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The Nature and Structure of the Confessing Church In Germany Under Hitler

ERNST C. HELMREICH

The first months of the Hitler regime in 1933 resulted in a Concordat with the Vatican and the enactment of a church constitution for a German Evangelical Church. Both the Catholic and Protestant Churches were thus given a new basis for their relations with the state. Within the Protestant Church a group known as the German Christians made rapid headway. They were enthusiastic supporters of the new Nazi order with its theories and ideas, notably the racial concept. But differences over the election of a Reich Bishop soon brought into the open a conflict between the German Christians and other church groups and leaders. By the time the new national synod met on 27 September 1933 to formalize the election of Hitler's confidant, Bishop Müller, an opposition group had appeared. These opposition leaders formed a Pastors' Emergency League whose purpose it was to aid fellow pastors in distress, from dues assessed on its members.¹ Martin Niemöller became the leading

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¹Karl Kupisch, "Zur Genesis des Pfarrernotbundes," in *Theologische Literaturzeitung* 91 (1966): 721-730. Precedents for the *Notbund* were the formation of a *Pfarrerbruderschaft* in the Rhineland in the summer of 1933 and a meeting of pastors in Essen on 11 September 1933. When Pastor Friedrich von Bodelschwingh, head of the Bethel Institutions, and then Bishop August Marahrens of Hanover refused to take over the leadership of the Emergency League, Martin Niemöller decided to do so himself. See also Wilhelm Niemöller, *Texte zur Geschichte des Pfarrernotbundes* (Berlin: W. de Gruyter, 1958), pp. 3-16, 22f.; Wilhelm Niemöller, "Ist die Judenfrage bewältigt?" in *Beiheft zur Junge Kirche*, 2 (1968): 14.

spirit and driving force of this Emergency League which was to play a leading role in the Confessing Church.² Meanwhile the German Christians grew even more aggressive and over-reached themselves in organizing a mass demonstration at the Sportpalast in Berlin on 13 November 1933. Clearly, the reaction to this meeting with its fanatical speeches marked the beginning of the disintegration of the German Christian movement. But this was not generally realized at that time. The traditionally smoothly functioning church administrations, minutely regulated by state and church laws, were falling apart. There is much more to be said about the constantly intensifying church conflict in 1933 but this summary paragraph must suffice to introduce the problem at hand.

FREE SYNODS AND THE PREPARATION FOR A NATIONAL FREE SYNOD

The resulting disorder in the church and the continuing attack on the doctrinal foundations of the faith by the German Christians brought about opposing groups of pastors who would gather together for consultation and mutual encouragement. These meetings, called Free Synods, were outside of the regular church governmental set-up, although many church administrators often participated in them. One of the first and most important was the Free Reformed Synod which met at Barmen-Gemarke on 3-4 January 1934, largely on the initiative of Pastor Karl Immer who was to become one of the more

²The term "bekennde Kirche" was first used in one of the proclamations of the Young Reformation Movement in the church elections which were held on 23 July 1933 (Gerhard Niemöller, *Die erste Bekenntnissynode der Deutschen Evangelischen Kirche zu Barmen*, 2 vols. (Göttingen: Vandenhoeck and Ruprecht, 1959), 1:27). The Germans generally use the designation *Bekennende Kirche* (Confessing Church), less frequently *Bekennntniskirche* (Confessional Church), *Bekennende Gemeinde* (Confessing Congregation), or *Bekennntnismgemeinde* (Confessional Congregation). There are shades of difference in meaning here and writers using English vary in usage. The term Confessing Church will be used generally in this article for it most closely describes the nature of the movement; in spite of all the emphasis on the historic confessions it was more of a Confessing than a Confessional Church. The Nazis often used the designation *Bekennntnisfront* in order to underscore it as an opposition movement (Werner Koch, *Bekennende Kirche gestern und heute. Was jedermann von ihr wissen sollte* [Stuttgart: W. Kohlhammer, 1946] p. 16). The following statement is apropos: "Die Bekennende Kirche (die Bezeichnung Bekenntnisfront halten wir nicht für glücklich und gebrauchen sie daher nicht) . . ." (Letter of Vorläufige Leitung to Ingenieur v. Mirman, 21 May 1937, Berlin Kirchenkampf Archiv, No. 281a, p. 8).

intrepid leaders in the church struggle.³ The invitation stated that only those who unreservedly held to the Old and New Testament as God's word and the only source of faith should attend. Some 320 representatives from 167 congregations throughout Germany came to this meeting. This was followed by a Free Evangelical Synod of the Rhineland, also held at Barmen on 18-19 February. Here a significant step forward was made, for the meeting was attended by Lutheran, Reformed, and United (*Unierte*) representatives from 30 out of the 33 district synods of the area. The Synod was truly Evangelical—not Reformed, Lutheran, or United. The leaders of the Pastors' Emergency League, who met in Hanover at this time, petitioned to be accepted into the Synod, so that they with their Rhenish brethren could work together toward a Free Evangelical Synod for all Germany.

Free synods of varying constituencies were held in other parts of Germany. Under the reorganization measures necessitated by the new Prussian Church law of 2 March 1934, the old provincial synods were to be reconstituted into new bodies. The old synods were to meet and, as the only order of business, were to select from their membership a smaller group which was to be the new synod. The decree specifically prohibited any discussion. The Provincial Westphalian Synod met on 16 March, and its venerated and distinguished leader, President Koch, chose to make some opening remarks stressing the importance of the meeting.⁴ Bishop Adler, who had been appointed by Müller to the newly created Diocese of Münster, objected, calling attention to the fact that there was to be no discussion. Koch then declared he would have to adjourn the meeting. Bishop Adler reminded them that if they did not elect, he was empowered to appoint the new synodical members. With that he and his German Christian cohorts, who were in a minority, left the

³Wilhelm Niemöller, ed., *Lebensbilder aus der Bekennenden Kirche* (Bielefeld: Ludwig Bechauf Verlag, 1949), p. 67; Gerhard Niemöller, *Die erste Bekenntnissynode*, 2:7f.

⁴The Reverend Karl Koch was one of the most able administrative officials among German churchmen. He was not only President (*Präses*) of the Synod of Westphalia, he was also President of the National Synod of the Confessing Church, President of the Confessing Church Synod of Prussia, Chairman of the Prussian Brotherhood Council and also of the Reich Brotherhood Council. See Wilhelm Niemöller, *Karl Koch, Präses der Bekenntnissynode* (Bethel b. Bielefeld: Verl. Handl. d. Anstalt Bethels, 1956), pp. 52-56, 66; Wilhelm Niemöller, *Bekennende Kirche in Westfalen* (Bielefeld: Ludwig Bechauf Verlag, 1952), pp. 98-100.

meeting. The synod was in the process of hearing another report, when two Gestapo officials appeared, dissolved the assembly, and forbade any further meeting. Instead of scattering, the membership that very afternoon met in the Parish House of the local congregation and constituted itself the First Westphalian Confessing Synod. In attendance were representatives of all 24 district synods as well as guests from other Land Churches. This new extralegal synod elected their old leader President Koch as their head, and constituted a Brotherhood Council (*Bruderrat*) to assist him. Resolutions were passed and the synod was concluded with a communion service in the Reinhold church. The service was conducted by Pastor von Bodelschwingh, a Lutheran, and he was assisted by Superintendent Niemann, a Reformed pastor. Reformed, Lutheran, and United gathered together in true evangelical spirit at the Table of the Lord and extended to each other the right hand of fellowship, an unusual ecumenical manifestation for Germany.⁵

The Confessing Synod determined to carry its cause to the laity. Two days later (18 March), 25,000 congregational members met at Dortmund, a remarkable achievement considering the short time for publicity.⁶ They were addressed by Koch, Bodelschwingh, and others. Mass meetings, formerly the specialty of the German Christians with their flags and stirring music, now became one of the important methods of expressing support for the Confessing Church.

To prepare for a national free synod a group known as the "Working Committee of the Confessional Association" (*Arbeitsausschuss der Bekenntnisgemeinschaft*) met in the Ministerial Seminary (*Predigerseminar*) at Nürnberg on 11 April 1934. This so-called "Nürnberger Ausschuss" took part in a meeting held at Ulm, organized by Bishop Wurm of Württemberg and Bishop Meiser of Bavaria to protest actions by the Berlin church authorities. The Committee met several times subsequently, and on 22 May, thanks to much deliberation and hard work, the point was reached when invitations could be sent out by the Brotherhood Council of the Pastor's Emergency League to attend a meeting of a Free Synod of

⁵W. Niemöller, *Bekennende Kirche in Westfalen*, pp. 100-102; Wilhelm Niemöller, *Kampf und Zeugnis der Bekennenden Kirche* (Bielefeld: Ludwig Bechauf Verlag, 1948), p. 118.

⁶W. Niemöller, *Kampf und Zeugnis*, p. 98; Niemöller, *Karl Koch*, p. 57.

the German Evangelical Church to be held at Barmen. To prevent its being infiltrated by the German Christians the invitation stated:

We ask that you send only such men who have the complete confidence of the Confessing Congregation both at home and beyond their territorial church. As delegates only such men can be considered who refuse to subordinate themselves to a heretical and despotic church government or to work with such a regime. The Brotherhood Council must reserve the right to refuse such delegates whom they know do not meet these specifications.⁷

THE PRUSSIAN SYNOD AND THE CONCEPT OF A CONFESSING CHURCH

Before this National Synod assembled, the First Confessing Synod of the Evangelical Church of the Old Prussian Union met at Barmen for an historic one-day session, 29 May 1934. Here the groundwork was laid for the establishment of the Confessing Church. The Synod called for gathering together all Evangelical Christians within the Church of the Old Prussian Union who on the basis of Holy Writ and confession were desirous of establishing a truly Evangelical Church. This Confessing Church was to be a self-governing body within the Land Church. To declare allegiance to it did not involve dropping membership in the Land Church; in fact the Synod maintained that the Confessing Church was the only legitimate Evangelical Church of the Old Prussian Union, because it alone rested on a confessional basis which was essential for a constitutional administration.

The Synod set forth a preliminary scheme of organization. This soon became the pattern for Confessing Churches in all areas where the regularly constituted church authorities were in the hands of men who accepted the leadership of Bishop Müller and the official church headquarters in Berlin. Most of the staff of the official church offices were newly appointed German Christians, although here and there members of the old church bureaucracy did continue to serve and often did much to ease the path of the Confessing Churches.

The Confessing Church was to be based on the Confessing Congregation which was to elect a Brotherhood Council. A written list of congregational members was to be constituted, which was later

⁷Gerhard Niemöller, *Die erste Bekenntnissynode*, 2:10.

accomplished by passing out red cards which members signed.⁸ The Brotherhood Councils of the congregations were to send delegates to the Confessing Synod of the church district. Each district was to elect a Brotherhood Council, and this in turn was to elect delegates to the Confessing Synod of the Province, which also had its Brotherhood Council. Delegates of the Provincial Brotherhood Councils were to form the Confessing Synod of the Evangelical Church of the Old Prussian Union. Here again a Brotherhood Council was to be named, and this body in turn was to name five of its members as a Council of the Evangelical Church of the Old Prussian Union. This Council of five was to act as a permanent secretariat of the Brotherhood Council; it actually became the working executive and directing body of the Confessing Church in the Old Prussian Union and furnished the militant leadership for the Confessing Church of all Germany.

To help finance the Confessing Church, and this involved primarily the administrative officials above the congregational level, the synod asked the congregational members voluntarily to tax themselves ten per cent of their regular church tax payments, the latter in most places continuing to be collected by the state for the regular church offices. In addition the congregations were asked to raise collections at all services and special meetings for the work of the Confessing Church. These funds were to be sent to the Confessing Church Synod offices of the province, which would allot the money to the lower as well as the higher echelons of the Confessing Church. In practice this schematic organization could not always be carried out but it does help to explain and clarify the nature of the Confessing Church movement.⁹ The action of the Prussian Synod smoothed the way for the National Synod meeting the next day.

⁸For the text of the red card see Niemöller, *Texte zur Geschichte des Pfarrernotbundes*, p. 34.

⁹Wilhelm Niesel, *Um Verkündigung und Ordnung der Kirche. Die Bekenntnissynoden der Evangelischen Kirche der altpreussischen Union 1934-1943* (Bielefeld: Ludwig Bechtauf Verlag, 1949), pp. 7-9; W. Niemöller, *Kampf und Zeugnis*, pp. 127f. In the Intact Churches of Bavaria and Hanover special Confessional Associations (*Bekenntnisgemeinschaften*) were formed which circulated reports among the members. In Bavaria the dues were 50 Pfennig a month (Nürnberg, Landeskirchliches Archiv, Kirchenkampfsammlung 0-6). In Württemberg the *Sozietät*, a group of ardent Confessing pastors performed a similar function.

THE NATIONAL SYNOD AND THE CONFIRMATION
OF THE CONFESSING CHURCH

One hundred and thirty-eight delegates from 26 Land and Provincial churches appeared for the Reich Confessing Synod, among them many of the most distinguished churchmen of Germany.¹⁰ There were experienced men in charge; papers had been thoughtfully prepared; and above all, a spirit prevailed which would not succumb to petty confessional differences which so often led to sterility. The Synod proceeded smoothly. It declared loyalty to the German Evangelical Church as a Confederation of German Confessional Churches united by the acceptance of the one Lord and the one holy, universal, apostolic church. It attempted no exact creedal formulation but its six-point statement of Evangelical truths was later often referred to as the Barmen Confession. It was a masterpiece of drafting. Each point was introduced by appropriate scriptural passages followed by a statement of what the Synod affirmed, and then by an equally important statement of what it rejected.¹¹ And what was rejected was pretty much everything connected with Bishop Müller and his work.

The Synod not only considered what might be termed doctrinal or theological questions; it also turned to more practical, and no less urgent matters. It specifically denied to the present authorities of the German Evangelical Church the right to undertake a reform of the church constitution and went further to demand the observance of the present document. It established a distinguished Brotherhood Council (*Bruderrat*)¹² to direct affairs and appoint committees, but insisted that in all important matters the Council must seek the decision of the Confessing Synod. This clearly indicated the Council's intention of holding other such synods, with all the

¹⁰For a list of the delegates with short biographical notes see Gerhard Niemöller, *Die erste Bekenntnissynode*, 2:11-25.

¹¹*Ibid.*, 2:196-202; *Kirchliches Jahrbuch für die Evangelische Kirche in Deutschland, 1933-1944* (Gütersloh: C. Bertelsmann Verlag, 1948), pp. 63-65.

¹²The members were: President Koch, Bad Oeynhausen; Bishop Meiser, Munich; Bishop Wurm, Stuttgart; Pastor Beckmann, Düsseldorf; Pastor Bosse, Raddestorf in Hanover; Pastor Karl Immer, Barmen; Pastor Jacobi, Berlin; Pastor M. Niemöller, Berlin-Dahlem; Pastor Asmussen, Altona; Pastor Hesse, Alberfeld, as moderator of the Reformed Confederation; Dr. Fiedler, a lawyer from Leipzig; and Wilhelm Link, a businessman from Düsseldorf (Gerhard Niemöller, *Die erste Bekenntnissynode*, 2:204f.).

implications this held for the future of the German churches. One of the most important committees foreseen was to concern itself with the training and recruitment of young pastors. Special attention was also directed to the need of upholding one another by meeting in smaller synods. At long last even the Pastor's most loyal helper and confidant received some recognition, when it was agreed: "That at such meetings from time to time the Pastor's wife should take part."¹³

It is hard to resist the temptation to analyze and discuss the Barmen Synod in greater detail.¹⁴ Suffice it to point out that it brought to the fore the concept of a National Confessing Church, which never sought to take itself out of the German Church but always maintained that it constituted the true German Reich Church. *De facto*, if not *de jure*, from now on there existed two German churches, more or less side by side, with varying degrees of relationship—the Confessing Church, and the regularly constituted church authorities under Reich Bishop Müller and the Berlin headquarters.

In certain of the Land Churches the old established authorities were able to retain control of their churches, and these authorities always adhered—with varying degrees of ardor—to the Confessing Church. These Confessing Land Churches came to be known as Intact Churches; their authorities continued to administer and supervise—often on a very *laissez-faire* basis—the minority of congregations and pastors who went over to the German Christians within their jurisdictions. The best examples of such Intact Churches were those of Bavaria and Württemberg, to which could be added with some reservations the Hanover-Lutheran, Hanover-Reformed, the Reformed Church of Lippe, and the United Church of Baden. The Provincial Church of Westphalia also retained a good measure of its old self government.¹⁵ In the rest, the so-called Disturbed Church

¹³*Ibid.*, 2:107.

¹⁴For an evaluation of the Synod at Barmen and translation of key documents see Arthur C. Cochrane, *The Church's Confession under Hitler* (Philadelphia: Westminster Press, 1962), pp. 129-216, 237-267; Gerhard Niemöller, *Die erste Bekenntnissynode*, 1:113-258; Ernst Wolf, *Barmen. Kirche zwischen Versuchung und Gnade* (Munich: Kaiser Verlag, 1957), pp. 74-166.

¹⁵Karl-Heinz Götte, *Die Propaganda der Glaubensbewegung "Deutsche Christen" und ihre Beurteilung in der deutschen Tagespresse. Ein Beitrag zur Publizistik im Dritten Reich* (Münster i. W.: Max Kramer, 1957), p. 162.

areas, the administration and governing authorities of the Land Churches came largely under the control of the German Christians, who accepted the policies of the National Church Administration headed by Bishop Müller.

It was in these Disturbed Church Areas that the conflicts and disturbances were the greatest. In some parishes the pastors, the local lay governing boards of the congregation, as well as the majority of the members of the congregation adhered to the Confessing Church. In many parishes on the other hand only a minority of members signed the red membership cards and thus constituted merely a confessing group within the regular parish. For example, within a large congregation numbering well into the thousands there might be only some hundreds who signed red cards and openly signified their support of the Confessing Church.¹⁶ They often met as Bible study groups or organized their own special meetings. Many no doubt signed red cards more out of political than religious motivation, but no church by its very nature can well reject those who wish to participate in its work. It is clear, however, that the red card signers constituted the core of the Confessing Church. They were usually the active and concerned church people. This did not necessarily mean that non-signers of red cards were German Christians. Far from it; they might be neutral, indifferent, or might have refrained from signing a card through fear. At times the German Christians circulated their own membership cards and a rather belligerently split congregation would result. In Bavaria, where the German Christians were very much in the minority and it was often a matter of setting up a German Christian group in a predominantly Confessing Land Church, their membership card stated: "I declare herewith my membership in the Faith Movement 'German Christian' whose program I accept and whose leadership I accept. I am of Aryan descent and do not belong to any lodge [Free Masons or other secret

¹⁶A visitation conducted by the Confessing Church in Berlin in 1935 revealed the following data on red card signers in various parishes (number of "souls" in the parish in parentheses): Versöhnung 372 (19,000); Himmelfahrt 840 (17,000); Zion 145 (30,000); Gethsemane 474 (25,000); Segen 179 (21,000); Frieden 150 (21,000); Golgatha 433 (25,000); Kapernaum 380 (70,000). The visitors were asked to fill out long questionnaires and these reports constitute a telling commentary on the activity of the Confessing Church in some of these large city parishes. In many sections of Germany, especially in the smaller parishes, the ratio of red card signers to total membership was much higher. See the reports on the Berlin churches in Berlin, *Kirchenkampf Archiv*, No. 159.

order].”¹⁷ The same pastors, usually several in large parishes, served the Confessing group and the other parish members as well. The regular church services were open to everyone, and pastors administered to all who sought their aid. At times in the same parish there were pastors who were active in the Confessing Church and others who were not. Sometimes the local congregational boards were composed of both Confessing Church members and German Christians. That this could lead to tensions and conflict both among the clergy and laity is obvious. But this dualism came to be recognized and pastors and laity accommodated themselves to it. It was even recognized by the government. Reichminister of Church Affairs, Kerl wrote to Land Bishop Dietrich of Frankfurt, a belligerent German Christian, in October 1936:

I am concerned, in the interest of quieting many fellow citizens, that all members of an Evangelical congregation who want to hear the gospel preached according to the views of the Confessing group, should have a pastor and a church at their disposal. Vice versa it must be expected of the Confessing group that they make similar arrangements for minorities of another persuasion. It must be left to local authorities to make suitable arrangements in individual cases.¹⁸

The provision for “religious minorities” also caused difficulties and led to much recrimination.¹⁹

Under such confused and varying conditions it is clear that adherence to the Confessing Church led to many problems of conscience which are well mirrored in the personal account of a Frankfurt pastor depicting events in the fall of 1934.

The Confessing pastors of Frankfurt am Main met in a farewell service to the chairman of their Brotherhood Council, Pastor Veidt, who was being transferred by Land Bishop Dietrich for insignificant reasons. The churches were all closed to them by the legal church authorities and so the service had to be held in the Hippodrome. It was attended by “thousands.” Pastor Kübel comments:

¹⁷Text of cards varying slightly in wording in Nürnberg, Landeskirchliches Archiv, Kirchenkampfesammlung 0-3.

¹⁸Archiv der Evangelischen Kirche in Westfalen; Bielefelder Archiv des Kirchenkampfes (Wilhelm Niemöller), Collection, W. Niemöller, N-6, Kerl.

¹⁹Eberhard Klügel, *Die lutherische Landeskirche Hannovers und ihr Bischof 1933-1945* (Berlin and Hamburg: Lutherisches Verlagshaus, 1964), pp. 484f.

After the sermon we Confessing pastors of Frankfurt and the surrounding area gathered before the altar and in all our names Veidt rescinded our loyalty to Land Bishop Dietrich and to Reich Bishop Müller and announced that we were taking up the struggle against them. That was one of the great moments of my professional life; then holy thrills passed through our hearts. From this day on we neglected every official and personal communication with the Land Bishop and the Provost (*Propst*). We answered no inquiries, sent in no reports, attended none of the meetings and conferences that they called, and recognized only the Brotherhood Council as our governing body.

. . . . And so I shepherded the Confessing group in my congregation and took part and served in the meetings and consultations of the Brotherhood Circle. But the longer they continued, the stronger my reservations became as to the leadership of the Brotherhood Council. The change of emphasis from a struggle for freedom and right into a struggle over the confession I could accept. But, the development of the Confessing Church into a formal church body alongside of the regular church authorities and the claim of the Brotherhood Councils to be regular church authorities caused me difficulty. . . . My sense of reality and my sense of orderliness was disturbed by powers and authority only over our vicars. As soon as it came to appointing, transferring and pensioning a pastor, when questions regarding law, of church property of the parish, of church taxes, and other church matters were concerned the most passionate Confessing pastor was dependent on the service of the regular Church authorities. It went against my sense of correctness that we should demand the rights of Land Church pastors, but to a great extent refuse to fulfill their duties. According to my convictions it was impossible to reconcile the gospel of the tax penny with the fact that we refused all and every obedience to the church office from which after all we received our salaries.²⁰

There were no doubt many others in the Confessing Church who felt much the way Pastor Kübel did. They could not accept Müller and his policies; on the other hand they longed for some reconciliation with an established and recognized order which they could accept.

It was by no means all hostility among the Confessing Church authorities, the official Church administration, or the government officials. The Confessing Church for example was never completely cut off from state funds, although at times subsidies were curbed, salaries of pastors curtailed or stopped. After all, most of the Confessing pastors had been regularly appointed and installed, were

²⁰Johannes Kübel, "Mensch und Christ, Theologe, Pfarrer und Kirchenmann. Erinnerungen" (Typed manuscript obtained privately, Nürnberg, 1947), pp. 188f.

established in their positions and legally entitled to receive salaries which could not be cut off without cause. If they were, recourse could be had to the courts and in a majority of cases, at least in the opening years, the pastors won their cases.

In general the Confessing Church pastors and congregations continued to be financed through the customary church taxes, church money (*Kirchgeld*), income from lands, state subsidies, and church collections. With its claim to be the true Evangelical Church in Germany, the Confessing Church always maintained its right to historic revenue, particularly from the church taxes which were levied on all German Protestants who had not officially withdrawn from the various Land Churches. Difficulties often arose, however, especially as the state began to tighten its supervision of church finances through the establishment of special "Finance Sections" in some of the church administrations.²¹ Much depended on both the particular bent of officials and tax laws of the various Lands. In Westphalia for example the church tax was legally a parish tax and the parish in turn sent a portion of its collections to the district, provincial and national headquarters. In other Lands the Land church alone or the Land churches along with subsidiary units such as a Union of Churches in a city, levied the taxes.²²

²¹In addition to the National Church Administration, only ten Land Churches—among them the large churches of the Old Prussian Union and Hanover—received Finance Sections, while fourteen remained without. No Finance Sections were ever imposed on the Catholic Church. Heinz Brunotte, "Der kirchenpolitische Kurs der Deutschen Evangelischen Kirchenkanzlei von 1937 bis 1945" in Kurt D. Schmidt, ed., *Zur Geschichte des Kirchenkampfes. Gesammelte Aufsätze* (Göttingen: Vandenhoeck and Ruprecht, 1965), pp. 104f.; see also Heinz Brunotte, "Die Entwicklung der staatlichen Finanzaufsicht über die Deutsche Evangelische Kirche von 1935-1945" in *Zeitschrift für evangelisches Kirchenrecht*, 3 (1953-54): 34f., 52-55. Brunotte gives the dates of establishment and personnel of each Finance Section. There was great concern in Bavaria and Württemberg when a Finance Section was suddenly imposed on the church in Baden, May 18, 1938. Studies were made which concluded that such action was illegal, especially in areas where orderly church procedures prevailed (Nürnberg, Landeskirchliches Archiv, Bestand 221).

²²Heinz Gefaeller, "Die Kirchensteuer seit 1945" in *Zeitschrift für evangelisches Kirchenrecht*, 1 (1950):81. The following statement is pertinent: "Vielfach haben sich eine Reihe von Kirchengemeinden zur gemeinsamen Kirchensteuererhebung in besonderen Kirchensteuerämtern zusammengeschlossen. Die Kirchengemeinden wurden dazu gezwungen weil die Finanzämter und kommunalen Kassen während der nationalsozialistischen Herrschaft die weitere Verwaltung der Kirchensteuer ablehnten (Friedrich Thiele, et al., *Das Kirchensteuerrecht Britische Zone mit den Ländern Hamburg, Niedersachsen, Nordrhein-Westfalen, und Schleswig-Holstein sowie Bremen und Saarland nebst Rheinland mit einem Anhang für Baden, Bayern, Hessen und Württemberg* (Heren, Westfalen: Neue Wirtschaftsbriefe, Sonderlieferung No 3, 1947) p. 39).

In Westphalia, where the Confessing Church was strong, there had been no breakdown of the established church financial system. Suddenly on 31 December 1936, the Reich Minister of Finance forbade the finance authorities in the District of Münster to use legal sanctions to force payment of church taxes.²³ A later declaration of 23 January 1937, exempted the Catholic Church from this decree. Although approximately ninety per cent of the church taxes were voluntarily paid, the various Protestant congregations and church officials objected strenuously against the abolition of legal sanctions. It undermined the whole Church tax structure and struck at the position of the Church as a corporation under public law. A way out was found when district governmental officials decreed that where it had been customary for communal authorities to undertake sanctions to enforce collection of church taxes this procedure could be continued. Thus the decree of the Finance Minister was in effect set aside.²⁴ In Württemberg, where a German Christian in Stuttgart refused to pay his church taxes and his refusal was approved by the Police President, the Union of Churches in Stuttgart brought suit, and the court reversed the decision of the Police President.²⁵ Pastor Hans Asmussen, who had much to do with financing the Confessing Church in Prussia, reports that he dealt quite openly with the finance authorities in regard to church tax funds.²⁶ Inescapably, the finances of the Confessing Church were "state related"; they were far from being financed by free will offerings as were the Free Churches.

There was considerable give and take in the question of theological training, examination, and appointment, notably in the early years. As the government gradually appointed more German Christian oriented professors to the theological faculties at the universities, the

²³Letter to the Finanzabteilung des Oberkirchenrats in Berlin, 16 January 1937, in Bielefelder Archiv, Collection, Präsidium der Bekenntnissynode der DEK, V-8, Kirchensteuerfragen.

²⁴Notiz, Finanzabteilung beim Ev. Konsistorium der Kirchenprovinz Westfalen, 13 March 1937, *ibid.*

²⁵See the decision of the court and letter of Bishop Wurm of 30 July 1938, *ibid.*

²⁶Hans Asmussen, *Zur jüngsten Kirchengeschichte. Anmerkungen und Folgerungen* (Stuttgart: Evangelisches Verlagswerk, 1961), p. 75.

Confessing Church was forced to rely on its own institutions which it soon established.²⁷ An exceptionally large number of theological students were drawn to the Confessing Church, and the regular church authorities could not well push them all aside, for then they would have had no one to fill future vacancies. However, since he was trained, examined, and ordained by the Confessing Church it was necessary to obtain an official legitimation of the young vicar or pastor's status. This involved his "legal" appointment to a parish which then brought him a salary from regular church funds. Such legal appointments could only be made by the regular church officials. And once he was appointed, who should install him—the customary consistory official or a member of the Brotherhood Council? Obviously here was plenty of opportunity for negotiation and dispute. Often the local official Church Superintendents, a step removed from Berlin or the Land and Provincial church offices, anxious to keep the church life in the congregations of their districts going, would cooperate with the Confessing Church. One great aid in getting young Confessing Church pastors appointed to parishes was also the existence of Church Patrons. Usually traditional and orthodox in theology, these patrons were not in most instances interested in the German Christians. Proposed Confessing candidates could be refused appointment by the consistory officials, but if this happened the officials were likely to run into difficulties with the Patron about the upkeep of buildings. The official church authorities did not like to challenge the Patrons, for they did not have much luck when they resorted to court procedure.

There were occasions when the regular church officials refused to legalize men named by the Brotherhood Councils to take over certain

²⁷One of the first Theological Seminaries of the Confessing Church was that in Elberfeld under the direction of Pastor Hermann Hesse. Others were established in East Prussia under the leadership of Prof. lic. Iwand, in Pomerania under the direction of Dietrich Bonhoeffer, one in Silesia under Lic. Gloege, and one in Westphalia under Prof. Dr. Otto Schmütz. *Kirchliche Hochschulen* were started in the winter of 1935-36 in Berlin and Elberfeld. By an order of the head of the SS and Chief of the German Police on 29 August 1937, the seminaries, holding of examinations, and other similar activities of the Confessing Church were forbidden. *Archiv für evangelisches Kirchenrecht*, 1937, pp. 390f.; Wilhelm Niemöller, "Kirchenkampf in Dritten Reich," brochure (Bielefeld, 1946), p. 11; Eberhard Bethge, *Dietrich Bonhoeffer. Theologe-Christ-Zeitgenosse* (Munich: Kaiser Verlag, 1967), pp. 484ff. Often when a seminary was closed it simply opened its doors again in another place (Asmussen, *Zur jüngsten Kirchengeschichte*, pp. 75f.). See also the section on training and examination of ministerial candidates in Günther Harder, "Die kirchenleitende Tätigkeit des Brandenburgischen Bruderrates" in Schmidt, ed., *Gesammelte Aufsätze*, pp. 190-198.

Confessing Congregations. When this happened the Confessing Church authorities had to pay the salaries of their candidates. There were at times bitter disputes—which seem almost humorous today but which at the time certainly were not—as to who was the “legal” pastor of a congregation. Pastors dressed in their robes opposed one another and claimed the right to conduct services. The necessity of getting an official confirmation to a new appointment often hindered pastors from moving to another parish, and thus from improving their status.

From what has been related here it is evident that the Confessing Church never had a clearcut structure. It was unique in its organizational complexity; it had no constitution, no elaborate system of laws and ordinances comparable to the usual German church administration. It always claimed to be the true German Evangelical Church and thereby did not cut itself off from the legalistic maze created by the past. Instead it made use of these laws, customs, and traditions to protect itself. It was in fact simply a conglomeration of Intact Churches, of Brotherhood Councils on various levels, of Free (Confessing) Synods, of Pastor’s Brotherhood Circles, of individual congregations and groups of such congregations, of small groups within parishes which as a whole were loyal to the official church administrations, and of individual pastors and laymen.²⁸

It is beyond all dispute that the Confessing Church suffered persecution of all kinds and that the hands of state and party officials at times rested heavily upon it. But even some of the German Christians, favored and supported by the government, had

²⁸Kurt D. Schmidt, “Fragen zur Struktur der Bekennenden Kirche” in *Zeitschrift für evangelisches Kirchenrecht*, 9 (1962-63): 225; Gottfried Fuss, *Der Wille zur Einheit. Der sächsische Weg im Kirchenkampf des Dritten Reiches* (Sonderdruck aus *Verantwortung*, Berlin, 1964), p. 53.

their moments of irritation with the Berlin leadership.²⁹ Many of them too could not accept the ever increasing religious indifference and the growing paganism of the regime.

The nature and being of the Confessing Church is not easily grasped. Pastors may well have been instrumental in its formation and furnished the leadership, but as it developed it was far from being a mere "Pastor's Church" (*Pastorenkirche*). It was rooted in and supported by the people, by the members of the congregation.³⁰ If it never was able to achieve a strong unity, if at times it split into factions over policies to be followed, if the strong Intact Lutheran Churches seemed to go their own way and seek primarily their own ends, nevertheless, there always remained a loyalty to the concept of a Confessing Church—a group of Christians and churches who could not and would not accept the religious ideas and religious policies of the Nazi rulers, and who sought to preserve the purity of the gospel as stated in the Old and New Testaments and again brought to light in the historic Lutheran and Reformed Confessional statements.

²⁹See also the protest of Bishop Coch of Saxony (12 July 1934) against the cancellation of the morning Evangelical services on the radio and the favoritism to broadcasts by a representative of the German Faith Movement (The National Archives of the United States, Microfilm of German Documents, Reichskanzlei, T120, Roll 4419, Ser. L434, Frame L124654). On 5 October 1934 he submitted a long memorandum to Hitler protesting the speeches of Rosenberg, the increased government support of the German Faith Movement which was anti-Christian, the party obligations which were placed on the SA every Sunday; there had been a big gathering of the SA on Palm Sunday the traditional day for holding confirmation services; the Hitler Youth was hostile to the church; religious instruction in the schools was being curtailed; there were no longer religious services at big National Socialist gatherings, etc. (*ibid.*, Frames L124731-9). The memorandum was shown to Hitler but there was no answer. It was buried by being sent to Hitler's Deputy Hess (L124740). Coch later drew attention to the fact that he had received no evaluation of his memorandum but it did him no good (L124808f., 8-11 December 1934). Coch also asked to be received by Hitler but was refused (L124765f.).

³⁰This statement seems justified by the whole history of the church conflict and is the opinion of numerous men with whom the author spoke, among them Wilhelm Niemöller, Martin Niemöller, Karl Lücking, Günther Harding, Hans Liermann, and Walter Künneth. Bishop Otto Dibelius takes a contrary position. He writes: "The struggle of the Confessing church was a struggle of theologians, backed by a very small group of courageous laymen. That is how it was, and that is how it continued, more and more. The time simply had not come when such a hopeless struggle of the church against the State could be founded on the congregations" [*In the Service of the Lord: the Autobiography of Bishop Otto Dibelius* (New York: Holt, Rinehart and Winston, 1964), p. 162]. There were, as always, great variations in sections of Germany, the Confessing Church being more congregation-centered in Westphalia and surrounding areas, while in sections of eastern Germany it was no doubt more an affair of pastors, as Dibelius claims.