

CONCORDAT BETWEEN LITHUANIA AND THE VATICAN, ROME SEPTEMBER 27, 1927

In the name of the Holy and Indivisible Trinity, His Holiness Pope Pius XI and President of the Lithuanian Republic, Mr. Antanas Smetona,

Desiring to determine the position of the Catholic Church in Lithuania and to lay down the rules according to which ecclesiastical matters will be regulated on the territory of the Republic,

Resolved on concluding a Concordat to this effect.

For this purpose His Holiness Pope Pius XI and President of the Lithuanian Republic, Mr. Antanas Smetona have appointed as their plenipotentiaries: His Holiness — His Eminence Most Reverend Cardinal Pietro Gasparri, State Secretary; President of the Republic — His Excellency Professor Mr. Augustinas Voldemaras, Prime Minister and Minister for Foreign Affairs.

The above-named plenipotentiaries, having presented their credentials, agreed on the following:

Article I

The Catholic Church, despite ritual differences, shall exercise all freedoms on the territory of the Lithuanian Republic necessary for the implementation of its spiritual power and its ecclesiastical jurisdiction as well as for the management and safeguarding of its matters and property in accordance with Divine Laws and Canon Law.

Article II

Bishops, the Clergy and believers shall be able to communicate freely and directly with the Holy See. When exercising their functions, Bishops shall be able to communicate freely and directly with their Clergy and their flock as well as to publish their instructions, orders, and pastoral letters.

Article III

For the sake of maintaining friendly relations between the Holy See and the Lithuanian Republic an Apostolic Internuncio shall reside in Lithuania, and a Minister of the Republic by the Holy See.

Article IV

State institutions shall render their assistance in implementing Church decisions and rulings: in case a priest is dismissed or deprived of ecclesiastical benefice; in case a priest is unfrocked, when raising donations for the needs of the Church permitted by state law.

Article V

When exercising their direct functions, the Clergy shall be under special legal protection. In common with civil servants, the Clergy are entitled to have a certain part of their pay exempt from attachment. Priests who have been ordained, persons who have taken monastic vows, seminarians and novices, if they remain in the clerical or monastic estate, shall be

immune from military service even in case of war and total mobilization. In addition, no civic duties incompatible with clerical vocation following Canon Law shall be imposed upon priests.

Article VI

Inviolability of churches, chapels and cemeteries is guaranteed, with the exception of cases when public safety might be endangered.

Article VII

The armed forces of the Lithuanian Republic exercise all freedoms granted by the Holy See to armed forces in accordance with Canon Law. Military chaplains shall perform their duties being subordinated to the Archbishop who has the right to choose them.

Article VIII

While performing divine service on Sundays and on Independence Day, the Clergy shall read a liturgical prayer for the welfare of the Lithuanian Republic and its President.

Article IX

No part of the Lithuanian Republic shall be administered by a Bishop residing outside the boundaries of the Lithuanian State. The Ecclesiastical Province the dioceses and prelaties of which have been established by the bull *Lithuanorum gente* shall not be changed without consulting the government of Lithuania in advance except the corrections of parish boundaries required by the convenience of the flock. In any case, the boundaries of the Ecclesiastical Province, dioceses and prelaties shall coincide with the frontiers of the Lithuanian State.

Article X

The foundations and alteration of ecclesiastical benefices, congregations and monasteries, as well as of their homes and institutions shall be initiated by respective ecclesiastical authorities; in cases when the abovementioned enterprises will involve subsidies from the State Treasury, the ecclesiastical authorities shall undertake them only on agreement with the Government. Congregations and monasteries shall be founded and act freely in Lithuania if, in accordance with the rules of Canon Law, they constitute a separate province in the Republic.

If they fail to meet this requirement but have already settled on the territory of the State, the establishments already existing at the time of the ratification of the present Concordat shall be recognized by the State, however, the foundation of new institutions shall be allowed only by special permission of the Holy See.

Article XI

The appointment of Bishops is the prerogative of the Holy See. Before appointing the Archbishop, diocesan Bishops, and suffragans, *cum iure successionis*. His Holiness consents to consult the President of the Republic to make sure that the President has no political reasons to object to their candidacies.

Article XII

Prior to their investiture the abovementioned Bishops shall take an oath of allegiance before the President of the Republic as follows:

"Before God I swear on the Holy Gospels and promise as it becomes a Bishop my allegiance to the Lithuanian Republic. I swear and promise with full loyalty to respect myself and to order my Clergy to respect the Government established in accordance with the Constitution. In addition, I swear and promise not to take part in any agreement or join any undertaking which might be detrimental to the Lithuanian State and public order. I shall not permit my Clergy to take part in undertakings of this kind. Taking care of public welfare and benefit, I shall do my best to eliminate any danger menacing them I might get to know."

Article XIII

1. In all public or state-aided schools religious instruction shall be compulsory. The syllabus shall be offered and textbooks shall be chosen by competent ecclesiastical authorities. The appointment of teachers and the supervision of religious instruction as far as the subject of instruction and the morals of teachers are concerned shall be performed in accordance with Canon Law.

If a teacher has his permission to give religious instruction withdrawn by the Bishop, thereby he shall be deprived of the right to give religious instruction.

The same principles concerning the appointment and recall of teachers shall apply to the professors, assistant professors and university adjuncts of the state-supported Theological-Philosophical Faculty.

2. According to Canon Law, the Catholic Church shall have in all the dioceses state-aided seminaries which shall be under the jurisdiction of and have their teachers appointed by the Church.

School-leaving certificates issued by the higher seminaries shall be sufficient to enable their holders to give religious instruction in public or state-aided schools.

3. In agreement with Bishops, the State shall take care that pupils of all public and state-aided schools would be able to perform properly their religious duties.

4. So far as the education of Catholic youth is concerned, the State shall recognize to the Bishops the rights as envisaged by Clause 1381 of Canon Law and shall accept legitimate directions of the Bishops.

5. All schools under the direct authority of the Bishop and keeping to the curriculum of the Ministry of Education shall be given the same status as state schools as far as the rating of their diplomas is concerned.

Article XIV

The Clergy of Lithuania shall be entitled to keep records of births and baptisms, marriages and deaths which are valid, according to the Constitution of the country, in court of law and in public life. The Church shall supply the State with copies of records of the current year and with rolls of recruits of respective years. If the work of drawing these documents is not paid for by applicants themselves, it shall be paid by the State.

Article XV

Marriages performed in accordance with the clauses of Canon Law shall have legal force.

Article XVI

Priests, their property, the property of ecclesiastical and religious juridical persons shall be taxed like other citizens of the Republic, their property and secular juridical persons, however, with the exception of buildings devoted to divine service, ecclesiastical seminaries, houses where novices (men and women) are trained, monasteries and nunneries the inmates of which have taken the vow of poverty, property and rent the revenue from which is spent on ecclesiastical needs and does not make the beneficiary's personal income. Dwelling houses of Bishops and parish Clergy as well as their residences shall be treated by the State Treasury in the same way as residences of officials and office buildings of state institutions.

Article XVII

All ecclesiastical and religious juridical persons have the right, according to rules of common law, to acquire, transfer, possess and administer according to Canon Law movable and real property as well as to appear in any State institution or approach any State authority to defend their civil rights.

Article XVIII

The Republic grants to competent institutions their rights to confer ecclesiastical functions, duties and benefices, according to the clauses of Canon Law. When conferring parish benefices, the following rules shall apply:

On the territory of the Lithuanian Republic it is not allowed to confer a parish benefice without receiving the government's agreement in advance:

1. on unnaturalized foreigners;
2. on the persons whose activity has been hostile to State security.

Before conferring these benefices, the ecclesiastical authority shall consult the respective Minister of the Republic to make sure that no reason of those mentioned above under the items 1 and 2 prevents the appointment under consideration. In case the referred to Minister raises no objections within 30 days against the person to be appointed, the ecclesiastical authority shall proceed with the appointment.

Article XIX

The right of patronage exercised by the State or individual persons shall remain in force until a new agreement is reached. The patron shall present a priest to fill a vacancy within 30 days from the list of three persons presented by the Bishop. If there is no presentation within 30 days, the benefice shall be regarded as vacant. As for parish benefices, before appointing a candidate the Bishop shall consult the respective Minister in accordance with Article XVIII.

Article XX

If any priests or monks were brought to trial for offences specified by the Republic's criminal law, the court shall immediately inform the respective Bishop of every case of this kind and, in case of need, shall send him the indictment and motivated court ruling. The Bishop or his representative have the right, after the completion of the trial, to become acquainted with all the materials of the case. When detaining or

imprisoning the abovementioned persons, the civil authorities shall act taking into account their state and hierarchic rank.

Any priests and monks shall be confined and serve their sentences in premises separated from civil prisoners, except those who have been deprived by the Bishop of their right to belong to the clerical estate. In case they were sentenced to be detained in custody, they shall serve the sentence in a monastery or in some other monastic house in premises designed for the purpose.

Article XXI

The Bishops shall ensure that all believers should be given religious service in their native languages according to Church rules.

Article XXII

1. The Lithuanian Republic recognizes the rights of ecclesiastical and religious juridical persons to possess any movable and real property, capital, rents and other rights presently exercised by these juridical persons on the territory of the State.

2. The Lithuanian Republic consents that the above-mentioned rights to property not yet entered into mortgage books or into other equivalent legal documents in the name of juridical persons presently in possession of the property (Bishops, Chapters, Congregations, Monastic Orders, Seminaries, parish benefices, other benefices, etc.) should be entered into them on application of the respective Bishop approved by a competent civil authority.

3. The question of real property previously taken away from the Church by Russia and presently at the disposal of the Lithuanian State shall be settled by a later agreement.

4. The property previously in possession of the Catholic Church regained from other states by the Lithuanian Republic shall be restored to it according to Canon Law.

Article XXIII

Sums of money paid by the Lithuanian Republic according to the list of staff established by the law in force in the name of the dioceses of Zemaičiai and Seinai and the Apostolic Administrator of Vilnius, or to the archdiocese of Kaunas, dioceses of Vilkaviškis and Kaišiadorys shall be paid in the same proportion to the new dioceses of Panevėžys and Telšiai. However, the State undertakes to raise these sums in the same proportion as the sums paid to other branches of State administration.

A later agreement between the High Contracting Parties shall settle all matters concerning the maintenance of Churches and other ecclesiastical houses as well as the construction of new ones taking into account spiritual benefit of believers.

Article XXIV

The Archbishop, Bishops, the Clergy and the teaching staff of major Seminaries are entitled to receive pensions. Their participation in the pension fund shall be settled by a later agreement with the Bishops.

Article XXV

The State shall impose no restrictions on the establishment and activity of societies as members of the Catholic Action pursuing mainly religious purposes and acting under the jurisdiction of the Bishop.

Article XXVI

All laws, orders and decrees contradicting the clauses of abovementioned articles shall become invalid as soon as the present Concordat comes into force.

Article XXVII

Church property now available in Lithuania but belonging to ecclesiastic and monastic juridical persons having their residence outside the boundaries of the Lithuanian State, and vice versa, shall be the object of a separate agreement.

Article XXVIII

The present Concordat comes into force on the day of exchange of instruments of ratification.

Cardinal
Pietro Gasparri
Augustinas Voldemaras

Quelle: Catholic Church in Lithuania, Collection of Documents; Vilnius, 1986. S. 102-111