

**„Justice is the only solid foundation of any state“**

*Juli 13th, 1941 bishop Graf von Galen preached in St. Lambert's, Münster, about arbitrary arrests, the expropriation of religious orders and the banishment of parochial personnel and he called for justice.*

My dear Catholics of St. Lambert's:

I have longed to read personally my pastoral letter on the events of the past week from the pulpit of this church today and in particular to express to you, my former parishioners, my deep-felt sympathy. In some part of the city, the devastation and loss have been particularly great. I hope that by the action of the municipal and government authorities responsible, and above all by your brotherly love and the collections taken today for the work of the Caritas Union and the Parish Caritas, some of the hardship and suffering will be relieved. I had in mind also, however, to add a brief word on the meaning of the divine visitation: "How God thus seeks us in order to lead us home to Him". God wants to lead Münster home to Him. How much at home were our forefathers with God and in God's Holy Church! How thoroughly were their lives - their public life, their family life, and even their commercial life – supported by faith in God, directed by the holy fear of God and by the love of God! Has it always been like that in our own day? God wants to lead Münster home to Him!

Concerning this I had meant to put some further reflections before you. But this I cannot do today, for I find myself compelled to openly and publicly speak of something else – a shattering event which came upon us yesterday, at the end of this week of calamity.

The whole of Münster is still suffering from the shock of the horrible devastation inflicted on us by the enemy from without during the past week. Then yesterday, at the end of this week – yesterday, 12th July – the Secret State Police [i. e. Gestapo] confiscated the two residences of the Society of Jesus in our city, Haus Sentmaring in the Weseler Straße and the Ignatius-Haus in Königstraße, expelled the occupants from their property and forced the fathers and lay brothers to depart without delay on that very day, not merely from their residences, not merely from the city of Münster but from the provinces of Westphalia and the Rhineland. Yesterday, too, the same cruel fate was inflicted on the missionary sisters of the Immaculate Conception in Steinfurter Straße, Wilkinghege. Even their convent was seized and the nuns are being expelled from Westphalia: they have to leave Münster by 6 o'clock this evening. The premises and possessions of these religious orders are confiscated and assigned to the authorities of the Gau [i. e. administrative district] of Northern Westphalia.

Thus, the attacks on religious orders which have long been raging in Austria, South Germany and the newly acquired territories of the Warthegau, Luxembourg, Lorraine and other parts of the Reich, have now struck Westphalia. We must be prepared that in the near future such terrifying news will increase - that even here one religious house after another will be confiscated by the Gestapo and that its occupants, our brothers and sisters, children of our families, loyal German citizens, will be thrown on to the street like outlawed helots and chased out of the country, like vermin. And this is happening at a time when we are in utmost fear and terror of further nightly air-raids which may kill us all or make us homeless refugees! Even at such a time innocent and deserving men and women, who are greatly esteemed by countless people, are expelled from their humble abodes; at such a time when fellow Germans, fellow-citizens of Münster, are made homeless refugees.

Why? They tell me, „for reasons of state policy“. No other reasons have been given. No occupant of these religious houses has been accused of any offence or crime; not one has been brought before a court, still less found guilty. If any one of them were guilty, let him be brought to justice; but is one also to punish the innocent?

I ask you, under whose eyes the Jesuit fathers and the sisters of the Immaculate Conception for many years have been leading their quiet lives dedicated solely to the glory of God and the salvation of their fellow-men – I ask you: who holds these men and women to be guilty of an offence meriting punishment? Who dares to level any charge against them? If anyone dared, let him prove his assertion! Not even the Gestapo has made any such charge, let alone a court or the public prosecutor.

Here I testify publicly, as the bishop who is responsible for the supervision of the religious orders, that I have the greatest respect for the quiet, humble missionary sisters of Wilkinghege who are being expelled today. They have been founded by my esteemed friend Bishop P. Amandus Bahlmann, mainly for missionary service in Brazil. He worked there himself, and his untiring and fruitful activities – not least in the name of German culture and civilization – lasted until his death three years ago.

I testify as a German and a bishop that I have the greatest respect and reverence for the Jesuit order, which I have known from the closest observation since my early youth and for the last fifty years, that I remain bound in love and gratitude until my last breath to the Society of Jesus, my teachers, tutors and friends, and that today I have all the greater reverence for them, at a moment when Christ's prophecy to his disciples is once again fulfilled: „If they have persecuted me, they will also persecute you. If ye were of the world, the world would love his own: but because ye are not of the world, but I have chosen you out of the world, therefore the world hateth you.“ And so from this place, speaking also in the name of the true Catholics of the city and diocese of Münster, I greet with profound love those who have been chosen by Christ and are hated by the world as they go into undeserved banishment. May God reward them for all the good they have done for us! May God not punish us and our city for the unjust treatment and banishment which has been meted out here to His faithful disciples. May God's omnipotence soon return these our beloved banished brothers and sisters to us!

My dear diocesans! Because of the severe visitation brought on us by enemy air-raids I originally resolved to keep silent in public about certain recent acts by the Gestapo which simply called for some public protest on my part. But when the Gestapo pay no heed to the events which have made hundreds of our fellow-citizens homeless, when they at this very moment continue to throw innocent fellow-citizens on to the street and expel them from the country, then I must no longer hesitate to give public expression to my justified protest and my solemn warning.

Many times, and again quite recently, we have seen the Gestapo arresting blameless and highly respected German men and women without the judgment of any court or any opportunity for defence, depriving them of their freedom, taking them away from their homes interning them somewhere. In recent weeks even two members of my closest council, the chapter of our Cathedral, have been suddenly seized from their homes by the Gestapo, removed from Münster and banished to distant places. Since then I have received no reply whatever to the protests which I addressed to the Minister for Ecclesiastical Affairs. But it has at any rate been established by telephone enquiries to the Gestapo that neither of the canons has been accused, or is suspected, of any punishable offence. Without any guilt on their part,

they have incurred the penalty of banishment, without any charge against them and without any opportunity to defend themselves!

My Christians, hear what I say! It has been officially confirmed that Canons Vorwerk and Echelmeyer are accused of no crime. They have done nothing deserving of punishment. And yet they have been punished with banishment. And why? Because I did something that did not please the government. Of the four appointments of canons made in the past two years the government informed me that they objected to three. Since the Prussian Concordat of 1929 expressly excludes any right of objection by the government, I confirmed the appointment in two of the cases. In doing so I committed no wrong, but merely exercised my established right, as I can prove at any time. Let them bring me to court if they think that I have acted contrary to the law. I am sure that no independent German court could condemn me for my actions in the appointment of these canons. Was it because of this that the matter was handled not by a court but by the Gestapo, whose actions in the German Reich are unfortunately not subject to any judicial review? Against the superior physical power of the Gestapo every German citizen is entirely without protection or defence. Entirely without protection or defence!

In recent years many Germans have experienced this personally, like our beloved teacher of religion Friedrichs, who is held prisoner without any legal process or sentence, like the two canons who are now living in banishment; and again it is experienced by those religious orders who yesterday and today have been expelled suddenly from their property, their city and their province. None of us are safe – and one may know oneself to be the most loyal and conscientious of citizens and may he be conscious of one's complete innocence – one cannot be sure that one will not some day be driven from one's home, deprived of one's freedom and locked up in the cellars and concentration camps of the Gestapo.

I am aware of this fact: This can happen also to me, today or some other day. And because I shall not be able to speak in public any longer then, I will speak publicly today, publicly I will warn against the continuance of a course which I am firmly convinced will bring down God's judgment on men and must lead to disaster and ruin for our people and our country. When I protest against these actions and these punishments by the Gestapo, when I call publicly for an end to this state of affairs and for a judicial review or reversal of all actions by the Gestapo, I do no more than Governor-General and Reichsminister Dr. Hans Frank has done, writing in January of this year in the Journal of the Academy of German Law (2,1941, p.25):

„We desire to achieve a well-balanced system of internal order in which penal law does not degenerate into the absolute authority of the prosecution over an accused person who is condemned in advance and deprived of any means of defence ... The law must offer the individual the legal opportunity of defending himself, of establishing the facts and thus securing himself against arbitrariness and injustice ... Otherwise we had better speak not of penal law but of penal authority ... It is impossible to reconcile the fabric of the law with a sentence pronounced without any defence ... It is our task to proclaim, – no less loudly and with no less emphasis than others defend authority in every form – that we have to assert courageously the authority of the law as an essential element in any enduring power.“

These are the words of Reichsminister Dr. Hans Frank. I am conscious that as a bishop, a promulgator and defender of the legal and moral order willed by God and granting to each individual rights and freedoms to which, by God's will, all human claims must give way, I am called upon, no less than Reichsminister Frank, to courageously assert the authority of the law

and to denounce the condemnation of innocent men, who are without any defence, as an injustice crying out to heaven.

My Christians! The imprisonment of many blameless persons without any opportunity for defence or any judgment of a court, the deprivation of the liberty of the two canons, the closing of religious houses and the eviction of guiltless religious, our brothers and sisters, compel me today to publicly recall an old and unshakeable truth, „Justitia est fundamentum regnorum“ Justice is the only solid foundation of any state.

The right to life, to inviolability, to freedom is an indispensable part of any moral order of society. It is true that the state is entitled to restrict these rights as a penal measure against its citizens, but the state is only entitled to do so against those who have broken the law and whose guilt has been established in an impartial judicial process. A state which transgresses this boundary laid down by God and permits or causes innocent persons to be punished is undermining its own authority and the respect for its sovereignty in the conscience of its citizens.

Unfortunately, however, we have repeatedly seen in recent years how penalties of greater or lesser severity, usually involving terms of imprisonment, have been imposed and carried out without the victim's guilt having been proved in a regular court of law and without giving him any opportunity of asserting his right to prove his innocence. How many Germans are now languishing in police custody or in concentration camps, how many have been driven from their home, who have never been sentenced by a regular court or how numerous are those who have been freed by the court or released after serving their sentence and have then been re-arrested and held in confinement by the Gestapo! How many have been expelled from their home town and the town where they worked! Here again I remind you of the venerable bishop of Rottenburg, Johann Baptist Sproll, an old man of 70, who not long ago had to celebrate his 25th jubilee as a bishop far away from his diocese, from which the Gestapo had banned him three years ago.

I mention again the names of our two canons, Vorwerk and Echelmeyer. And I commemorate our venerable teacher of religion Friedrichs, now in a concentration camp.

I won't mention any other names today. The name of a Protestant minister who served Germany in the first world war as a German officer and submarine commander, who later worked as a Protestant clergyman in Münster and for some years now has been deprived of his liberty, is well known to you, and we all have the greatest respect for this noble German's courage and steadfastness in professing his faith. From this example you will see, my Christians, that I am not talking about a matter of purely Catholic concern but about a matter of Christian concern, indeed of general human and national concern. „Justice is the foundation of all states!“ We lament, we observe with the greatest anxiety that this foundation is nowadays shaken, that justice – the natural and Christian virtue which is indispensable for the ordered existence of any human community – is not maintained and held in honour in a for everybody unequivocally recognizable way. It is not only for the sake of the Church's rights but also out of love for our people and in grave concern for our country that we beg, we appeal, we demand: Justice! Who must not fear for the existence of a house when he sees that its foundations are being undermined? „Justice is the foundation of all states!“

The state can take action with honesty and any prospect of enduring success, against the misuse of power by those whom chance has made stronger, against the oppression of the weak and their debasement to the mean employments of a slave, only if those who hold the

powers of the state submit in reverence to the royal majesty of Justice and wield the sword of punishment in the service of Justice alone.

No holder of authority can expect to command the loyalty and willing service of honourable men unless his actions and penal decisions prove in an impartial judgment to be free from any element of arbitrariness and weighed on the incorruptible scales of Justice.

Accordingly the practice of condemning and punishing men who are given no chance of defence and without any judicial sentence, – in Reichsminister Dr Frank's words: the prosecution of an accused person who is condemned in advance and deprived of any means of defence – engenders a feeling of legal defencelessness and an attitude of apprehensive timidity and subservient cowardice, which must in the long run deprave the national character and destroy the national community.

That is the conviction and anxiety of all honest Germans. It was given open and courageous expression by a high legal officer in the National Administration Paper in 1937:

„The greater the power of a public authority, the more necessary is a guarantee of the impeccable use of that power; for the more deeply felt are the mistakes that are made, and the greater is the danger of arbitrariness and abuse of power. If there is no possibility of redress by an administrative tribunal there must be in each case some regular means of providing a form of control which is as impartial as possible, so as to leave no room for the feeling of legal defencelessness, which in the course of time must gravely jeopardise the national community“ (Herbert Schelcher, President of the Supreme Administrative Court of Saxony, Dresden: National Administration Paper [i. e. Reichsverwaltungsblatt], 1937, p. 572).

The orders and penal decisions of the Gestapo are not open to redress by any administrative tribunal. Since none of us know of any means of achieving impartial control over the actions and persecutions of the Gestapo, the restrictions they impose on men's freedom, their banishment and arrest and their imprisonment of German men and women in concentration camps, there is by now among our people a widespread feeling of defencelessness, even of cowardly apprehension, which does grave harm to the national community. The duty imposed on me by my episcopal office to speak up for the moral order, by the oath which I swore before God and the representative of the government to „ward off“, to the best of my ability, „any harm which might threaten the German people“, this duty compels me, in the face of the Gestapo's actions, to state this fact and pronounce this public warning.

My Christians! It will perhaps be held against me that by this frank statement I am weakening the home front of the German people during this war.

I, on the contrary, say this: It is not I who am responsible for a possible weakening of the home front, but those who regardless of the war, regardless of this fearful week of terrible air-raids, impose heavy punishments on innocent people without the judgment of a court or any possibility of defence, who evict our religious orders, our brothers and sisters, from their property, throw them on to the street, drive them out of their own country. They destroy men's security under the law, they undermine trust in law, they destroy men's confidence in our government. And therefore I raise my voice in the name of upright German people, in the name of the majesty of Justice, in the interests of peace and the solidarity of the home front; therefore as a German, an honourable citizen, a representative of the Christian religion, a Catholic bishop, I exclaim: we demand justice! If this call remains unheard and unanswered, if the reign of Justice is not restored, then our German people and our country - in spite of the

heroism of our soldiers and the glorious victories they have won - will perish through an inner rottenness and decay.

Let us pray for all who are in trouble, particularly for our banished religious orders, for our city of Münster, that God may preserve us from further trials; for our German people and fatherland and for its leader.

Text source: Bischöfliches Generalvikariat Münster (The Episcopal Vicariate-General of Münster), slightly improved