the Center was 80 per cent. The party could only rally about 60 per cent of the Catholic vote during the Weimar period.⁵⁷ This decline was made more significant by the fact that women voted for the first time in 1919 and the Center profited more than other parties from the women's franchise.⁵⁸ Parties on the left and right took up the slack. It is estimated that in the Reichstag elections in July 1932 more than 2 million Catholics had voted for the NSDAP. Of the 12.8 million Catholic voters in the elections, the Center and BVP received only 5.2 million.⁵⁹

For their part, the Catholic parties failed to present Catholic voters with a single platform. The Bavarian People's Party, founded on November 12, 1918 under the proclamation "Bavaria for Bavarians," held firmly to its tradition of radical particularism. It never did adopt the separation of church and state as stipulated in the Weimar Constitution. (The BVP's intransigence allowed the Bavarian government to negotiate a separate concordat with Rome in 1924, which made Catholicism a state religion.)⁶⁰ The Center Party, however, was convinced

that the solution to Germany's problems after the war lay in strengthening the power of the central government. The party followed a moderate and mediating policy, realizing that the very existence of German parliamentary life was threatened by the growth of extremism, whether on the right or left.⁶¹ These contrary philosophies naturally led to a separation of Center and Bavarian delegates in the Reichstag and sent mixed signals to the Catholic populace.

It was also significant that the German episcopate never went so far as to endorse the Catholic parties as the exclusive political representatives of Catholicism. John Conway sums up their attitude during the Weimar period with the statement: "The suspicion cannot be avoided that the German bishops were not wholeheartedly in the defense of democracy, or indeed of the maintenance of their political associates."⁶² An explanation must start with the fact that the majority of the bishops were deeply distrustful of liberalism and democracy, and many remained convinced monarchists. Their average age was slightly above 60 and their outlook on politics was shaped by life in Imperial Germany.⁶³ The attitude of Cardinal Michael von Faulhaber, head of the Munich-Freising archdiocese, was representative of much of the episcopate. In a funeral address of 1921 for the last Bavarian king he remarked, "Kings by the grace of the people are no grace for the people, and where the people are their own King, then sooner or later they also become their own gravedigger."⁶⁴ Before a Katholikentag audience in 1922, Faulhaber referred to the Revolution as "high treason."⁶⁵

The bishops were never fully at ease with the policy of the Center Party during the Weimar years. They were educated in terms of absolute

values themselves, and could not always accept the willingness of the Center to compromise--particularly in the area of education.⁶⁶ It was the coalition of Center and Social Democratic parties and their resolve to work together, however, that was most disturbing to the Catholic hierarchy. The Spartacist revolt in Berlin in January 1919, the revolutionary dictatorship in Bavaria under Kurt Eisner two months earlier, and communist uprisings in German cities from Bavaria to the Baltic had left a deep impression on Church leaders.⁶⁷ They were well aware of the threat that Bolshevism posed to religion and believed that socialism was merely a milder form.

The fear of revolution and the spread of communism was prominent in the Vatican as well. Officials in Rome did not disguise their concern that the chaos of the war had ushered in a new world that might prove to be equally chaotic. The collapse of well-established state systems and the creation of new states caused the Vatican to actively pursue Church interests throughout Europe after the war. Particular interest was accorded Germany. Allowing Germany to collapse or remain weak would, in the eyes of the Vatican, have dire political, economic, and social (as well as religious) consequences on the continent. In addition, a strong nation in the middle of Europe was needed to offset Russia in the east as well as France in the west. Thus, Germany became the linchpin in Vatican policy between the wars.⁶⁸

For its part Germany needed the support of the Holy See to prevent further dismemberment of the Reich, to forestall Rhineland and Catholic South German separatist movements, and to maintain diocesan boundaries.⁶⁹ This mutual desire for good relations eventually led to

an exchange of diplomatic representatives in 1920. Monsignor Eugenio Pacelli, who served in Munich as nuncio to Bavaria since May 1917 (and who would become the future Pope Pius XII in March 1939), was named the first nuncio to the Reich. Diego von Bergen, a Protestant who had represented Prussia as minister to the Holy See since 1919, became German ambassador to Rome.⁷⁰

A critical transition in Vatican foreign policy occurred in 1922, when Pius XI replaced Benedict XV as Pope. Benedict XV, along with other Popes in the late nineteenth and early twentieth centuries, had actively supported Catholic political parties. The Popular Party in Italy, the Action Française in France, and the Center Party in Germany all had the blessings of these pontiffs. But Pius XI decided to eschew the policy of his predecessors, believing that the end of the war had ushered in a totally different world. Not wanting to compromise Church interests on anything as ephemeral as a political party, Pius XI discouraged priests from belonging to parties, from supporting candidates at elections, and from contributing political articles to newspapers. Instead of political parties, he put his faith in a lay organization, Catholic Action, which would unite Catholics on a religious and moral basis.⁷¹ In a letter to Cardinal Bertram of Breslau, Pius described Catholic Action as

an organization of lay Catholics which, on no other basis than that of their religion and loyalty to their bishops and the Pope, shall co-ordinate and amplify such Catholic charitable, social, moral, educational and religious societies as already exist, with the object of applying the principles of Christianity as interpreted by the Catholic Church to penetrate the life of the community.⁷²

On the political front Pius XI had the Vatican pursue a vigorous

concordat policy to clarify the legal rights and secure the protection of the Church. During the interwar period more than forty agreements were concluded with foreign states including Poland (1925), Italy (1929), Austria (1933), and the German states of Bavaria (1924), Prussia (1929), and Baden (1932).⁷³ But the new direction in papal policy encouraged the distinction between social and political Catholicism—one that would have fateful consequences for the Catholic Church in Germany.

In retracing the history of German Catholicism prior to 1933, a few obvious conclusion can be made. First, the division among German Catholics—by region, state, diocese—has been a reflection of the character and development of the German nation. Despite these divisions (or more likely because of them) the Church was able to build up a solid monastic and educational network and enjoy the benefits of a powerful political party and numerous lay organizations. This short history has shown above all that the German Catholic Church, supported by the Catholic population, has always fought hard to protect its interests, accepting concordats if possible and constitutional guarantees when necessary. It should not be surprising, then, that the German bishops would focus their response to National Socialism and the Reichskonkordat around the interests of the Catholic Church.

Notes to Chapter I

¹ Ernst C. Helmreich, A Free Church in a Free State? The Catholic Church, Italy, Germany, France 1864-1914, ed. Ernst C. Helmreich (Boston: Heath, 1964), p. ix.

² Ernst C. Helmreich, The German Churches under Hitler: Background, Struggle, and Epilogue (Detroit: Wayne State University Press, 1979), p. 48.

³ Koppel S. Pinson, Modern Germany: Its History and Civilization (New York: MacMillan, 1955), p. 173. Pinson notes that after the exclusion of Austria in 1866 Catholics in the new Reich became a minority, but one of such magnitude and concentration--especially in Bavaria in the south, in Silesia in the east, and in the Rhineland and Westphalia in the west--that they could not be ignored.

⁴ Hajo Holborn, A History of Modern Germany: 1648-1840 (New York: Knopf, 1964), p. 499.

⁵ Helmreich, The German Churches under Hitler, pp. 49-50.

⁶ Ibid., p. 47.

⁷ Holborn, A History...1648-1840, p. 499.

⁸ Pinson, pp. 173-77.

⁹ Ibid., p. 175.

¹⁰ Ibid., pp. 176-77. See also Guenter Lewy, The Catholic Church and Nazi Germany (New York: McGraw-Hill, 1964), pp. 15-18.

¹¹ Helmreich, The German Churches under Hitler, p. 48.

¹² Pinson, p. 180.

¹³ Holborn, A History...1648-1840, pp. 504-05.

¹⁴ Ibid., p. 505.

¹⁵ Helmreich, A Free Church in a Free State?, p. x.

¹⁶ Helmreich, The German Churches under Hitler, p. 52.

¹⁷ Edgar Alexander, "Church and Society in Germany," in Church and Society: Catholic Social and Political Thought and Movements 1789-1950, ed. Joseph N. Moody (New York: Arts, Inc., 1953), p. 440. According to Alexander, the Catholic counteraction in the Rhineland and Westphalia came directly from the Catholic clergy and the strictly Catholic aristocracy. He writes:

The first phase in the evolution of Political Catholicism was therefore confined to the efforts of an embattled episcopate to arouse the German Catholics in defense of their rights in Church politics and their religious liberties, to widen their scope and enhance their functions. (p. 440)

¹⁸ For a brief summary of Görres' intellectual development see Alexander, pp. 389-93.

¹⁹ Pinson, p. 178.

²⁰ Holborn, A History...1648-1840, pp. 505-06.

²¹ Helmreich, The German Churches under Hitler, pp. 52-3.

²² Alexander, pp. 410-11.

²³ Ibid., p. 443. Along with Kettler, Adolf Kolping, "the spiritual father of German Catholic youth organizations," was probably most responsible for the inception of German "Social Catholicism." Kolping's efforts led to the institution of vocational instruction for workers and the foundation of a wide network of journeyman's associations. Both Kettler and Kolping came from the Rhineland, where they were able to observe the beginnings of the German industrial revolution and its

effects on the lower classes. (Pinson, pp. 181-84.) Holborn argues that the general revival of German Catholicism since 1815 was more the work of laymen than the Church hierarchy. He writes:

If future statesmen, such as Bismarck, believed that the Catholic Church in Germany could be brought into submission by the coercion of the clergy, they showed ignorance of the strong social foundation which German Catholicism had acquired by the middle of the century. (1648-1840, p. 509)

²⁴ The Fulda Bishop's Conference of 1848 was the first all-German gathering since the Council of Trent.

²⁵ Alexander, p. 443 and Holborn, A History...1648-1840, pp. 300-301.

²⁶ Alexander, p. 443.

²⁷ The term Kulturkampf was coined by world-famous pathologist and left liberal deputy Rudolf Virchow. In a speech before the Reichstag he said that the struggle against the Roman Catholic Church was, with every passing day, assuming more and more "the character of a great struggle for civilization in the interest of humanity." Gordon A. Craig, Germany 1866-1945 (New York: Oxford University Press, 1980), p. 74.

²⁸ Austria's exit from the German Confederation left Catholicism as the minority religion. The Prussian annexation of Schleswig-Holstein, Hanover, Hesse-Nassau, and Frankfurt further strengthened the Protestant majority within Prussia. The non-Prussian member states of the North German Confederation (1867-70) were also solidly Protestant. Even with the accession of South Germany in 1870 with its large number of Catholics, there were still twice as many Protestants as Catholics in the Empire. Hajo Holborn, A History of Modern Germany 1840-1945 (New York:

Knopf, 1969), p. 259.

²⁹ Holborn, A History...1840-1945, pp. 259-60.

³⁰ Ibid., pp. 260-61.

³¹ The German bishops had opposed the dogma of Papal Infallibility in debate at the Vatican Council, but submitted to the official pronouncement after its approval. Only a small group of Catholics, led by famous historian and theologian, Ignaz von Döllinger, failed to accept it. Opponents organized themselves into a group called "Old Catholics" and were active throughout the period of the Kulturkampf. Though numbering only 52,000 in 1878, they were convenient propaganda subjects for Bismarck. (Pinson, p. 186) A number of "rightist" Catholics would also appear during the Nazi period, the most prominent being Franz von Papen. Being antidemocratic and authoritarian at heart, and retaining the old Catholic resentment of liberalism and socialism, many chose to support National Socialism at the expense of the Catholic parties and Church. (Helmreich, The German Churches under Hitler, p. 117)

³² Craig, p. 71.

³³ Ludwig Windthorst remarked in the Reichstag that it was difficult to see what a government that had at its disposal all of the resources of the army, the police, the bureaucracy, the universities, the public schools, and the vast majority of the country's newspapers had to fear from the Society of Jesus. (Craig, p. 73)

³⁴ For a survey of legislation against the Church during the Kulturkampf period see Erich Eyck, "The Course of the Kulturkampf," in A Free Church in a Free State? The Catholic Church, Italy, Germany,

France 1864-1914, ed. Ernst C. Helmreich (Boston: Heath, 1964), pp.

58-64; Holborn, A History...1840-1945, pp. 261-64; Pinson, pp. 186-89; and Craig, pp. 69-78.

³⁵ Pinson, p. 188.

³⁶ Ibid.

³⁷ Craig, p. 75.

³⁸ Holborn, A History...1840-1945, p. 263.

³⁹ Helmreich, The German Churches under Hitler, p. 55.

⁴⁰ Pinson, p. 189.

⁴¹ Another factor in Bismarck's decision to come to terms with the Church was his new commercial policy. Changing from free trade to protectionism in 1879 lost him the support of the National Liberals and brought him into closer ties with Centrists who represented large agrarian interests. (Pinson, p. 190)

⁴² Ibid., p. 189.

⁴³ Holborn, A History...1840-1945, p. 265.

⁴⁴ Helmreich, The German Churches under Hitler, p. 56.

⁴⁵ Pinson, p. 592, n. 20.

⁴⁶ The Volksverein für das katholische Deutschland developed into a mass organization of over 500,000 members with 4,300 branch organizations. (Pinson, p. 185) The Organization of Catholic Labor Unions had 2,800 locals and 472,000 members in 1911. By 1914 there were 2,656 youth groups. Other groups included the Catholic Association of Germany, the Catholic Journeyman's Association, Catholic student fraternities, the League for Catholic Women, and numerous Catholic professional groups. (Helmreich, The German Churches under Hitler, p. 57)

47 Pinson, p. 191.

48 Ibid., p. 192.

49 Stewart A. Stehlin, Weimar and the Vatican 1919-1933: German-Vatican Diplomatic Relations in the Inter-War Years (Princeton: Princeton University Press, 1983), pp. 371-73.

50 Ibid., p. 371.

51 The German Democrats wanted a basic common school (Volksschule) which was non-denominational, but with religion as part of the curriculum. The Social Democrats favored a completely secular system, or at least one with non-compulsory religious instruction. The Church sought recognition and State support for the public confessional schools, where a Catholic environment could be given to pupils. (Stehlin, p. 372)

52 Ibid.

53 Helmreich, The German Churches under Hitler, pp. 97-98.

54 Lewy, p. 5.

55 Helmreich, The German Churches under Hitler, pp. 101-02.

56 Lewy, p. 5.

57 Ibid., p. 6.

58 Holborn, A History...1840-1945, p. 534.

59 Hans Müller, Katholische Kirche und Nationalsozialismus.

Dokumente 1930-1935 (München, 1963), p. 9.

60 Alexander, pp. 476-77.

61 Holborn, A History...1840-1945, pp. 533-36.

62 John S. Conway, The Nazi Persecution of the Churches 1933-1945 (London: Basic Books, Inc., 1968), p. 24.

63 Lewy, p. 12

64 Ludwig Volk, "Kardinal Faulhaber's Stellung zur Weimar Republik und zum NS-Staat," Stimmen der Zeit, 177 (1966), p. 177.

65 Ibid.

66 Ibid., p. 178.

67 Stehlin, pp. 40-41.

68 Ibid., pp. 448-49.

69 Helmreich, The German Churches under Hitler, p. 100.

70 Ibid., p. 99.

71 Anthony R. Rhodes, The Vatican in the Age of the Dictators: 1922-1945 (London: Hodder and Stoughton, 1973), pp. 14-15.

72 Ibid., p. 15.

73 Lothar Schöppe, Konkordate Seit 1800. Originaltext und deutsche Übersetzung der geltenden Konkordate (Frankfurt/Main: Alfred Metzner Verlag, 1964), pp. XXXIII-XXXIV.

CHAPTER II

EARLY RESPONSES TO NATIONAL SOCIALISM: SEPTEMBER 14, 1930 TO MARCH 28, 1933

It could reasonably be argued that the response of the German bishops to events in 1933 was dictated by their response to National Socialism. Many other factors certainly entered into the equation, but the appointment of Hitler as Chancellor on January 30, 1933 and his consolidation of power in March of the same year made National Socialism the overwhelming concern. Thus, the attitude of the German bishops toward the Nazi Party during this period and before adds an important dimension to their outlook and response to the Reichskonkordat. This chapter will trace the reactions of the bishops from the critical Reichstag elections on September 14, 1930, after which the bishops imposed their ban on National Socialism, to the eventful proclamation of March 28, 1933, which removed it. The fact that the Nazis assumed power without modifying their position on religious matters or their behavior toward German Catholics makes their relationship with the bishops in these early years especially significant.

It must be noted that the German bishops were not unaware of the Nazi threat prior to September 14, 1930. The implications of Article 24 of the NSDAP (adopted on February 20, 1920) were not lost on the German episcopate.¹ Two major reasons exist for the failure of the bishops to take the Nazi threat seriously before September 1930. First, German Catholics were accustomed to, and even expected, threats and

abuse from radical elements. It had been their destiny since before 1870, and they simply took the Nazi attacks as a new variety rather than a serious danger. More important perhaps was the fact that the NSDAP was not a serious factor in national politics until September 1930. It received only 2.8 per cent of the vote in the elections of May 1928, which marked them as a sectarian group from Bavaria with little promise of expansion. However, when the National Socialists garnered 19.2 per cent of the vote in the Katastrophenwahlen on September 14, 1930, it signaled a reorientation of voters and placed the Nazi issue in a more serious light.² In Breslau (Cardinal Bertram's residence) the Nazi vote jumped from 1.0 to 24.2 per cent between 1928 and 1930. In the predominantly Catholic town of Regensburg in Bavaria the Nazi vote increased from 4.1 to 16 per cent, and in the more rural constituency of Freising (Cardinal Faulhaber's diocese) the increase went from 4.9 to 12.2 per cent.³ National Socialism's espousal of "positive Christianity" and Alfred Rosenberg's ominous interpretation of it in his newly released book, Myth of the Twentieth Century,⁴ deserved serious attention in the face of these numbers.

An incident in Mainz in November 1930 triggered a crisis for the German bishops. A priest from Kirschhausen declared in a sermon that Catholics were forbidden to belong to the Nazi Party, that Nazi members would not be allowed to attend funerals or other Church functions, and that registered members of the Nazi Party would not be admitted to the sacraments. This decision caused the Vicar General of Mainz to draft similar instructions for the behavior of the rest of his clergy.⁵ An exchange of letters between the Gauleitung of Hesse and Ludwig Maria

Hugo, Bishop of Mainz, quickly elevated the incident to a national concern. Bishop Hugo stood firmly behind the decision of his Vicar General. During the same month, however, Bishop Schreiber of Berlin indicated that Catholics were not forbidden to become members of the Nazi Party.⁶ It was becoming clear that while the bishops agreed that a problem existed, there was no uniformity on the way to handle it.

Cardinal Bertram recognized the need for a united stand and, together with Archbishop Kaspar Klein of Paderborn, formulated a draft statement clarifying the episcopate's position. By December 3 every member of the Fulda Bishop's Conference had received a copy and was requested to return their comments. Cardinal Faulhaber was presented with the same draft and request. This "Breslau initiative" made the question of a public or confidential position regarding National Socialism acute for the Bavarian bishops. In order to prevent further idleness following the Mainz incident, they had delayed issuing pastoral instructions. A formal statement by the Fulda bishops, however, would force them to take a stand. In a circular letter to the Bavarian episcopate, Faulhaber remarked that he personally found the Breslau presentation to be abstract and filled with gaps. It left unanswered the question of clerical conduct which was, after all, of primary concern. Faulhaber requested the Bavarian bishops to examine the Breslau draft and his own outline of clerical instructions and send in their comments and recommendations.⁷

Many of the replies received by Faulhaber were sharply critical of the actions taken in Mainz. While Bishop Johann Leo Mergel of Eichstatt remarked, "Mainz has gone too far," Bishop Michael Buchberger of

Regensburg called the step of the Vicar General "indefensible and entirely inopportune." It is, he continued, "tactically unwise and practically impracticable." The Breslau draft also brought out a number of reservations. Bishop Ow-Felldorf of Passau maintained that it was "too exclusively doctrinaire" and did not "give enough instructions for pastoral use." Buchberger called it "provisional, neither for publication nor studied through enough for instruction to the clergy." Bishop Matthias Ehrenfried of Würzburg said it was "too mild and impractical." At the same time Buchberger and Jacob Hauck, Archbishop of Bamberg, suggested that a conflicting statement should be avoided at all costs since it would be rendered ineffectual. Hauck and Ehrenfried pleaded for a temporary delay. Bishop Joseph Kumpfmüller of Augsburg questioned the wisdom of a stand so soon after the Mainz decision. All of these responses reached Faulhaber by December 12.⁸ In a letter to Bertram on December 18 Faulhaber reported that the Bavarian episcopate found the Breslau draft, by a narrow majority, to be an inadequate public statement.⁹

The Bavarian episcopate failed to come up with an alternate draft mainly because they could not agree among themselves on the timing or contents of a public statement and pastoral instructions. Archbishop Hauck of Bamberg argued that any announcement by the episcopate in the face of the present enthusiasm over National Socialism would be premature and fruitless. He felt it wiser to wait for the moment when National Socialism showed its true colors in concrete cultural-political questions, such as with the Reichsschulgesetz. Buchberger worried that with communism, socialism, and National Socialism each posing a threat, the

Church might simply be overwhelmed by the power and mass of these three great movements. On the specific question of admitting uniforms in the Church, Hauck, Ehrenfried, and Buchberger were firmly opposed. Faulhaber, however, rejected participation in Church parades by Nazi groups but did not categorically rule out the wearing of uniforms by individuals during baptisms, marriages, or confirmations.¹⁰

Cardinal Bertram reported the results of his inquiry in a letter to Faulhaber and the Fulda bishops on December 17. Only four or five members of the Fulda hierarchy—a bare one-third—spoke out in favor of an official, common declaration. A day later Bertram received Faulhaber's letter and the discouraging news from the Bavarian bishops. The letter emphasized the need for publishing pastoral instructions as well as a public statement and suggested that both the Breslau draft statement and the Bavarian instructions could be used since they were so complementary.¹¹

The silence and indecision among the German bishops came to a sudden halt on December 28 when Bertram informed the episcopate of his plans to go public with a statement. His address, "Ein offenes Wort in ernster Stunde am Jahresschluss 1930," was delivered on December 31. This widely publicized statement criticized the one-sided glorification of the Nordic race and cautioned Catholics against the ambiguity of "positive Christianity" which, Bertram asserted, "cannot have a satisfactory meaning for us Catholics since everyone interprets it in the way he pleases."¹² Although intentionally free of any direct references to National Socialism, the address drew immediate censure from the Völkischer Beobachter, the official voice of the Nazi Party. Nor was

Bertram's address popular among his fellow bishops, as Ow-Felldorf's comments attest:

The lack of its official character as a statement of the entire episcopate as well as that of any practical instructions for the clergy over the pastoral handling of questions has not contributed very much to the clarification of the entire affair before the public.¹⁴

Bertram's intention was to free the episcopate from its dilemma by drafting "a statement of broad basis that no one could fix responsibility to and that would allow for further expansion and freedom of movement."¹⁵ But his "Christmas message" also eliminated any hopes for a unified approach to the Nazi question.

The Bavarian episcopate immediately felt the pressure to issue a statement of their own. Ow-Felldorf wrote Faulhaber that the clergy was waiting impatiently for authoritative and generally binding instructions. Krümpfmüller warned that without some direction members of the clergy, in their overzealousness, may follow the Mainz precedent.¹⁶ After careful deliberation the Bavarian bishops published their declaration on February 12, 1931. In it they denied any intention of passing judgment on the political aims of National Socialism, but felt compelled to denounce the movement "as long and insofar as it adheres to a religious and cultural program which is irreconcilable with Catholic teaching."¹⁷ This crucial sentence so concisely summed up the general episcopal attitude that it was repeated almost verbatim in the pronouncements from Cologne, Paderborn, and the Upper Rhenish church provinces. The Bavarian bishops also issued concrete guidelines for their clergy forbidding Catholic priests from taking part in the Nazi movement and prohibiting attendance of Nazi formations with flags at Church services.

The decision to admit National Socialist members to the sacraments was to be decided on an individual basis--each clergy member having to distinguish between those Catholics who were mere "fellow-travelers" of the Nazi movement and those who were active members with a full knowledge of the Party's anti-Catholic orientation.¹⁸

Within a month the remaining church provinces in Germany issued statements clarifying their relationship to National Socialism. The six bishops of the Cologne province responded on March 5. Earlier, they had adopted a temporizing attitude, hoping that the leaders of the Nazi Party would clarify their aims and principles in the aftermath of statements by Cardinal Bertram and the Bavarian episcopate. In their own statement they explained that a serious warning could no longer be delayed, "especially since our policy of waiting and watching the development of the National Socialist movement has already been misinterpreted."¹⁹ The Cologne bishops, however, took no stand on the Nazi Party membership issue or other pastoral problems discussed by their Bavarian counterparts. The three bishops of the Paderborn province issued their proclamation on March 10 and did rule out Nazi Party membership for Catholics. For the most part it was an expansion of the original December 2 draft statement along with some "trifling" changes.²⁰ Finally, the three bishops of the Upper Rhenish church province issued a declaration on March 19 condemning the anti-Catholic views of National Socialism and forbidding Catholics "to acknowledge their adherence to them by word and deed."²¹

The opportunity to take a more united stand on the subject of National Socialism came when the Fulda bishops convened between August

3 and 5, 1931. Cardinal Faulhaber sat in on the proceedings as the representative of the Bavarian bishops. The members of the conference had before them a set of guidelines adopted in 1921 for clerical dealings with organizations hostile to the Church. They referred back to these in fashioning a statement which included the Nazi Party:

Obviously the foregoing principles are to be applied to the National Socialist Party, which pretends to be no more than a political party with justified national goals, but which in fact stands in clearest conflict with fundamental truths of Christianity and with the organization of the Catholic Church of Christ's founding...The issue is not of pronouncements and events which determine the character of the party. In the face of these, occasional denials are of no significance.²²

With this statement National Socialism joined the company of communism, socialism, and the Freemasons as movements rejected by the Catholic Church. But the same conference also approved the following statement:

The fight against radicalism, that is against extreme nationalism as well as against socialism and communism, should be carried out from the standpoint of the faith but not from that of partisan politics. In as much as the whole foundation of the faith is called into question, considerations of what is possible or useful for the moment must yield. Quaerite primum regum Dei (Seek first of all the kingdom of God).²³

Taken together, these statements support the policy of treating political and religious-cultural questions in isolation from each other. The failure to recognize their interdependence, particularly when constitutional guarantees became meaningless, would cost the bishops in the future.

The concerns of the bishops about the Nazi threat were also reflected in pastoral letters and messages prior to the July 1932 elections. A statement issued by the Prussian bishops on July 12 was representative of the pre-election advice. It stressed the importance of

the upcoming elections and urged Catholics to elect representatives

whose character and proven attitudes give evidence for their stand on questions of peace and welfare for the people, protection of the confessional schools, the Christian religion, and the Catholic Church. Beware of agitators and parties that are not worthy of the confidence of Catholics.²⁴

As usual, the bishops refrained from supporting any candidate or party, but their allusion to the National Socialists as a party to avoid could hardly be missed.²⁵ Their warning was not heeded, however.

The combined vote for the two Catholic parties in the July 1932 election represented less than one-half of the Catholic vote of almost 13 million.²⁶ The Center and BVP had still managed to increase their percentage of the total vote by 9 per cent over the September 1930 election and their total number of mandates by 10.²⁷ But the National Socialists more than doubled their representation over the same period. Polling 37.4 per cent of the popular vote in July, they elected 230 deputies to the Reichstag and became the largest single party in Germany.²⁸

The Fulda Bishop's Conference was convened between August 17 and 19, on the heels of the Nazi election victory. By this time membership in the Nazi Party had been prohibited in all the dioceses. The increasing pressures on the bishops to reconsider their position forced them to adopt a clarifying statement. Their resolution justified the ban on National Socialism because "parts of its official program contain false teachings" and "because statements by countless leading representatives and publicists of the Party are hostile to the Faith." Moreover, "these statements have never been refuted or criticized by the supreme leadership of the Party." The bishops declared it inexcusable that large

numbers of Catholics were joining the Nazi Party for economic or political reasons, arguing that "support for the Party necessarily involves, whether one wants it or not, furthering its aims as a whole." They included in their statement the ominous warning, "if the Party were to gain the monopoly of power in Germany which it is so hotly pursuing, the prospects for the Church interests of the Catholics would be gloomy indeed."²⁹

The Fulda bishops recognized the difficulties involved in formulating feasible pastoral instructions, and thus followed the Bavarian example of allowing greater flexibility in the field. They did suggest some broad guidelines for the clergy:

The individual pastor must exercise his discretion as to whether, in a particular case, paid-up membership in the Party can be excused, providing it does not involve any specific promotion of its cultural aims or any participation in its propaganda. It may, for example, be excusable as an erroneous view adopted in all innocence, or under the influence of a sort of mass psychosis, because of terrorist intimidation, or because a refusal might have fateful consequences...³⁰

These guidelines were a clear attempt by the episcopate to appease the growing multitudes of German Catholics in late 1932 who, as Rudolf Morsey pointed out, were "on the path to the Right."³¹

While German Catholics generally supported the episcopal stand during this period, it should not be forgotten that opposition to National Socialism did not include the entire population of German Catholics. Not only was collaboration with Hitler gradually increasing among Catholics on the Right, there was also a growing tendency within the two Catholic parties to seek a working relationship with the Nazis. After the dismissal of Brüning on May 30, 1932, for example, leaders

of the Center Party started negotiations with the Nazis in hopes of forming a coalition government. The talks began on August 13 and continued for weeks, causing surprise and confusion within much of the Catholic community.³² The move also undercut the authority of the bishops, who had been preaching against the heresies of the Nazi movement for the past two years. The Center Party continued to negotiate with the Nazis in August, September, and November of 1932, believing they could tame their prospective associates.³³ Even the Catholic press, normally energetic in its support of the Church, tempered its opposition to National Socialism over time. This change in policy was the result of relentless harassment and acts of terror on the part of the Nazis.³⁴

The Vatican followed the situation in Germany closely during this period. Its statements and actions suggest that, over time, it too became more accommodating to the Nazi position than the German bishops. Two months after the Mainz incident the Osservatore Romano, unofficial voice of the Vatican, delivered a sharp attack on National Socialist philosophy. The statement was made on January 21, 1931, shortly before the Bavarian declaration, and emphasized that Church authorities in Mainz were rebelling "not against the political goals and interests that they [National Socialists] strive for or represent, but rather against the principles contained in their program which are irreconcilable with Catholic teaching."³⁵ The British Chargé d'Affaires to the Holy See had earlier written his Foreign Office, "Cardinal Pacelli was at pains to point out to me that the Bishop of Mainz was acting on his own initiative."³⁶ In March 1931 Pius XI gave an address in Rome which

criticized the arbitrary application of Christian ideas. Otto von Ritter, Bavarian Ambassador to the Vatican, covered the main points in his report on March 17:

German National Socialism can certainly apply here, although they have not been expressly referred to in this relationship by the Pope....It was considered judicious by the Pope, after the comments already published by the German bishops, to temporarily leave this question alone. But he certainly also had National Socialism in mind in his address and his warning was perhaps even directed to them above all. For the Vatican pursues, as I have already reported in other places, with no mistaken anxiety the threats of National Socialism to religion and the Church.³⁷

In early May 1931 Hitler sent Göring to Rome to ease the tensions among German Catholics and to present the goals of his party to the Cardinal Secretary of State. Not wanting to bestow recognition on the Nazi Party at the expense of the German bishops, Pius XI had Under Secretary of State Monsignore Giuseppe Pizzardo meet with Göring in place of Pacelli. Ritter's report to Munich on May 11 notes, "The Vatican intention in this matter, as I have learned in strict confidence, is to...leave the German bishops free reign in the development of matters."³⁸ After an audience with the Pope in December 1931, Ritter quoted the Pontiff as saying that the "widespread anti-Christian principles" of National Socialism and the Party's "inability to come to an agreement with the bishops in Germany" would make it "very difficult, if not impossible to form a coalition with them." Nevertheless, the Pope admitted that "a temporary working relationship is perhaps possible for the distinct purpose of preventing a still greater evil."³⁹

These reports by Ritter conceal the diplomatic machinations already at work within the Vatican. In August 1931, not quite three months after Göring's visit to Rome, Pacelli met with Brüning in the Vatican and

pressured the Chancellor to form a coalition with the Nazis. Brüning's firm refusal temporarily ended discussion of the matter.⁴⁰ However, a report sent to Rome on January 4, 1932 by the Italian Ambassador to Berlin, Orsini-Baroni, points out a persistent interest on the part of the Vatican. The report claims that Brüning had received advice from the Vatican through Monsignore Kaas that he should work toward an understanding with Hitler.⁴¹ Vatican intentions were also bared in the spring of 1932 with the appointment of a new archbishop in Freiburg. Instead of confirming a choice by the archdiocese of Freiburg, a custom in effect for a hundred years, the Vatican appointed Dr. Mathias Gröber, a man not wanted by the Freiburg diocese. Gröber made a revealing initial speech to the clergy of his diocese, declaring that the Church must gradually assume a more conciliatory and more "prudent" attitude toward National Socialism. It must, as Gröber put it, "put on the brakes."⁴²

When Hitler was appointed Chancellor by President Hindenburg on January 30, 1933, the German bishops remained steadfast in their rejection of National Socialism. Cardinal Faulhaber spoke for the feelings of the majority of the episcopate when he declared in a pastoral letter on February 10 that the principles of Christian political science do not change as governments change.⁴³ But Hitler's position as the legal head of the German government placed the bishops in an uncomfortable situation. Catholic political theory held that while God is the source of all political authority, the agency to exercise that authority is designated by the people. Despite reservations at times, the Church has historically adapted itself to all types of political regimes as

long as guarantees to family, property, and Church were honored.⁴⁴ The German bishops obviously believed that National Socialism did not meet these qualifications, but they had extreme difficulty in convincing many German Catholics.⁴⁵ What started out to be a repudiation of the Nazi Party became, in the eyes of many Catholics, a rejection of the legal government. Interestingly enough, when the ban was finally lifted these same people were quick to read into it a recommendation of National Socialism.

Catholic leaders were deeply concerned during the month of February about the Reichstag elections set by Hitler for March 5. In the weeks prior to the election the Catholic parties faced constant persecution--election headquarters and newspaper offices were sacked, meetings were prohibited, posters confiscated, and Catholic civil servants dismissed. Rudolf Morsey affirms: "From the middle of February on a concentrated wave of National Socialist terror spread over the Center Party."⁴⁶ Writing to members of the Fulda Bishop's Conference on February 11, Cardinal Bertram recommended an episcopal statement before election day. "Unpleasant as it is to publish a pastoral letter dealing with political elections," he wrote, "I find weighty reasons to satisfy the expectations of the people who are face to face with atheism, the danger of Kulturkampf, and systematic attempts at terror and deception."⁴⁷ Bertram's draft received the support of the Fulda bishops and was published on February 20. Almost identical to the statements issued before the elections of July and November 1932, it encouraged Catholics to vote for representatives "whose proven character and proven attitudes" reflect a concern for the rights of the Church, and to be aware

of "agitators and parties not worthy of the confidence of Catholics."⁴⁸ Confusion about where Nazi Party representatives stood caused several bishops to issue clarifying statements. Bishop Kaller of Ermland, for example, instructed his diocese on February 25:

Although National Socialism displays certain attractive features and raises many legitimate claims, we must refuse to support it as long as it adheres to those principles which the German bishops have rejected as being heresy.⁴⁹

The elections on March 5 took place amid an atmosphere of propaganda and terror.⁵⁰ While the Nazi Party still failed to win an outright majority, receiving only 43.9 per cent of the votes cast, they did enjoy the advantage of a majority coalition with the German Nationalists. The Catholic parties held their own, although the Bavarian People's Party suffered some considerable losses.⁵¹ The election results had two significant consequences for the Catholic Church in Germany. First, the Center Party had lost its decisive position in the Reichstag and was no longer able to protect the interests of the Church. Second, the Nazi Party secured the legal machinery of state to threaten those interests. The combination was to prove fatal to the Catholic parties and painful to the Church.

Pressures on the German episcopate were compounded in the weeks following the elections. Many Catholics were counted among the "March casualties," those who willingly joined the Nazi Party.⁵² The wholesale dismissal of Catholic civil servants, the uncertain position of numerous Catholic organizations, and the urgent requests by the clergy for instructions added to the pressure.⁵³ The bishops were also concerned about the Gleichschaltung of the Länder governments. In the two weeks following the elections, Reich Commissioners had replaced the

legally constituted governments in Württemberg, Baden, Bremen, Hamburg, Lübeck, Saxony, Hessen, and Bavaria.⁵⁴ Bertram wrote President Hindenburg on March 10 declaring, "The hour has come when we must turn to the Reich President with the urgent request for protection for the Church and church life and activities."⁵⁵ Archbishop Gröber expressed his written concern to Pacelli on March 18 that growing numbers of Catholics were moving over to the Nazi Party in the midst of what appeared to be another Kulturkampf.⁵⁶ Faulhaber expressed the same concern to the Cardinal Secretary of State ten days later, writing: "Many bishops are greatly concerned that we are on the verge of a powerful Kulturkampf against the Catholic Church."⁵⁷

The pressure on the bishops to withdraw their ban did not always take the form of terror or harassment. At this early stage Hitler had no intentions of a direct confrontation with the Catholic Church. Before coming to power he had remarked to his friend, Arthur Dintner, "Do not imagine that I shall commit Bismarck's mistake. He was a Protestant and did not know how to handle the Catholic Church. Providence has made me born Catholic. I know how to."⁵⁸ The subtleness of Hitler's methods was described to Pacelli in a letter from Faulhaber on March 28. The Cardinal recounted an official radio report on the evening of March 21 which explained that the Chancellor and Reichsminister Goebbels would not participate in Church services because

the Catholic bishops of Germany have, in a series of explanations in the recent past, designated the leader and members of the National Socialist Party renegades of the Church. They will not be allowed to partake of the sacraments. To date these explanations have not been withdrawn.⁵⁹

Hitler was also careful to cultivate Catholic religious interests while

at the same time attacking "political Catholicism." On February 22 the Prussian government decreed the gradual abolition of the interdenominational schools and reintroduced religious education in the vocational schools.⁶⁰ A law announced on February 27 recognized seven Catholic feast days as legal holidays.⁶¹

The passage of the Enabling Act on March 23 confirmed the inability of the Catholic parties to protect the Church and was another factor in the decision by the bishops to retract their ban. Hitler's plans for the Enabling Act were taken up in the March 7 cabinet meeting. Göring stressed the necessity of winning over the Center Party since passage of the act required a two-thirds majority in the Reichstag. Papen then reported on a conversation he had a day earlier with Ludwig Kaas, Chairman of the Center Party. According to von Papen, Kaas explained "that he was without the earlier close contact of his party and was no longer ready to follow the course of the past." Reportedly, Kaas also offered von Papen the cooperation of the Center.⁶² Whether for this or other reasons, the confidence in Nazi circles that the Center Party would approve the law was great from the beginning.⁶³

Hitler and Wilhelm Frick, Minister of the Interior, met with Center leaders Kaas, Adam Stegerwald, and Albert Hackelsberger between March 20 and 22 to discuss the conditions under which the Center Party delegates would vote for the law. Among the demands which Hitler agreed to were promises to maintain the existence of the German states, to not use the new power to change the constitution, to retain civil servants belonging to the Center Party, to protect confessional schools, and to respect the state concordats. Hitler also agreed to mention these

promises in a radio address to be broadcast on March 23, the day of the vote.⁶⁴ Following Hitler's radio address, the Center and Bavarian People's parties cast their most decisive votes ever in the Reichstag.

In the weeks prior to March 28 there were numerous signs that the Vatican and the German episcopate did not see eye to eye on the Nazi situation. An article in La Corrispondenza in Rome on March 13 claimed that a positive change would take place in the attitude of the German bishops and the Center vis-a-vis National Socialism which would lead to further developments. The Catholic paper, L'Avvenire d'Italia, reported from Rome on March 17 that the desire exists in the Vatican for the German bishops to work together with the government. The correspondent in Rome for Le Temps reported on March 16 that a turn in the Vatican toward friendly relations with Hitler was imminent.⁶⁵ More concrete evidence was provided by Cardinal Faulhaber on his ad-Limina visit to Rome between March 9 and 17. During an audience with the Pope, Faulhaber was apprised that Hitler was "the first statesman that had spoken out against Bolshevism."⁶⁶ In an address before the Consistorium on March 13, Pius XI heaped indirect praise on the new German government for the same reason. After returning to Germany Faulhaber reported to the Bavarian episcopate that for reasons he "could not communicate here" but "had been through with the highest officials in Rome," they [the bishops] were, "in spite of everything, to practice more tolerance against the new government."⁶⁷ The correlation between the proceedings in Rome and the later decisions in Germany was made by Faulhaber in a report at the Bavarian Bishop's Conference on April 20:

A declaration [by the bishops] was essential and our situation through the behavior of Rome tragic. My Rome trip confirmed

to me what we already long suspected. In Rome they judged National Socialism like Fascism as the only deliverance from Communism and Bolshevism.⁶⁸

Much has been written about the March 28 declaration in an effort to explain why the German bishops changed their minds so quickly and acted in such haste. Extensive treatment has also been given to the contents of the statement itself—What did the bishops actually say? Did they really mean to say what everyone thought they had? Finally, the consequences of the statement for the German populace has been thoroughly analyzed.⁶⁹ Still, the absence of the Vatican documents and the silence of some key individuals has failed to close the chapter on this event. In fact, the March 28 declaration is today the focus of a more complex question: Was there a conscious relationship between it, the Enabling Act, and the beginning of the Reichskonkordat negotiations?⁷⁰

We have a relatively clear idea of the deliberations of the German episcopate in their correspondence leading up to and following March 28. The abruptness of their change in attitude and the urgency with which it was made public are especially evident. In a letter to the Fulda bishops on March 19 Bertram inquired whether the time had come for a revision of the Church's attitude toward National Socialism. His own view was that "the situation was not sufficiently clear" to issue a common statement and that "the change in political conditions cannot be the occasion to revise an opinion resolved on Church principles."⁷¹ In the same letter he mentioned a visit by von Papen on the previous day (March 18) in which the Vice Chancellor asked him whether the Church would revise its stand on National Socialism. "I pointed out," wrote Bertram, "that any revising must be done by the leader of National

Socialism himself."⁷² Several bishops expressed their desire for an immediate general statement, however.⁷³ Archbishop Gröber wrote Bertram on March 22:

As far as a common declaration to the Catholic people is concerned, an urgent demand for one by us in the south is confirmed. Many circles have already approached me....I beg⁷⁴ your eminence to take this into consideration once again.

Hitler's address to the German people on March 23 (the same day as the Enabling Act) appears to be the pivotal cause for the sudden shift in the bishops' attitude. Almost everything that the Church held closest to its heart Hitler promised:

The national government regards the two Christian confessions as the weightiest factors for the maintenance of our nationality. They will respect the agreements concluded between them and the federal states. Their rights are not to be infringed....The national government will allow and secure to the Christian confessions the influence which is their due both in the school and in education....The government of the Reich, who regard Christianity as the unshakeable foundation of the morals and the moral code of the nation, attach the greatest value to friendly relations with the Holy See and are endeavoring to develop them.⁷⁵

Bertram sent a circular to members of the episcopate the next day, remarking that Hitler's policy speech made the various drafts in response to his March 19 letter "out of date." He argued that "a public proclamation is now definitely advisable" and that it would be "especially effective if it can be issued in the next few days."⁷⁶ A draft resolution was enclosed along with the request that comments and suggestions be forwarded immediately. In a letter to the Bavarian episcopate on the same day, Faulhaber confirmed that the recent clarification by the Chancellor had created a new situation. He also noted that because of the demand by the clergy for clear instructions, the bishops could no longer wait to determine the position of the new governments

(both state and national) toward the Church.⁷⁷ Bertram expanded on the reasons which necessitated a change in attitude toward National Socialism in another circular to the episcopate on March 25:

1. Waiting to see if the generous promises of the government, as outlined in the Chancellor's policy speech, are realized can take years....Nothing could be worse than that.
2. In the big Catholic cities, where closed formations of the SA are not presently admitted to Catholic services, church attendance is made mandatory by command of the leaders. The result is that Catholic members of the SA flock full-force to Protestant churches.⁷⁸

On March 27 Bertram informed the episcopate that members of the Fulda Bishop's Conference had, by vote, settled on a final statement. He added that discussion of every individual draft formulation sent in would cause too much of a correspondence delay to be feasible. Besides, a large number of bishops "requested him not to wait an hour longer." Bertram also apologized to the Bavarian episcopate for not being sufficiently aware of the special conditions in their dioceses.⁷⁹ The Bavarian bishops were understandably upset, but Faulhaber telegraphed Bishops Preysing, Ow-Felldorf, Buchberger, and Sebastian on March 28 that he had given his assent to Bertram's draft "for the sake of unity among the bishops and within the pastoral ranks."⁸⁰ Thus, the declaration published on March 28 appeared to represent the consensus of the entire German episcopate.

The text began by stating that over the past few years the German bishops had adopted a disapproving attitude toward the National Socialist movement out of their concern for the purity of Catholic faith and the preservation of the vital interests and rights of the Church. Their prohibitions and warnings were to have remained in effect as long and insofar as the reasons prompting them existed. The text

then reads:

It has now to be recognized that in solemn, public pronouncements by the supreme representative of the Reich government, who at the same time is the authoritative leader of that movement, account was taken of the inviolability of Catholic doctrine and of the immutable obligations and rights of the Church. Moreover, the Reich government expressly recognized the complete validity of the concordats made between the Church and the individual German provinces. Without therefore departing from the condemnation of certain religious and moral errors voiced in our earlier measures, the episcopate believes it has ground for confidence that the general prohibitions and warnings mentioned above need no longer be regarded as necessary.⁸¹

A sentence of greater impact and intent appears later in the declaration:

Catholic Christians, for whom the voice of their Church is holy, have no need, even at the present time, for any special exhortation to be loyal to the legal authorities, to carry out their civic duties conscientiously, or to reject as a⁸² matter of principle all illegal or subversive activities.

Did the bishops believe that a withdrawal of their ban would at the same time signal a recommendation of National Socialism? Bertram certainly did not think so. In a letter to Gröber on March 27, the same day the draft was completed, he wrote, "Your friendly remarks to the declaration arrived just after the sending of the final completed draft. I, also have the feeling...that it can scarcely be taken as a document of political approval."⁸³ An unsigned and undated statement, prepared confidentially for use by the Catholic press, has been found among Gröber's literary remains. It shows a concern for false interpretations which might ensue following the publication of the declaration:

Because the statement of the episcopate, as soon as the affairs of public life warrant, can be interpreted in many ways by political party organs which correspond in no way to the intentions of the authors, it should be most humbly stated...

that the declaration of March 28 is in no way an absolute recommendation of National Socialism.⁸⁴

Faulhaber had no illusions about the significance or impact of the declaration. In a letter to Bishop Kasper Klein of Paderborn on March 29, he expressed his fears that it would have a particularly crushing impact on those Catholics most faithful to the Center and Bavarian People's parties. At the same time, he conceded that this step was necessary "for the larger Catholic cause."⁸⁵ Faulhaber wrote Austrian Bishop Johannes Gfollner on April 3 that a number of reasons had entered into the episcopate's decision. Among them was the belief that the Holy Father's public praise of Hitler was at the same time a criticism of their ban. He added that

the bishops are now experiencing the tragedy that they are distrusted and under suspicion because they change their mind in deference to the higher questions of life outlined in Rome and must remain silent concerning the deeper motives of their statement.⁸⁶

Without question the March 28 declaration represented a sharp reversal of the episcopate's earlier position on National Socialism. Simply summarized, a ban had been placed on the Nazi Party in early 1931, consistently sustained over a two-year period, and suddenly withdrawn in March 1933. What took four months of deliberation to establish was removed in less than four days. The March 28 declaration, together with the Enabling Act, ushered in yet another change in the relationship between the Catholic Church and the German state (rapidly becoming the Nazi state). It also made a Reichskonkordat agreement, in the planning stages since 1920, at once more pressing and feasible. Until the conclusion of the Reichskonkordat the bishops would become mostly spectators as the Vatican and Nazi government

shaped the destiny of German Catholics.

Notes to Chapter II

¹ Lewy, p. 7. Article 24 of the NSDAP was adopted on February 20, 1920 and demanded

liberty for all religious denominations in the state, so far as they are not a danger to it and do not militate against the morality and the moral sense of the Germanic race. The Party, as such, stands for positive Christianity, but does not bind itself in the matter of creed to any particular confession.

² Ernst Deuerlein, Der Deutsche Katholismus, 1933 (Osnabrück: Fromm, 1963), p. 46.

³ Karl Dietrich Bracher, Die Auflösung der Weimarer Republik (Stuttgart-Düsseldorf, 1955), p. 91.

⁴ Rosenberg's 700-page work was published in 1930 and sold more than half a million copies in ten years. Hitler was careful to distance himself from the man by claiming that Rosenberg was a Protestant and his book was not recognized by the Nazi Party.

⁵ Ludwig Volk, Der Bayerische Episcopat und der Nationalsozialismus, 1930-1934 (Mainz: Matthias-Grünwald-Verlag, 1966), p. 22.

⁶ Lewy, p. 9.

⁷ Volk, Bayerische Episcopat, pp. 23-24.

⁸ Ibid., pp. 24-26.

⁹ Ibid., p. 26.

¹⁰ Ibid., p. 25.

¹¹ Ibid., p. 26.

¹² Lewy, p. 8.

- 13 Lewy, p. 8.
- 14 Volk, Bayerische Episcopat, p. 27.
- 15 Ibid., pp. 26-27.
- 16 Ibid., p. 27.
- 17 Müller, Dokumente, p. 6.
- 18 Lewy, p. 10.
- 19 Ibid., p. 11.
- 20 Volk, Bayerische Episcopat, p. 29.
- 21 Lewy, p. 11.
- 22 Volk, Bayerische Episcopat, p. 32.
- 23 Lewy, p. 14.
- 24 Müller, Dokumente, p. 41.
- 25 Ibid., pp. 7-8.
- 26 Ibid., p. 9.
- 27 Erich Matthias and Rudolf Morsey, Das Ende der Parteien 1933
(Düsseldorf: Droste Verlag, 1960), pp. 774-75.
- 28 Ibid., p. 782.
- 29 Müller, Dokumente, p. 43.
- 30 Ibid.
- 31 Matthias and Morsey, p. 299.
- 32 Lewy, pp. 21-22.
- 33 Detlef Junker, Die Deutsche Zentrumspartei und Hitler 1932-33
(Stuttgart: Ernst Klett Verlag, 1969), pp. 86-126.
- 34 Rudolf Morsey, "Die katholische Volksminderheit und der Aufstieg des Nationalsozialismus 1930-1933," in Kirche, Katholiken und Nationalsozialismus, ed. by Klaus Gotto and Konrad Repgen (Mainz:

Matthias-Grünwald-Verlag, 1980), p. 58.

³⁵ Deuerlein, pp. 51-2.

³⁶ Rhodes, p. 166.

³⁷ Deuerlein, pp. 52-3.

³⁸ Ibid., p. 53.

³⁹ Ibid., p. 55. Bishop Buchberger of Regensburg responded to the question of the lesser of two evils in a July 1932 address in Waldsassen with the remark:

If National Socialism really will be a savior of the Christian religion before the assault of Bolshevism and Marxism, then it must above all reflect on the words of God, that you cannot exorcise the devil with the help of Beelzebub.

Volk, Bayerische Episcopat, pp. 44-5.

⁴⁰ Klaus Scholder, "Altes und Neues zur Vorgeschichte des Reichskonkordats," Vierteljahrshefte für Zeitgeschichte, 26 (1978), p. 546.

⁴¹ Ibid., p. 561.

⁴² Konrad Heiden, Der Feuhrer: Hitler's Rise to Power, trans. Ralph Manheim (Boston: Houghton Mifflin, 1944), p. 456.

⁴³ Volk, Bayerische Episcopat, p. 51.

⁴⁴ Pinson, p. 175.

⁴⁵ It was neither helpful to the episcopate nor consistent in the eyes of many Catholics that Center Party leaders held talks on January 30 and 31 to seek inclusion in Hitler's cabinet. These meetings were taking place amid rumors that the Vatican was anxious for German Catholics to come to terms with Hitler. In his first radio address on February 1 Hitler was at the same time assuring his religious audience that members of his new government "would preserve and defend those

basic principles on which our nation has been founded. They regard Christianity as the foundation of our national morality and the family as the basis of national life." (Lewy, p. 25)

⁴⁶ Matthias and Morsey, p. 348.

⁴⁷ Lewy, p. 28.

⁴⁸ Müller, Dokumente, pp. 63-4.

⁴⁹ Ibid., pp. 64-5.

⁵⁰ One week earlier, on February 27, the Reichstag building went up in flames, causing many people to swallow the Nazi claim that it was a signal for a Communist uprising. Hitler was able to secure a decree from President Hindenburg on the following day which, in effect, allowed him to suspend civil rights and liberties among his political opposition.

⁵¹ Matthias and Morsey, p. 791.

⁵² Craig, p. 577.

⁵³ Lewy, p. 31.

⁵⁴ Craig, p. 576.

⁵⁵ Bernhard Stasiewski, Akten deutscher Bischöfe über die Lage der Kirche 1933-1945, Band 1: 1933-1934 (Mainz: Veröffentlichungen der Kommission für Zeitgeschichte bei der Katholischen Akademie in Bayern, Reihe A, Band 5, 1968), pp. 7-8.

⁵⁶ Ibid., pp. 9-10.

⁵⁷ Ludwig Volk, Kirchliche Akten über die Reichskonkordatsverhandlungen 1933 (Mainz: Veröffentlichungen der Kommission für Zeitgeschichte bei der Katholischen Akademie in Bayern, Reihe A, Band 11, 1969), p. 7.

⁵⁸ Rhodes, p. 167.

⁵⁹ Volk, Kirchliche Akten, p. 6.

⁶⁰ Helmreich, p. 155.

⁶¹ Lewy, p. 43.

⁶² Matthias and Morsey, pp. 355-56. On the critical roles played by Kaas and von Papen leading up to the Enabling Act see Karl Otmar Freiherr von Aretin, "Pralat Kaas, Franz von Papen, und das Reichskonkordat von 1933," Vierteljahrshefte für Zeitgeschichte, 14 (1966), pp. 252-79.

⁶³ In a March 15 cabinet meeting Hitler remarked, "The handing over of the Enabling Act in the Reichstag with a two-thirds majority will...meet with no difficulties." An entry in Goebbels' diary on March 20 reads, "We have news that the Center will also accept it [the Enabling Act] in the Reichstag." Klaus Scholder, Die Kirche und das Dritte Reich, Band 1, Vorgeschichte und Zeit der Illusionen 1918-1934 (Frankfurt/Main: Propyläen, 1977), pp. 311-12.

⁶⁴ Matthias and Morsey, pp. 358-61.

⁶⁵ Ibid., p. 357.

⁶⁶ Ludwig Volk, Das Reichskonkordat vom 20. Juli 1933. Von den Ansätzen in der Weimarer Republik bis zur Ratifizierung am 10. September 1933 (Mainz: Veröffentlichungen der Kommission für Zeitgeschichte bei der Katholischen Akademie in Bayern, Reihe B, Band 5, 1972), p. 65.

⁶⁷ Ibid.

⁶⁸ Ludwig Volk, Akten Kardinal Michael von Faulhabers 1917-1945, Band 1: 1917-1934 (Mainz: Veröffentlichungen der Kommission für Zeitgeschichte bei der Katholischen Akademie in Bayern, 1977), p. 716.

⁶⁹ See especially: Hans Müller, "Zur Vorgeschichte der Kundgebung

der Fuldaer Bischofskonferenz vom 28. März 1933," Werkhefte, 15 (1961), pp. 258-65; Hans Müller, "Zur Interpretation der Kundgebung der Fuldaer Bischofskonferenz vom 28. März 1933," Werkhefte, 16 (1962), pp. 196-200; and, Ludwig Volk, "Zur Kundgebung des deutschen Episkopats vom 28. März 1933," Stimmen der Zeit, 173 (1963/64), pp. 431-56.

⁷⁰ See Klaus Scholder, Die Kirche und das Dritte Reich, Vol. 1, Part 2, Chapters 2 and 8; Klaus Scholder, "Altes und Neues....," pp. 559-67; and Konrad Repgen, "Über die Entstehung des Reichskonkordats Offerte im Frühjahr 1933 und die Bedeutung des Reichskonkordats," Vierteljahrshefte für Zeitgeschichte, 25 (1978), pp. 499-534.

⁷¹ Stasiewski, Akten deutscher Bischöfe, p. 12.

⁷² Ibid., p. 13.

⁷³ Several writers, including Volk and Scholder, have made this observation without listing any names. Instead, they have cited as a reference, Hans Schlömer, "Die deutschen Bischöfe und der Nationalsozialismus. Zur Vorgeschichte der bischöflichen Erklärung vom 28. März 1933," Deutsche Tagespost, 15/16 September 1961. I have not been able to obtain a copy.

⁷⁴ Stasiewski, Akten deutscher Bischöfe, pp. 13-14.

⁷⁵ Lewy, p. 35.

⁷⁶ Müller, Dokumente, p. 76.

⁷⁷ Stasiewski, Akten deutscher Bischöfe, pp. 16-17.

⁷⁸ Ibid., pp. 24-5.

⁷⁹ Ibid., p. 29.

⁸⁰ Volk, "Zur Kundgebung....," p. 436. The "consensus" of the Bavarian and Fulda bishops did not carry over to the question of pastoral

instructions. Bertram issued instructions for the clergy in the northern church provinces immediately on March 29. Faulhaber delayed his final draft of instructions for the Bavarian clergy until April 5 because of the numerous proposals sent in by his fellow bishops. His final draft was once again more specific and less open-ended than that of Bertram. (Stasiewski, Akten deutscher Bischöfe, pp. 33-38)

⁸¹ Ibid., pp. 30-1.

⁸² Ibid., p. 77.

⁸³ Volk, "Zur Kundgebung...", pp. 449-51.

⁸⁴ Ibid., p. 451.

⁸⁵ Rudolf Morsey, Der Untergang des politischen Katholizismus: Die Zentrumsparlei zwischen christlichem Selbstverständnis und "Nationaler Erhebung" 1932/33 (Zurich: Belser, 1977), p. 155.

⁸⁶ Stasiewski, Akten deutscher Bischöfe, pp. 48-9.

CHAPTER III

TOWARD A REICHSKONKORDAT AGREEMENT: MARCH 28, 1933 TO JULY 20, 1933

It is easy to gain the impression that the Reichskonkordat was strictly a product of the Nazi era and was limited in its significance to 1933. Such an impression is easily made by the fact that scholars themselves disagree on the question of continuity of negotiations between Weimar and Nazi periods.¹ But the Reichskonkordat was clearly the culmination of thirteen years of effort (however futile prior to 1933) and failing to consider it in its entirety gives a narrow focus to a complicated situation. That many of the key personalities were involved in both periods of negotiation by itself justifies a brief survey of development.

A concordat covering all Germany had never been probable in a situation where individual states retained the right to deal with religious bodies and regulate church-state affairs within their borders.² The Constitution of 1871, in fact, left religious matters entirely in the hands of the Länder, which made any general concordat impossible. Article 10 of the Weimar Constitution, however, gave the Reich government the right to legislate important principles in the areas of religion and education. The centralizing tendencies and expanded powers of the new Weimar government thus made a Reichskonkordat at least theoretically possible.³ More important, both the Reich government and the

Vatican supported the idea of such a concordat in the early Weimar years. Favorable relations with the Holy See were valued by Germany at this time for both foreign and domestic reasons. For the German government, signing an agreement which would make concessions on internal issues was a desirable tradeoff for Vatican support in international affairs. On its part the Vatican was following a policy of legally defining relationships with states newly-created by the war and redefining relationships with others altered by the war. As we have already seen, the Vatican was deeply fearful of the radical Left (including liberals) and the prospect of a secularized society marked by a separation of Church and State. It also feared the breaking up of confessional schools and an end of state support for the churches. A high priority was placed on concluding an agreement with Germany.

Reichskonkordat negotiations immediately became complicated in January 1920 when Bavaria began to negotiate its own treaty with Rome. The Bavarian government, as well as the Bavarian episcopate, had always viewed their concordat with Rome (1817) as a symbol of their unique status among states of the Reich. While the Weimar Constitution retracted from Bavaria all of the special privileges granted them at the time of unification (their own army, postal service, etc.), Article 78 did open the door to relations with the Vatican.⁵ Officials in Rome did not discourage the overture, believing that a predominantly Catholic state like Bavaria was likely to present fewer difficulties and make greater concessions to the Church. Thus, Pacelli, representing the Holy See in both state and Reich negotiations, informed Richard Delbrück, head of the Vatican desk at the Foreign Office, that the Bavarian accord

might not only be signed first, but might also be a model for future concordats.⁶ Reich officials were understandably concerned. Concordat legislation in Bavaria, where the Church was influential and able to exert pressure on the government for concessions, would never be approved in a general treaty by the Reichsrat, the legislative body in Germany representing all the states. Prussian Minister President, Adam Stegerwald, who was himself a Catholic, declared that the school issue would never pass the Prussian Landtag, given its composition of large numbers of Social Democrats and parties dominated by conservative Protestants.⁷

The Reich government persisted in its efforts to secure a comprehensive agreement and, in January 1921, circulated a list of its general negotiating points to the individual states for comment. By the end of January Prussia, Bavaria, Hesse, Saxony, and Württemberg--all states with sizable Catholic populations--gave negative replies. All feared that a Reichskonkordat would overshadow their authority over religious and educational matters.⁸ The greatest resistance came from Prussia and Bavaria. Prussia held firmly to the position that it would approve a Reichskonkordat only if it were valid for all Germany and if it would supercede all state concordats. Bavaria insisted that its concordat would be an international, bilateral treaty which would be constitutionally valid and could not be superceded.⁹

In addition to the particularist sentiment of the states, the ambiguity of the Reich Constitution was itself an obstacle in the way of a Reichskonkordat. The Constitution had not adequately clarified the guarantees and rights of the Church or the extent and limits of

control of the central government.¹⁰ Thus, the competencies of the two levels of government remained unclear throughout the Weimar period. Failure to pass a Reich school law, a critical precondition for negotiating with the Vatican, was largely the result of this constitutional ambiguity. (The Center and Social Democrats were also in fundamental disagreement on what the law should contain.)

By mid-1922, almost three years after the idea of a Reichskonkordat appeared, negotiations were deadlocked in the beginning stage. Without a school law and clarification of constitutional questions of competence, Berlin had to allow the Länder to negotiate first. The conclusion of a concordat with Bavaria in 1924 made a comprehensive treaty even more difficult. By this time external questions were also less pressing for the Reich government. Still, Pacelli's move to Berlin as Papal Nuncio in 1925 (he transferred his residence from Munich) kept the issue alive, and simultaneous negotiations were soon being conducted with Prussia and the Reich. More than a dozen drafts and return drafts of a Reichskonkordat text existed by 1926, when talks with the Reich government once again bogged down.¹¹ They appeared buried for good when the Prussian government signed its treaty with the Vatican in 1929.

A major problem lying outside the jurisdiction of the Länder concordats soon opened the door for further Reichskonkordat discussions. The issue of pastoral care in the armed forces of the Reich (the Reichswehr) had been a topic of discussion since 1921. Military chaplains were without regular parishes and had always been responsible to the local clergy and bishops. Pressured by the Ministry of Defense, the Reich government had been seeking the appointment of an army bishop

who would take over these responsibilities and who would have exempt status from the German bishops.¹² In March 1930 Monsignor Kaas, who was actively involved in concordat diplomacy throughout the Weimar period,¹³ informed Pacelli, now Papal Secretary of State, of the Reich's wishes. Pacelli expressed a willingness to grant the Reich an exempt army bishop if the government would accept certain Church demands. These were placed before the Foreign Ministry in a memorandum on April 23, 1931 and included a promise that financial subsidies to the Church would not be terminated without prior agreement with the Holy See, a guarantee of the rights of Catholics concerning confessional schools and religious instruction in state schools, and changes in the marriage law.¹⁴ Chancellor Brüning assured Pacelli that a Reichskonkordat containing such language would never survive a Reichstag vote. The communists would vote against it as well as many Socialists, liberals, and members of the extreme Right.¹⁵ A further condition was set by the Vatican in a pro memoria on October 25, 1932. It demanded that in case of a change in the constitution or laws of the Reich, the rights of the Church recognized in the Länder concordats would not be impaired. Von Papen, who was now Chancellor, responded favorably to these demands "for reasons of domestic politics" and encouraged further dialogue.¹⁶

But Church demands were still beyond the competency of the Reich to meet, despite its willingness at both the beginning and end of the Weimar period. Failure to conclude a Reichskonkordat resulted from such intricate problems as particularism versus centralism, constitutional uncertainties, and irreconcilable differences—both philosophical and political—on the question of the Church's role in society and in

educational affairs. Hitler's rise to and consolidation of power eliminated all of these obstacles. Fritz Menshausen, a Counselor at the Foreign Office, summed up the new state of affairs in an April 5 memorandum:

The situation has been completely altered by the new composition of the Reichstag and especially by the passage of the Enabling Act. There now exists the possibility to comply fully with the wishes of the Holy See without also involving the Reichstag. Above all it is now possible to conclude a Reichskonkordat, the realization of which until now had always failed because of the objection of the Reichstag.¹⁸

For the Vatican, which had the upper hand throughout the Weimar period, this new state of affairs made the long-coveted Reichskonkordat not only possible, but urgently necessary. The emergency powers that Hitler was able to acquire from Reich President Hindenburg on February 28 and later from the Reichstag in the Enabling Act were a two-edged sword. While they removed the Reichstag as a major obstacle to the conclusion of a treaty, they also allowed Hitler to suspend at will a constitution which provided guarantees of freedom of religion and placed the status of the Länder concordats in serious jeopardy.¹⁹ If the Vatican wished to secure legal protections and guarantees for the Church, Hitler's principal motivation for a Reichskonkordat with Rome was his desire to eliminate the Catholic clergy from party politics. This desire can be traced to his early fascination with the Italian Concordat of 1929—in particular Article 43 Section 2 which legally restricted the clergy from politics.²⁰ Hitler's offer to negotiate a treaty, carried to Rome by von Papen in early April, was based on Vatican acceptance of this article.²¹

The genesis of Reichskonkordat negotiations in the Nazi era is

still very much a mystery--and still very much debated.²² The activity of von Papen and Kaas, very prominent once official discussions commenced, is also unclear in the developing stages. Both appear to be positioned in all of the right places at the right times, however.²³ What is clear is that von Papen's trip to Rome triggered official negotiations with the Vatican and that these negotiations fell into three distinct periods. The first took place between April 10 and 18, encompassing the Vice Chancellor's stay at the Vatican. The second period lasted from April 20 to June 28 and consisted of a long period of correspondence between von Papen and Kaas, the unofficial intermediary between Pacelli and von Papen. The final stage began with von Papen's return to Rome on June 28 and ended with the initialing of the pact on July 8. The formal signing took place on July 20 and ratification followed two months later on September 10.²⁴

A brief survey of the proceedings during these periods will provide a framework from which to consider the response of the episcopate. Pacelli and von Papen first met on April 10 and reached fundamental agreement on their desire for a concordat. A second meeting was set for April 15, giving von Papen and Kaas time to formulate the major issues. All three met on April 15 and discussed articles dealing with an oath of allegiance to the State, prayers for the State, an exempt military chaplaincy, protection for Catholic organizations, and the depoliticizing of the clergy. Kaas was selected to put together a draft, which he completed by April 18. Since von Papen had returned to Berlin on the same day, the draft was mailed to the German capital. The results of this first round are truly amazing when one considers that

two years passed before initial drafts of the Prussian and Austrian concordats were fashioned.²⁵

Hitler's wish to eliminate the clergy from politics (Article 31 at this point) was the dominant subject in the long period of correspondence between von Papen and Kaas. After discussing Kaas' initial draft formulation of Article 31 with Hitler (it restricted the clergy to the same rules as parliamentary candidates), von Papen wrote Kaas on April 26 that it "was in no way sufficient."²⁶ On May 11 Kaas sent von Papen a revision of the article wherein the political activity of the clergy would have to be approved by the bishops, and then "only in rare cases where Church interest was especially substantiated."²⁷ Von Papen, again under instructions from Hitler, informed Kaas on May 17 that every public political function of the clergy must be categorically forbidden and that Article 31 was "a conditio sine qua non" for a Reichskonkordat.²⁸ Diego von Bergen, German Ambassador to the Holy See, made it clear on June 16 that von Papen's return to Rome for final negotiations would be based on the expectation that this demand would be granted.²⁹

The new formulation of Articles 31 and 32 that von Papen brought to Rome on June 28 (the latter dealt with the regulation and protection of Catholic organizations. The two articles would be reversed before the initialing of the treaty) reflected the progress of the Gleichschaltung in Germany. Kaas remarked to Pacelli that "they are extraordinarily harsh"³⁰ and Father Robert Leiber, secretary and close friend of Pacelli, remarked that the Reich draft was more restrictive than Article 43 of the Italian Concordat.³¹ Still, agreement on the final

text was reached in four sessions taking place over three days--Friday June 30 through Sunday July 2. Pacelli, von Papen, Kaas, and Bergen were present throughout. Archbishop Gröber, representing the German bishops, was present from July 1 on and attended the final three sessions.³² In sessions on July 1 and 2 the Vatican consented to a prohibition of clerical activity in political parties. By July 8 it was forced to accept the prohibition of clerical activity for political parties.³³

As this brief survey indicates, the German bishops were not directly involved in Reichskonkordat negotiations until the final stage, and then were represented by a single member of their body. It has already been mentioned that bishops were traditionally involved at the beginning of concordat negotiations. But the overwhelming majority of the German bishops, including Cardinals Bertram and Faulhaber, had very little knowledge of the specifics of the discussions in the months of April and May. It was not until May 22, when the die was already cast, before the episcopate was officially informed of the details. This nescience on the part of the bishops is one factor that makes it difficult to assess their reaction to the Reichskonkordat--especially in the early stages. Several reasons can be suggested for the Vatican's decision to keep the bishops in the dark, however. First, with Pacelli and Kaas in Rome there was probably the feeling that enough experience and background knowledge in German affairs was already at hand. Kaas' presence was especially valuable considering his prior work in the area and Hitler's emphasis on a political issue. Second, their track record proved that the German episcopate was too divided

to make a quick and meaningful contribution. By seeking their approval instead of their advice, the Vatican was able to expedite matters. Finally, there is the argument that the German bishops and the Vatican were in fundamental disagreement on some important questions and that this affected their early relationship during the Reichskonkordat negotiations. The Vatican knew that the majority of the bishops in April and May would never give up the Center Party and, thus, kept them in the dark.³⁴

One other factor makes it difficult to determine episcopal response to the Reichskonkordat--even when the bishops became aware of what was going on many were reluctant to talk about it (or write about it). Again, some reasonable explanations can be offered. Konrad Repgen claims that the protocol at bishop's conferences customarily includes only the conclusions of debate, not the various opinions on issues.³⁵ Bertram's insistence that everything be kept confidential at the special Fulda Conference between May 30 and June 2, however, was undoubtedly based on the realization that information was valuable. Placed in the wrong hands it could be dangerous. Not to be overlooked was the fact that it simply was not prudent to correspond openly in Nazi Germany--even at this early stage. Faulhaber warned Pacelli not to answer his March 28 letter "because my mail is being inspected."³⁶ Weihbischof Johannes Schauer of Munich-Freising was used as a courier between Faulhaber and the Vatican to pass on confidential material.³⁷ Reporting to Pacelli on his trip through Germany in August 1933, Father Leiber noted: "It must not be forgotten that most people do not say publicly or even in correspondence what they think. All correspondence is

subject to surveillance."³⁸

In spite of these limitations there is still much we can learn about the views of the German bishops toward the negotiation and conclusion of the Reichskonkordat. We can get a fairly good idea of their individual and collective position on the necessity of an agreement and the major issues involved. By examining each of the periods of negotiation separately, we can also see how their thinking changed over time as it responded to changing conditions. Those bishops who participated in discussions dealing with the Concordat offer us added insight into their motivations. Finally, we can judge to some extent how much influence the bishops had with the Vatican and how much they were influenced by the Vatican.

The initial phase of Reichskonkordat negotiations must be seen against a background of the Gleichschaltung taking place in Germany to understand the preoccupation of the episcopate at the time. On March 31, just three days after withdrawing their ban, the government issued a "preliminary law for the coordination of the land of the Reich." It gave the state governments the power to legislate without reference to an emergency decree or to a parliamentary majority. The "second law for the coordination of the states with the Reich" was issued on April 7 and called for the appointment of Reich Governors in all the states. These governors were empowered to appoint and remove local governments, dissolve the diets, and appoint and dismiss state officials and judges.³⁹ Both actions were in contradiction to Hitler's promises on March 23 to maintain the existence of the German states and not to use his new powers to change what had been mandated

in the Constitution. The bishops were naturally worried about the maintenance of the Länder concordats.

A more immediate threat, however, was the severe pressure placed on Catholic organizations to conform and the persecution of Catholic political and civil servant officials. Cardinal Bertram aired his misgivings to President Hindenburg on April 6, complaining about the brutal attacks, house searches, general threats, and dismissal of Catholic civil servants "despite years of experience and loyalty."⁴⁰ On April 8 Cardinal Schulte of Cologne met with Archbishop Klein of Paderborn and Bishop Berning of Osnabrück to draw up a pastoral letter voicing "the deep anxiety and worry of the bishops that the past days of national revival have been days of undeservedly bitter suffering for many loyal Catholic citizens and officials."⁴¹ Acting in unison with these western church provinces, Cardinal Bertram and Archbishop Gröber issued similar pastoral statements on April 12 and 15 on behalf of the eastern and Upper Rhenish church provinces.⁴² Bertram also sent letters to Interior Minister Wilhelm Frick on April 12,⁴³ Labor Minister Franz Seldte on April 15,⁴⁴ and Hitler himself on April 16 protesting these conditions.⁴⁵

Faulhaber informed the Bavarian episcopate of the need for a pastoral statement on April 12. In his circular he wrote that the bishops "cannot remain silent concerning the flood of violence and hate that is now sweeping over the country," adding that he received complaints daily "about why the Church could remain silent through everything."⁴⁶ The Bavarian bishops met in Regensburg on April 20 and, like Bertram, decided to send letters of protest to key government officials.

Hitler, Seldte, Culture and Education Minister Hans Schemm, and State Interior Minister Adolf Wagner were all targeted for letters. There is no mention of the Reichskonkordat as a possible brake on the Nazi government (Hitler had received the initial draft in Berlin by this time). Rather, the Bavarian bishops directed their concerns and hopes to the maintenance of the Bavarian Concordat.⁴⁷

Though not officially informed of the details of the Reichskonkordat, the bishops were certainly aware that an agreement was being negotiated and they had a good idea what the major issue was. On March 30 the Tagliche Rundschau praised the bishop's declaration withdrawing their ban but insisted that only a Reichskonkordat, which the paper pointed out was already under way, could bring about a final reconciliation.⁴⁸ The Parisan Journal offered a rather complete picture of what was transpiring between Berlin and the Vatican on April 6. The Berlin correspondent of the paper reported that

Chancellor Hitler has made overtures to the Vatican relative to the conclusion of a concordat. One of the main points is to forbid the German Catholic clergy...to be elected as political representatives.⁴⁹

News of a similar nature was spreading through Munich at about the same time. On April 10 Anton Scharnagl, a canon lawyer in the city, wrote Pacelli that Faulhaber rejected an elimination of the clergy from political parties because "it would appear as a retreat before the demands of National Socialism" and would "produce confusion in the ranks."⁵⁰ Munich Professor Franz Eggersdorfer wrote Vicar General Riemer of Passau on April 12: "Concordat--Pope like Pacelli for Reichskonkordat... The future of the German Catholics appears to be decided entirely in Rome. The consequence of progressive centralism."⁵¹

One member of the episcopate who received early news from the Vatican was Archbishop Gröber. He had worked with Kaas on the Baden concordat the previous year and had close ties to Father Leiber. In a letter to Leiber on April 15 Gröber expressed his hope "that the Reichskonkordat will not spoil for us the benefits of the Baden concordat."⁵² Five days later, on April 20, Leiber gave Gröber a detailed briefing of the Kaas draft sent to Berlin on the same day. He wrote that Article 43 Section 2 of the Italian Concordat "does not enter into the picture. A settlement will be made which will be very suitable for the ordinariat."⁵³ Leiber's letter was not sent without the previous knowledge of Pacelli.⁵⁴

The idea of a special bishop's conference to meet after Easter, discuss the situation of Catholics in Germany, and issue a common statement was first suggested by Bertram on April 3.⁵⁵ In preparation for this conference representatives of the German church provinces met in Berlin on April 25 and 26. Chaired by Bishop Berning of Osnabrück, this Metropolitan Conference was to assess the growing threat to the Church, meet with government officials for explanations, and propose suggestions for the special Fulda Conference. Their poor state of knowledge concerning the Reichskonkordat negotiations is strikingly revealed in the minutes of this two-day conference. Except for Prelate Föhr, who was representing the archdiocese of Freiburg at the conference and was privy to information from Gröber, most of the representatives were discussing second and third-hand news. Föhr related that a Reichskonkordat was being discussed which would contain almost all of the provisions of the Länder concordats. He reported that Article 43 of

the Italian Concordat would not be included, that confessional schools would be protected, and that Catholic associations would maintain the same status as outlined in the Church Handbook of 1930.⁵⁶

Discussions at the Metropolitan Conference also touched on the credibility of Kaas and Papen and the Vatican's perception of the episcopate. Bishop Berning recounted a conversation he had with Maria Hessberger, Chairman of the German Catholic Woman's League in Berlin. While in Rome she reportedly overheard Kaas say that "very dark times lay ahead. All Catholic organizations will be destroyed."⁵⁷ Vicar General Johannes Steinmann of Berlin suggested that as long as Kaas was dispatched as a middleman to the negotiations "all Catholic organizations will be dissolved."⁵⁸ Prelate Föhr, however, saw Kaas as a valuable person in Rome since "directives to the Center and the press could be issued through him."⁵⁹ Concerning von Papen, Berning reported that the Vice Chancellor had reassured him on questions of freedom and independence of the Church in their April 25 meeting. Papen insisted that the bishops should have no fears for the maintenance of Catholic organizations and that "a restriction of political activity for the clergy was not intended." According to the conference minutes, "the explanation of the Vice Chancellor was not believed to be reliable by any means."⁶⁰ Finally, in comments dealing with the Vatican, Prelate Föhr remarked that information coming out of the Catholic news-service reported that people in Rome expressed favor over the situation in Germany.⁶¹ Bishop Schreiber of Berlin added that "in the circles of the Cardinal Secretary of State not all measures of the German episcopate are approved of."⁶²

The bishops also shared a variety of opinions on Hitler and the goals of National Socialism at the Metropolitan Conference. Prelate Steinmann related Ambassador Bergen's view that "Hitler has good intentions. The only question is whether he is able to see them through." Canon Negwer, representing the archdiocese of Breslau, responded that "these friendly remarks must be taken with great suspicion and mistrust." Vicar General David from Cologne warned that this was the same tactic employed by Mussolini: "Be reassuring on the outside in order to work systematically within."⁶³ Bishop Schreiber and Vicar General David both suggested that the National Socialists were working toward the establishment of a Reichskirche. "What Bismarck could not bring to a finish in the Kulturkampf they hope to bring to a finish."⁶⁴ Prelate Gierse, sitting in for Archbishop Klein of Paderborn, recommended that the coming Fulda Conference give the government an ultimatum if clear explanations were not forthcoming.⁶⁵

According to the agenda of the conference Bishop Berning and Vicar General Steinmann were to meet with and discuss Church problems with Hitler. They were received on April 26 and raised four concerns of the Catholic Church: freedom of the Church, freedom of the Catholic schools, the independence of Catholic associations, and the dismissal of Catholic officials because of their beliefs or past association with the Center Party.⁶⁶ Hitler's answers, reported back to the rest of the conference members, could not help but encourage the more optimistic. In regard to the schools, a special concern of the hierarchy, he said:

Secular schools can never be tolerated because such a school has no religious instruction and a general moral instruction without a religious foundation is built on air; consequently, all character training and religion must be derived from faith.

Hitler also gave assurances on the other questions, emphasizing that he was himself a Catholic and that he attached the greatest importance to cooperation with the Church:

I am absolutely convinced of the great power and the deep significance of the Christian religion, and consequently will not permit any other founders of religion. Therefore I have turned against Ludendorff and separated myself from him; therefore I reject Rosenberg's book. That book is written by a Protestant. It is not a party book. It is not written by him as a member of the party. The Protestants can settle matters with him.

My desire is that no confessional conflict arise. I must act correctly to both confessions. I will not tolerate a Kulturkampf...I stand by my word. I will protect the rights and freedom of the church and will not permit them to be touched. You need have no apprehensions concerning the freedom of the church.⁶⁷

While the German bishops were uninformed of the details of the concordat negotiations during this first period, they kept the Vatican well-informed of the situation in Germany. Bertram appraised Pacelli of the contents of the three pastoral letters issued by the church provinces and of his own letters to Hindenburg, Hitler, Frick, and Seldte. He urged Pacelli "to take careful notice of these events and the concerns voiced by the bishops" in future discussions at the Vatican.⁶⁸ Two weeks later, on May 1, Pacelli answered Bertram's letter. He stated that the Holy Father approved of the efforts made by the episcopate and was convinced that they "will remain unperturbed and resolute until the goals of the Church are met and a new relationship with the state is reached."⁶⁹

While little headway was made in concordat negotiations during the long middle period of correspondence (April 20 to June 28), the German bishops finally became officially aware of and involved in the process. They were given an opportunity to read and discuss Kaas'

draft (actually the second) at the Fulda Conference meeting between May 30 and June 2. Their suggestions for revision and general criticisms were forwarded to the Vatican by Bertram later in June. The groundwork for the Fulda discussions of the Reichskonkordat, however, was laid at the Vatican earlier in May and involved two members of the German episcopate--Archbishop Gröber and Bishop Berning. It has been suggested that Vatican officials used these two churchmen, both of whom were sympathetic to its wishes and on favorable terms with the German government, to break the news of the concordat and shape the views of the rest of the bishops.⁷⁰ Whether true or not, both would play key roles at the Fulda Conference and in the future course of the Reichskonkordat.

The German bishops were all required to visit the Vatican every five years and share a personal audience with the Pope. Faulhaber made his visit in mid-March 1933. Bishop Berning and Archbishop Gröber were scheduled one month later. During Berning's visit between May 17 and 25, the Vatican informed him of concordat proceedings and its future intentions concerning the episcopate. In a meeting with Pacelli on May 18 Berning was assured that the Reichskonkordat would not be concluded without the consent of the bishops, that they would be able to express their opinions at the forthcoming Fulda Conference, and that a member of the episcopate would be present during the final negotiations.⁷¹ Berning's meeting with the Pope on May 20 confirmed Pacelli's promises. Pius added that the bishops should take no position at the present time on which political party the Catholics should support. "Above all," continued the Pontiff, "one must not be too optimistic. But also try

not to be too pessimistic. We must bide our time as the movement develops."⁷² In his final meeting with Pacelli on May 24 Berning made note that the Cardinal Secretary of State spoke of less favorable news on the Reichskonkordat but encouraged him to keep in touch.⁷³

Most of the story of episcopal involvement in the Reichskonkordat centers on the role of Archbishop Gröber. Gröber had distinguished himself with his earlier work on the Baden Concordat and, as mentioned earlier, cultivated friendships with Kaas and Father Leiber in the Vatican from that experience. His diplomatic skills are best described by his ability to get along as easily with Nazi officials as those of the Vatican. At any rate, Gröber was not only the first member of the episcopate to learn of the contents of the negotiations, but he also became the first to examine a draft of the treaty firsthand. This took place while he was on his ad-Limina visit to Rome between May 11 and 23. From this moment until the ratification of the concordat (and beyond) he clearly assumed a position of power. Gröber was able to present himself at the Fulda Conference one week later as "a courier from Rome" whose every comment expressed "the official line."⁷⁴ Armed with information unavailable to his colleagues, he was able to speak with confidence and dictate the flow of discussion. Gröber's knowledge was a major reason that conference members chose him to author the final pastoral statement. (This was published on June 10 and represented the first public declaration of the entire episcopate since the March 28 declaration.) No less important was the fact that the Archbishop of Freiburg was later selected to represent the rest of the bishops in the final stages of negotiations at the Vatican.⁷⁵

While precious little is known about Gröber's stay in Rome, his letter to Kaas on May 25, the day after his return home, reveals his state of knowledge of the Reichskonkordat proceedings. Gröber wrote that he had an opportunity to thoroughly examine the new draft (the same sent to Berlin on May 20) and that "the contents as well as the wording is very good." He made specific comments on several Articles, most of which were compared to the Baden Concordat. His closing remarks were that "fears are ever greater that the radical elements are winning power," and that "more and more I realize that the Reichskonkordat must be settled as quickly as possible." Only then "will a clear situation finally be created."⁷⁶

The general conference of the total episcopate which met in Fulda between May 30 and June 2 was a rarity in German church history.⁷⁷ As we have already learned, planning for the conference began in early April and was further developed in the Metropolitan Conference later that month. Letters from the heads of Catholic organizations were sent to the episcopate throughout the month of May offering proposals for consideration at the conference. The bishops had been preparing for more than a month to discuss these threats to the Church and to issue a major public statement on their position. Discussion of a Reichskonkordat draft was a last minute addition to the agenda that nevertheless had a critical impact on the content and tone of the Fulda declaration.⁷⁹

Most of our information about what was decided at the conference comes from Bertram's report to Pacelli and other correspondence after the conference broke up. Once again, very little was mentioned about the course of debate on the Reichskonkordat (or other matters) in the

protocol. The report of Bishop Ludwig Sebastian of Speyer is the only one that provides proof that discussions took place. According to his minutes of the first meeting on May 30, the bishops learned through Schreiber's meeting with von Papen that Hitler considered it a conditio sine qua non that the clergy be completely eliminated from politics. Von Papen reportedly added, however, that the bishops would have the right to select a high cleric to represent them. Cardinal Schulte strongly protested the conclusion of any treaty with the Nazis, arguing that their's was a revolutionary government which lacked respect for law and justice. No concordat could be concluded with such a government. Gröber is reported to have said that negotiations are "progressing well" and Berning that everyone should "pray for speed."⁸⁰

Bishop Preysing of Eichstatt, representing some members of the Bavarian episcopate, submitted a written petition to the conference on May 31. Its principal focus was on what position the episcopate should take toward the Nazi State in their declaration, and what the consequences of a pacifying statement would be. Preysing cautioned against the use of the phrase "new order" or "new state" in the proclamation on the grounds that "the State is the same thing as its creator, the National Socialist Party." Since the principles of the Nazi Party were still incompatible with those of the Church, he argued that the declaration should emphasize the dogmatic and ethical themes which were the grounds for judging National Socialism in the past.⁸¹ Preysing's entreaties were ignored at the conference. The compromising tone of the final declaration was, in part, a vindication of the Vatican's Reichskonkordat policy.

A better picture of episcopal reaction to the Reichskonkordat draft begins to take shape immediately after the Fulda Conference. Gröber wrote Kaas on June 3 that the bishops "were not merely in agreement with most paragraphs, they were gratefully welcome." He claimed that a number of suggestions were made at Fulda which he had to suppress "because they demanded the impossible."⁸² Gröber failed to mention that the majority of the bishops were firmly opposed to the most important article in the draft at this point--Article 31.

Bertram's report from the Fulda Conference arrived in Rome on June 22, nearly three weeks after the meeting had ended. He was heavily overworked during this period because of the illness of his close friend, Weihbischof Valentin Wojciech of Breslau. Kaas had written Bertram twice--on June 14 and 18--requesting the results, even though he had been personally appraised by Berning.⁸³ Bertram's report included suggested revisions of Articles 2, 9, 13, 14, 15, 19, 20, 21, 29, 31, and 32. Most of the recommendations involved minor changes in terminology to correspond with that in the various Länder concordats. A special annotation was made concerning Article 31, however. It read:

If the approval of canon 139 Section 4...shall read only "rare,"⁸⁴ then it will meet the demands of National Socialism to thrust aside the clergy from each and every sphere of public life. For Germany, where the Church is for the most part Volkskirche--that is, not confined to the sacristy--this would be very disadvantageous....In many thousands of parishes the priest is the only person that can influence the course of public life in the Catholic way. There is an anti-Catholic tendency which strives for a far-reaching repression of the clergy. The situation in Italy cannot be compared to that in Germany. Therefore, the repression of the clergy is doubly dangerous.⁸⁵

Kaas responded to Bertram's report on June 27 with a genuine concern

for every comment and suggestion. Regarding Article 31, however, Kaas wrote, "Opinion can be reserved here until a closer establishment of the minimum demands of the government."⁸⁶

Faulhaber's reaction to the concordat draft surfaces in a meeting he had with von Papen on June 10. He told the Vice Chancellor that "The draft is good, so good that I can scarcely believe that it will be approved." Regarding Article 43, which Faulhaber termed "the real salient point," he added, "The episcopate in Fulda was not for Article 43, but I personally declare that the concordat as a whole is so important, especially concerning the confessional schools, that I believe that it should not fail on that account."⁸⁷ This was an appraisal that the majority of the bishops (and the Vatican) would come to accept within a month. Meanwhile, Faulhaber's honesty did little to bolster the negotiating position of the Vatican.⁸⁸

The news that the majority of the bishops at Fulda were opposed to Article 31 did not surprise von Papen. He had written Bergen in late May, "I cannot imagine that the intended opinion of the German episcopate corresponds to our own represented standpoint." Von Papen feared consultation between the Vatican and the bishops because "the episcopate still falls too much under the influence of the Center Party."⁸⁹ The reaction of the bishops to the concordat draft also worried Bergen. He was particularly concerned over the possibility that episcopal resistance to specific points in the draft could delay or entirely arrest the negotiations, and suspected that Pacelli was playing the wishes of the bishops against some of the more uncomfortable government demands.⁹⁰

The question of which bishop should represent the episcopate in

the final negotiations at the Vatican was decided in late June. In his June 10 meeting with von Papen Faulhaber disclosed that his personal choice was Bishop Preysing, but allowed that "the Archbishop of Freiburg has many connections with Pacelli."⁹¹ Bertram, who took himself out of the running, nominated Bishop Joseph Vogt of Aachen. As Kaas' letter to Bertram on June 14 implied, the final decision did indeed rest with Pacelli:

Relative to the possible appointment of the Bishop of Aachen as representative of your eminence in case you are hindered, the Cardinal Secretary of State reserves⁹² his final decision until further news arrives from Berlin.

Archbishop Gröber's selection was made official on June 28.⁹³

The episcopate's views on von Papen and Kaas remained divided during this middle period of negotiations. While Faulhaber obviously trusted von Papen enough to share his personal thoughts, Bertram took a more reserved position. He wrote Pacelli on June 22 that while von Papen undoubtedly had the best of intentions, "his view of the future position of the Church in Germany is too optimistic" and "must be judged with caution."⁹⁴ In the same letter Bertram claimed that his personal representation in Rome was made less demanding because "the presence in Rome of the most worthy Prelate Kaas as spokesman of the episcopate can always be considered."⁹⁵ However, at the Fulda Conference Bishop Schreiber referred to Kaas as "a thorn in the side."⁹⁶ Faulhaber welcomed the news that a bishop would take part in the final negotiations with the comment, "A representative of the episcopate would have the advantage that Kaas would then be eliminated."⁹⁷

The Gleichschaltung was also progressing steadily throughout Germany during this middle period. For the most part the Catholic

Church and its organizations escaped the blatant acts of terror and persecution suffered by the Jewish population and the Communist and Social Democratic parties.⁹⁸ The notable exception was in Bavaria, where there was talk of a second revolution.⁹⁹ The first German Gesellentag (a meeting of all Catholic Journeymen) was held in Munich between June 8 and 11. Catholic and Bavarian government officials both viewed this gathering as a symbol of Catholic unity and independence. SA and SS groups interfered throughout the three-day affair, forcibly breaking up the final parade and preventing Faulhaber from delivering a pontifical High Mass--all while the police looked on.¹⁰⁰ On the following day Faulhaber delivered sharp letters of protest to Hitler, Minister President Ludwig Siebert, Interior Minister Adolf Wagner, and Heinrich Himmler, head of the Bavarian police.¹⁰¹ But the incident gave the Bavarian authorities an excuse to issue an order forbidding all public and private gatherings, including outdoor processions. One had merely to obtain the permission of the police.¹⁰² In a meeting with Wagner on June 13 Faulhaber agreed "that in view of the present rage of the SA against Catholic organizations, all manifestations in groups and in uniform would have to be suspended for two to three months."¹⁰³

The gravity of the situation in Bavaria was described by Faulhaber in a letter to Pacelli on July 3:

In the course of the last 14 days more than 70 clergy members were imprisoned in Bavaria--the most (14) in the diocese of Würzburg; almost 20 in the diocese of Speyer, where two were half beaten to death; 12 in the diocese of Eichstaat; 6 in the diocese of Munich.¹⁰⁴

Rumors of his own arrest were reported in several German as well as

international newspapers throughout the latter half of June.¹⁰⁵ In addition to the persecution of Church members, more than 2,000 members of the Bavarian People's Party, ranging from municipal council workers to representatives of the Reichstag, were placed in "protective custody."¹⁰⁶ One can understand Faulhaber's willingness to conclude a Reichskonkordat which offered legal protection for the Church and its organizations at the expense of the political life of the clergy, which, for all intents and purposes, was nonexistent anyway.

Two conditions within Germany had a major impact on the final phase of Reichskonkordat negotiations (June 28 to July 8). By the end of June the Gleichschaltung of political parties was nearly complete. The Social Democrats were forced to break up on June 22, the German Nationals dissolved themselves on June 27, and the State Party (formerly the German Democrats) followed suit on June 28. Brüning, Chairman of the Center Party since May 6, told British Ambassador in Berlin, Sir Horace Rumbold, on the evening of June 29 that the end of the Center was expected on the following day.¹⁰⁷ This turn of events removed Hitler's primary motive for desiring a concordat and placed the Vatican in an extremely difficult bargaining position.

At the same time, a new wave of terror and persecution was spreading all over Germany, threatening to eliminate Catholic organizations before they could be protected by a Reichskonkordat.¹⁰⁸ According to a Prussian Press Service report on July 1:

The Secret State Police has today closed the offices of the following associations throughout Prussia and secured their publications and property: Friedensbund deutscher Katholiken, Windthorstbund, Kreuzschar, Sturmschar, Volksverein für das katholische Deutschland und Volksvereinsverlag..., Deutsche

Jugendkraft, katholischer Jungmannerverband, as well as all societies that are associated with these organizations. These measures were necessary because it has turned out that they have operated in conjunction with the Center as enemies of the State, seeking to sabotage the annexation of a large part of the German people in the national State through a systematic agitation. The relationship between the national State and the Catholic Church has become endangered through these abuses of religious and Church institutions for party political purposes. These measures will not affect the purely Church organizations which do not interfere in party politics and merely serve social and charitable purposes. 109

The police action took place simultaneously in the states of Baden and Württemberg and identified the same Catholic organizations. 110

This situation had a strong influence on Archbishop Gröber, who was in Rome on July 1 attending the negotiations on behalf of the episcopate. Within an hour of receiving the telephoned news of the police action, he informed Pacelli. Gröber posed the question of whether signing a concordat in these circumstances would be wise, saying that "many people would argue that such a treaty at this time would tarnish the dignity of the Holy See and would not be understood worldwide." However, he countered these arguments with another line of reasoning:

People in Germany both in the episcopate and in the clergy as well as leaders of the Catholic laity are united in the belief that the concordat must be concluded--and the sooner the better. The concordat itself is good and would at least establish order for the time being. If this does not come to pass then everything will be destroyed in a short time and I question whether it can ever be rebuilt. Catholics would say: 'The Vatican could have helped us but didn't.' The government would publish the Reichskonkordat draft and the blame for not signing such a good work would fall on the Vatican.

Gröber also furnished Pacelli with Faulhaber's erstwhile reasoning,

"Even a sharp restriction of the political activity of the clergy can

easily be put up with if it succeeds in saving our organizations."¹¹¹

But members of the episcopate were not "united" in the belief that the treaty should be concluded. Faulhaber wired Pacelli on July 3:

The Catholic people would not understand if the Holy See concluded a treaty with a government while at the same time a very large number of Catholic officials sit in jail or are removed from their positions without legal proceedings.

He added the consideration that the government might be interested only in eliminating the clergy from politics and honor only that one provision of the Concordat. "It must positively be established in the protocol," he warned, "what is meant by political activity."¹¹² Preysing telegraphed Pacelli on the same day, expanding on his earlier warning that a concordat was not possible in such a lawless State, especially "at the present time and under the prevailing conditions."¹¹³

Concordat negotiations commenced at the Vatican on June 30 and, pressured by the news coming out of Germany, ended with what appeared to be a final agreement on July 2. Pacelli, von Papen, Kaas, and Bergen met on the first day and reached agreement on the first 29 Articles of the text.¹¹⁴ Gröber was summoned by telephone from the Vatican and attended the remaining three sessions. Articles 31 and 32 were reversed in these final sessions, the first now defining the nature of the various Catholic organizations and the second eliminating the clergy from membership and activity in political parties. This was done, as Bergen informed Foreign Minister Constantin von Neurath on June 3,

in order to place at the end the discussion of removing the clergy from politics, a very difficult question for the Vatican, and to confront the Curia with the difficult decision whether it could take the responsibility for sacrificing all

the concessions attained with difficulty¹¹⁵ in the earlier articles solely on account of Article 32.

Not wanting to take that responsibility, Pius XI approved the text on July 2.¹¹⁶ Bergen offered an appraisal of the negotiations in the same communication to Neurath:

Herr von Papen conducted the negotiations with skill and verve; to finish official negotiations for a Concordat in four sessions is a record and something new; without the excellent preliminary work of Prelate Kaas this would not have been accomplished....Archbishop Gröber of Freiburg was...present at those sessions on Saturday and Sunday... The Archbishop displayed a full understanding of the wishes of the government and the necessities brought about by the new situation....The Cardinal Secretary of State was visibly influenced by reports, letters and telegrams constantly being received concerning the arrest and maltreatment of the clergy.¹¹⁷

Von Papen dispatched the text of the Concordat by courier to Munich, where Hitler was expected to give his assent. Rather than give his immediate approval, however, Hitler summoned Neurath, Wilhelm Frick (Minister of Interior), Franz von Gurtner (Minister of Justice), and Count von Schwerin-Krosigk (Minister of Finance) for consultations in Berlin on July 4 and 5. A long list of desired changes resulted and were delivered to Rome on July 6 in Hitler's personal airplane by Rudolf Buttman, head of the department of Kulturpolitik in the Ministry of the Interior. Buttman was brought into the Concordat affair only two days previously but would supplant von Papen in the negotiations from this point on.¹¹⁸ Whatever the motivations for Hitler's delaying tactics,¹¹⁹ the Vatican was fully aware of the portending danger for the Church.¹²⁰

Both the Vatican and the German government conceded on some major points before the Reichskonkordat was finally initialed on July 8. As

early as July 3 Gröber had requested that the Vatican present the German government with a series of demands and make their acceptance a condition of Vatican approval of the Concordat. He highlighted these three in a draft for Pacelli: The complete termination of repressive measures against Catholic organizations, a promise that their sphere of activity in relation to National Socialist formations will be delineated and recognized within a month, and the freedom of publication for the Catholic press.¹²¹ Pacelli included these demands in a letter to the German government, adding that they be recognized in a public statement by Hitler at the time of the initialing of the Concordat.¹²² Hitler released the following statement to the press on July 8:

The conclusion of the Concordat between the Holy See and the government of the Reich appears to me to furnish sufficient guarantee that the German citizens of the Roman Catholic faith will from now on place themselves unreservedly in the service of the new National Socialist state. I therefore issue this order:

1. The dissolution of those Catholic organizations which are recognized by the present treaty and which were dissolved without instructions by the government of the Reich is to be rescinded immediately.

2. All coercive measures against priests and other leaders of the Catholic organizations are to be annulled. A repetition of such measures in the future is inadmissible and will be punished in conformity to the existing laws.

I am happy in the conviction that a period has now been concluded in which religious and political interests unfortunately all too often were locked in seemingly unsolvable contradictions. The treaty concluded between the Reich and the Catholic Church will serve to bring about also in this area the peace which all need.¹²³

Church leaders were quick to note that the statement left out assurances for protection of the Catholic press and failed to mention that the question of protected Catholic organizations would be settled within a month's time.¹²⁴

The Vatican had to submit to several changes in the Concordat

draft that Buttmann brought from Berlin. Chief among these was the question of which of the Catholic social and professional organizations would be protected by Article 31. Section 1 of the Article provided for the protection without qualification of "those Catholic organizations and associations which serve exclusively religious, cultural, and charitable purposes." Section 2 was directed at those organizations having social or professional purposes and granted them protection "insofar as they guarantee to develop their activities outside political parties." Since no headway could be made on which Catholic organizations comprised Section 2, the Vatican conceded to allow the Reich government and the German episcopate "to determine, by mutual agreement, the organizations and associations which fall within the provisions of this article."¹²⁵

Gröber left Rome for Germany on July 7, one day before the initialing of the Reichskonkordat. He received news of the provisional signing through von Papen, who wired the Archbishop on July 8, "Along with you I am convinced that this work will be a foundation stone in the friendly inner development of Germany and a blessing for the Church and people."¹²⁶ Gröber offered his personal reaction to the news in letters to Bertram and Faulhaber on July 11. He wrote:

I have the impression that the Concordat as a whole is a good thing which contributes to the calming of the Catholic population and to a just treatment of the clergy. I would seriously doubt whether a concordat so favorable could have been concluded ten years ago.¹²⁷

Gröber's optimism was partially tempered in a July 15 letter to Pacelli:

There are, to be sure, some bitter pills to swallow, but they do not warrant strong consideration when compared to the principal articles that guarantee the freedom of the Church and its activities.¹²⁸

Reactions to the initialing by other members of the episcopate were mixed. Bertram withheld judgment, wiring Gröber on July 12, "The value of all the details that you speak of in such a favorable light will be weighed when the full text is supplied."¹²⁹ Faulhaber was more optimistic in his response to Gröber on the following day:

Even before its publication the treaty has brought us an early present to the extent that the protective custody of the clergy has been lifted and that the confiscation of buildings and property of associations recognized in the treaty will be returned.¹³⁰

Preysing warned Faulhaber that the Nazi suspension of terror should not be taken as a concession to the Church for continued negotiations (as many believed), but as the Church's reward for initialing the treaty.¹³¹ Bishop Vogt of Aachen sent a telegram of thanks and congratulations to Hitler in which he promised that "diocese and Bishop will gladly participate in the building of the new Reich."¹³² In a meeting with Austrian Ambassador to the Vatican, Rudolf Kohlruss, on July 16, Father Leiber shared some general opinions from German Catholic circles that had reached Rome concerning the initialing of the Reichskonkordat:

Brüning has warned from the very beginning and again and again in the last days against the conclusion of the Concordat. At the very least he recommended postponement. The bishop from Freiburg has spoken out for the conclusion of the Concordat and expects that, with it, the moderate circles...inside National Socialism can win the upper hand and the country can be spared from the experiments of the radical wing.

Other bishops have taken on the opposite view that the Catholic circles will be made subservient to National Socialism through the Concordat without winning any real influence. The Church would be charged with an increasing responsibility for the further calamitous rule of National Socialism, whose power would be extended. Many bishops that supported the Concordat earlier have withdrawn from that position since the initialing. If this rejection would have been articulated so clearly earlier, it [the Concordat] would not have come to the initialing stage at all.¹³³

Leiber did not identify the bishops he referred to, but his comments reveal that there were second thoughts among some members of the episcopate—even at this stage. Above all, his communication shows that there was a wide range of opinions on the subject among leaders of German Catholicism.

Solving the problem of which Catholic organizations would be protected under Section 2 of Article 31 was a major concern of the Vatican between July 8 and the official signing of the Reichskonkordat on July 20. Pacelli provided Buttman with a proposed list of organizations for both sections of Article 31 on July 8.¹³⁴ However, the "mutual agreement" between the German bishops and the German government was now necessary to solve this critical matter. The fate of the Reichskonkordat had shifted into the hands of an episcopate which, until recently and except for a select few individuals, was ill-informed of the proceedings.

A meeting to resolve the differences over Article 31 was set to take place between Buttman and representatives of the episcopate in the Interior Ministry in Berlin on July 17. Pacelli moved quickly to coordinate the preparation for the episcopal response. He telephoned Faulhaber on July 10 and urged him "to compile a list of concerned organizations as fast as possible." Pacelli added:

I would be greatly obliged to your eminence if you would meet at the same time with the head of the Fulda Conference and the Archbishop of Freiburg so that the Vatican can form a judgment on this before the expected signing of the Concordat in eight days.¹³⁵

The Cardinal Secretary of State contacted both Bertram and Gröber on July 13 with the same message, requesting them to meet with Faulhaber

and work toward a unanimity of opinion on suggested lists for Article 31.¹³⁶

Pacelli's efforts were upset by Bertram, however. One day earlier, on July 12, the Cardinal from Breslau had asked Gröber to meet with Buttman "because you are best instructed in the fundamentals of the Concordat give and take." Bishop Berning was his recommendation as a second representative since "the rest of the north German bishops are not initiated in everything."¹³⁷ Having already scheduled a visit with his sick friend, Weihbischof Wojciech, between July 14 and 20, Bertram's own participation was ruled out.¹³⁸ Uninformed of these developments, Faulhaber wired both Gröber and Bertram on July 14 asking where the three could meet to discuss Article 31. He also suggested that an emergency Fulda conference would not be out of the question.¹³⁹ Gröber's immediate reply was that a meeting was already scheduled for July 17 in the Reich Ministry of the Interior, and that Bertram had authorized both Berning and him to attend. On the same day Bertram explained to Faulhaber that he was off to Upper Silesia and would approve of whatever arrangements Faulhaber wished concerning Article 31.¹⁴⁰ With the meeting only three days away, Faulhaber agreed to the arrangements already made by Bertram. He informed Gröber, however, that instructions would be sent to Berlin on July 16 for both bishops to consider.¹⁴¹

Both Gröber and Berning recognized the dilemma they faced in negotiating the placement of organizations for Article 31. They had the alternative of having as many as possible assigned to Section 1, where they would have to serve "exclusively religious, cultural, and charitable

purposes." These organizations would most likely be protected, but they would atrophy in the long run. Or the two bishops could try to negotiate the majority of organizations into Section 2, where they could serve social and professional functions, but run the risk of being incorporated into state and party organizations.

The meeting took place in the Interior Ministry as scheduled on July 17. While the parties did not reach agreement on a final list, a general list of organizations had been worked out which was very favorable to the Church. Only two organizations had really been lost--the Volksverein and the Friedensbund Deutscher Katholiken. The first was in serious financial difficulties anyway and the second was already dissolved. An amicable agreement was also reached on the interpretation of Article 31. It was understood that purely religious organizations would be allowed to regulate themselves while those which also served other purposes could, but need not, be coordinated with general state organizations. In either case all would be allowed to retain their Catholic character and their own organizational setup, including the right to use their own uniforms, insignia, and banners.¹⁴²

Gröber informed Pacelli immediately after the meeting that, "The discussions inside the Reich Interior Ministry were completely harmonious" and that he was convinced "that adequate guarantees were offered to maintain the property and livelihood of the organizations listed under Section 2."¹⁴³ On the following day, July 18, Gröber and Berning met with the heads of the larger Catholic organizations in Berlin to go over the discussions and alleviate their fears.¹⁴⁴ With assurances from all concerned, the Vatican declared its satisfaction with the

results of the meeting and many bishops put their own fears to rest regarding the future of Catholic organizations.

The Reichskonkordat was formally signed at the Vatican on July 20 and the customary gifts were exchanged. Pacelli received a Meissen Madonna, Cardinal Giuseppe Pizzardo an oil landscape of the Park at Sanssouci by Franck, and Cardinal Alfredo Ottaviani a silver platter--all with an inscription by the German government. Vice Chancellor von Papen received an order, and a similar one was promised Buttman, who received a picture of the Pope in a silver frame in the meantime. The German embassy gave a gift of 25,000 lire to the Vatican for charitable purposes.¹⁴⁵ The only thing of importance yet to be exchanged were ratifications of the treaty.

Notes to Chapter III

¹ Of some of the major authors Karl Dietrich Bracher makes a case for discontinuity and Ernst Deuerlein for continuity.

² There had been no concordat covering all Germany since 1447-48. Napoleon vetoed the idea of a Reichskonkordat in the early nineteenth century, fearing the rise of German nationalism. (Stehlin, p. 371)

³ Stehlin, pp. 370-71.

⁴ The greater part of Germany's Catholic population was located in the western, southern, and eastern border areas where separatist activity and encroaching neighbors were major threats. There was a serious Separatist movement in the Rhineland, talk of a Catholic South German state uniting Bavaria and Austria, urgings by the French to create an independent Saar diocese, and Polish activity among Catholics in Upper Silesia. (Stehlin, pp. 386-87)

⁵ Ibid., pp. 375-76.

⁶ Stehlin points out that the Vatican enjoyed an enviable bargaining position at this time with several options at its disposal:

It could negotiate directly with the Reich, separately with the Länder, or with both. At worst it could negotiate with only one state, at best with all Germany. While securing concessions from one negotiation partner it could still play them off one against the other. (p. 443)

⁷ Ibid., pp. 375-81.

⁸ Ibid., p. 379.

⁹ Ibid., pp. 390-91.

¹⁰ Articles 10 and 135 defined the relations of the State to religion and religious bodies and provided for the Reich to issue federal legislation to define the general principles of the educational system of the country and the rights and duties of religious bodies. Articles 137-38 and 143-44, however, left the implementation of these principles to the Länder. (Stehlin, pp. 385-86)

¹¹ Konrad Repgen, "Das Ende der Zentrumsparlei und die Entstehung des Reichskonkordats," in Historische Klopfsignale für die Gegenwart, ed. by Konrad Repgen (Münster: Aschendorff, 1974), p. 106.

¹² Military chaplains could not administer baptisms or perform marriages without permission from regular clergy. Fearful of losing control in this area, the German bishops were firmly opposed to any exemption. However, Archbishop Kaspar Klein of Paderborn wrote Reichswehrminister von Schleicher in September 1932 that the bishops would naturally accept any solution worked out in negotiations between the Reich and the Holy See. (Lewy, p. 60)

¹³ Kaas was an expert canon lawyer and from the outset of Reichskonkordat negotiations served as a co-worker of Pacelli and adviser to the German government. He became close friends with Pacelli in 1925 after his appointment by Cardinal Bertram as advisor to the Nuncio. Kaas was also closely involved with the Prussian and Baden concordats and was in Rome finishing up work on the former when he approached Pacelli with the Reich proposal for an exempt army bishop. (Aretin, p. 253 and Lewy, pp. 58-9)

¹⁴ Lewy, p. 59.

¹⁵ Stehlin, p. 433.

¹⁶ Lewy, p. 60.

¹⁷ Stehlin, p. 454.

¹⁸ Lewy, p. 62.

¹⁹ John Jay Hughes, "The Reich Concordat 1933: Capitulation or Compromise?," Australian Journal of Politics and History, 20 (1974), p. 161.

²⁰ For a discussion of the influence that the Italian Concordat had on Hitler and the Nazi Party prior to 1933, see Scholder, "Altes und Neues....," pp. 543-46.

²¹ Von Papen communicated his intention to seek the elimination of the clergy from political parties as per Article 43 Section 2 of the Italian Concordat to Menshausen on April 7. Alfons Kupper, Staatliche Akten über die Reichskonkordatsverhandlungen 1933 (Mainz: Veröffentlichungen der Kommission für Zeitgeschichte bei der Katholischen Akademie in Bayern, Reihe A, Band 2, 1969), p. 10.

²² Klaus Scholder's thesis in his book, Die Kirche und das Dritte Reich, is that Reichskonkordat plans had already played an important role in March and had essentially contributed to the decision of the Center Party on March 23 and the bishop's declaration on March 28. He has since hypothesized that the idea of a Reichskonkordat was fully conceptualized in late 1930 (by Hitler), that Göring's trip to Rome in May 1931 "belongs to the prehistory of the Reichskonkordat," and that Hitler informed von Papen of his concordat plans after the cabinet meeting on March 7. (Scholder, "Altes und Neues....," pp. 535-50)

Konrad Repgen argues that Scholder's thesis is circumstantial and that his sources do not supply concrete evidence to support his claims.

Moreover, Repgen continues, Scholder ignores sources which support the "establishment" view that Reichskonkordat negotiations in the Nazi period began in early April--as a result of the Enabling Act and bishop's declaration. (Repgen, "Über die Entstehung....," pp. 499-534) Both of the principal volumes of documents gathered on the subject--Alfons Kupper's Staatliche Akten über die Reichskonkordatsverhandlungen 1933 (1969) and Ludwig Volk's Kirchliche Akten über die Reichskonkordatsverhandlungen 1933 (1969)--begin the story in early April.

²³ For a look at von Papen's early role in the Reichskonkordat and his own contradictory statements regarding it see Junker, p. 194. See also Scholder, "Altes und Neues....," pp. 549-52. There is no concrete evidence that links Kaas to the Reichskonkordat (the one initiated in the Nazi period) prior to April 7. But the circumstantial evidence that points to his early involvement is irresistible. Included is Kaas' meeting with von Papen on March 6, where he offered the cooperation of the Center; his trip to Rome on March 24 (the day after the Enabling Act), where he remained until the end of the month; his return to Berlin in early April and meeting with Hitler on April 2; his redeparture to Rome on April 7, in which Kaas "happened" to meet von Papen on the same train and was informed of the impending concordat offer. (Scholder, "Altes und Neues....," pp. 552-57) For an analysis of Kaas' essay, "Der Konkordatstypus des faschistischen Italien," and its influence on the man (it was completed four months before Reichskonkordat negotiations began), see Junker, pp. 195-200.

²⁴ Hughes, p. 165.

²⁵ Scholder, Die Kirche und das Dritte Reich, pp. 487-88.

- 26 Kupper, Staatliche Akten, pp. 30-2.
- 27 Ibid., p. 40.
- 28 Ibid., p. 58.
- 29 Ibid., p. 90.
- 30 Volk, Kirchliche Akten, p. 78.
- 31 Repgen, "Das Ende der Zentrumspartei....," p. 113.
- 32 Hughes, p. 165.
- 33 Konrad Repgen, "Zur Vatikanischen Strategie beim Reichskonkordat," Vierteljahrshefte für Zeitgeschichte, 31 (1983), p. 512.
- 34 Scholder, Die Kirche und das Dritte Reich, p. 496.
- 35 Repgen, "Das Ende der Zentrumspartei....," p. 101.
- 36 Volk, Kirchliche Akten, p. 7.
- 37 Ibid., p. 137.
- 38 Hughes, p. 173.
- 39 Holborn, A History of Modern Germany 1840-1945, p. 730.
- 40 Stasiewski, Akten deutscher Bischöfe, pp. 49-50.
- 41 Ibid., p. 51.
- 42 Ibid., pp. 59-60.
- 43 Ibid., pp. 52-3.
- 44 Ibid., pp. 64-7.
- 45 Ibid., pp. 60-2.
- 46 Ibid., pp. 53-4.
- 47 Ibid., pp. 67-72.
- 48 Lewy, p. 65.
- 49 Kupper, Staatliche Akten, p. 11.
- 50 Volk, Kirchliche Akten, p. 12.

- 51 Volk, Kirchliche Akten, p. 12.
- 52 Ibid., p. 16.
- 53 Ibid., p. 24.
- 54 Ibid., p. 109.
- 55 Stasiewski, Akten deutscher Bischöfe, p. 46.
- 56 Ibid., pp. 88-9, 108, 116-17.
- 57 Ibid., p. 89.
- 58 Ibid., p. 117.
- 59 Ibid., p. 89.
- 60 Ibid., p. 121.
- 61 Ibid., p. 116.
- 62 Ibid., p. 106.
- 63 Ibid.
- 64 Ibid., p. 116.
- 65 Ibid., p. 108.
- 66 Müller, Dokumente, pp. 118-19. See also Helmrieck, p. 241 and Lewy, pp. 50-1.
- 67 Müller, Dokumente, pp. 118-19 and Helmreich, p. 241.
- 68 Volk, Kirchliche Akten, pp. 18-20.
- 69 Ibid., pp. 25-6.
- 70 Scholder, Die Kirche und das Dritte Reich, pp. 496-501. Scholder uses a "conspiratorial" argument here which is not totally fair. The bishops were more victims of circumstance than conspiracy (if they were "victims" at all).
- 71 Volk, Kirchliche Akten, pp. 29-30.
- 72 Ibid., pp. 32-3.

⁷³ Volk, Kirchliche Akten, p. 37.

⁷⁴ Volk, Bayerische Episcopat, p. 112.

⁷⁵ Ibid. See also Scholder, Die Kirche und das Dritte Reich, pp. 497-500.

⁷⁶ Volk, Bayerische Episcopat, pp. 51-3.

⁷⁷ This occurred on only four previous occasions in modern German history--1848, 1867, 1872, and 1906. (Stasiewski, Akten deutscher Bischöfe, p. 197)

⁷⁸ Ibid., pp. 140-94. Included are letters from Dr. Theodor Legge, General Secretary of Katholiken Deutschlands, to Bertram on May 14; Wilhelm Böhler, General Secretary of Katholischen Schulorganisation Deutschlands, to the Fulda Conference on May 25; Maria Schmitz, President of Verein katholischer deutscher Lehrerinnen, to Berning on May 29; and Prelate Ludwig Wolker, General President of Katholische Jungmännerverband, addressed to the German bishops collectively at the end of May.

⁷⁹ The pastoral letter issued by the Fulda Conference on June 10 has been the source of much criticism. Though it was authored by Gröber, a committee consisting of Cardinals Bertram, Faulhaber, and Schulte and Bishops Ehrenfried and Preysing contributed its viewpoints. The document was a mixture of praise for the new State and demands against it--thus, very ambiguous. Gordon Zahn argues that it

helped to set the pattern of giving recognition to Hitler and his regime as the legitimate secular authority possessing full claim upon the loyalty and obedience of the individual German Catholic, not only as a civil duty, but specifically as a moral obligation. (p. 75)

John Jay Hughes counters that it was

a skillful attempt to emphasize the positive elements in National Socialism (patriotism, emphasis on obedience to constituted authority for the common welfare versus selfish individualism, etc.); but it interpreted these in a way intolerable to the Nazis and added a long list of demands and warnings which they could never accept. (p. 174)

Guenter Lewy, a noted critic of the German episcopate, concedes that the call for the loyal cooperation of the Catholics in the pastoral statement "was undoubtedly related to the hope for a concordat."

(p. 99)

⁸⁰ Volk, Kirchliche Akten, p. 76.

⁸¹ Stasiewski, Akten deutscher Bischöfe, p. 238.

⁸² Volk, Kirchliche Akten, p. 59.

⁸³ Ibid., pp. 64-7.

⁸⁴ Kaas' second draft formulation of Article 31 proposed that the bishops would be able to sanction political activity for the clergy only in rare cases where church interests were clearly threatened and church rights clearly substantiated.

⁸⁵ Volk, Kirchliche Akten, pp. 68-72.

⁸⁶ Ibid., pp. 73-6.

⁸⁷ Ibid., pp. 62-3.

⁸⁸ Ibid., p. 78. Von Papen delivered a revised draft at the Vatican on June 28 and told Kaas that there was nothing in Article 31 that "the bishops" had not already accepted. (My italics)

⁸⁹ Documents on German Foreign Policy 1918-1945, Series C: 1933-1937, Vol. 1 (Washington: United States Government Printing Office, 1957), pp. 491-92.

⁹⁰ Volk, Das Reichskonkordat, p. 117.

⁹¹ Volk, Kirchliche Akten, pp. 62-3.

⁹² Ibid., p. 65.

⁹³ Scholder, Die Kirche und das Dritte Reich, p. 499.

⁹⁴ Volk, Kirchliche Akten, p. 68.

⁹⁵ Ibid., p. 65.

⁹⁶ Volk, Bayerische Episcopat, p. 115.

⁹⁷ Volk, Kirchliche Akten, p. 63.

⁹⁸ Both parties were forcibly dissolved and had their property confiscated--the Communist Party following the Reichstag fire on February 27 and the SPD on May 22.

⁹⁹ See Volk, Bayerische Episcopat, pp. 89-120 for an excellent account of the Gleichschaltung in Bavaria and its effect on the Church.

¹⁰⁰ Ibid., pp. 92-9.

¹⁰¹ Stasiewski, Akten deutscher Bischöfe, pp. 249-53.

¹⁰² Helmreich, The German Churches under Hitler, p. 252.

¹⁰³ Volk, Bayerische Episcopat, p. 98.

¹⁰⁴ Volk, Kirchliche Akten, p. 112.

¹⁰⁵ Kupper, Staatliche Akten, pp. 131-2.

¹⁰⁶ Volk, Das Reichskonkordat, p. 138.

¹⁰⁷ Repgen, "Das Ende....," pp. 113-14. The Center actually announced its dissolution on July 5, one day after the BVP dissolved itself. The Center had been confused and impotent since the passage of the Enabling Act. Kaas, who would never return to Germany after April 8, remained Chairman of the party until May 6. The Center did reorganize on May 5 and 6 and elected Brüning Chairman, but it was unable to operate in a totalitarian state.

¹⁰⁸ This was one possible motive for the onset of the terror campaign. There was also the possibility suggested by von Papen--that the more radical Nazi elements were trying to sabotage the agreement without Hitler's approval by forcing the Vatican to break off negotiations. (Kupper, Staatliche Akten, p. 126) Finally, Hughes suggests that Hitler was simply playing for time until he could sell another motive for the Reichskonkordat. (Hughes, p. 167) Each of these, or all of them, can plausibly explain the onset of the police action. It seems clear to me that the coordinated nature of the police action at the time of the negotiations in Rome was an effort to pressure the Vatican as much as it was to sell another motive.

¹⁰⁹ Volk, Kirchliche Akten, pp. 106-07, n. 2.

¹¹⁰ Volk, Das Reichskonkordat, p. 137.

¹¹¹ Volk, Kirchliche Akten, pp. 92-3.

¹¹² Ibid., p. 114.

¹¹³ Ibid., pp. 110-11.

¹¹⁴ Volk, Das Reichskonkordat, p. 139.

¹¹⁵ Documents on German Foreign Policy, p. 635.

¹¹⁶ Given the state of the Catholic parties in Germany at this time, the Vatican's acquiescence to Article 32 was no major sacrifice. Father Leiber had already pointed out on June 29 that the depoliticizing of the clergy was no longer a concession on the part of the Church, but "a protection for the Church against a Nazi invasion of the clergy." (Volk, Kirchliche Akten, p. 89) Bertram had written Pacelli on June 22 that in his diocese the state held the right to nominate a third of the pastors of parishes in an area of some two million Catholics.

He feared that the Nazis were likely to make membership in their party a condition for any priest who wished to be nominated to a pastorate. (Volk, Kirchliche Akten, pp. 72-3) Hughes offers a comparison with the situation of the Protestant clergy in Germany to show that Article 32 became a protection for the Catholic clergy. (Hughes, p. 171)

¹¹⁷ Documents on German Foreign Policy, p. 635.

¹¹⁸ Hughes, pp. 165-66.

¹¹⁹ Hughes argues that Hitler's delaying tactics served two purposes: They gained time for him to reassess the situation and to solidify support for the Concordat by involving cabinet members not previously consulted in the negotiations. At the same time they gave him time to sell his new motive (international prestige) for the Concordat to the lower echelons of the Nazi Party. (Hughes, pp. 165-68) John Conway also suggests that Hitler did not want to enhance von Papen's prestige by allowing him a personal diplomatic victory. (Hughes, p. 166, n. 21)

¹²⁰ Volk, Kirchliche Akten, p. 89.

¹²¹ Ibid., pp. 107-08.

¹²² Ibid., pp. 128-30.

¹²³ Kupper, Staatliche Akten, No. 78.

¹²⁴ Volk, Kirchliche Akten, p. 134.

¹²⁵ Ibid., p. 290.

¹²⁶ Ibid., p. 134.

¹²⁷ Ibid., p. 143.

¹²⁸ Ibid., p. 167.

¹²⁹ Ibid., p. 149.

- 130 Volk, Kirchliche Akten, pp. 156-57.
- 131 Volk, Bayerische Episcopat, p. 119.
- 132 Lewy, p. 103.
- 133 Repgen, "Zur Vatikanischen Strategie...", pp. 534-35.
- 134 Volk, Kirchliche Akten, pp. 132-33.
- 135 Ibid., pp. 137-38.
- 136 Ibid., pp. 152-56.
- 137 Ibid., p. 149.
- 138 Ibid., pp. 149-50. Bertram's behavior is somewhat confusing.

His concern for the maintenance of Catholic organizations is revealed through his persistent letters to government officials and his numerous meetings with leaders of Catholic groups. This concern, however, does not carry over at critical moments to the issue of the Concordat.

- 139 Ibid., p. 160.
- 140 Ibid.
- 141 Ibid., p. 165.
- 142 Kupper, Staatliche Akten, p. 248.
- 143 Volk, Kirchliche Akten, p. 173.
- 144 Ibid., pp. 173-77.
- 145 Helmreich, The German Churches under Hitler, p. 245.

CHAPTER IV

THE DECISION TO RATIFY: JULY 20 TO SEPTEMBER 10

The third and final step in the concluding stage of the concordat was ratification. The trouble spots in most concordats were usually ironed out by the time of initialing, and almost always by the time of signing, which is why it often took years to conclude these steps in a treaty with the Vatican. While ratification was never taken for granted, it was nevertheless an anticlimatic step.¹ This was unfortunately the case with the Reichskonkordat, despite the myriad of present and potential problems facing the Catholic Church and its organizations in Germany.

The text was released on July 22 and appeared to be a major coup for the Vatican. Except for Article 32, which at this point was a rather gratuitous concession to the German government,² the Concordat gave the Church almost everything it had been seeking in negotiations for the past thirteen years. The four "impossible" demands that Pacelli had given the Reich government in October 1932 in exchange for an exempt army bishop had all been essentially met in the treaty.³ The wording was certainly ambiguous, especially in the important articles, but this had always been a typical method of solving difficult issues. Based on the language of the text alone, the Vatican and the German bishops should have been overjoyed.

The form and content of the agreement was not unlike other church-

state concordats of the modern era. It consisted of a preamble, thirty-four articles dealing with specific issues, and a protocol clarifying some of the more ambiguous areas. Article 1 guaranteed "freedom of profession and public practice of the Catholic religion" and the right of the Church "to regulate and manage her own affairs independently within the limits of laws applicable to all and to issue, within the framework of her own competence, laws and ordinances binding on her members."⁴ The second article assured the continued validity of the Länder concordats while the third reaffirmed diplomatic representation between the Vatican and the Reich. Article 4 allowed for freedom of communication between the Vatican and the German clergy and between the bishops and their flock "in all matters of their pastoral office."

Articles 5 through 10 dealt with the legal status of the clergy and granted them the same rights found in the Länder and other State concordats. The next two articles concerned the regulation of diocesan boundaries while Article 13 guaranteed Catholic parishes, episcopal sees, religious orders, etc. the same rights as any other publicly recognized corporation "in accordance with the general laws applicable to all." Number 14 dealt with the appointment of bishops and obligated the Church, before assigning a bishop, to ask state authorities if they had any general political objections. This "political clause" appeared in concordats with a number of other countries including Poland (1925), Rumania (1927), Portugal (1928), and Italy (1929) as well as in the Länder concordats.⁵ In the protocol at the end of the Concordat, the Church was able to secure the concessions that the State's objections were to be presented within twenty days and that Article 14

"does not establish for the State a right of veto." Article 15 provided religious orders freedom for their pastoral, charitable, and educational work while 16 required new bishops, selected with the consent of the government, to swear an oath of loyalty to the state. Article 17 guaranteed the property of the Church "according to the common law of the state," and 18 finally assured the Vatican that future subsidies to the Church would not be withheld without their consultation.

The greatest concessions to the interests of the Church involved the field of education and were covered by Articles 19 through 25. The first two affirmed the continuance of Catholic theological faculties at state-supported universities and the right of the Church to establish theological seminaries. By Article 21,

Catholic religious instruction in the primary schools, vocational schools, and higher educational institutions is a regular subject of instruction and it is to be taught in accordance with the principles of the Catholic Church.

Article 22 gave the Church the right of veto over the appointment and continuation of Catholic teachers of religion. Number 23 guaranteed "the maintenance of the existing Catholic confessional schools and the establishment of new ones" wherever parents requested it and the number of prospective pupils was sufficiently large. Finally, Articles 24 and 25 protected the professional training of teachers for Catholic confessional schools and the right of religious orders "to establish and run private schools." All of these articles were to be carried out "within the limits of the general legislation and conditions laid down by law."

With Article 26 the Vatican realized its old demand for changes in the marriage law and the government achieved its wish for an "exempt pastoral ministry" for the army in Article 27. However, the army bishop was to be selected by mutual agreement of the Reich government and the Holy See, and only priests who had the approval of their local bishop could be appointed as military chaplains. Article 28 guaranteed the Church the right of pastoral care in state-run institutions like hospitals and prisons. Number 29 afforded Catholic minorities the same liberty to use their mother tongue as "individuals of German descent and language [had] with the territory of the foreign state in question." Article 30 required that a prayer be said "for the welfare of the German Reich and its people" after every High Mass.

Articles 31 and 32, as we have seen, dealt with the issue of Catholic organizations and were the primary obstacles to the conclusion of the Concordat. We have also seen that the impasse over the first had been solved by postponing the lists of protected Catholic organizations. Both were marked by ambiguous language which would lead to difficulties in the future, but without which the Concordat may never have been concluded. Just what "exclusively religious, purely cultural and charitable purposes" were was far from clear. Equally unclear was the line between religion and politics drawn up in the final protocol for Article 32. It held that while the clergy was not allowed to join a political party or participate in party activities, this "did 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." Article 33 ended the Concordat on the same

friendly note found in the Länder concordats:

Should any difference of opinion occur in the 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.

In the following years Catholic Church leaders would fruitlessly turn to this article in hopes of seeking redress of their grievances.

The Vatican had also been able to secure, at the behest of the episcopate, a secret annex to the Concordat which regulated the induction of theological and regular and secular clergy into the armed services in the event of universal military service.⁶ Under this secret agreement students of philosophy and theology preparing for the priesthood in Catholic institutions were exempt from military service except in the event of general mobilization. In the case of a general mobilization

bishops, members of the diocesan courts, principals of seminaries and ecclesiastical hostels, professors in seminaries, the parish priests, curates, rectors, coadjutors, and the clergy who permanently preside over a church of public worship

did not have to report for service.

In spite of terms so favorable to the Church, the reaction of the bishops to the signing and release of the Concordat was generally cautious. Both Bertram and Faulhaber sent letters of congratulations to Hitler within days of the signing. Bertram's letter of "recognition and thanks" was sent on July 22 "in the name of the Fulda Bishop's Conference" and assumed a guarded but optimistic tone. Since the Chancellor's July 8 declaration, wrote Bertram, the episcopate of all the dioceses in Germany

have expressed their sincere and joyful preparedness to cooperate as best they could with the present government which had set itself the tasks of promoting the Christian education of the people, repelling ungodliness and immorality, developing readiness to make sacrifices for the common good, and protecting the rights of the Church.

Bertram added that the harmonious cooperation of Church and State for the achievement of these lofty aims had now been confirmed by the signing of the Reichskonkordat.⁷

Faulhaber's letter, written in longhand, was sent two days later. A mixture of unqualified praise and undisguised skepticism, his letter covered the broad spectrum of episcopal feelings toward the Concordat. Faulhaber opened on a laudatory note:

What the old parliaments and parties could not accomplish in 60 years, your statesmanlike foresight has achieved in six months. For Germany's prestige in East and West and before the whole world this handshake with the Papacy, the greatest moral power in the history of the world, is a feat of immeasurable blessing.

"It can now be proven to all the world," continued Faulhaber, "that Chancellor Adolf Hitler can not only give great speeches,...but that he can also deliver actions of worldwide significance as with the Reichskonkordat." He went on to express his hope "that the articles of this Concordat will not remain on paper," but would be put into practice. It was further hoped that the "lower ranks of the first, second, and third level will not remain all too far behind the statesmanlike greatness of the Führer." Faulhaber also thanked Hitler for allowing the Länder concordats to remain in force, even though these "came into being without the cooperation of the NSDAP." He closed with a request that insured his letter would never be published, asking Hitler to "crown the great hour with a magnanimous amnesty for those who have committed

no crime but are kept in protective custody for their political convictions."⁸

Only one other bishop sent his congratulations directly to Hitler. Bishop Bornewasser of Trier, in conjunction with von Papen, used the occasion of the ceremonial unveiling of the holy frock of Christ in the cathedral of Trier on July 24 to offer his thanks and "to assure the Führer, who is endeavoring to restore the Christian, national, and social foundation of the new state, our steadfast cooperation in the work of resurrecting the German Reich."⁹ Bishop Berning wrote Bertram on the same day that various parties had expressed a wish to hold a thanksgiving service at the time of the ratification of the Concordat. "At the same time," added Berning, "the thanksgiving service can offer an official prayer in which God can give benediction to the efforts of the government in fulfillment of their responsible duties."¹⁰ Bertram later explained his grounds for rejection in a letter to Faulhaber:

I cannot assent to the proposal from Osnabrück of striking up a general thanksgiving service concerning the Reichskonkordat. Today is not yet the proper time to join in the general Kling-Klang-Gloria. That is neither ingratitude nor sulkiness on my part, but serious concern.

Neither the Vatican nor the German government treated the terms of the Reichskonkordat as a victory for the Church. In mid-August Pacelli told Ivone Kirkpatrick, British Chargé d'Affaires to the Vatican, how it was that he had come to sign a concordat with "such people." Kirkpatrick reported the Cardinal Secretary of State's words to his Foreign Office:

A pistol, he said, had been pointed at his head and he had had no alternative. The German Government had offered him concessions, concessions, it must be admitted, wider than

any previous German government would have agreed to, and he had to choose between an agreement on their lines and the virtual elimination of the Catholic Church in the Reich. Not only that, but he was given no more than a week to make up his mind.

It is clear from the same report that Pacelli harbored no illusions about the intentions of the German government, but saw value in the treaty nonetheless. Kirkpatrick continued to quote Pacelli:

If the German government violated the Concordat--and they were certain to do so--the Vatican would have a treaty on which to base a protest. In any case...the Germans would probably not violate all the articles of the Concordat at the same time.¹²

The only response on the part of the German government that counted was that of Hitler. It was delivered at a cabinet meeting on July 14, the day the Reichskonkordat was approved by the government. Responding to the skepticism of some members of the cabinet, Hitler outlined "three great advantages" of the treaty:

1. That the Vatican had negotiated at all, while they operated, especially in Austria, on the assumption that National Socialism was un-Christian and inimical to the Church;
2. That the Vatican could be persuaded to bring about a good relationship with this purely National German state. He, the Reich Chancellor, would not have considered it possible even a short time ago that the Church would be willing to obligate the bishops to this state. The fact that this had now been done was certainly an unreserved recognition of the present regime;
3. That with the Concordat, the Church withdrew from activity in associations and parties, e.g. also abandoned the Christian labor unions. This too, the Reich Chancellor would not have considered possible even a few months ago. Even the dissolution of the Center could be termed final only with the conclusion of the Concordat, now that the Vatican had ordered the permanent exclusion of the priests from party politics.¹³

Hitler was clearly more concerned with the political effect that the Concordat would have at home and abroad than he was in carrying out its

terms.

The official signing of the Reichskonkordat did, in fact, produce a reaction among German Catholics not unlike that following the March 28 declaration of the bishops. Since the initialing of the agreement on July 8 and Hitler's concomitant address calling off the police action, a false period of tranquility once again deluded the Catholic populace. This general feeling of optimism was bolstered by the appointment of Bishop Berning to a position in the reorganized Prussian Council of State (Staatsrat) on July 11. Though the council did not wield any real power, Berning was nevertheless the first Catholic bishop to be offered (and to accept) a state office under the control of the Nazis of such considerable prestige.¹⁴ German Catholics could not help but perceive that their bishops had finally accepted National Socialism. The signing of the Reichskonkordat on July 20 reinforced this belief.

July 20 was a date that many Catholic scholars and theologians had been anxiously awaiting. They were quick to justify the reconciliation of Church and State by discovering numerous affinities between National Socialism and Catholicism. For example, Professor Joseph Lortz, a famous Church historian, wrote that both Nazism and Catholicism were opposed to Bolshevism, liberalism, relativism, atheism, and public immorality, and held in common the belief in corporatist principles and the importance of faith as something grand and heroic. Michael Schmaus, Professor of Dogmatic Theology at Münster, argued that Catholicism shared with National Socialism "the just concern for maintaining the purity of the blood, the basis for the spiritual

structure of the people." Both wrote books which appeared in a new series--"Reich und Kirche"--which was published with ecclesiastical approval. The series announced the following aims:

Being entirely German and entirely Catholic, the series will examine and promote the relations and encounter between Catholicism and National Socialism, and it will point the way toward the kind of fruitful cooperation that is outlined in the Reichskonkordat.

The world-renowned theologian, Karl Adam of Tübingen, Professor Theodor Brauer of Cologne, theologian Karl Eschweiler of Braunsberg and others also worked to facilitate an "ideological Gleichschaltung" within the Catholic ranks.¹⁵ Their efforts to extol the virtues of National Socialism made it even more difficult to hold the Nazis accountable to the terms of the Concordat.

The bishops and the Vatican did not have long to wait before the first major complication involving the interpretation of the treaty took place. Within a week a bitter press war threatened to cancel the ratification ceremony--or at least delay it for a number of months. The episode began with a speech delivered by Vice Chancellor von Papen before the Association of Catholic Academicians in Berlin on July 22. While hailing the Concordat as "the final conclusion of the Kulturkampf in Germany," von Papen later remarked, "There...exists, of course, an undeniable inner connection between the dissolution of the German Center Party that has just taken place and the conclusion of the Concordat."¹⁶ On the same day an article in the Nationalsozialistische Parteikorrespondenz stated pointblank that the signing of the Reichskonkordat signified "the recognition of the National Socialist state by the Catholic Church."¹⁷ A lead article in the Völkischer Beobachter two days

later echoed this theme, arguing that it was not simply Reich or state, but rather "National Socialism in Germany that has been recognized in the most solemn way by the Catholic Church."¹⁸

These commentaries were answered by two articles in the Osservatore Romano on July 26 and 27. Written by Pacelli but not published under his signature, the articles focused on the advantages that the treaty brought to the Church. They also stressed that the Vatican had traditionally maintained a position of neutrality toward various forms of government, and had, in fact, negotiated in the past with a wide variety of such governments in order to guarantee the rights and liberties of the Church. Thus, the Reichskonkordat did not represent "a confirmation or recognition of a specific trend of political doctrines and ideas."¹⁹

The press war began to heat up when Interior Minister Buttman responded to the Vatican replies in the German papers on July 28. He pointed out that the Vatican had concluded the Concordat with the German Reich which, "as Rome should know, is completely dominated by the National Socialist 'trend.' The conclusion of the treaty therefore means the de facto and de jure recognition of the National Socialist government."²⁰ Before matters got too far out of hand the German Foreign Ministry stepped in to mediate. A mutual agreement was reached by Vatican and Interior Ministry officials to sheathe their pens, but an ominous cloud was left hanging over the Concordat.²¹

Members of the episcopate expressed concern over the press polemics but drew somewhat different conclusions regarding the motives of the German government. In a letter to Gröber on August 1 Faulhaber

made the observation that Buttmann's reply "certainly reveals how careful the...other side will be not to assume an obligation which will go beyond the strict wording of the Concordat."²² Gröber himself had a more optimistic explanation which he offered to Leiber on August 7:

It is my opinion that the newspaper polemics of the past week show that the leading members [of the government] are serious about the Concordat and cannot be unnerved. I attribute the irritating tone of the German explanation to psychological reasons. The German government has received no congratulations for the Concordat within certain circles because these are still not yet free of the Kulturkampf mentality.²³

In trying to distinguish between the intentions of the higher authorities (especially Hitler) and those of the lower levels, Gröber was expressing a view that many Church leaders would cling to throughout 1933.

The principal complication between the signing of the Concordat and its ratification centered on the clarification of Article 31. While the bishops and the Vatican had always considered the Catholic organizations, particularly the schools and youth associations, the lifeblood of the Church, they did not realize that the independence of these organizations was a major obstacle to Hitler's goal of a Volks-gemeinschaft. Nor did they understand at this point in time that a totalitarian government could not brook any form of competition to its authority, whether it be in the political, social, or religious sphere. It would not become clear to Church leaders until it was too late that their inability to come to an understanding with the German government on the language and enforcement of Article 31 reflected the impossibility of compromise on this issue. Meanwhile, Article 31 became for

Church leaders a touchstone of the German government's trustworthiness and its willingness to execute the provisions of the Reichskonkordat.²⁴

Section 3 of Article 31 required the German episcopate and the Reich government "to determine, by mutual agreement, the organizations and associations which fall within the provisions of this article." But once again the bishops had no information at their disposal. They were especially anxious to receive a copy of the interpretation of guidelines worked out by Pacelli and Buttman in Rome on July 20. Faulhaber wrote the Bavarian bishops on July 24 that no word on Article 31 had arrived yet, but he was expecting delivery of the guidelines from Berning at any time.²⁵ Gröber informed the Vatican on July 26 that "Letters and telephone inquiries flow to me daily concerning guarantees for [Catholic] organizations coming under Section b." He requested a draft of the understanding that Pacelli and Buttman had worked out.²⁶ In a letter to Faulhaber on the same day, Gröber lamented that he was still without a draft of the list or guidelines, but said that he was expecting it soon.²⁷

Eight days after the signing of the Concordat and still without instructions from the Vatican, Berning decided to contact Buttman on his own. In his letter of July 28 Berning outlined several questions concerning Catholic youth organizations which demanded immediate clarification. Chief among them were problems with the leadership of the Hitler Youth organization and the fact that "in some states or parts of states--especially in Bavaria, Thuringia, and Württemberg--restrictive measures have to date not yet been lifted." He implored Buttman to release "the exact language of the interpretation of guidelines for

Article 31."²⁸

Meanwhile, Kaas and Buttman met in Rome on July 29 to refine the guidelines once again.²⁹ (On July 20 Pacelli and Buttman "clarified" the guidelines worked out three days earlier by Gröber, Berning, and Buttman in Berlin.) News of their understanding reached the German bishops on July 31. That it came via the morning newspapers made the information somewhat less than official. In a letter to Gröber on August 1 Faulhaber noted that the guidelines appeared in the newspapers "without a signature and, therefore, it appears, without responsibility."³⁰ Writing Bertram about the newspaper reports on the following day, Faulhaber quipped, "The bishops themselves, however, have no information at this point on what actually has been settled between the Reich government and the episcopate."³¹

On July 31 Buttman finally submitted a detailed list of organizations for Article 31 to Bertram. The list covered Sections 1 and 2 and was based on organizations given in the last edition of the Kirchliches Handbuch für das Katholische Deutschland. Buttman asked Bertram to distribute the list to the rest of the bishops for consideration and suggestions, and to inform the heads of Catholic organizations not to petition the Interior Ministry, but allow the episcopate and the government to work out any differences.³² Bertram wrote back on August 3 requesting lists for all 27 bishops, or at the very least, lists for Gröber, Berning, Faulhaber, Cardinal Schulte, and Archbishops Hauck of Bamberg and Klein of Paderborn.³³ It was not until August 12, however, that Berning was able to mail a list to every member of the Fulda and Bavarian bishops. He included a letter which assured the bishops that

"Proposals on additions or deletions as well as special suggestions for the allotment of organizations and associations to other groups can still be considered." The final decision on the list, according to Berning, would be made at a second major Fulda conference of all the bishops scheduled for August 29 to 31.³⁴

The information drought experienced by the bishops came to an end on August 15 when Kaas sent Gröber the text of the guidelines that he and Buttman had negotiated on July 29. Kaas reaffirmed in his letter, however, that "the final settlement of the catalog of organizations is primarily the concern of the episcopate." He also sounded a prescient warning:

Without clarity over these essential points the ratification, which according to my information is expected to take place around September 8, would be irresponsible, because afterwards the considerable differences of opinion which would emerge would be very difficult to overcome.³⁵

While the bishops were busy trying to secure information on Article 31, the Gleichschaltung was continuing unabated in all parts of Germany. Catholic organizations and youth groups in the south and west encountered the greatest pressure.³⁶ By one of those strange coincidences (perhaps not so strange in Nazi Germany), on the same day that the guidelines for interpreting Article 31 appeared in the German newspapers Baldur von Schirach, leader of the Hitler Youth, published an edict which forbade members of National Socialist youth organizations from belonging to confessional youth organizations.³⁷ This affront to the Concordat, less than ten days after the treaty was signed, was the first public reaction by a leader of a Nazi organization. It is somewhat surprising that the bishops failed to take this action more

seriously (they did not mention it in their correspondence until the end of August). It is more surprising yet that von Papen was the first Catholic leader to respond to this attack. He informed Kaas (on vacation in South Tyrol) that his protest to the Interior Ministry had found satisfaction.³⁸

One danger that the episcopate was quick to respond to was the voluntary dissolution or coordination of Catholic organizations by local clergy and leaders of Catholic groups. The demands and threats by local government authorities and organs of the SA were stepped up in the weeks following the signing of the treaty. Berning warned of this growing danger in a letter to Faulhaber on July 28 and recommended that all of the dioceses be informed that

existing Catholic organizations be maintained in their present condition and that no priest or president [of an organization] be authorized, without expressed approval from a bishop, to dissolve or 'coordinate' an organization.³⁹

Bertram made this recommendation official in a circular to the rest of the bishops on August 1.⁴⁰

Monsignor Ludwig Wolker, President of the Katholische Jungmänner-
verband, had sent a lengthy report to the special Fulda conference in late May which signaled the dangers posed by the Nazi Gleichschaltung.⁴¹ One month after the signing of the Concordat, with yet another special conference on the horizon, Wolker once again cataloged his concerns for the episcopate. His report this time was even more comprehensive, documenting the systematic persecution of Catholic youth associations "in spite of the Concordat." While granting that there had been a general easing of tensions since August in the north German dioceses, Wolker's report showed that the situation in the south--particularly in

Bavaria, the Palatinate, Württemberg, and in parts of Baden--was "very bad." Youth activities in these areas were impeded to the broadest extent by "commandeering, prohibitions of assembly, and all sorts of other difficulties."⁴²

Gröber and Berning met with Wolker and other heads of the larger Catholic organizations in Freiburg on August 24 to gather further information for the approaching bishop's conference. The news by this time was predictable, however. Gröber wrote Kaas two days later that the association heads "unfortunately had nothing essentially new to say. It is the same old dispute over the classification in Article 31."⁴³

A second major conference of all the German bishops in three months indicated an awareness of the problems facing them and an understanding that they must work together to solve them. Planning for the conference had actually begun immediately after the signing of the Concordat. Bertram sent a circular to the bishops suggesting that they meet to discuss the terms of the Concordat, "Perhaps at the end of August or the beginning of September. Preferably at Fulda."⁴⁴ A conference agenda was circulated on August 8⁴⁵ and the last week in August was selected by the majority of the bishops as the most convenient time.⁴⁶ Unlike the Fulda Conference at the end of May, the issue of the Reichskonkordat was the predominant topic of discussion from the outset.

The minutes of this three-day conference (it met from August 29 to 31) showed that a number of topics were addressed in addition to the Concordat. Chief among these was a debate on Catholic Action,⁴⁷ a

report on the sterilization law,⁴⁸ and a survey of the dangers facing the Catholic press. Regarding the latter, the observation was made that, "If the persecution and suppression of the Catholic press continues to the same extent as in the past weeks, there will soon be no Catholic press."⁴⁹ But the primacy of the Reichskonkordat as the main focus of attention also came through in the protocol. While articles dealing with education received top billing,⁵⁰ the minutes show the bishops confirmed in their resolution "that Article 31 of the Reichskonkordat must be completely upheld so that a dissolution of organizations...does not come into question." A number of "great dangers" were cited which threatened that very possibility. They included: the suppression and dissolution of organizations by "subordinate officials"; withdrawal of members; the economic collapse of organizations; the lack of "new blood"; and the loss of equality of rights relative to the Hitler Youth.⁵¹ A number of steps were outlined to deal with these dangers, including the need to clarify the interpretation of the words "religious, cultural, charitable, and social" and the concepts "protection of organizations."⁵²

The critical question facing the German bishops at the Fulda Conference did not appear in the protocol, however. As the tentative date for ratification drew nearer the Vatican was faced with the difficult choice of speeding up the proceedings or pressing for the settlement of all outstanding grievances. Pacelli wished for input from the German bishops before making the fateful decision, and had Kaas deliver his request through Gröber. (This was done by letter on August 15.)⁵³ While the episcopate was by no means united in their final

verdict, an apparently clear majority opted for a quick ratification. Bertram's report to Pacelli on the conference proceedings documents the fact: "A delay of the ratification of the Reichskonkordat is not recommended. On the contrary it is hoped that the ratification takes place real soon." A number of reasons were cited:

1. Many voices are being raised against the Concordat. Some even are maintaining that the Reich Chancellor is seeking only to gain foreign political prestige with the Concordat and does not wish to see the full internal developments which it entails.
2. Wide circles declare the government has gone too far in its concessions; a contrary movement would be desirable. Such voices would become louder if ratification were delayed. This causes concern among the Catholics.
3. Only with the ratification will we achieve the possibility of proceeding more definitely against the numerous anti-Catholic measures. But if ratification is delayed the position of the episcopacy will be made worse, which will not benefit the Catholic cause.⁵⁴

We learn from Gröber's letter to Kaas on September 1 that while the general mood in Fulda was "not rosy" (conditions in Bavaria, he said, were "still quite deplorable"), it was nevertheless decided that ratification should take place "as soon as possible." Gröber pointed out that Faulhaber was "pessimistic and feared above all that [the treaty] would fall through," but added, "I dispelled the hesitations."⁵⁵ In a letter to Father Leiber on the following day Gröber again related the episcopate's wish for a speedy ratification, but insisted that "guarantees were still necessary." These included: equality of rights and protection for Catholic organizations and the Catholic press, justice for Catholics who suffer because of their political past, an end to persecutions by subordinate Nazi organs, and "freedom at last for the publication and advocacy of Catholic teachings and principles."⁵⁶ How a speedy ratification and additional guarantees could be reconciled

was never explained.

It seems inconceivable that the Vatican could have ratified the Concordat without an agreed list of Catholic youth and other organizations in hand--especially after the troubles encountered after the signing of the treaty.⁵⁷ But that is exactly what happened. Gröber and Berning met with Buttman on September 6 in Berlin to go over the list of organizations approved by the Fulda Conference. Once again, no special difficulties were encountered. Once again as well, no agreement was reached on a list of organizations. Gröber informed the episcopate on September 9, however, that Buttman "promised thorough redress [of complaints] as soon as the Concordat was ratified and legal sanctions could be applied."⁵⁸ Given their decision to push for a quick ratification, it was easy for the majority of the bishops (and officials at the Vatican) to accept still more government assurances. Though Church leaders did not know it at the time, the September 6 meeting in Berlin was their last "honest" chance to negotiate guarantees for their organizations.⁵⁹ It is far more likely that they never had a chance.

At the beginning of August, soon after the press war episode, Pacelli had informed the German Foreign Office of his wish to exchange documents "before the start of his vacation on September 8."⁶⁰ The ratification of the Concordat had revolved around that date ever since. By the beginning of September nothing short of a renewed police action would have delayed it. Pacelli's own reasons for pressing on with the exchange were revealed in his earlier conversation with British Chargé, Kirkpatrick--he had been offered concessions "wider than any previous

German government would have agreed to," he had to "choose between an agreement on their lines and the virtual elimination of the Catholic Church in the Reich," and the Church "would have a treaty on which to base a protest."⁶¹ In addition to these (and perhaps more important), Pacelli now had the blessings of the German bishops. On September 10, the day that the ratifications of the Reichskonkordat were exchanged in Rome, Pacelli telegraphed Bertram to express his thanks for all the bishops had done. He added that if the Holy See gave in to the specific wish of the government for prompt ratification before all grievances had been settled, "the determining factor had been the highly-esteemed views of the German Bishop's Conference."⁶²

Notes to Chapter IV

¹ Witness that July 20 is the date most often cited in texts as the conclusion of the Reichskonkordat.

² On July 14, the same day that Hitler's cabinet approved the Concordat, a "Law Against the Formation of New Political Parties" had outlawed all but the NSDAP. (Lewy, p. 84)

³ See Chapter III page 5 of this paper.

⁴ A full reproduction of the Reichskonkordat text can be found in Lothar Schöppe, Konkordate seit 1800, pp. 29-34. A discussion of some of the more important articles can be found in Lewy, pp. 79-86 and Helmreich, The German Churches under Hitler, pp. 246-50.

⁵ Lewy, p. 81.

⁶ The genesis of the secret annex probably occurred during the Fulda Conference at the end of May, and the results forwarded to Kaas through Bishop Berning. Kaas first broached the subject to von Papen in a letter on June 11, and the Vice Chancellor reported to Hitler that the secret annex met a specific wish of the German episcopate. (Volk, Das Reichskonkordat, pp. 197-200)

⁷ Stasiewski, Akten deutscher Bischöfe, p. 269.

⁸ Müller, Dokumente, pp. 170-71. Faulhaber had written the members of the Bavarian episcopate on the same day informing them of his actions. He assured them that his letter was not addressed in their name since he had not had time to consult with them. It was unfortunate, he wrote, that a common letter had not been sent on behalf of the

entire episcopate. (Stasiewski, Akten deutscher Bischöfe, p. 273)

⁹ Müller, Dokumente, p. 171.

¹⁰ Volk, Kirchliche Akten, pp. 187-88.

¹¹ Ibid., p. 220.

¹² Ibid., pp. 250-51.

¹³ Documents on German Foreign Policy, pp. 651-53. Even though these arguments were designed to quell the criticism of cabinet members who believed that too many concessions had been granted the Church (like Bernard Rust, Prussian Minister of Education and Culture), I believe that Hitler still underestimated the pressure that the Catholic Church in Germany was under as well as the strength of his own position.

¹⁴ Lewy, p. 103. At his inauguration in mid-September Berning volunteered the statement that the rest of the German bishops not only accepted and recognized the new state, but served it "with ardent love and with all our strength." (Lewy, p. 106)

¹⁵ Lewy, pp. 107-09.

¹⁶ Ibid., p. 86.

¹⁷ Volk, Kirchliche Akten, p. 173.

¹⁸ Kupper, Staatliche Akten, p. 289.

¹⁹ Volk, Das Reichskonkordat, p. 177.

²⁰ Lewy, p. 87.

²¹ Volk, Das Reichskonkordat, pp. 179-80.

²² Volk, Kirchliche Akten, p. 209.

²³ Ibid., pp. 210-11, p. 216, and p. 223.

²⁴ Ludwig Volk, "Die Fuldaer Bischofskonferenz von Hitler's

Machtergreifung bis zur Enzyklika 'Mit brennender Sorge,' in Historische

Klopfsignale für die Gegenwart, ed. by Konrad Repgen (Münster: Verlag Aschendorff, 1974), pp. 41-2.

²⁵ Volk, Kirchliche Akten, p. 187.

²⁶ Ibid., pp. 188-89.

²⁷ Ibid., p. 190.

²⁸ Ibid., p. 197.

²⁹ Kupper, Staatliche Akten, No. 111, n. 1.

³⁰ Volk, Kirchliche Akten, p. 208.

³¹ Ibid., p. 202.

³² Ibid., pp. 204-07.

³³ Ibid., pp. 209-10.

³⁴ Ibid., pp. 222-23.

³⁵ Ibid., pp. 225-26.

³⁶ Scholder, Die Kirche und das Dritte Reich, p. 517.

³⁷ Stasiewski, Akten deutscher Bischöfe, p. 288.

³⁸ Volk, Das Reichskonkordat, p. 189.

³⁹ Volk, Kirchliche Akten, p. 194.

⁴⁰ Müller, Dokumente, pp. 175-76.

⁴¹ See note 79 in Chapter III.

⁴² Stasiewski, Akten deutscher Bischöfe, pp. 282-83. For Wolker's

full report see pp. 282-317.

⁴³ Volk, Kirchliche Akten, p. 230.

⁴⁴ Ibid., p. 185.

⁴⁵ Stasiewski, Akten deutscher Bischöfe, pp. 319-20.

⁴⁶ Volk, Kirchliche Akten, pp. 219-20.

⁴⁷ Stasiewski, Akten deutscher Bischöfe, pp. 346-53.

48 Stasiewski, Akten deutscher Bischöfe, pp. 358-65.

49 Ibid., pp. 332-33.

50 Ibid., pp. 322-27, pp. 341-43, and pp. 346-48.

51 Ibid., p. 328.

52 Ibid.

53 Volk, Kirchliche Akten, p. 237.

54 Ibid.

55 Ibid., p. 236.

56 Ibid. p. 242.

57 Hughes remarked: "If it was imprudent to sign the Reichskonkordat on 20 July without this list, ratification on 10 September despite the fact that this list had not been agreed to was a blunder of the first magnitude." (p. 173)

58 Volk, Kirchliche Akten, pp. 244-45.

59 Volk, Das Reichskonkordat, p. 195 and Scholder, Die Kirche und das Dritte Reich, p. 521.

60 Kupper, Staatliche Akten, p. 335.

61 See pages 7 and 8 of this chapter.

62 Lewy, p. 89.

CHAPTER V

CONCLUSION

It is ironic that historians have credited the German bishops with the same decisive influence on the outcome of the Reichskonkordat that Pacelli suggested. The impression is left by most of the literature on the subject that the Vatican and the German episcopate were in fundamental agreement on the terms of the Concordat and that a spirit of cooperation pervaded the negotiations. The actual situation was more complicated than that. Equally unfortunate is the fact that the collective statements by the episcopate during this period--particularly the Fulda declarations of March 28 and June 10--have labelled the bishops as willing, if not eager, supporters of a policy of cooperation with National Socialism. While both statements no doubt had that effect, and confused many loyal Catholics in the process, I have tried to demonstrate that the bishops, especially in the early stages, were responding to the wishes of the Vatican, or what they perceived those wishes to be.

If there ever was a time for the Church to "get tough" with National Socialism it was in the years before Hitler came to power. In the period following the Katastrophenwahlen on September 14, 1930, it was the bishops who took a stand against the Nazi Party. While their actions could more accurately be described as a series of stands that were marked by sometimes conflicting and almost always ambiguous

statements, the fact remains that the entire episcopate held steadfastly to the ban for more than two years. The ban continued through Hitler's appointment as Chancellor on January 30, 1933 and the Nazi "victory" in the elections on March 5. Indeed, the intransigence of the bishops seemed to defy the hallowed tradition of Obrigkeit and the historical ties between throne and altar in Germany.

It is clear that the Vatican during this same period was following a policy of rapprochement toward Hitler and his party, a strategy that was not lost on the bishops. Faulhaber related to the Bavarian bishops how Pius XI praised Hitler as a bastion against the Communist threat, and how Vatican officials "judged National Socialism like Fascism, as the only deliverance from Communism and Bolshevism." A statement was made at the Metropolitan Conference in late April that "not all measures of the German episcopate are approved of" in the circles of the Cardinal Secretary of State. After the March 5 elections diminished the value of the Catholic parties as protectors of Church interests, Rome's willingness to negotiate a treaty with the German government became understandable. Time may tell what the relationship was between events in March and the beginning of Reichskonkordat negotiations. It is hard to believe at this point, however, that the Vatican was not at least indirectly involved in laying the groundwork for an agreement.

The German bishops had never been adverse to the idea of a Reichskonkordat, having supported Vatican attempts to negotiate one since 1920. The fact remains, however, that the bishops were more involved in negotiations in 1920 than they were in 1933. Six weeks

passed from the start of negotiations in Rome before Bertram and Faulhaber were officially informed. When the episcopate met in Fulda eight days later to discuss the draft of the treaty (acutally the second), it became clear that they were not willing to accept a major restriction of the political activity of the clergy--a conditio sine qua non for the German government and a condition that the Vatican was willing to compromise on. While the terror campaign and dissolution of the Catholic parties made compromise academic in the end, the apparent resistance of the bishops on this issue may have been a major reason that they were sidelined during the negotiations. At any rate, it revealed that the episcopate and the Vatican did not see eye to eye on a very important article in the agreement.

In retrospect it was unwise on the part of Rome to keep the bishops uninformed, especially Cardinals Bertram and Faulhaber. Choosing to work through and with Gröber had its advantages, the most important being that Gröber supported the major Vatican positions and was "acceptable" to the Nazi government. But when it came time for the episcopate as a whole to bear the burden of negotiations, as Section 3 of Article 31 required, the bishops were ill-prepared to respond. The failure to secure an agreed list of protected Catholic organizations in meetings with Buttman on July 17 and September 6 was due as much to a lack of preparation as it was the incompetence and credulity of Gröber and Berning.

Just as the Gleichschaltung and persecution of Catholic organizations was never uniform throughout Germany, the response of the bishops to National Socialism and the Concordat was never uniform. I have tried

to show, however, that the majority of the episcopate, and particularly the leaders, had no illusions. Their insistence on the incorporation of the secret annex to the Concordat, despite the knowledge that universal military service was denied to Germany by the Treaty of Versailles, demonstrated that the bishops had a fairly sound grasp of Hitler's intentions and the nature of the Nazi state. Unfortunately, a full understanding of the Nazi state was never as clear to the majority of the episcopate as it was to Bishop Preysing or Cardinal Schulte. Most church leaders would not appreciate that they were facing a "life and death" situation until late 1933, when the Nazis established for good that they would not abide by the spirit or terms of the Concordat. Of course, some would not accept the fact even then.

Interesting parallels can be drawn between the Kulturkampf and the position of the Church in 1933. The more significant focus on the differences between the two periods. In the late nineteenth century the Catholic Church had the support of a strong political party, a spirited press, and the unquestioned allegiance of the overwhelming number of Catholics. This was not the case in 1933. To make matters worse, Hitler was not Bismarck. Hitler had a much better grasp of the power of Catholicism and much greater powers of state at his own disposal.

All this is to say that the bishops were in a desperate situation in 1933. After March 28 they were in the unenviable position where cooperation--with the Vatican and National Socialism both--was their only real alternative. They had no choice but to wait for a Reichskonkordat and hope that it addressed their concerns. When it did not,

and when loss of the Concordat became a greater concern than their doubts about its enforcement, they had little choice but to encourage ratification. In the final analysis, however, the decision to ratify the Concordat was the decision to negotiate it, and the German bishops were far more reluctant to take that initial step than was the Vatican.

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