

# THE GERMAN CHURCHES UNDER THE THIRD REICH



## A REPORT

on the recent constitutional changes in the German Churches, the National Concordat of the German Government with the Roman Catholic Church, and the Jewish-Christian situation in the German Evangelical Church, as of September, 1933.

*Issued By*

THE CENTRAL BUREAU FOR RELIEF  
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# LAW CONCERNING THE CONSTITUTION OF THE GERMAN EVANGELICAL CHURCH JULY 14, 1933

## Article I.

A constitution has been given to the German Evangelical Church as of July 11, 1933, which, together with the statutory enactment, is recognized by the Reich and is published in the attached document.

## Article II.

- (1) The German Evangelical Church is a public corporation under the national law.
- (2) The rights and duties of the German Evangelical Church Federation are taken over by the German Evangelical Church.

## Article III.

If any of the state churches or their constituent bodies refuse to incorporate into their budget the apportionments for the German Evangelical Church, the state government, on request of the national government will cause the apportionments to be included in the budget of the respective church.

## Article IV.

In formal disciplinary hearings against church officials,

1. The church disciplinary boards are empowered to swear in witnesses and experts,
2. The civil courts are bound to grant the requests of the church boards for legal aid.

The only ominous paragraph in this "blanket" enactment is Article III. concerning the budget. In the church constitution the state church units are responsible for the expense of their national administration: salaries of the national bishop, the ecclesiastical council or cabinet, etc., and it is enjoined upon them to include in their budgets an item to meet this obligation. Of course, there is little practical likelihood that one or other of the "Landeskirchen" will refuse, but IF it should—the national government reserves the right of compulsion. "Cooperation with a vengeance!" one is tempted to say. Since the state church units are dependent on income from tax levies voluntarily assumed by their membership, the question arises whether,—in the hypothetical case that the membership might refuse to pay the church taxes as a protest against some act of the national church administration,—the national government could then step in to enforce the payment of these taxes. The Concordat with the Roman Catholic Church contains no such provision, but then the financial obligations of the Catholic diocese to the head of the national Catholic administration as well as to the Holy See, has long been regulated along traditional lines, and furthermore, there is no question of a federative association involved.

## THE CONSTITUTION OF THE GERMAN EVANGELICAL CHURCH, JULY 11, 1933

In this hour, when God allows our people to experience a great historic turning-point, the German Evangelical Churches, continuing and completing the unification inaugurated by the German Evangelical Church Federation, join hands in a

### GERMAN EVANGELICAL CHURCH

This Church unites the creeds growing out of the Reformation and standing beside one another as equals in a solemn federation, which hereby declare and testify: ". . .

there is one Body, and one Spirit, . . . one Lord, one faith, one baptism, one God and Father of all, who is above all, and through all, and in you all."

The German Evangelical Church gives itself the following constitution:

## SECTION I.

### Article 1.

The unchangeable foundation of the German Evangelical Church is the Gospel of Jesus Christ as it is revealed in the Holy Scriptures and brought into the light anew in the creeds of the Reformation. The authorization which the Church requires for its mission is hereby determined and limited.

## SECTION II.

### Article 2.

- (1) The German Evangelical Church is composed of state churches.
- (2) Communions that are related in creed may be admitted. The manner of admission will be regulated by statute.
- (3) The state churches remain independent in creed and cult.
- (4) The German Evangelical Church may by statute give the state churches unified outlines for their constitution in so far as these are not bound by their creeds. The Church is to further and guarantee uniformity among the state churches in regard to administration and legal procedure.
- (5) Nomination of leading officials in the state churches will take place on consultation with the German Evangelical Church.
- (6) All ecclesiastical officials, on their assumption of office, are to acknowledge as binding the constitution of the German Evangelical Church.

## SECTION III.

### Article 3.

- (1) The German Evangelical Church will regulate the legal procedure common to all the German churches;
- (2) it will fix its relation to the State;
- (3) it will fix its position in regard to foreign religious bodies.

### Article 4.

- (1) The German Evangelical Church will prepare and pledge German evangelical Christianity, united in its membership, for the fulfillment of the divine mission of the Church. It has therefore the duty, enjoined by the Holy Scriptures and the creeds of the Reformation, to bend its efforts towards a unified attitude in the Church and to point out its goal and direction to the work of the Church.
- (2) Its special care is the German people, particularly German youth.
- (3) Free (?) \* church work of common church significance, especially in the fields of foreign and "inner" mission work, the German Evangelical Church will take under its furthering care. (\*—meaning welfare work, seminaries, etc.?)
- (4) It has the obligation to maintain and strengthen connections with the evangelical Germans in foreign countries.
- (5) It will cultivate relations with friendly churches of other lands.

## SECTION IV.

### Article 5.

- (1) At the head of the Church stands the Lutheran **National Bishop**.

- (2) The National Bishop will be supported by an **Ecclesiastical Cabinet**.
- (3) A **German Evangelical National Synod** will participate in the appointment of the leading church officials and in the enactment of statutes.
- (4) **Advisory Chambers** will guarantee to the living forces within the German evangelical people free creative cooperation in the service of the Church.

#### Article 6.

- (1) The National Bishop represents the German Evangelical Church. It is his duty to visualize the whole of the church life in the state churches and to guarantee unified leadership for the work of the German Evangelical Church. He will take the necessary steps for the safeguarding of the constitution.
- (2) The National Bishop will assign the members of the Ecclesiastical Cabinet to their functions. He will confer regularly with the leading officials of the state churches. He will appoint and discharge the officials of the German Evangelical Church.
- (3) The National Bishop has the right to exercise all ecclesiastical functions, particularly those of preaching, making pronouncements in the name of the German Evangelical Church and to order special services of repentance or thanksgiving. In so far as the safeguarding and care for a creed other than his own are concerned, the respective member of that faith in the Ecclesiastical Cabinet will exercise his functions in this respect.
- (4) For the administration of church business the National Bishop will have his residence in Berlin.
- (5) The National Bishop will nominate to the National Synod from the ranks of the official leaders of the state churches, in cooperation with the Ecclesiastical Cabinet, and will appoint them from the National Synod to the office of **Bishop**.
- (6) Details to be regulated by statute.

#### Article 7.

- (1) The Ecclesiastical Cabinet has the duty of administering the German Evangelical Church affairs and enacting statutes under the chairmanship of the National Bishop.
- (2) The Cabinet is to be composed of Three Theologians and One Member with Legal Experience. In nominating the theologians, the living creeds expressed in the German Evangelical Church are to be duly considered. The number of members can be increased in case of necessity. The members exercise their functions independently. They are responsible to the National Bishop for the unity of the Church.
- (3) The special mission of the members of the Ecclesiastical Cabinet is to strengthen the tie between the state churches and the German Evangelical Church, the communion among the membership in the same creed, and their confidence in the other members of the German Evangelical Church.
- (4) The members of the Ecclesiastical Cabinet are appointed by the National Bishop. The theologian members will be nominated by the leading officials of the state churches. The office of the Legal Advisor is connected with the office of the leading legal member (or consultant?) in the administration of the Evangelical Church of the Old Prussian Union. The appointment will be made on consultation with the National Bishop. The incumbent must possess the qualifications for the office of judge or higher administrative position.\*  
\*(The rank and training of "barrister" is pre-requisite for many higher civil service positions in Germany.)
- (5) The Legal Advisor is the representative of the National Bishop in legal matters; he is the head of the German Evangelical Church Administrative Bureau, which is the chief ecclesiastical administrative board.
- (6) Details to be regulated by statute.

#### Article 8.

- (1) The German Evangelical National Synod is composed of 60 members. Two thirds are delegated by the German Evangelical state churches from the synods and church boards. One third are appointed by the German Evangelical Church from personalities that have rendered proven and distinguished service in the Church.

(2) The appointment of the members of the National Synod will be regulated by statute. **The term of the members will be six years.** Especial care is to be taken to introduce new blood into the Synod on the occasion of every new constitution thereof.

(3) The National Synod will be convoked by the National Bishop at least once a year. The National Bishop shall consider the wishes of the National Synod for special meetings. Place and time of the meeting will be determined by the National Bishop.\* He will open the Synod by a service of worship and will occupy the Chair until the election of the Chairman. **The Synod will determine its own order of business.**

(\*The first National Synod was called for September 27th and convoked in the historic city of Wittenberg)

### Article 9.

(1) The Advisory Chambers will be co-opted by the Ecclesiastical Cabinet for continuous, responsible work and shall have the right of advisory opinion.

(2) The members are appointed by the National Bishop in agreement with the Ecclesiastical Cabinet.

## SECTION V.

### Article 10.

The German Evangelical Church statutes will be enacted by the National Synod in cooperation with the Ecclesiastical Cabinet or by the latter alone, ratified by the National Bishop and published in the official organ of the German Evangelical Church. They are considered in force fourteen days after their publication in the church paper unless otherwise stated.

## SECTION VI.

### Article 11.

(1) All receipts and disbursements will be annually compiled in a budget which will be determined by statute before the beginning of the fiscal year.

(2) The form of statute will require further a resolution concerning the arrangement of loans or the acceptance of securities which are burdens on the German Evangelical Church.

(3) An annual report of administrative expenses is to be presented to a special Financial Committee to be appointed by the National Synod.

(4) The German Evangelical Church will cover its financial needs by appropriations from the state churches. (C.F. Article III. of the National Law.)

## SECTION VII.

### Article 12.

(1) The Constitution may be changed by statute in so far as creeds and cults are not involved. The statute requires the approval of two thirds of the members of the National Synod present at its meeting, or the unanimous vote of the Ecclesiastical Cabinet.

(2) A change in the constitution which involves the constituent bodies or organs of the German Evangelical Church will require the participation of the National Synod.

Berlin, July 11, 1933.

(NOTE: there follows a long list of signatures of the leaders of the state churches.)

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In presenting the constitution of the new German Evangelical Church to the Churches of other countries, Dr. Ludwig Mueller, the newly elected National Bishop, adds the following interpretative statements (i.a.):

"The reorganization of State and Church does not by any means imply that political principles were grafted on the church constitution. The German Evangelical Church is not a state church. Rather, its constitution has grown out of ecclesiastical principles and requirements. In order to make this clear, it may be well to go briefly into the structure of the new constitution.

"The German Evangelical Church receives its fundamental authority from the Gospel alone. The unchangeable foundation of the German Evangelical Church is the Gospel of Jesus Christ as it is revealed in the Holy Scriptures and brought into the light anew in the creeds of the Reformation. (Art. 1 of the Constitution)

"The determining characteristics of the united Evangelical Church is its normative linking to the creeds of the Reformation, which grew out of the Gospel. No union takes the place of the federation of the state churches (Landeskirchen), but a solemn federation of the creeds growing out of the Reformation, standing side by side as equals. In this way the heritage of the Reformation is fully safeguarded. It is guaranteed that both the Lutheran and the Reformed creeds shall remain intact and that they will achieve a new fruitfulness for Protestantism as a whole.

"The German Evangelical Church stands before great future tasks in the newly created German State. One of its foremost obligations will be to find new ways and methods to carry a contemporary and popular evangelical message into those wide circles that have hitherto been estranged from the Christian Gospel and Church. This work, which may be drawn together in the catch phrase 'people's mission' (Volksmission) will demand the utmost exertion of energy. In the foreign field, it will be necessary to maintain contact with the Christian Churches of other lands. The German Evangelical Church will, as heretofore, take keen interest in the ecumenical work of the Churches. The German Evangelical Church, founded on the Gospel, knows itself to be a member of the 'holy universal Christian Church.' It lives in the hope that the mutual respect and spiritual union with the Christian Churches of other lands will be more and more strengthened, and that it may lead to an ever deepening service to one another, to a fructifying exchange in theology and to cooperative work in the mission fields.

"Together with the Christian Churches abroad, the German Evangelical Church knows itself to be under the command of the Gospel. The message of salvation of Jesus Christ, the crucified and risen Lord, who out of His grace has summoned us to be members of His body and to work in His service, is the unifying center of evangelical Christianity. Out of this belief, love from Church to Church shall live and unite us in a common responsibility under the credo: 'one body, one spirit;' one Lord, one faith, one baptism, one God and Father of all, who is above all, and through all, and in us all." (Ephesians 4, 4:6) August 25, 1933.

It will be seen, first of all, that the episcopal form of church government is used throughout. The National Bishop, and the Ecclesiastical Cabinet have in their hands a considerable concentration of power.

How real or ephemeral the influence of the Advisory Chambers will be, remains to be seen.

While the National Synod receives some legislative powers, it shares these with the Ecclesiastical Cabinet, a body which meets far oftener and stands in much closer relationship to the National Bishop. It is difficult to see what the Synod could do, if confronted with a "fait accompli" of vital church legislation, all passed by the Cabinet. Its greatest corrective power seems to lie in the election of the National Bishop, whose term of office, by the way, is not fixed in the Constitution. The Synod met for the first time on September 27, and Dr. Ludwig Mueller, well known as the head of the faction "German-Christians," was elected National Bishop. He will be recalled as having led the protest against the effort made by the conservative church party to elect the widely known and greatly revered Dr. Friedrich Bodelschwingh at the time of the constitutional assembly of church representatives early in the summer.

It is now incumbent upon the State Church units to bring their individual constitutions in line with the national provisions. The Old Prussian Union has already taken action to this effect, by a law promulgated on September 6, providing for nine bishoprics, with a State (Landes) Bishop at the head, to which office the aforesaid Dr. Mueller was at the same time elected.

The Constitution makes no mention of the "Free" Churches in Germany, other than to imply by Paragraph (2), Article 2, Section II., that Churches, whose creeds are similar to those of the Reformed and Lutheran Churches, may be admitted to membership in the German Evangelical Church, while their individuality of creed and cult is safeguarded in Paragraph (3) under the same Article, and in the second half of Paragraph (3), Article 6. Only in regard to the office of National Bishop is there any discrimination, — this official is always to be a Lutheran (Section IV, Article 5, Paragraph 1).



## II. THE NATIONAL CONCORDAT

with

### THE ROMAN CATHOLIC CHURCH

Not alone the Evangelical Churches have been re-adjusting their internal affairs and their relationship to the State. The Roman Catholic Church in Germany has seen its membership deeply stirred by the tidal wave of national feeling. The Centrum Party, long the stronghold of conservative Catholics, has been swept into limbo along with the other major and minor parties of pre-Nazi days.

The Catholic Church has not sought to order the advancing waves to recede, but has devoted its attention to safeguarding the essentials of its faith, standing, and liberty of action by entering into a solemn covenant with the German government. This is the National Concordat signed in Rome on July 20, 1933. The historic agreement is thus evaluated in "Deutsch—Evän. Korrespondenz." Berlin:

"Ecclesiastically speaking, the Concordat is a masterpiece of Catholic diplomacy. Cardinal Pacelli has attained a high point of his career. In Franz von Papen he found a congenial partner. The document itself is ascribed to the former leader of the Centrum Party, Prelate Kaas. The Archbishop of Freiburg, Dr. Groeber, is also known to have assisted in making the original draft. . . . The document shows that much has been learned from the various national concordats formulated since that with Latvia in 1922, especially from the disputes which followed the agreements with Poland in 1925 and with Italy in 1929. . . . Freedom of right and action is accorded to the Roman Catholic Church throughout Germany, in accord with the Church's own legal viewpoint and complex formulation."

### THE TEXT OF THE CONCORDAT

Concordat between the Holy See and the German Empire (Reich)

His Holiness, Pope Pius XI., and the President of Germany, being motivated by the same desire to strengthen and further the friendly relations between the Holy See and Germany,

Having the will to regulate in a permanent and mutually satisfactory way the relation between the Holy See and the State throughout Germany,

Have resolved to enter into a solemn agreement which will complement the concordats closed with certain individual German States and secure for the rest a consistent treatment of the pertinent questions, according to principles laid down herein.

To this end, His Holiness Pope Pius XI. has named His Eminence the Cardinal Eugen Pacelli, His Secretary of State, as His plenipotentiary, and the President of the German Reich has named the Vice Chancellor of the German Reich, Franz von Papen, who, having exchanged their respective credentials and found them to be in good and proper form, have agreed upon the following articles:

#### Article I.

The German Reich guarantees the freedom of creed and of public worship to the Catholic religion.

It acknowledges the right of the Catholic Church—within the limits of the law of the land,—to administer its own affairs and to make laws and regulations binding upon its membership within the jurisdiction of the Church.

## Article II.

The concordats established with Bavaria (1924), Prussia (1919), and Baden (1932) remain in force and the rights and privileges of the Catholic Church in the states named remain intact. For the other states the provisions of this Concordat apply in toto. The latter are also binding on the three states named in so far as they refer to matters not regulated in the separate concordats or in so far as they complement the existing terms.

In the future, concordats with separate states will be entered into only with the consent of the German Government.

## Article III.

In order to cultivate the good relations between the Holy See and the German Reich, an apostolic nuntius will reside in the German capital, as heretofore, and an ambassador of the Reich will reside at the Holy See. (Cf. Supplementary Protocol)

## Article IV.

The Holy See enjoys complete freedom in its correspondence with the Bishops, the clergy and the other membership of the Catholic Church in Germany. The same holds good for the Bishops and other diocesan authorities in their intercourse with the believers in all matters concerning their pastoral office.

Notices, regulations, pastoral letters, official diocesan papers and other enactments for the spiritual leadership of the believers, which are promulgated by the church authorities within their jurisdiction, may be published without hindrance and be brought to the attention of the membership in the forms previously in use.

## Article V.

In the exercise of their spiritual office the priesthood enjoys the protection of the State in the same manner as state officials. The State will prosecute insults to their persons or in their capacity as clergymen, as well as disturbances of public worship, according to the general state laws, and when necessary it will grant the protection of the civil authorities.

## Article VI.

Clergy and members of conventual orders are freed from the obligation to accept public office and other responsibilities not reconcilable with the provisions of canonical law, with the priesthood, or the rules of their Order, respectively. This applies particularly to the office of bailiff, juror, member of the board of taxation, or of the courts of finance.

## Article VII.

In order to accept position or office in the State or in a corporation of a governmental character, clergymen require the "nihil obstat" of their chief diocesan officer as well as of the corresponding public official. The "nihil obstat" may be revoked at any time on important grounds of ecclesiastical interest.

## Article VIII.

The salaries of clergymen are freed from confiscation\* on the same terms as those of national and state officials.

\* i.e., they cannot be garnisheed for non-payment of debts other than wages or taxes.

## Article IX.

Clergymen cannot be questioned by judicial or other authorities for information concerning facts confided to them in the exercise of their spiritual guidance and which therefore come under the duty of pastoral reticence.

## Article X.

The use of clerical dress or that of the dress of a conventual order by laymen, or by clergymen or members of Orders to whom such use has been definitely forbidden, and the civil authorities duly notified of this fact, is subject to the same penalties as the misuse of the military uniform.

## Article XI.

The present diocesan organization and circumscription of the Catholic Church in German will remain. Any future establishment of a new bishopric or church province or other changes of the diocesan limits remain, in so far as they concern changes within the boundaries of the separate states, subject to mutual agreement with the state authorities. In the case of establishments or changes which affect several states, the agreement is arrived at with the national government which is then left to make the arrangements with the affected states. The same is true of changes in the boundaries of the church provinces, in so far as they may involve several states. These terms do not apply to shifting of church boundaries solely in the interest of local pastoral administration.

A reorganization of the diocesan system and circumscription will be the subject of discussion with the Holy See on the part of the German Government.

## Article XII.

Notwithstanding the provisions of Article XI ecclesiastical offices can be freely established or changed if no appropriations from the civic funds are sought. The cooperation of the State in the formation and reorganization of parishes takes place in accordance with the outlines laid down in agreements with the bishops and for the greatest possible uniformity of which the national government will make recommendations to the state authorities.

## Article XIII.

Catholic parishes, congregational associations, and diocesan associations, the Episcopal Sees, the bishoprics and chapters, the conventual orders and religious fraternities, as well as the institutions, foundations and properties of the Catholic Church, retain (respectively, receive) the status of public corporations under the general law. They remain public corporations in so far as they have been such in the past, the others may receive equal rights according to the general civil law. (Cf. Supplementary Protocol)

## Article XIV.

As a matter of principle, the Church has the right freely to appoint all church offices and benefices without the cooperation of the State or of the civil communities, in so far as other provisions have not been made in previous concordats under Article II. This rule applies to the suffragan bishoprics of Rothenburg and Mayence, the bishopric Meissen, and the Metropolitan See of Freiburg on the Rhein. The rule holds also for the first two suffragan bishoprics regarding the appointments of cathedral chapter positions and the regulations of the right of patronage. Furthermore, there is accord on the following points:

1. Catholic clergymen who hold an ecclesiastical office in Germany, or exercise pastoral or educational functions, must
  - a. be German citizens,
  - b. have graduated from a German higher educational institution,
  - c. have studied at least three years in the field of theology and philosophy in a German state school, a German ecclesiastical academy, or a papal college in Rome.
2. The Bull for the appointment of Archbishops, Bishops, Coadjutors cum jure successionis or of a Praelatus nullius will not be issued until the name of the appointee is submitted to the representative of the national government in the respective state and it has been ascertained that no objections of a general political nature exist.

(Cf. Supplementary Protocol)

By agreement of Church and State, Paragraph I, Sections a, b, and c, may be disregarded or set aside.

### Article XV.

Conventual orders and religious associations, save for the special provisions of the paragraph following, are not subject to restrictions on the part of the State, either regarding their number, selection of their members, activity in spiritual service, education, care of the sick, and charitable work, or in the management of their affairs and the administration of their property.

Ecclesiastical heads of Orders, having their headquarters in Germany, must be German citizens, Heads of Orders or provincial organizations whose headquarters lie outside of Germany, have the right of visitation of the branches lying within Germany.

The Holy See will endeavor so to organize the existing conventual houses so that as far as possible they may not be under government of foreign heads. Exceptions may be agreed upon with the German national government in cases where the small number of branches makes a special German province seem inadvisable or where an historic or administratively proven provincial organization should be permitted to continue.

### Article XVI.

Before the Bishops take possession of their diocese, they are to take an oath of fealty either to the national representative in the states, or the president of the Reich, respectively, according to the following formula:

"Before God and on the holy Gospels I swear and promise,—as becomes a bishop,—loyalty to the German Reich and to the . . . state. I swear and promise to honor the constitutional government and to cause the clergy of my diocese to honor it. In the performance of my spiritual office and in my solitude for the welfare and interest of the German State, I will try to avoid every detrimental act which might endanger it."

### Article XVII.

The property and other rights of the public corporations, institutions, foundations and associations of the Catholic Church vested in their possessions are secured according to the general laws of the land. For no reason whatever may a building dedicated to public worship be torn down without the previous consent of the proper church authority. (Cf. Supplementary Protocol)

### Article XVIII.

In case the State finds it necessary to abrogate the performance of obligations undertaken by it toward the Church, either based on law; agreement or special charter, the reasons for such abrogation should be discussed amicably with the Holy See before they are finally worked out, in order that a friendly agreement may be reached.

Traditional rights are to be considered as titles in law.

The abrogation must be compensated for by an equivalent to the claimant.

### Article XIX.

The Catholic theological faculties in the state schools will remain. Their relation to the church authorities will be governed by the respective concordats and the terms set forth in the special closing addenda, and with due consideration of the rules of the Church in this connection. The national government will endeavor to secure a uniform set of regulations for all the Catholic faculties in Germany. Cf. Supplementary Protocol)

## Article XX.

The Church has the right, in so far as other agreements are not in existence, to establish theological and philosophical schools for the training of its clergy, these to be dependent solely on the church authorities, if no state subsidies are requested.

The establishment, management and administration of the theological seminaries, under the general limitations of the civil code, is exclusively the prerogative of the church authorities. (Cf. Supplementary Protocol)

## Article XXI.

Catholic instruction in the grammar, high, trade, and continuation schools is a regular part of the curriculum and is taught in accordance with the principles of the Catholic Church. It will be the special care of religious instruction to inculcate patriotic, civic and social consciousness and sense of duty in the spirit of the Christian faith and moral code, as is the case with the instruction in other subjects. The syllabus and selection of textbooks for religious instruction will be arranged in consultation with the church authorities. The church authorities have the right to investigate whether the pupils are receiving religious instruction in accordance with the teachings and requirements of the Church, the opportunities for such investigation to be agreed upon with the school authorities.

## Article XXII.

In the appointment of Catholic religious instructors an understanding will be arrived at between the bishop and the state government. Teachers that have been declared unfit for further exercise of their teaching functions either because of their teachings or moral conduct, may not be employed as teachers of religion as long as the obstacle remains, in the judgment of the bishop.

## Article XXIII.

The retention and establishment of Catholic schools remains secure. In all parishes in which parents request it, Catholic grammar schools will be established if the number of pupils and the general school situation in the community seem to justify a school run in accordance with the requirements of the State covering schools in general.

## Article XXIV.

In all Catholic grammar schools only such teachers will be employed that are members of the Catholic Church and guarantee the fulfilment of the special requirements of a Catholic school.

Within the general arrangements for the training of teachers, provision will be made which will guarantee a training of Catholic teachers in accordance with the special requirements of the Catholic school. (Cf. Supplementary Protocol)

## Article XXV.

Conventual orders and religious communities are entitled to establish and conduct private schools, subject to the general education laws. These private schools will have the same standing as the state schools in so far as they fulfill the curricular requirements for the latter.

For members of conventual orders or religious communities the general requirements for teachers and appointments to the grammar, continuation or high schools, are applicable.

## Article XXVI.

With reservations looking toward a later comprehensive regulation of the marriage laws, it is understood that except in cases of the critical illness of one of the engaged couple, or in the case of severe moral emergency, the presence of which must be con-

firmed by the proper church authority, the church marriage ceremony. In such cases the pastor is in duty bound to notify the registrar's office at once. (Cf. Supplementary Protocol)

#### **Article XXVII.**

The Church will accord to the Germany Army (Reichswehr) provision for the spiritual guidance of its officers, officials and personnel, as well as their families. (Cf. Supplementary Protocol)

The administration of the pastoral care for the army is to be vested in the Army Bishop. His appointment is made by the Holy See after the latter has got into touch with the national government in order to select an appropriate candidate who is mutually agreeable.

The appointment of military pastors and other military clergymen will be made by the Army Bishop in concurrence with the proper national authority. The Army Bishop can appoint only such pastors as have the permission of the diocesan bishop to enter military religious service and have received a certificate to that effect. Military Chaplains have the standing of regular pastors for the troops assigned to them, and for their personnel.

Detailed regulations for the organization of the Catholic chaplains service will be laid down by an apostolic brief. The regulation of the official aspects of the chaplains service will be arranged by the national government. (Cf. Supplementary Protocol)

#### **Article XXVIII.**

In hospitals, prisons and other institutions of public benevolence the Church will have the right of visitation subject to the rules of the institutions. If regular ecclesiastical supervision is arranged for in such institutions, and if pastors must be appointed as state or other public officials, such appointments will be made in accord with the church authorities. (Cf. Supplementary Protocol)

#### **Article XXIX.**

The Catholic members of racial minorities living within the boundaries of Germany will be treated as regards the liberty of worship and instruction in their mother tongue, in accordance with the treatment received by German minorities in the respective country. (Cf. Supplementary Protocol)

#### **Article XXX.**

On Sundays and holy days special prayers, conforming to the general liturgy, will be offered for the welfare of the German Reich and its people, in episcopal, parish, and conventual churches and chapels.

#### **Article XXXI.**

Such Catholic organizations and associations which serve a purely religious, cultural or charitable purpose, and as such are subject to the church authorities, will be protected in their establishments and activities.

Catholic organizations and associations which serve in addition to the religious, cultural or charitable purposes, social or professional objectives, shall, without prejudice to civil bodies of a similar character, enjoy the protection of Article XXXI, paragraph I, in so far as they guarantee that their activity lies outside of any political party.

The determination of the organizations and associations which fall under the terms of this article will be a matter of agreement between the national government and the German episcopate. (Cf. Supplementary Protocol)

In so far as the Reich and the states sponsor athletic or other young people's organizations, care will be taken that their members are enabled to fulfill their religious obligations on Sundays and holy days and that they are not encouraged to any acts not in accord with their religious and moral opinions and duties.

## Article XXXII.

In consideration of the special situation existing in Germany, and in view of guaranty provided by this Concordat of legislation which will safeguard the rights and privileges of the Roman Catholic Church in the nation and its component states, the Holy See will prescribe regulations which will prohibit clergymen and members of conventual orders from membership in political parties and from working on their behalf. (Cf. Supplementary Protocol)

## Article XXXIII.

All matters appertaining to clerical persons or ecclesiastical affairs which have not been treated in the foregoing articles will be treated according to canonical law.

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

## Article XXXIV.

This Concordat, whose German and Italian text shall have equal force, shall be ratified and the certificates of ratifications exchanged as soon as possible. It is in force from the day of such exchange.

In witness hereof, the plenipotentiaries have signed this Concordat.

Signed in two original exemplars, in the Vatican City, July 20, 1933.

(Signed) Eugenio, Cardinale Pacelli

(Signed) Franz von Papen

The Supplementary Protocol at the signing of the concordat between the Holy See and the German Reich the duly accredited plenipotentiaries have adjoined the following explanations, which form an integral part of the Concordat itself.

In re:

Article 3: The Apostolic Nuntius to the German Reich, in accordance with the exchange of notes between the apostolic Nunciature in Berlin and the Foreign Office, on the 11th and 27th day of March respectively, shall be the Doyen of the diplomatic corps in Berlin.

Article 13: It is understood that the Church retains the right to levy church taxes (on its membership).

Article 14, Paragraph 2: It is understood that when objections of a general political nature exist, they shall be presented within the shortest possible time. If after 20 days, such statement has not been made, the Holy See will be justified in assuming that there are no objections to the candidate. The names of the persons in question will be held confidential until the announcement of the appointment. A State veto shall not be required to assign reasons.

Article 17: In so far as public buildings or properties are used for church purposes, these are retained subject to existing agreements.

Article 19, Paragraph 2: This is founded at the time of the signing of this Concordat on the apostolic constitution. "Deus Scientiarum Dominus," of May 24, 1931, and the instruction of July 7, 1932.

Article 20: The high schools and colleges now under the administration of the Church are recognized as important church institutions per se, and as integral parts of the diocesan organizations.

Article 24: As soon as private institutions are able to meet the requirements of the

new educational code for the training of teachers, the existing institutions of the conventual orders and communities will be given due consideration.

Article 26: A severe moral emergency exists when there are insuperable or disproportionately difficult and costly obstacles in the way of securing the customary civil documents at the right time.

Article 27, Paragraph 1: Catholic officers, officials and personnel, as well as their families do not belong to the local parishes and do not contribute to their financial burdens.

Paragraph 4: The publication of the apostolic brief will take place after consultation with the national government.

Article 28: In urgent cases the pastor is to be admitted at all times.

Article 29. After the German government has indicated its willingness to the compromise regarding the non-German minorities, the Holy See declares,—pursuant to its principles regarding the right of employment of the mother tongue in religious instruction and in Catholic Societies,—that it will have in mind similar protective clauses for German minorities when arranging concordats with other countries.

Article 31, Paragraph 4: The principles laid down in this article hold good also for the national labor service.\* (\* similar to our forest camps for unemployed.)

Article 32: It is understood that similar provisions for non-participation in politics will govern members of other creeds also. The conduct enjoined upon the pastors and members of conventual orders in Germany does not entail any limitation of the prescribed preaching and interpretation of the dogmatic and moral teachings and principles of the Church.

In Vatican City, July 20, 1933.

(Signed) Eugenio, Cardinal Pacelli,

(Signed) Franz von Papen

A memorable document, the more so that it will probably serve as a model for a similar covenant with the German Evangelical Church.

Certain articles are noteworthy because they either give formal guarantees of special privileges, or because they touch on matters that have at various times been subject of controversy between the Catholic Church and the German State. Thus Articles X, XIII, XV, where they relate directly to the conventual orders, constitute a victory for the Church, especially on the point of the unhindered extension of the orders. The State has its innings in Paragraphs two and three of Article XV which stipulate that for the most part the heads of conventual orders shall be German citizens. The second paragraph of Article II favors the State as it tends to discourage further separate treaties with the German States. Article III, however, especially the addendum in the Supplementary Protocol, confirms the diplomatic preeminence of the Papal Nuntio as head of the foreign representatives at Berlin. The State, again, scores a point in Article XIV, I, which enjoins German citizenship upon the priesthood and subjects their educational qualifications to the state requirements. Also, Catholic bishops take a special oath of fealty to the Empire (Article XVI).



The Sections on education (XXI, XXII, XXIII, XXIV, XXV) favor the Church, save that "It will be the special care of religious instruction to inculcate patriotic, civic, and social consciousness and sense of duty in the spirit of the Christian faith and moral code, as is the case with the instruction in other subjects." Note also the section (Article XXIX) which regulates the treatment of Catholic minorities in Germany on the basis of the treatment accorded German Evangelical minorities in other countries. In the fourth Paragraph of Article XXXI, the Roman Catholic Church tacitly relinquishes the position it has long held against the participation of its young people in non-sectarian organizations such as the "Jugendwehr" and a number of Catholic young peoples organizations have already been merged with civic groups of a similar character; not without well-founded misgivings on the part of the German Catholic pastors, who fear the intensely ego-centric character of the "national resurrection."

### III. THE "GERMAN CHRISTIANS"

The sudden rise to supremacy in the German Evangelical Churches of the group known as "Deutsche Christen"—one might, to avoid confusion, translate the name "Aryan Christians"—was a complete surprise in Europe as in America. As a matter of fact, it was largely the explosion of a long repressed dissatisfaction with the conservative Church leadership, plus the sudden ebullition of nationalism.

In other words, German church life has been rudely shaken out of an age-long rut of established usage, out of a smoothly worn groove that outlasted even the events of 1919.

The "Aryan-Christians" believe that the German Church as a whole has failed its people; they point to the obvious estrangement of the great masses of the people as evidence. Broadly speaking, the same issue is facing our own Churches, and those of Great Britain, and of the Scandinavian Countries, and in a great many other places!

In Germany, the estrangement of people and church has been apparent for over a century. Much of the blame is laid upon the "State Church" system, with its attendant evils. Another angle which has been much discussed of late is "sermonitis." Some leading churchmen feel that too much has been made of the sermon to the detriment of true community worship; and in addition, the sermon has too often been an inadequate performance. The great Reformers were all great preachers, but it is too much to expect that every young pastor shall turn out to be a Knox, a Calvin, or a Wesley. The message has too often been lost in and by the messenger. It is to this that the great dissatisfaction among German intellectuals is ascribed.

"Synodicalism"—bureaucracy and parliamentarism in church administration—is another target of the "Aryan-Christians." Under the new constitution of the "Old Prussian Union," which was adopted at the last meeting of the Prussian Synod on September 5th, the Synods are abolished, and their functions transferred to nine Bishops. Here too, is evidence of the world wide trend back to personal authority,—in politics, to dictatorship—which is checkmating progress toward democracy. "We don't want title-bearers, but real bishops with authority," said Dr. Peter, one of the National-Socialistic pastors at the September 5th meeting. ". . . in the Church of Martin Luther there is no place for parliamentarism," were the words of Dr. Werner, of the Church Council.

No one who was not in Germany during the crucial year of 1932 can readily understand the excitement and the bitterness of opposition which has been roused over these questions. The writer well remembers a meeting in Dresden last year, in April, at which one of the speakers in outlining what he felt should be the attitude of the Churches in regard to the "Sole war-guilt lie," uttered the sentence: "Not only has a German the right to be a Christian, but a Christian has a right to be a German." (Dr. Bayer.)

The intensity of feeling on the part of those who hold to the "Aryan-Christians" even while they are far from approving their program **in toto**, became more comprehensible on that fateful Sunday of the elections, when, to the people of Germany, it seemed as if their whole future and that of their nation hung in the balance. The writer attended service in a little church on the outskirts of Berlin. It was crowded. The sermon was good. The atmosphere was serene and restful after all the political excitement and anxiety. Not at any time during the session was the slightest mention made of the significance of the day for the country and its people. Not even a prayer for guidance; no admonition to calmness and tolerance. It would be stupid to generalize from this single instance, but before passing judgment on the recent developments in the religious life of Germany one might well ask the question; "In **any** time of severe crisis, can **any** Church, in **any** country, remain thus aloof from the innermost concerns of its members, and still be considered a 'people's Church' (**Volkskirche**)?" The German-Christians say "No!"

The reaction against the conservative position has swung the pendulum far to the other side and has swept the "Aryan-Christian" party into practically despotic power. Note the following utterances of Bishop (Dr.) Mueller in his first public address since his election by the Prussian Union;

"Roused by the national uprising, the masses have begun once more to recall their personal relation to the Church. But the return to the Church was rendered difficult for countless numbers by the fact they had lost all contact with it. . . . In addition, the great mass of our people was exposed for years to the corrosive influence of the Marxian philosophy. But these masses also belong to the Church, and it is just they whom we want to win back, for without them we are not a 'people's Church.' . . . Within the Church we must have a unified line of conduct. We can't use any more factions."

The noted theologian, Dr. Friedrich Gogarten writes:

"With the Constitution just ratified by the national government the Church has been given back the freedom and independence which it needs in order to be truly the Church of Christ. Only in loyalty to its own nature and by staking its whole strength can it perform its appointed service to our people.

"It goes without saying that this work must be done in close relationship to the national and racial renaissance, which absorbs the whole thought and will of our people. It is self-evident because **the Church does not have its place aloof** from the life of the people, but right in the midst of it, and in the most intense sympathy with it."

As has already been intimated, the "Aryan-Christians," or to translate more literally, the "German-Christians," have not swung **all** the German Lutheran or Reformed clergymen their way. There is opposition, and plenty of it. But it is for the time being, at least, ineffective, —over-ridden, swamped by an irresistible tidal wave of public hysteria, which has caught up even the Churches in its turbulent progress. The new national Church constitution is an orderly, well-considered document, the first of the **State** constitutions to be adjusted to its requirements, that of the Old Prussian Union, shows the unhappy consequences of having been born in a period of upheaval, of extreme strain. The vehemence of the argumentation of the Synodical meeting of September 5th, which brought it forth, is only too clearly reflected in the product. "More heat, less light!"

The opposing views clashed on a number of issues, but overshadowing all was the tragic question of the Jewish-Christians, the offshoot of the National-Socialist anti-Semitic policy. The climax came when Pastor Koch, Superintendent of the Church Province of Westphalia, after having such epithets as "traitor!" hurled at his head, left the meeting, with the words: "It is obvious that fraternal cooperation is not wanted here, only ruthless force. Worldly methods are being carried into the Church." The opposition rose as one man and followed him out.

More will be said about the Jewish-Christian controversy in the last chapter, but it might be well at this point to insert the statement of Dr. Karl Barth, one of the most notable figures in theology today, who ably defends the standpoint of the more conservative German churchmen and at the same time makes emphatic the "transcendence" of the Church as such.

"1. The Church is not 'to do everything' to bring the German people back to Church, but to enable the people to find in the Church the free and pure Word of God.

"2. The Church's task is to preach the Word of God. It is not the Church's task to help the German nation to recognize and fulfill any vocation other than the vocation of Christ.

"3. The Church is not to serve mankind, and therefore not to serve the German people. It is to serve the Word of God.

"4. The Church believes in the divine institution of the State as the representative and bearer of law and order for the people. But it does not believe in any particular form of State, not in the German or in the national-socialist State. The Church preaches the Gospel all over the world; it preaches it also in the Third Reich, but not in the spirit of that State.

"5. The Creed of the Church, if it is to be developed, must be developed in accordance with the Holy Scriptures, and certainly not in accordance with any political philosophy, which happens to be popular at the time. The Church has not to 'provide arms' for anyone.

"6. The community of church members is not determined by blood or by race, but by the Holy Spirit and by Baptism. If the German Evangelical Church excludes Jewish Christians, or treats them as inferior, it is no longer a Christian Church.

"7. If the office of Bishop were in any way possible in the Evangelical Church, it could not be filled in accordance with political notions and methods.

"8. The instruction and leadership given by the clergy is not to be reformed on the lines of closer contact with the people, but on the lines of a stricter discipline and realism in carrying out their own task; that of spreading the Word."

On the question of the newly created office of the "National Bishop," Karl Barth says:

"... the origin of this idea was a desire to imitate a certain political form. In the political sphere a man had arisen who, by his capacity for obtaining power and turning it to account, had proved himself a real leader. The Church must have a similar leader, people said; a man who, by reason of his superior gifts, would have power to interpret the Scriptures, denounce false preaching, and appoint and dismiss ministers.

"People were blinded by political enthusiasm. Did anyone inquire whether it were desirable for the Church to follow a political precedent? . . . All true leadership is an event. The National-Socialists did not create the position of Chancellor and then put Hitler into it; Hitler was there, he led, and thus became leader. When a true leader arises in the Church, it will be time enough to talk of a Bishop. If Luther or Calvin were alive today, there would be significance in the 'principle of leadership' even without creating a special bishopric. There is no sense in creating an office and then choosing a man to fill it, hoping that he will prove adequate to his responsibilities."

The lines of cleavage run deep. Some of the points of controversy are by no means confined to the German Churches alone, but in one form or another, run through the whole religious world.

## IV. THE JEWISH PROBLEM IN STATE AND CHURCH

### I. The State

Strictly speaking the Central Bureau for Relief has no cause to meddle with the anti-Semitic policies of the German government. However, this trend has found so loud an echo in the German Protestant Churches, that it is impossible to ignore the subject.

The Jewish side of the case is obvious, de jure, and has been ably and exhaustively presented. If the Jews have overstepped the bounds of correct procedure in their own behalf, it may well be forgiven in view of the stark tragedy that has descended upon their co-racials in Germany.

In endeavoring to present the German side of the question, the writer's effort has been to account for the present anti-Jewish outbreak by reviewing briefly the events that led up to the political over-turn of 1932, and by stating baldly some of the reasons (perhaps one ought to say "excuses!") advanced by Germans for this persecution-complex that has seized the nation. Before going into these, however, it must be stated again that German public opinion has by no means gone "a hundred percent anti-Jewish," neither in State nor Church, and that there is every hope the the whole unhappy situation is a transitory one, a phase of the revolutionary excitement, an emotional, and therefore illogical reaction against the previous régime.

### The Background

What has happened to Germany since the Armistice?

1. Exhaustion, physical and mental, from the superhuman efforts of the War.
2. Compulsory acceptance of sole responsibility for the War, despite the obvious evidence to the contrary.
3. A peace treaty based not on the premises which had included Germany to lay down her arms, but on hatred, vengeance, selfishness and rapacity.
4. Ruthless imposition of reparations, eventually leading to an impossible load of debt.
5. The famine, due to the blockade maintained by the Allies after the Armistice.
6. The Rhine, Ruhr, and Saar Valley occupations.
7. The Polish corridor.
8. The Spartacus (Communist) terror of 1918.
9. The inflation:—every savings deposit, mortgage, investment, endowment wiped out, and the Middle Class, always the backbone of moderation, wiped out with it.
10. A form of government not chosen by the people but imposed by its enemies as prerequisite to a ruinous peace.
11. The breakdown of the German Parliamentary system with its 39 futile political parties.
12. Deterioration of the moral tone of a wide stratum of the people.
13. Enforced disarmament amid nine or more hostile neighbors all armed to the teeth; her racials abroad a fair prey to mistreatment and oppression.
14. The world economic crisis, leaving **one third** of the nation's workers hopelessly unemployed.

Contrasting these fourteen bitter realities, with the Fourteen Points on the basis of which an American idealist launched his "war to end wars," even the most broadminded German is unlikely to accept with good grace any further foreign advice or intervention.

### Hitler

In 1932, at the time when the fortunes of the country were at their lowest ebb, when there seemed no future, no outlook, nothing to make life worth living, there arose a strong personality: Hitler. Besides promising them the usual "moon, stars, and paradise" which are the currency of ANY candidate for political office, he promised to the German people, —with whose sons he had fought and bled on the battlefield, for whose cause he had suffered and worked and gone to prison,—one thing more: HOPE. No American who voted for the "New Deal" need wonder at the success of the man who created the Third Empire. Is not our own country living on hope?

Mussolini's success was founded on the same basis. To compare him with his German counterpart would be invidious, but to the too-ardent critics of Mr. Hitler it might well be said: "Watch and wait! By their fruits ye shall know them." For three years or longer, the favorite European cartoon of the man now known as "Il Duce," was a big square mouth, with big square teeth, and great big words coming out it. Dumas makes one of his characters say of Cromwell: "Such men are like thunderbolts, one does not recognize them until they have struck." (Dumas, *Twenty Years After*.)

Hitler scrapped the pseudo-republic and thirty-nine political parties and reduced the press to a sounding-board for his own ideas. Some of his opponents fled, others went into prison camps or other seclusion, but the great majority "climbed on the bandwagon." Most unfortunate have been some of the experiences of the intellectuals and liberals, but the majority of them still defend the new government in the hope that it may succeed in realizing the national dream of a better future. Things are notoriously uncomfortable for the opposition when a revolution is in progress. The German Revolution of 1932 was one of the most bloodless that ever happened, but it was a revolution none the less. It is unlikely that any considerable number of people in Spain are openly advocating the return of the once popular Alfonso XIII just at the moment, and if there is a strong American intervention party in Cuba, it is certainly keeping very quiet. The time will come again when Germany can afford to maintain four political opinions for every three Germans, but right now, some forty or fifty millions of them feel with the Chancellor that such multiplicity is unwarranted luxury.

### The Anti-Semitic Trend

It has already been stated that not every German has certainly turned into a "Jew baiter." None the less, there is a widespread anti-

Jewish feeling in the population which has found its expression in the recent action of the government; it is shared even by thoughtful people who are not readily swayed by mass psychology, and is based on the following reasons, concerning the validity of which the writer does not presume to judge. What must be remembered in this connection is the fact that they ARE believed at least for the time being, by the mass of the population, they are the basis of the German rationalization for what seems indefensible harshness and injustice to outsiders.

The defeatist and pacifist propoganda in Germany during the latter part of the war centered around an outstanding Jew—Maximilian Harden. (Isador Wittkowski)

The Social-Democratic Party, whose principles and administration have been so completely repudiated by the German revolution of 1932, is accused of playing into the hands of the Allies by demoralizing the "home front" and of constant efforts to undermine the morale of the troops. Leadership in this party is said to have been largely Jewish.

The intellectual leadership of the Communist Party is considered to be Jewish even though the rank and file of the membership is not. (It must be borne in mind that the Communists were responsible for the "Spartacus Uprising" of 1918, in which 100,000 or more people were killed.)

Too many notorious profiteers during the war and the inflation were Jews.

The Jewish hold on German banks is regarded as opposed to the true interests of the country.

Jewish capital had too large a control of the press.

Jewish refugees that entered Germany after the war took advantage of the inflation to buy up properties, stores, and banks.

Agrarian districts complain of ruthless exploitation of farm mortgages.

The rise of the Godless Movement, which made devastating inroads on German folk-life during the last decade, is blamed on the Jewish-led Communists.

Jews are considered responsible to a larger degree for the increase of obscene literature and the lowered moral tone in drama, and literature generally.

## The Government Measures

The anti-Jewish measures adopted by the government have three main objectives, viz.:

1. The elimination of the Jews who entered Germany from the East, since the War.
2. Reduction of the percentage of Jews in public official, business and educational life.
3. Prevention of further introduction of Jewish (and other non-Aryan blood) into the German race.

Number one needs no special explanation. One can understand the prevailing bitterness on this aspect of the situation. There is hardly a country moreover, that has not tightened its immigration laws of late, and several nations (France, for instance), have adopted the most stringent measures against the employment of foreigners. The reason is different, perhaps, but the results are alike.

The second item operates with greater harshness, and affects many Jews whose families have been resident in Germany for generations, whose sons fought in her Wars, and who have given her men and women distinguished in science, law, art, music, education, and philanthropy. Due to the fact that the Republic brought the Socialist-Democratic Party into power, a far higher percentage of Jews held official government positions than was warranted by their numbers in the nation. Not only Hitler, but most Germans felt the anomaly of a minority group however worthy, holding almost a controlling share of the country's administration.

In cities like Berlin, certain professions, were swamped with Jewish aspirants; the universities showed similar disparities. To the accusation that the anti-Jewish regulations imply a fear of intellectual competition, German educators reply that they have a right to protect the slower maturing Gentile youth against the competition of the more rapidly maturing non-Aryan.

The severest criticism of all has been leveled at what is called the "Aryan delusion" of Hitler and his party; especially as this is the angle that has been carried over into the Churches. While admitting that much of the criticism may be justified, Germans feel that this condemnation comes unfairly from a race which thinks very highly of its own "mythos," and that has carried race exclusiveness farther than any other great people.

Humanity at best is ungrateful to its intellectual leaders. In times of upheaval, the achievements of science and of the arts are too often trampled under foot. One thinks of the French revolutionary tribunal refusing a scientist the month's grace he needed to finish his work, with the curt words: "The republic has no need of such things." But does this mean that the French Revolution was wholly unjustifiable?

The German intellectuals and churchmen have been blamed for not protesting on this and other anti-Jewish enactments.—Such protest would hardly be effective in stemming the impetus of what may be likened to a roaring torrent, a mighty river at flood. The flood must subside, before the protests can be heard. In time of war,—and revolution is a state of war,—no nation will permit any conduct that will "give aid and comfort to the enemy," as the American war-time laws plainly stated. Is it necessary to refer to our popular hysteria concerning German music, science and art during the war?—We see things more clearly now!

Admittedly, the Jewish citizen is loyal to the land of his birth or adoption up to the point where his loyalty to Judaism is not involved. Here the tragic duality of race and religion becomes the deciding factor. Witness the boycott movement among American Jews. It is a wholly natural protest on the part of the Jews alone, but they do not hesitate to endeavor to enlist American capital, business, politics and labor "to fight the battle of Judaism on a world-wide front." That the boycott movement may throw thousands of non-Jews out of work is given scant consideration.



German church leaders point out that the whole question would receive an interesting twist if the dream of a Jewish State ever came true; and Jewish citizenship became a reality. Jews all over the world would then be faced by immigration quotas on the one hand, and on the other, by the necessity of relinquishing their racial loyalties on being admitted to citizenship in other countries.

## 2. The Church—The Jewish-Christian Problem

Unqualifiedly pitiable and tragic is the fate of the Jewish Christians, or of those Germans who are of part Jewish extraction. For the first time in history have State and Church refused to admit the validity of baptism. The former, of course, is consistent. It does not consider the question a religious one and therefore it declines to recognize the act of conversion. With the Church it is a different matter.

How the "German-Christians" (or "Aryan-Christians" as they are called in the preceding chapters), can rationalize the forcible pensioning or dismissal of pastors of Jewish blood or racial connections, is a mystery. Thus far, only the Old Prussian Union Synod has formally declared itself on the subject, but the tremendous preponderance of the radical group in all recent church assemblies and elections leaves little hope that saner as well as more Christian thinking will prevail in the other state churches.

The new church laws of the Old Prussian Union are as unequivocal as they are drastic. The following articles are culled from the new enactments as recently published: ("Kirchliches Gesetz-und Verordnungsblatt," September 6th, 1933.)

### SECTION 1.

1. Only those may be called to the office of pastor or to the Church administration who have the prescribed educational training for this career and endorse unreservedly the national State and the German Evangelical Church.
2. Persons of non-Aryan descent or married to persons of non-Aryan descent may not be admitted to the office of pastor or employed in the general church administration. Pastors and officers who are married to persons of non-Aryan descent are to be released.

### SECTION 3.

2. Pastors or officers of non-Aryan descent or who are married to non-Aryans are to be pensioned.
3. The above paragraphs can be ignored on the basis of special service toward the upbuilding of the Church in accord with the German spirit.
4. The provisions of Paragraph 2, are not applicable to persons who have been pastors, or have been officers of the Church, the nation, one of the states, or other public body since August 1st, 1914, or who have served at the front for Germany or its Allies in the World War, or whose fathers or sons fell in the World War.

It will be noted that Paragraphs 3 and 4 of Section 3, practically eliminate the possibilities of any "wholesale" pensionings or dismissals of the existing personnel. They also leave considerable leeway for new personnel within this and the next generation: Looking to the future, however, and as a matter of **principle**, the object is clearly to identify the administration of the Church with the racial objectives of the State.

These statutes did not go unchallenged! The **Christian Germans** were willing to go a long way to meet the popular demand for unification and "Gleichschaltung" ("tuning in" with the new national spirit), they were **NOT** willing to give up the very essence of Christianity and capitulate before a **rabid** spirit of nationalism that could violate the teachings of Christ. Out of the many fine statements that have been made, only one can be published. The German copy that reached this office was unsigned, but it is fair to assume that it was written by one of the delegates at the last Synod meeting described above, and that the author was one of those who left the hall in protest when the new measures were railroaded through.

## APPEAL TO THE MINISTERS OF THE OLD PRUSSIAN UNION

by the Leading Divines of Berlin, July 1933.

### *The Jewish-Christian Question as Status Confessionis*

In the just published "Outlines" of the new church constitution, it is implied that this law guarantees the exclusion of non-Germanic baptized Christians from positions of ecclesiastical leadership. This clause impels us to draw attention again to the question which is of fundamental significance for the Church in view of the pending decision of all the Synods.

The Aryan paragraph in the form contained in the first program of the "German-Christians," is a "Status confessionis" for the Church. Nothing is more dangerous than for us to allow ourselves to be hoodwinked by statements as to its relative harmlessness. The constantly repeated effort to befog the questions relative to it, is intended to keep us from seeing clearly the fact the very substance of which the Church is endangered and thus wrest out of our hands the decision for which we are responsible to the Church alone. Do not let us be deceived by all sorts of material considerations about the significance or insignificance of the matter, and lose sight of its spiritual substance, which demands a spiritual decision.

The exclusion of the Jewish Christians from our communion of worship would mean:

The excluding Church is erecting a racial law as a prerequisite of Christian communion. But in doing so, it loses Christ himself, who is the goal of even this human, purely temporal law. The Christian Church cannot deny to any Christian brother the Christian communion which he seeks. A Church which excludes the Jewish Christians puts itself under the Law, it is then a Church of Jewish-Christian type.

A Christian Church cannot exclude from its communion a member on whom the sacrament of baptism has been bestowed, without degrading baptism to a purely formal rite to which the Christian communion that administers it, is indifferent. It is precisely in baptism that God calls man into this concrete Church and into its communion.

The question whether an Aryan Paragraph is endurable by the church boards is to be distinguished from the first question. But here, too, a certain **laziness** and **indifference** must not be allowed to cloud the issue. Pastors are not state officials. Hence, official regulations cannot be applied to them under any circumstances. Concerning admission to the ministry, as to other church positions, only ecclesiastical viewpoints are decisive,

i.e.: right doctrine, Christian conduct, and spiritual endowments alone qualify for the ministry. It is therefore an ecclesiastical impossibility, to exclude, as a matter of **principle**, Jewish Christian members from any offices of the Church. It is something else again if, from case to case, consideration is shown for the weakness of others, so that, for instance, a preponderantly "German-Christian" parish will not have a Jewish-Christian assigned to it as sole pastor. But even here, the possibility remains open of doing just that,—for ecclesiastical reasons; on principle. And from this principle, relatively unimportant as it may seem, hangs the very substance of the Church itself. With the exclusion of the Jewish-Christians from the communion of worship, he, who realizes the nature of the Church, must feel himself to be excluded also. How can he, who holds a church office, administer that office, if he knows that there are in the communion brethren of fewer rights to whom such office is not open because of their race? Will he not then best safeguard his Christianity and his churchliness by preferring to be there, where the most despised brethren of the communion are, and no longer sit at the head of the table, "among those who are first"?

On a Church whose substance, whose essential nature has been violated, the blessing of God can no longer rest,—despite the honest and best intentions of individual members. May we here make a clear decision, responsible only to the Church of Christ!

No outsider can judge at present whether the "Aryan-Christian" party represents a true majority: If it does, the hope is that its present actions constitute one of those emotional "landslides" which occur in times of grave unrest, whose errors are rectified when judgment once again supplants excitement.

Lest too much ready-made condemnation be directed at the "German-Christian" group before they have even had an opportunity to present their case to the Churches of the world, it will be well to remember that the **judges** must come with clean hands. Let those who know no race prejudice cast the first stone!—It cannot come from the country whose citizens posted the notice: "No Chinamen or dogs allowed," nor from the church that closes its pews to negroes, nor from the country that has an oriental exclusion act on its statute books. Both in the interest of the promising ecumenical movement and for the sake of demonstrating that Christian forbearance which should be an essential part of Christian relations between individuals, Churches, and nations, we should not be hasty in our judgment now. The following statement by the Swiss Protestant Federation, which was issued in June, shows how carefully other church bodies in Europe are weighing the situation:

"There have been several requests to the Chairman of the Swiss Church Federation, to take a definite position in regard to the oppression of the Jews in Germany, less against the rapidly subsided boycott than against the economic and social ruin which threatens a large number of Jews. The Executive Committee considered the available information very carefully, but had the impression that it would be out of order to interfere in the political reconstruction of another nation. On the other hand, the course of the German revolution as regards the fate of the German Church is so uncertain, and the German Churches themselves are waging the fight for spiritual liberty with such intensity, that one can hardly expect of them an official utterance on political acts in their own present critical and precarious situation and while all around them is in a state of flux.

"With all the sympathy for the victims of racial antagonism, which, moreover, may be found in many countries, the Swiss Church Federation has no occasion to express itself concerning a revolution, the status of which changes from day to day. The Federation can only deplore, in a larger sense, the many victims of the recent political upheavals throughout the whole world, especially in Russia, and urge our people to exercise the utmost care that at least in our country all members of the body politic shall share in the inherited possessions of freedom and justice."

This does not mean that the voice of the oppressed and of those that suffer unjustly shall not be heard nor the hand of Christian brotherhood extended to them. Switzerland and Holland, for instance, have not said much, but they have done a great deal for the Jewish and Jewish-Christian exiles.

The Geneva office of the Central Bureau for Relief has already started to collect funds for the relief of the Jewish Christians, for, says its Director, Dr. Adolf Keller!

*"The Church cannot abandon these Children!"*

Report compiled by A. H. Froendt