“Letter from the Archbishop of Munich to the Reich Minister of Justice.” Reprinted at the *Harvard Law School Library Nuremberg Trials Project: A Digital Document Collection*. Last accessed August 28, 2015. <http://nuremberg.law.harvard.edu/php/pflip.php?caseid=HLSL_NMT01&docnum=2025&numpages=8&startpage=1&title=Letter+to+Dr.+Guertner,+Minister+of+Justice,+criticizing+the+euthanasia+program.&color_setting=C>

*Michael von Faulhaber was the archbishop of Munich and Freising from 1917 until his death in 1952. He was also was elevated to the rank of Cardinal in 1921. He did oppose the Nazis, starting with contributing to the failure of Hitler’s putsch in November 1923; this opposition continued once the Nazis had risen to power. This personal opposition aside, Faulhaber, like many Catholic officials, opposed the euthanasia program, leading him to write this letter to Franz Gürtner, the Reich Minister of Justice. Other Catholic officials wrote similar letters to Gürtner in 1940 and 1941, expressing their opposition to the euthanasia program.*

The Archbishop of Munich and Freising

Munich, 6 November 1940

To the Reich Minister of Justice Dr. Guertner, Berlin

It spite of all precautions and threats, it has today become an open secret that questionnaires are requested on the inmates of mental institutions, their age, their regular visits, the duration of their illness, that the designated persons are taken in groups, during the night, by train or in buses to other institutions, to Grafeneck in Wuertemberg, to Hartheim near Linz on the Danube, to Sonnenstein in Thuringia, and that after about a week their next of kin are informed from there that they had died suddenly. The relatives are at the same time informed that “due to police regulations” or for reasons of “public health” the body has been cremated. The relatives in their grief and their bitterness approach the church authorities and submitting the written announcement ask for a church funeral. The German bishops, within changing their fundamental standpoint with regard to cremation,[[1]](#footnote-1) agree in such cases to a church funeral, because the cremation took place without the consent of the guardian or the relatives and against their religious conviction. But loud and louder is the cry from the circles of the German people for a statement from the German bishops on this fact, the official extermination of sick compatriots.

The formula of the oath of allegiance agreed upon in Article 16 of the Reich Concordat[[2]](#footnote-2) obligates the bishops “in the dutiful care for the well-being and interests of the German state to prevent any damage which might threaten it.”

The Archbishop of Munich, therefore, feels that he has the obligation by virtue of the Reichs Concordat, not only by God’s commandments, the unshakable basis of any public order and not only by the cries of the distressed people to raise before you, the Reich Minister of Justice, the complaint and the accusation that for months inmates of mental institutions have been done away with en masse, behind the walls of the institutions by means of euthanasia.

The German bishops pronounced the Christian viewpoint on this question in a letter addressed to the Reich Ministry of Justice in 1934, when the draft for the new German Penal Law was under consideration, in which “euthanasia and the extermination of life unfit to life” was mentioned. The German bishops at that time stated that euthanasia is incompatible with the Christian moral law, adding. “The same is true of the killing of the incurably insane.” An opinion drawn up by the German bishops on this question, explained this viewpoint in detail in a memorandum addressed to the official penal code commission in the same year 1934. In 1936 there appeared the second edition of the book “The Coming German Penal Code”… edited by you, the Reich Minister of Justice; this book contains on page 375 in the paragraph compiled by Count von Gleispach,[[3]](#footnote-3) the statement of which is quoted in the new petition of the German bishops of 11 August 1940:

“Consent to the extermination of so-called life unfit to life is out of the question. In the main severely insane persons and complete idiots are concerned. The National Socialist state is trying to prevent the arising of such cases of degeneration in the body of the nation by extensive measures, so that they will have to become more and more rare. But the strength of the moral standard of the prohibition against killing must not be weakened by the fact that exceptions are made for reasons of pure expediency in the case of victims of serious illnesses or accidents, even if these unfortunate ones are united to the body of the nation only by their past or by their external appearance.”

According to this statement, the Episcopate had to assume that the endeavors to exterminate life unfit to live would be refused any legal or other state sponsorship. The developments of the last few months, which have brought about mass deaths of the inmates of mental institutions have frustrated this hope…

The inalienable and unchangeable paragraph of the natural moral order “That shalt not kill” has been taken over without restriction into the Christian moral code. It is left to God, the Creator of life, the master of life and death, to determine the hour of death. The willful extermination of life, of one’s own life by suicide, of the life of others by killing, is stigmatized by the law of Gof as criminal interference in the moral order. Natural as well as Christian moral law entitles the state authorities to call upon the men able to bear arms to defend their fatherland even at the sacrifice of their lives. The state authority furthermore carries as the “order of God,” “the sword not for nothing” and has the right to inflict the death penalty for especially serious crimes against the moral order. In the Christian world order, however, a more extensive right, for instance the right to kill life unfit to live by euthanasia, for reasons of euthanasia or even for reasons of national economy is not recognized. Even if a state law should exempt such actions from punishment, such a law could not be granted inner justification within the Christian world order….

The civilized nation, even if it does not consider itself as purely a nation of welfare, has in the school of Christianity, carried in a generous way for the rescue of sick lives. It has trained physicians, set up hospitals and mental institutions, and established in the German nation a welfare system for sick persons which sets an example for others. It would be a terrible contradiction of the past of our nation, if today the state should be given the right to exterminate sick persons, only because the nursing of these patients would divert valuable nursing personnel from their work on the nation as a whole or because the houses of the sick are to be emptied for repatriated compatriots, as is reasoned in the present case. We cannot believe that med of medical science, who chose the high profession of saving and maintaining sick life, could turn their medical profession to the contrary by aiding the extermination of sick lives. It is even harder to believe that the public administration of law should leave one of its highest rights – the right to condemn to death – to men of medical science.

The victims of euthanasia are not criminal but sick people. In individual cases, insanity can result from alcoholism, sexual excesses, or can otherwise be the victim’s own fault. But to most cases the saying applies: Neither he nor his parents have sinned. And not only complete idiots or absolutely unworthy life is concerned. There are those among them who can work from time to time in field and garden and in workshops, such as the epileptics. And they were not only inmates of state institutions, as the church authorities were told. It can be proved that inmates of purely charitable institutions were also earmarked for death and killed by detouring them through state-owned institutions.

Dear Reich Minister of Justice. It is not my intention to raise the old question of whether the state is the only source of law and whether a legal order worthy of humanity can be built upon the slogan “What benefits the nation is right.” But I consider it my duty to point out that it will not be of benefit to our nation, if in wide circles of the people…faith in the world of state officials should cease. Today this faith is deeply shaken by the euthanasia program! Nobody believe that the patient really died suddenly of a disease, of a heart disease or of appendicitis. Nobody believe that the body had to be cremated “for public health reasons” and “because of danger of contagion.” These statements cannot hold under subsequent investigation, which may be expected in a state based on law. In earlier communications the official even expressed his sympathy to the relatives. One can imagine the comments the people made about this “sympathy.”

It cannot be lawful and of benefit to our nation, if through such a proceeding of the state health service the value of the individual human life and the right to live at all is so degraded and thus the morale of the nation deeply shaken. There will always be people who from mistaken pity speak of a “deliverance” of the incurably ill. But they become meek immediately if they are reminded that through an accident or a disease they themselves might be put in the same situation, even if they are still healthy today…. How much public morale must be undermined, if the individual human life in the family is deprived of value and rights in such a manner according to the example set up by those who practice euthanasia! Or if the individual, incited by pure materialism, should get the idea of killing a wealthy aunt, a predecessor on a hereditary farm, or some other fellow-being, in order to make a place for himself or to procure for himself some other profit!

It cannot be of benefit to our nation if the confidence in doctors and altogether in institutions is destroyed in the people by the extermination of seriously ill persons who are considered to be parasites on the nation. The compatriots put their sick relatives in the state or charitable institutions in good faith, the physically ill persons in hospitals and the mentally ill of feeble-minded persons in mental institutions. The state or charitable health service has accepted these patients in good faith. Nobody who is clear-minded can deny that a great disturbance has arisen in our people today because the mass dying of mentally ill persons is discussed everywhere and unfortunately the most absurd rumors are emerging about the number of deaths, the manner of death, etc. The mysteriousness in the whole proceeding – the patients are sent for in the middle of the night, taken to their destination in cars with windows covered, they are not allowed visitors – of course does not help to silence these rumors. The panic has already spread to old people’s homes and sanatoriums for patients suffering from pulmonary disease.

I need not assure you, dear Reich Minister of Justice, that I have not made the above statements out of please in opposition. In this ethical-legal, non-political question, I consider it my duty to speak, because as a Catholic bishop I cannot be silent when it is a question of the preservation of the moral basis of all public order, and because I, as a German bishop, am obligated under Article 16 of the Reich Concordat, to prevent an injury which in my opinion threatens our nation and to preserve for our reputation of being a civilized nation. We understand if in wartime extraordinary measures are taken in order to guarantee the security of country and the nourishing of the people. We tell the people that they must be prepared in wartime to endure great sacrifices, even sacrifices of blood, in a Christian spirit of sacrifice, and we meet with respect in the streets of the town the women wearing the black veil, who had sacrificed a beloved life for the fatherland. The inalienable basis of the moral order and the fundamental rights of the individual cannot however be annulled even in wartime.

I ask you, dear Reich Minister of Justice, for a reply to the above statement unless a reply has been given in the meantime…

[signed] Kardinal Faulhaber

Archbishop of Munich

1. Cremation was still prohibited by the Catholic Church at this time. For a basic overview of the changing perspective of the Catholic Church on cremation, see this article by the Catholic Cemeteries of the Archdiocese of Washington: <http://www.ccaw.org/about.html>. For the catechisms of the Catholic Church in the present, see: <http://www.vatican.va/archive/ccc_css/archive/catechism/p3s2c2a5.htm>, numbers 2300-2301. [↑](#footnote-ref-1)
2. The German Historical Institute has uploaded a translated version of the 1933 concordat between the Catholic Church and the German state: <http://germanhistorydocs.ghi-dc.org/sub_document.cfm?document_id=1570>. [↑](#footnote-ref-2)
3. Wenzeslaus von Gleispach was an Austrian jurist. An excerpt of his views on euthanasia can be found in the following document, also part of the Harvard Nuremberg Trials Project: <http://nuremberg.law.harvard.edu/php/pflip.php?caseid=HLSL_NMT01&docnum=596&numpages=7&startpage=1&title=The+forthcoming+German+Criminal+Law--Special+Part--Report+on+the+Work+of+the+Criminal+Commission+on+Criminal+Law.&color_setting=C> [↑](#footnote-ref-3)